

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,**
2 **NOVEMBER 15, 2005**

3
4 The Council of the City of Moundsville met in Regular Session in the Council Chambers on
5 November 15, 2005 at 7:00 p.m.

6
7 Meeting was called to order by Vice Mayor Dennis Wallace.

8
9 Invocation by Councilperson Mark Simms.

10
11 City Clerk called the roll and the following council persons were in attendance: Lemasters,
12 Haynes, Oiler, Simms, Ward and Vice Mayor Wallace. Absent: Mayor DiRemigio. Also
13 present: City Manager Hendershot, Police Chief Kudlak, Fire Pvt. Shane Ullom, Street
14 Commissioner Richmond, Building Inspector Wise, Attorney Thomas White, CPA Finance
15 Director Thomas Dobbs and City Clerk Hewitt. Absent: Fire Chief Clarke (class)

16
17 **MINUTES:**

18
19 **Regular Council Meeting of November 1, 2005.**

20
21 Councilperson Oiler made a motion to accept and approve the minutes of the regular meeting of
22 November 1, 2005, seconded by Councilperson Lemasters. Motion carried unanimously.

23
24 **GENERAL PUBLIC HEARING:**

25
26 Vice Mayor Wallace assured citizens that Mayor DiRemigio is frequently in contact with the
27 City Manager and is at the helm of the city.

28
29 **OLD BUSINESS:**

30
31 **Discussion and Approval of an Ordinance Concerning a Zone Change at 713 Seventh**
32 **Street from C-S to C-C. (Second Reading)**

33
34 Attorney White read the following zone change ordinance by title only to be passed by council
35 on second reading:

36
37 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
38 **VIRGINIA, PROVIDING FOR A ZONING CHANGE OF A CERTAIN DESIGNATED**
39 **AREA AT 713 SEVENTH STREET IN THE CITY OF MOUNDSVILLE FROM A CIVIC**
40 **SERVICE DISTRICT TO A CENTRAL BUSINESS DISTRICT. (SECOND READING)**

41
42 Councilperson Simms made a motion to accept and approve the zone change ordinance,
43 seconded by Councilperson Oiler.

1 Vice Mayor Wallace called for a voice vote. City Clerk announced the following tally. 6 yeas.
2 Motion carried unanimously.

3
4 **Discussion and Approval of an Ordinance for a Safety & Health Loss Control Manual for**
5 **the City of Moundsville. (Second Reading)**

6
7 Attorney White read the following employee policy ordinance by title only to be passed by
8 council on second reading:

9
10 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
11 **VIRGINIA, TO ENACT SECTION 155.17 OF THE EMPLOYEE POLICY**
12 **REGULATIONS PROVIDING FOR A SAFETY AND HEALTH/LOSS CONTROL**
13 **PROGRAM FOR CITY EMPLOYEES. (SECOND READING)**

14
15 Councilperson Haynes made a motion to accept the safety and health/loss control program,
16 seconded by Councilperson Lemasters.

17
18 Vice Mayor Wallace called for a voice vote. City Clerk announced the following tally. 6 yeas.
19 Motion carried unanimously.

20
21 **Discussion and Approval of an Ordinance Concerning the Distance Between Liquor**
22 **Establishments, Schools, and Churches. (Second Reading)**

23
24 Attorney White read the following ordinance by title only to be passed by council on second
25 reading:

26
27 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
28 **VIRGINIA, AMENDING ARTICLE 1381 OF THE CODE OF THE CITY OF**
29 **MOUNDSVILLE, PERTAINING TO LOCATIONS FOR LIQUOR ESTABLISHMENTS,**
30 **BY AMENDING SECTION 1381.18 OF SAID ARTICLE TO PROVIDE FOR THE**
31 **METHOD OF MEASUREMENTS FROM CHURCHES AND SCHOOLS. (SECOND**
32 **READING)**

33
34 Councilperson Oiler made a motion to accept and approve the ordinance, seconded by
35 Councilperson Haynes.

36
37 Vice Mayor Wallace called for a voice vote. City Clerk announced the following tally. 6 yeas.
38 Motion carried unanimously.

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

41
42 * Councilperson Haynes asked if the copper was removed from the Water Office? Street
43

1 Commissioner Richmond reported they are suppose to remove the copper, take it to Klug
2 Brothers to have it weighed then store it at the Street Department.

3
4 * Councilperson Haynes asked for an update on the Jefferson Avenue Extension sidewalk
5 project. City Manager Hendershot advised that the Department of Transportation has the option
6 to place the temporary bridge on the other side of the road, which will not effect the sidewalk
7 project. The city can proceed with this project as soon as he receives a letter from the
8 Department of Transportation.

9
10 * Councilperson Ward asked Manager Hendershot if he had spoken to the owner of Geno's since
11 they quit selling food? Manager Hendershot reported that he was in touch with the WV Liquor
12 Commissioner who gave him the name of the local representative, but was unable to speak with
13 him.

14
15 **NEW BUSINESS:**

16
17 **Discussion of Authorization for the City Manager to Submit a Letter of Intent to the Rural**
18 **Development Office.**

19
20 Manager Hendershot advised that the Rural Development Office is requesting a letter from the
21 City of Moundsville expressing their support to the Moundsville Water Board Project bid
22 awards.

23
24 **Discussion and Approval of an Appointment to the Zoning Appeals Board. (Council's**
25 **Appointment)**

26
27 Manager Hendershot announced that Margaret Legg submitted a letter of intent to serve the
28 unexpired term of Nick James.

29
30 Councilperson Haynes made a motion to appoint Margaret Legg to the Zoning Appeals Board to
31 serve the unexpired term of Nick James, seconded by Councilperson Simms. Motion carried
32 unanimously.

33
34 **Other Items to be Discussed by Council.**

35
36 * Councilperson Simms received several requests to place a crosswalk and possibly a 15 mph
37 sign on Twelfth Street between Weaver Avenue and Lafayette Avenue. A lot of citizens are
38 walking to the Plaza and are having a hard time crossing Twelfth Street.

39
40 Manager Hendershot suggested sending this matter to the Traffic Committee.

41
42 **MANAGER ITEMS:**

1 **Employee Dental Insurance.**

2
3 Jonette Lazaz, Schwendeman Agency, presented Manager Hendershot with quotes for the city
4 employees dental insurance plan. Manager Hendershot referred this item to the Finance
5 Committee for review.

6
7 **Police Pension and Relief Fund.**

8
9 City Manager Hendershot asked that council receive and file the City of Moundsville Police
10 Pension and Relief Fund Fiscal year 2004-2005 report.

11
12 Councilperson Haynes made a motion to receive and file the pension report, seconded by
13 Councilperson Lemasters. Motion carried unanimously.

14
15 **Marshall County PSD #4.**

16
17 The Marshall County PSD #4 submitted a letter stating that the Board of Directors voted
18 unanimously not to appeal application for a certificate of convenience and necessity with the
19 West Virginia Supreme Court.

20
21 **Other Items to Discussed by Manager.**

22
23 **Legal Ads by Attorney Thomas White.**

24
25 Attorney White presented three legal advertisements published in the Moundsville Daily Echo to
26 be received and filed by Council:

- 27
28 1. Ordinance Concerning Employee Policy Regulations.
29 2. Ordinance for Zone Change at 713 Seventh Street.
30 3. Ordinance Concerning Distance of Liquor Establishments.

31
32 Councilperson Oiler made a motion to receive and file the legal ads, seconded by Councilperson
33 Haynes. Motion carried unanimously.

34
35 **Regional Jail Award Luncheon.**

36
37 Councilperson Lemasters and Councilperson Ward attended the awards luncheon at the Northern
38 Regional Jail Facility. Manager Hendershot sent a letter to the Regional Jail congratulating them
39 on their awards.

40
41 **Limited Video Lottery Machines.**

42
43 The West Virginia Municipal League has passed a resolution that may be taken before the State

1 Legislature concerning the limited video lottery. Manager Hendershot has sent letters to our
2 local representatives in support of the resolution and is asking for assistance from the state to
3 return some of the authority over the taxation and placement of the video lottery machines to the
4 municipalities.

5
6 **MAYOR ITEMS:**

7
8 **Christian Heritage Week in West Virginia.**

9
10 Vice Mayor Wallace has proclaimed November 20 through November 26, 2005 as Christian
11 Heritage Week in West Virginia.

12
13 **COMMITTEE REPORTS:**

14
15 **Discussion and Approval of Recommendations by the Finance Committee.**

- 16
17 1. Recommendation to Donate to the Fostoria Glass Society.

18
19 Vice Mayor Wallace made a motion to donate \$50 to the Fostoria Glass Society, seconded by
20 Councilperson Ward. Motion carried unanimously.

- 21
22 2. Recommendation to sponsor the Christmas House Decorating Contest.

23
24 Vice Mayor Wallace made a motion to sponsor the House Decorating Contest in the amounts of
25 \$100 - First Place; \$50 Second Place; and \$25 Third Place, seconded by Councilperson Simms.
26 Motion carried unanimously.

27
28 **Discussion and Approval of Recommendations by the Traffic Committee.**

- 29
30 1. Request for a Handicapped Parking Space at 706 Magnolia Avenue.

31
32 The Traffic Committee denied the request.

- 33
34 2. Request for a street light in the South Park Trailer Court off of Twelfth Street (Wagon Wheel
35 Road - Lot #31)

36
37 The Traffic Committee recommends to check the status of the street, if the street is the city's,
38 install light. Manager Hendershot has not been able to determine if that is a city street or not
39 even though the city did pave it.

40
41 **Discussion and Approval of Recommendations by the Policy Committee.**

1 1. Discussion of an ordinance relating to Yard and Garage Sales. The Traffic Committee
2 recommended to direct the City Attorney to draft an ordinance pertaining to Yard and Garage
3 Sales.

4
5 Councilperson Oiler made a motion to direct the City Attorney to draft an ordinance on yard and
6 garage sales, seconded by Councilperson Simms. Motion carried unanimously.

7
8 2. Discussion of limiting Video Lottery Machines. The Traffic Committee tabled the item
9 taking no further action.

10
11 **COUNCIL ITEMS:**

12
13 * **Haynes** - Thanked the City Manager for the article he put in the Echo concerning the Tire
14 Amnesty program and that tire ordinance is going to be enforced in the city.

15
16 * **Lemasters** - Thanked the Street Department for the great job they are doing picking up leaves.

17
18 * Noticed that Wheeling is imposing a Water Rate Increase.

19
20 * **Oiler** - Nothing at this time.

21
22 * **Simms** - Questioned the City Manager on the Police Barracks.

23
24 * Asked Street Commissioner Richmond if the dump truck has arrived? Not at this time.

25
26 * **Ward** - Nothing at this time.

27
28 Councilperson Ward made a motion to hold an executive session for personnel matter, seconded
29 by Councilperson Lemasters. Motion carried unanimously.

30
31 Meeting recessed at 7:39 p.m.

32
33 Meeting reconvened at 7:45 p.m.

34
35 Executive session began at 7:45 p.m.

36
37 Executive session recessed at 8:00 p.m.

38
39 Regular meeting reconvened at 8:01 p.m.

40
41 Councilperson Simms made a motion to adjourn, seconded by Councilperson Lemasters. Motion
42 carried unanimously.

1 Meeting adjourned at 8:01 p.m.

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Sondra J. Hewitt, City Clerk

Dennis Wallace, Vice Mayor

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