

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,**
2 **AUGUST 17, 2004**

3
4 The Council of the City of Moundsville met in Regular Session in the Council Chambers on
5 August 17, 2004 at 7:00 p.m.

6
7 Meeting was called to order by Mayor Ralph DiRemigio.

8
9 Invocation by Councilperson K Mark Simms.

10
11 City Clerk called the roll and the following council persons were in attendance: Lemasters, Oiler,
12 Simms, Trussell, Wallace, Ward and DiRemigio. Also present: City Manager Hendershot,
13 Police Chief Kudlak, Fire Chief Clarke, Street Commissioner Richmond, Building Inspector
14 Vickers, Attorney Thomas White, CPA Thomas Dobbs and City Clerk Hewitt.

15
16 **MINUTES:**

17
18 **Regular Council Meeting of August 3, 2004.**

19
20 Councilperson Oiler made a motion to accept and approve the minutes of the regular council
21 meeting of August 3, 2004, seconded by Councilperson Ward. Motion carried unanimously.

22
23 **GENERAL PUBLIC HEARING:**

24
25 * Steve Morris, Executive Director of the NCLETTTC, wished to thank the City of Moundsville,
26 council members, and especially Police Chief Kudlak and Fire Chief Clarke, for all of their
27 support in the National Corrections & Law Enforcement Training & Technology Center. Mr.
28 Morris presented the City of Moundsville with a new poster from the 2004 Mock Disaster with a
29 picture of Fire Chief Clarke.

30
31 * Betty Kachala, 31 Fostoria Avenue, asked council why the Public Safety bill came out two
32 months earlier. CPA Tom Dobbs advised that the fiscal year runs from July 1 to June 30 so bills
33 were sent out in January of 2004 and July of 2004 instead of February and October. January and
34 July are slow revenue months for the city, so this change will help keep revenues at bay.

35
36 **NEW BUSINESS:**

37
38 **Discussion and Authorization of the Purchase of Two (2) Vehicles from the WV DOH**
39 **Surplus Vehicles (1997 GMC Crew Cab & 1996 Jeep Cherokee) for \$2500 Each.**

40
41 City Manager Hendershot advised that he already authorized the purchase of these vehicles
42 because the WV DOH Surplus Division asked that the vehicles be removed before Monday. He
43

1 also noted that the 1997 Crew Cab is being used in the Fire Department to pull the Haz-Mat
2 Trailer and the 1996 Jeep is for the Police Department.

3
4 **Discussion and Approval of Payment to Gwin, Dobson & Foreman in the Amount of**
5 **\$3,329.37 for the Water Treatment Plant Project.**

6
7 Councilperson Lemasters made a motion to approve the payment in the amount of \$3,329.37 to
8 Gwin, Dobson & Foreman, seconded by Councilperson Oiler. Motion carried unanimously.

9
10 **Discussion and Approval of Payment to James V. Kelsh in the Amounts of \$2,005.70 and**
11 **\$1,204.56 for the Water Treatment Plant Project.**

12
13 Councilperson Trussell made a motion to approve payment in the amounts of \$2,005.70 and
14 \$1,204.56 to James V. Kelsh, seconded by Councilperson Lemasters. Motion carried
15 unanimously.

16
17 **Discussion and Approval of Paving Bids.**

18
19 City Manager Hendershot announced the paving bids for the following streets:

20

21	1.	Mulberry Avenue from Walnut to Division	\$9,430.20
22	2.	Stewart & Jones from Locust to Highland	\$30,479.80
23	3.	Thorn Avenue from Second Street to End	\$52,359.00
24	4.	Virginia Street from Curtis to Start of Brick	\$8,003.00
25	5.	Alley behind Sanford School	\$7,772.00
26	6.	Purdy Avenue from 13th Street to State	
27		Access Road	\$15,093.94
28			
29		Total	\$123,137.94

30
31 Councilperson Simms made a motion to accept the bids from Klug Brothers in the amount of
32 \$123,137.94, seconded by Councilperson Oiler. Motion carried unanimously.

33
34 **Review & Affirmation of the City Manager Position.**

35
36 Councilperson Simms made a motion to affirm Allen R. Hendershot to the position of City
37 Manager of the City of Moundsville, seconded by Councilperson Ward. Motion carried
38 unanimously.

39
40 **Other Items to be Discussed by Council.**

41
42 * Councilperson Simms announced that City Clerk Hewitt was presented with a plaque at the
43 Annual West Virginia Municipal League Conference for 2003-2004 Clerk/Recorder of the Year.

1 * Councilperson Trussell informed council that Tom Isaacs of H.C. Nutting Company, has been
2 invited to make a presentation at a Moundsville City Council Meeting. This is concerning
3 wireless telecommunications facility sites.
4

5 **CITY MANAGER ITEMS:**
6

7 **Information from the Annual West Virginia Municipal League Conference.**
8

9 City Manager Hendershot also informed council that Tom Isaacs will be attending the next
10 regular council meeting to make a presentation on wireless telecommunication towers.
11

12 **Discussion of the B&O Tax vs 1% Gross Sales Tax.**
13

14 Manager Hendershot announced that some of the other items discussed at the Municipal League
15 Conference one concerning the new zoning enabling laws, in which Attorney White received an
16 E-mail and also the WV Municipal League is not recommending that cities in West Virginia
17 impose the 1% gross sales tax in place of the Business & Occupation Tax. The 1% sales tax was
18 implemented in Huntington to help with the under funded pension of the Police and Fire
19 Departments.
20

21 **Business After Hours.**
22

23 Business After Hours will be held on Thursday, August 26, 2004 from 5:00-7:00 p.m. at the Glen
24 Dale Fire Hall.
25

26 **Thank You Cards.**
27

28 City Manager received a thank you card from the CWEP students who were working for the city.
29 Also, a card was sent from the Moundsville Water Board thanking the Street Department for
30 assisting with elevating the road at the railroad crossing behind Elby's in the area of the new
31 walking trail.
32

33 **Approval of the COPS Officer at Moundsville Jr High School.**
34

35 City Manager Hendershot announced that the city has received final approval of the COPS
36 Officer at the Moundsville Jr High School.
37

38 **MAYOR ITEMS:**
39

40 Mayor DiRemigio commented on the 1% gross sales tax stating that the reason the tax was
41 imposed was to help "bail out" Huntington & Charleston with their Police & Fire Department
42 pensions. If the cities would institute the tax, this would be approximately a 200 or 300 percent
43 increase for the residents.

1 **COMMITTEE REPORTS:**

2
3 **Discussion and Approval of Recommendations by the Finance Committee.**

4
5
6 **1. Discussion and Approval of an Ad for the Moundsville Jr. High School in the**
7 **Amount of \$100.**

8
9 Councilperson Lemasters made a motion to approve the purchase of an ad for the Moundsville Jr
10 High in the amount of \$100, seconded by Councilperson Trussell. Motion carried unanimously.

11
12 **2. Discussion and Approval of a Donation for the Bishop Donahue Walk A Thon in the**
13 **Amount of \$100.**

14
15 Councilperson Lemasters made a motion to donate \$100 to the Bishop Donahue Walk A Thon,
16 seconded by Councilperson Wallace. Motion carried unanimously.

17
18 **3. Discussion of the 2002 IRS Tax Review.**

19
20 City Manager Hendershot reported that a member of the Internal Revenue Service audited the
21 City of Moundsville 2002 finances finding that the clothing allowance for non-uniformed
22 employees of the City is taxable income. Also, city vehicles are not to be used for personal use,
23 such as taking them to go home. Manager Hendershot advised council of two options, one being
24 that the city could send out adjustments to the employees or the city could absorb the back taxes
25 and penalties. With the recommendation of the City Manager being the city could absorb taxes
26 and penalties, Councilperson Trussell moved to authorize the City Manager to proceed with his
27 recommendations, seconded by Councilperson Lemasters. Motion carried unanimously.

28
29 **4. Discussion and Approval of ½ Page Ad for the Marshall County Chamber of**
30 **Commerce Visitors Manual in the Amount of \$475.**

31
32 Councilperson Lemasters made a motion to purchase the ½ page ad in the amount of \$475,
33 seconded by Councilperson Oiler. Motion carried unanimously.

34
35 **5. Discussion and Approval of the Purchase of a House from WV Division of Natural**
36 **Resources.**

37
38 City Manager Hendershot announced that the WV Division of Natural Resources will be
39 accepting bids on the house at 10th & Tomlinson Avenue. The city has the opportunity to
40 purchase the house at less than market value.

41
42 Councilperson Simms made a motion to authorize the city manager pursue the matter including
43

1 how much property is there and the appraised value, seconded by Councilperson Oiler. Motion
2 carried unanimously.

3
4 **Discussion and Approval of Recommendations by the Traffic Committee.**

5
6 **1. Discussion of a Request to Abandon the Alley behind 1026 Morton Avenue.**

7
8
9 Councilperson Ward made a motion not to abandon the alley behind 1026 Morton Avenue,
10 seconded by Councilperson Trussell for discussion.

11
12 Councilperson Simms stated that he was under the impression that an easement was going to be
13 given instead of the abandonment. Councilperson Trussell was also under the same
14 understanding. Mayor DiRemigio noted that this is still a thru alley.

15
16 Mayor DiRemigio asked all council in favor of the motion. Motion carried unanimously.

17
18 Councilperson Trussell noted that she was not in favor of the abandonment but would like to
19 grant an easement making a motion to refer this matter back to the Traffic Committee, seconded
20 by Councilperson Simms.

21
22 Mayor DiRemigio called for a roll call vote. City Clerk announced the following tally. 4 yeas, 3
23 nays. Wallace, Ward and DiRemigio voting nay. Motion carried.

24
25 **Discussion and Approval of Recommendations by the Policy Committee.**

26
27 **1. Discussion of an Ordinance to Change the Maximum Allowed Bid Purchases from**
28 **\$2,500 to \$10,000.**

29
30 Councilperson Ward made a motion to instruct the City Attorney to draft an ordinance increasing
31 the bid purchase from \$2,500 to \$10,000, seconded by Councilperson Simms for discussion.

32
33 Mayor DiRemigio commented that he would be in favor of \$5,000 rather than \$10,000. Attorney
34 White informed council even if this was passed by council, it would be too late to have the
35 ordinance on the ballot for the November 2, 2004 General Election. If the ordinance is not
36 protested, the ordinance will be in effect after passage.

37
38 After further discussion, Councilperson Simms amended his motion to \$5,000 for bid purchases,
39 instead of \$10,000, seconded by Councilperson Ward. Motion carried unanimously.

40
41 Mayor DiRemigio called for a vote on the original motion. All was in favor. Motion carried
42 unanimously.

1 Further discussion was held on the amount of \$5,000 compared to \$10,000 brought a motion by
2 Councilperson Oiler to increase the amount to \$7,500, seconded by Councilperson Simms.
3 Motion carried unanimously.
4

5 **2. Discussion of the DUI Ordinance to Alter the City Code to Comply with the State of**
6 **West Virginia.**
7

8 Councilperson Trussell made a motion to instruct the City Attorney to draft an ordinance to bring
9 the blood alcohol content from .10 to .08 percent, seconded by Councilperson Oiler. Motion
10 carried unanimously.
11

12 **Discussion of Recommendations by the Parks & Recreation Board.**
13

14 Councilperson Lemasters reported that a Recreation Meeting has been scheduled for August 19,
15 2004.
16

17 City Manager Hendershot informed Councilperson Lemasters that he & Tom Sutton interviewed
18 and hired three lifeguards today.
19

20 **COUNCIL ITEMS:**
21

22 * **Lemasters** - Reported a problem with the springs on the overhead doors at the garage in the
23 prison yard. Street Commissioner Richmond contracted Overhead Doors who are suppose to
24 look at the problem.
25

26 * Thanked the Street Department for their assistance at the parks. The removed the monkey bars
27 at the Park View Playground that were in need of being replaced.
28

29 * **Oiler** - Asked Street Commissioner Richmond if he received the timer for the emulsion tank.
30 Mr. Richmond advised not at this time. He advised that the Electrician belongs to two Fair
31 Boards and has been unavailable.
32

33 * Congratulations to City Clerk Sondra Hewitt for receiving the 2003-2004 Clerk/Recorder of
34 the Year. Also, congratulations to City Manager Hendershot for his affirmation as City
35 Manager.
36

37 * **Simms** - Asked City Manager Hendershot if the city is going to dispose of the junk vehicles
38 behind the prison. Manager Hendershot advised the city is in the process.
39

40 * **Trussell** - Congratulations to City Clerk Hewitt for receiving Clerk of the Year Award.
41

42 * Wished to welcome the new businesses in the city.
43

1 * Council needs to update the ads & pictures of council members for school year books & ads.
2
3 * **Wallace** - Congratulations to City Clerk Hewitt on receiving the award. Also commended City
4 Manager Hendershot on his job as City Manager.
5
6 * Received complaints on the Riverfront Parks Porta-Jons needing emptied.
7
8 * **Ward** - Nothing at this time.
9
10 Councilperson Ward made a motion to go into an executive session for contractual matters,
11 seconded by Councilperson Lemasters. Motion carried unanimously.
12 Mayor DiRemigio called for a five minute recess at 8:00 p.m.
13
14 Meeting recessed at 8:00 p.m.
15
16 Executive Session began at 8:06 p.m.
17
18 Executive Session recessed at 8:20 p.m.
19
20 Regular Session reconvened at 8:22 p.m.
21
22 Councilperson Ward made a motion to adjourn, seconded by Councilperson Trussell. Motion
23 carried unanimously.
24
25 Meeting adjourned at 8:24 p.m.
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31

Sondra J. Hewitt, City Clerk

Ralph DiRemigio, Mayor