

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,**
2 **APRIL 18, 2006**

3
4 The Council of the City of Moundsville met in Regular Session in the Council Chambers on
5 April 18, 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, Oiler, Simms and Mayor Wallace. Absent: Ward (ill). Also
13 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 Vice Mayor DiRemigio made a motion to accept and approve the minutes of the regular council
20 meeting of April 4, 2006, seconded by Councilperson Haynes. Motion carried unanimously.

21
22 **GENERAL PUBLIC HEARING:**

23
24 **Presentation by Thomas Ferris, Board Chairman of the Moundsville Water Board to**
25 **Former Mayor's of Moundsville.**

26
27 Mr. Ferris presented ground breaking shovels to former Mayor's of Moundsville Bill Baker,
28 Mark Simms and Vice Mayor Ralph DiRemigio, on behalf of the Moundsville Water Board in
29 recognition of their support, enthusiasm and dedication in building the new Moundsville Water
30 Treatment Plant.

31
32 **Presentation by Mayor Wallace to Tom Quinn.**

33
34 Mayor Wallace presented a plaque to Tom Quinn for his continued service and generous
35 contribution to the City of Moundsville.

36
37 **Presentation by Attorney Rich Wilson on behalf of the Moundsville Volunteer Fire**
38 **Department on their 2006-2007 Contract.**

39
40 Mr. Wilson presented hand outs and a power point presentation explaining the requested \$5,000
41 increase to MVFD from the City of Moundsville.

1 * Phil Remke, 227 Jefferson Avenue, asked for council's written support for a WV Hall of Fame
2 in Moundsville by using Sanford School, if the levy passes.
3

4 After further discussion, Councilperson Simms made a motion to direct the City Attorney to draft
5 a resolution to support the WV Hall of Fame, seconded by Councilperson Haynes. Motion
6 carried unanimously.
7

8 * William Baker, 24 Park Street, commented that he thinks that Moundsville should have a
9 transfer station to transport garbage from Moundsville to the dump.
10

11 Council explained to Mr. Baker they found that having a transfer station was not feasible for
12 Moundsville because the container will not hold much more than one truck load on compacted
13 refuse.
14

15 * Sharon Tucker, 1218 Fifth Street, said that she owned property on Highland Avenue and didn't
16 receive a notice pertaining to the easement (unused portion of Highland Avenue abutting 199 S.
17 Highland Avenue) that Garen Francis of 199 S Highland Avenue was requesting. She also stated
18 that she called the city building to find out information and nobody would help her. She asked
19 that council table this easement until she receives some information.
20

21 Mayor Wallace asked Manager Hendershot why Mrs. Tucker was not notified. City Clerk Hewitt
22 advised that Mrs. Tucker was not on the list that Building Inspector Wise obtained from the court
23 house. The list is a 200 ft radius of the property in question. Certified letters are sent to those
24 residents that explains the easement requested. Mrs. Tucker's name was not on the list, that is
25 why she did not receive notification. The Clerk also advised Mrs. Tucker that she will need to
26 speak with Mr. Wise on the plats and what Mr. Francis' intentions are.
27

28 * Brenda Olnick, 77 Walnut Avenue, complained that neighbors are still calling the police on her
29 and her husband when they are having company or a cook out. She also stated that her husband
30 is no longer doing business in city limits. She was advised that the problem is a civil matter and
31 she would have to speak with an attorney.
32

33 **NEW BUSINESS:**

34 35 **Discussion and Approval of the Levy Estimate for the 2006-2007 General Fund Budget.**

36
37 Councilperson Simms made a motion to approve the levy estimate for the 2006-2007 General
38 Fund Budget, seconded by Councilperson Haynes. Motion carried unanimously.
39

40 **Discussion and Approval of an Easement for Garen Francis, 199 S. Highland Avenue.**

41
42 Councilperson Haynes made a motion to table this easement, seconded by Councilperson Simms.
43 Motion carried unanimously.

1 **Discussion and Approval of Requisition #5 for the Moundsville Water Treatment Plant**
2 **Project.**

3
4 Councilperson Simms made a motion to approve requisition #5 for the Moundsville Water
5 Treatment Plant Project, seconded by Councilperson Lemasters. Motion carried unanimously.
6

7 **Discussion and Approval of a Resolution Authorizing the City Manager to Enter Into an**
8 **Agreement with AML in Reference to a Grant Agreement of the Water Treatment Plant.**

9
10 Attorney White read the following resolution to be approved by council:
11

12 **RESOLUTION OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
13 **VIRGINIA, ACCEPTING AND APPROVING OF AN APPLICATIONS FOR FEDERAL**
14 **GRANT MONIES AND RELATED CERTIFICATIONS, AGREEMENTS AND**
15 **DOCUMENTS FOR THE RECEIPT AND ADMINISTRATION OF GRANT MONIES**
16 **FROM THE ABANDONED MINE LANDS RECLAMATION PROGRAM THROUGH**
17 **THE WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO**
18 **ASSIST THE CONSTRUCTION OF A NEW WATER TREATMENT FACILITY BY**
19 **THE WATER BOARD OF THE CITY OF MOUNDSVILLE.**
20

21 Councilperson Lemasters made a motion to approve the resolution, seconded by Councilperson
22 Oiler. Motion carried unanimously.
23

24 **Discussion and Approval of the Moundsville Volunteer Fire Department Contract for 2006-**
25 **2007 Fiscal Year.**

26
27 Councilperson Oiler made a motion to approve the contract for the Moundsville Volunteer Fire
28 Department for fiscal year 2006-2007, seconded by Councilperson Lemasters for discussion.
29

30 Councilperson Haynes was under the impression that the contract was going to be discussed, not
31 voted upon. He requested that council take more time to discuss the request for an increase of
32 \$5,000.
33

34 Vice Mayor DiRemigio made a motion to table the discussion and approval of the MVFD
35 contract, seconded by Councilperson Haynes.
36

37 Mayor Wallace called for a voice vote. City Clerk announced the following tally. 3 yeas, 3 nays.
38 DiRemigio, Haynes, Simms yea. Lemasters, Oiler, Wallace nay. Motion failed.
39

40 Vice Mayor DiRemigio wished to amend the present motion to donate \$5,000 to the Moundsville
41 Volunteer Fire Department to be designated to purchase a ladder truck, seconded by
42 Councilperson Simms.
43

1 Mayor Wallace called for a voice vote. City Clerk announced the following tally. 3 yeas, 3 nays.
2 DiRemigio, Lemasters, Simms yea. Haynes, Oiler, Wallace nay. Motion failed.

3
4 Attorney White noted that council needs to vote on the original motion to accept and approve the
5 2006-2007 contract for the Moundsville Volunteer Fire Department.

6
7 Mayor Wallace called for a voice vote. City Clerk announced the following tally. 3 yeas, 3 nays.
8 Lemasters, Oiler, Wallace yea. DiRemigio, Haynes, Simms nay. Motion failed.

9
10 **Discussion and Approval of a Resolution Authorizing the City Manager to Enter Into a**
11 **Contractual Agreement with the Local Economic Development Assistance Program in the**
12 **Amount of \$9,500 for the Valley Fork Park Baseball Fields.**

13
14 Councilperson Simms made a motion to approve the resolution, seconded by Councilperson
15 Simms. Motion carried unanimously.

16
17 **Discussion and Approval of a Resolution Authorizing the City Manager to Enter Into a**
18 **Contractual Agreement with the Local Economic Development Assistance Program in the**
19 **Amount of \$35,000 to Raze the Old Fostoria Factory.**

20
21 Councilperson Oiler made a motion to approve the resolution, seconded by Councilperson
22 Lemasters. Motion carried unanimously.

23
24 **Discussion and Approval of an Ordinance for a Charter Change Concerning Section 15 of**
25 **the City Code Pertaining to "City Attorney". (First Reading)**

26
27 Attorney White read the following ordinance by title only to be passed by council on first
28 reading:

29
30 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
31 **VIRGINIA, AMENDING AND REENACTING SECTION 15 OF THE CHARTER OF**
32 **THE CITY OF MOUNDSVILLE TO PROVIDE FOR THE CITY MANAGER'S**
33 **APPOINTMENT AND TERMINATION OF THE CITY ATTORNEY ONLY UPON**
34 **APPROVAL BY CITY COUNCIL. (FIRST READING)**

35
36 Councilperson Simms made a motion to approve the ordinance for a Charter Change concerning
37 Section 15 "City Attorney", seconded by Councilperson Lemasters for discussion.

38
39 Councilperson Haynes believes that council puts their faith in the City Manager and trusts him
40 with the day to day operations they should trust in him to appoint a City Attorney. Mayor
41 Wallace and Councilperson Oiler agreed.

1 Attorney White explained the most efficient method is to pass an ordinance which would change
2 the charter. If any citizen of Moundsville objected, the ordinance would die. Council would then
3 have to decide whether or not to place that item on the ballot. If the ordinance passes tonight, the
4 second reading will have to be at least 30 days after the first reading. The second reading will be
5 held on June 6, 2006.

6
7 Vice Mayor DiRemigio stated that he was not in favor of any charter changes. But if council
8 would ever need a charter change, Vice Mayor DiRemigio would advise council to appoint an
9 eleven person review board to make changes as opposed to ordinances making the changes.

10
11 Vice Mayor DiRemigio also stated that if council can always request an opinion from another
12 attorney if they need to. A charter change is not necessary.

13
14 After further discussion, Councilperson Simms made a motion rescinding his motion for the
15 charter change, seconded by Councilperson Lemasters. Motion carried unanimously.

16
17 **Discussion and Approval of an Ordinance for a Charter Change Concerning Section 42 of**
18 **the City Code Pertaining to "Contracts for City Improvements." (First Reading)**

19
20 Attorney White read the following ordinance by title only to be passed by council on first
21 reading:

22
23 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**
24 **VIRGINIA AMENDING AND REENACTING SECTION 42 OF THE CHARTER OF**
25 **THE CITY OF MOUNDSVILLE TO RAISE THE LEVEL OF CITY IMPROVEMENTS**
26 **REQUIRING COMPETITIVE BIDDING FROM \$2500 TO \$10,000. (FIRST READING)**

27
28 Councilperson Simms made a motion to approve the charter change ordinance, seconded by
29 Councilperson Oiler.

30
31 Mayor Wallace called for a voice vote. City Clerk announced the following tally. 6 yeas.
32 Motion carried unanimously.

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

35
36 * Councilperson Simms commented that he is not against the contract for the Volunteer Fire
37 Department. He finds a problem with the \$5,000 increase when the city's employees need
38 increases before the volunteers.

39
40 * Vice Mayor DiRemigio also commented that he is not against the Volunteer Fire Department,
41 he only wanted to designate \$5,000 specifically for a ladder truck.

1 **MANAGER ITEMS:**

2
3 **Appointment to the Moundsville Housing Authority. (Manager's Appointment)**

4
5 Manager Hendershot received a letter from Dorothy Petros expressing her interest in serving on
6 the Moundsville Housing Authority. Manager Hendershot commented that Mrs. Petros has much
7 experience in senior housing and is being appointed to that vacancy.
8

9 **Vacancy on the Moundsville Building Commission.**

10
11 Manager Hendershot announced a vacancy on the Moundsville Building Commission. A request
12 from Rusty Wolfe has been received asking to be reappointed to the Building Commission. The
13 Building Commission has to recommend to council who they wish to appoint.
14

15 **Mutual Aid Agreement Between Moundsville and Washington Lands.**

16
17 The Moundsville Fire Department received a request from the Washington Lands Volunteer Fire
18 Department for a Mutual Aid Agreement. Manager Hendershot asked council to send this
19 request to the Policy Committee.
20

21 **Timber Process Update at Moundsville Landfill.**

22
23 Manager Hendershot spoke with Stegman & Schellhase today about one line in question, which
24 was holding the city up on going out for bids on the timber. The city will be installing a low
25 water bridge at the landfill. Once that is completed the DEP will cap the landfill. They will clear
26 an area of timber in the process. Manager Hendershot recommends putting the timber out for bid
27 so they are sure to get the timber sold before DEP caps the landfill.
28

29 **Jefferson Avenue Sidewalk Project. (Jefferson Avenue Extension)**

30
31 The Jefferson Avenue sidewalk project is ready to go out to bid. Manager Hendershot is waiting
32 on Stegman & Schellhase to put the booklets together. Also, work is being finished with
33 Stegman & Schellhase on the handicapped sidewalks for Jefferson Avenue Business District.
34

35 **Sanitary Board Member Residency.**

36
37 At Sanitary Board Meeting a Sanitary Board members residency was questioned. Manager
38 Hendershot reported the Sanitary Board Attorney researched the matter noting that William
39 McConnell has a legal residence in the City of Moundsville and meets all requirements.
40

41 **MAYOR ITEMS:**

42
43 Mayor Wallace wished to thank the previous Mayor's of Moundsville for their work and patience

1 for the Water Treatment Plant project. Also, wished to thank the Water Board members for their
2 hard work in making this project happen.

3
4 **COMMITTEE REPORTS:**

5
6 **Discussion and Approval of Recommendations by the Finance Committee.**

7
8 1. The Finance Committee recommends donating \$30 for Mayor's Choice and \$30 for
9 Manager's Choice for the Annual Uptown Car Show.

10
11 Councilperson Lemasters made a motion to donate a total of \$60 for the Annual Uptown Car
12 Show, seconded by Councilperson Simms. Motion carried unanimously.

13
14 **Discussion and Approval of Recommendations by the Traffic Committee.**

15
16 1. Discussion of Paving Priority List.

17
18 Councilperson Simms made a motion to proceed with putting Jefferson Avenue from Eleventh
19 Street to Twelfth Street out for bid, seconded by Councilperson Haynes. Motion carried
20 unanimously.

21
22 Discussion was also held on paving Henrietta Avenue at Ninth Street. Manager Hendershot
23 informed council of the discussion that the Street Department could pave the street. After further
24 discussion, Councilperson Simms made a motion to proceed with paving the intersection of
25 Henrietta Avenue at Ninth Street, seconded by Vice Mayor DiRemigio for discussion.

26
27 Councilperson Haynes remarked he is 100% agreement with paving the street but feels that it is
28 too big of a job for the Street Department. They still have a shortage of workers.

29
30 Mayor Wallace announced a motion and second was made to have the Street Department pave
31 the intersection of Henrietta Avenue at Ninth Street. Motion carried unanimously.

32
33 **COUNCIL ITEMS:**

34
35 * **DiRemigio** - Made comment to council not having to raise taxes in the city for several years.
36 Also made comment that the city should be accumulating money but the city is not in the
37 banking business. The city's purposes are not to save money but to save money on what we do
38 efficiently.

39
40 * Commented that our Fire Department and the Volunteer Fire Department must work together
41 in order for Moundsville's rate from a 5 to a 4 which would save the citizens of Moundsville
42 approximately \$400,000 per year on their homeowners insurance. Also, several fire hydrants in
43 Moundsville need replaced immediately.