

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,**
2 **MARCH 21, 2006**

3
4 The Council of the City of Moundsville met in Regular Session in the Council Chambers on
5 March 21, 2006 at 7:00 p.m.

6
7 Meeting was called to order by 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: Vice Mayor
12 DiRemigio, Haynes, Lemasters, Simms and Mayor Wallace. Absent: Oiler (vac), Ward (ill).
13 Also present: City Manager Hendershot, Police Chief Kudlak, Fire Chief Clarke, Street Foreman
14 Chuck Richmond, Building Inspector Vickers, Attorney Thomas White, CPA Finance Director
15 Thomas Dobbs and City Clerk Hewitt.

16
17 **MINUTES:**

18
19 **Regular Council Meeting of March 7, 2006.**

20
21 Councilperson Haynes made a motion to accept and approve the minutes of the regular council
22 meeting of March 7, 2006, seconded by Councilperson Lemasters. Motion carried unanimously.

23
24 **GENERAL PUBLIC HEARING:**

25
26 * Mr. Fred Renzella, Superintendent of Marshall County Schools stood before council to explain
27 the Board of Education's plan to close Park View and Sanford Elementary schools. Mr. Renzella
28 also touched on the financial reasons, the decrease in attendance and presented some literature on
29 the projects.

30
31 Mayor Wallace asked Mr. Renzella questions obtained from parents in the audience concerning
32 the evacuation procedure at Central Elementary if the chemicals continued to spread; why build a
33 new field house rather than a new elementary school.

34
35 * Rhonda Meeks, 80 Highland Avenue, informed council that the attendance at Park View has
36 increased in the last four years not decreased. She stressed that parents do not want their children
37 bussed to Central School located in the middle of a business district. The parents feel that
38 Central School would be better for the alternative schooling and maintenance garage.

39
40 * Jessica Snyder, 22 Walnut Avenue, thanked council for inviting Mr. Renzella to the meeting
41 and asked that council share the copies that he presented to them.

1 * Jim Malully, Rums Point WV, representing Ohio County for “Challenge WV” that supports
2 small community schools, provided council members with literature supporting small
3 community schools.
4

5 * Bob Baker, 1009 Fifth Street, advised council that a group of citizens known as the “Peppers”
6 are offering a \$500 reward for the arrest and conviction of the person or persons involved with
7 destroying the pine trees at Valley Fork Park. Mr. Baker asked for council’s blessings and noted
8 that McDonald’s Restaurant is also involved in the reward.
9

10 Vice Mayor DiRemigio made a motion to recess, seconded by Councilperson Lemasters. Motion
11 carried unanimously.
12

13 Meeting recessed at 7:58 p.m.
14

15 Meeting reconvened at 8:07 p.m.
16

17 **OLD BUSINESS:**
18

19 * Councilperson Haynes asked if the Highland Avenue easement for Mr. Francis has been
20 finished? Attorney White reported not at this time.
21

22 * Councilperson Simms asked since the Traffic Committee denied a handicapped parking space
23 for 1414 Purdy Avenue, have they decided to install angle parking spaces as requested. Manager
24 Hendershot advised this matter was placed on the last Traffic Committee agenda but was not
25 discussed due to no quorum. He advised that it will be placed on the next agenda.
26

27 * Councilperson Haynes asked Manager Hendershot to inquire about the value of the property
28 behind Elby’s. Vice Mayor DiRemigio reported the property was taken off the market.
29

30 **NEW BUSINESS:**
31

32 **Discussion and Approval of Police Civil Service Recommendations in Reference to**
33 **Corporal and Private First Class (PFC) Positions. ***
34

35 Manager Hendershot noted part of the pay scale program that was recently passed included rank
36 and requirements from both Police and Fire Civil Service to determine whether pay increases
37 would be considered rank changes which would require testing.
38

39 Chief Kudlak reported that under the pay increases that council recently passed included a pay
40 grade for PFC. As it stands now, a probationary officer is making the same base pay as the
41 senior officer with fifteen years of service. Once council create Corporal and PFC positions, the
42 City Manager will declare the vacancies and Civil Service will make arrangements for testing.
43

1 Vice Mayor DiRemigio commented that an officer who has fifteen years of service receives five
2 dollars per month for every year he is employed, which has him already making more than the
3 probationary officer.
4

5 Chief Kudlak stated they are trying to build a little more of a range between an officer with
6 seniority and a probationary officer.
7

8 Mayor Wallace commented that Police & Fire Civil Service are creating a structure for a ranking
9 system in the Police and Fire Departments.
10

11 Vice Mayor DiRemigio made comment that all employees were suppose to get a raise but it was
12 his understanding that every employee did not get a raise. Manager Hendershot reported that
13 other employees will get an increase on their anniversary date.
14

15 After further discussion, Councilperson Simms made a motion to give all other employees an
16 increase, who did not receive one at the February 21, 2006 meeting, seconded by Vice Mayor
17 DiRemigio for discussion.
18

19 Council members further discussed increases, deciding they needed to be more specific, both
20 Councilperson Simms and Vice Mayor DiRemigio rescinded their motion and second.
21

22 Vice Mayor DiRemigio made a motion to give employees who did not receive a raise at the
23 February 21, 2006 meeting a \$.26 per hour increase, seconded by Councilperson Simms.
24 Councilperson Lemasters noted that the Recreation Commissioner and employees did not receive
25 increases either and he would like to see the commissioner in line with other department heads.
26 Vice Mayor DiRemigio stated the Recreation Department can be addressed later.
27

28 Manager Hendershot explained the reason the Sanitation Department employees didn't get an
29 increase was because they received their raises up front, they received raises every six months
30 after they were hired and they will not have an anniversary until next year. Street Department
31 employees did not get increases every six months. If council chooses to give those employees
32 increases, it will defeat the tier process.
33

34 Mayor Wallace announced the motion on the floor and seconded. Motion carried unanimously.
35

36 * Mayor Wallace announced that council needs to vote on the discussion and approval of Police
37 Civil Service recommendations in references to Corporal and Private First Class (PFC) Positions.
38 The motion was made by Councilperson Lemasters and seconded by Councilperson Simms.
39 Motion carried unanimously.
40

41 **Discussion and Approval of Fire Civil Service Recommendations in Reference to Assistant**
42 **Chief and Firefighter First Class Positions.**
43

1 Fire Chief Clarke noted the Fire Civil Service wants to change their Lieutenant position to
2 Assistant Chief position. Firefighter First Class will take the place of a Private Firefighter.

3
4 Councilperson Simms made a motion to approve the recommendations from the Fire Civil
5 Service, seconded by Councilperson Lemasters. Motion carried unanimously.

6
7 **Discussion and Review of the 2006-2007 Sanitary Board Budget.**

8
9 Councilperson Lemasters made a motion to table this matter until next meeting council did not
10 receive copies, seconded by Councilperson Haynes. Motion carried unanimously.

11
12 **Discussion and Approval of Requisition #4 for the City of Moundsville Water Treatment
13 Plant Project.**

14
15 Councilperson Simms made a motion to approve Requisition #4 for the City of Moundsville
16 Water Treatment Plant Project, seconded by Councilperson Lemasters. Motion carried
17 unanimously.

18
19 **Discussion and Approval of a Resolution Authorizing the City to Enter Into a Contractual
20 Agreement with the Governor's Community Partnership Office for a Grant Award.
21 (Repairs to Moundsville City Building, Public Works Building and Former State Police
22 Barracks)**

23
24 Councilperson Simms made a motion to authorize the City to enter into a contractual agreement
25 with the Governor's Community Partnership Office, seconded by Councilperson Haynes.
26 Motion carried unanimously.

27
28 **Discussion and Approval of a Resolution Authorizing the City Manager to Enter into a
29 Contractual Agreement with Delta Environmental.**

30
31 Manager Hendershot advised this contractual agreement with Delta Environmental is for the
32 clean-up at the City Garage where a spill was discovered. Councilperson Haynes made a motion
33 to authorize the agreement, seconded by Vice Mayor DiRemigio. Motion carried unanimously.

34
35 **Discussion and Approval of an Ordinance for a Zone Change at 805 Tenth Street
36 (Marshall Dairy) from R-M to C-N-S. (First Reading)**

37
38 Attorney White read the following zone change ordinance by title only to be passed by council
39 on first reading:

40
41 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST
42 VIRGINIA, PROVIDING FOR ZONING CHANGE OF A CERTAIN DESIGNATED
43 AREA AT 805 TENTH STREET IN THE CITY OF MOUNDSVILLE FROM A MULTI-**

1 **FAMILY RESIDENTIAL DISTRICT TO A NEIGHBORHOOD COMMERCIAL**
2 **SPECIAL DISTRICT. (FIRST READING)**

3
4 Vice Mayor DiRemigio made a motion to approve the zone change ordinance, seconded by
5 Councilperson Simms.

6
7 Mayor Wallace called for a voice vote. City Clerk announced the following tally. 5 yeas.
8 Motion carried unanimously.

9
10 **Discussion and Approval of a Resolution to Approve Financing for 2006 City Insurance**
11 **Premium.**

12
13 Councilperson Haynes made a motion to approve the resolution for financing the 2006 City
14 Insurance Premium, seconded by Councilperson Lemasters. Motion carried unanimously.

15
16 **Other Items to be Discussed by Council.**

17
18 * Councilperson Simms recommended that council discuss changing Section 15 of the Charter
19 that allows the City Manager to appoint the City Attorney. Councilperson Simms feels that
20 opinions could be swayed in favor of the City Manager since he appoints the attorney.
21 Councilperson Simms also feels that council should have a say in the appointment of the City
22 Attorney.

23
24 Vice Mayor DiRemigio agreed with Councilperson Simms and suggested that council could
25 request outside opinions from other attorney's rather than have a special election for a charter
26 change.

27
28 Councilperson Simms noted the reason he is asking for a changing Section 15 of the Charter is
29 because of the Risk Management Program. Council voted to hire a Risk Management person for
30 one year. Council did not authorize the person to continue another year.

31
32 After further discussion concerning the Risk Management Policy and the Employee Policy,
33 safety sensitive employees being drug tested and not office employees, Councilperson Simms
34 made a motion to place a moratorium freeze in use of any of the Risk Management Policy until
35 the City Manager can prove to council that he can adhere to the current Employee's Policy,
36 seconded by Councilperson Lemasters for discussion.

37
38 Councilperson Lemasters commented that it is hard for the Parks & Recreation Commissioner to
39 attend some of these Risk Management labs because there is a shortage of laborers in the
40 Recreation Department.

1 After further discussion on the Risk Management Policy has saved the city money in insurance
2 premiums, Mayor Wallace announced a motion and second was on the floor, all council
3 members in favor say yea.
4

5 Manager Hendershot stated that he is not sure what the intention of council is and asked council
6 to give him direction on the matter. Is council going to stop implementing new policy or
7 completely disregard what we have already done?
8

9 Councilperson Simms stated when the City Manager can prove to council that he and the
10 department heads are following the current Employee Policy and freeze the Risk Management
11 Policy.
12

13 Manager Hendershot commented that Councilperson Simms' request to prove to council that he
14 is doing everything he is suppose to be doing is vague and ambiguous. He asked for something
15 specific that he is not doing and he will make adjustments.
16

17 Further discussion was held on safety sensitive employees being randomly drug tested and office
18 employees who are not tested because they are considered non safety sensitive employees.
19

20 Mayor Wallace made a motion to table this matter. Vice Mayor DiRemigio made a motion to
21 adjourn, seconded by Mayor Wallace. Motion carried unanimously.
22

23 Meeting adjourned at 9:27 p.m.
24
25
26
27
28

29 _____
30 Sondra J. Hewitt, City Clerk

Dennis Wallace, Mayor