

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,**  
2 **SEPTEMBER 5, 2006**

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

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

8  
9 Invocation by City Manager Allen Hendershot.

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

16  
17 **MINUTES:**

18  
19 **Regular Council Meeting of August 15, 2006.**

20  
21 Vice Mayor DiRemigio made a motion to accept and approve the minutes of the regular council  
22 meeting of August 15, 2006, seconded by Councilperson Oiler. Motion carried unanimously.

23  
24 **GENERAL PUBLIC HEARING:**

25  
26 \* Peter Binotto of CNX Railroad approached council on an easement at the City of  
27 Moundsville's Landfill.

28  
29 After some discussion, Councilperson Lemasters asked that the request for an easement from  
30 CNX be sent to the Traffic Committee.

31  
32 \* Lisa Tartar, 1711 Fourth Street reported coon hounds barking all day & night at 1708 Fourth  
33 Street. Lt. Robinson reported a city complaint has been filed by the officer.

34  
35 \* Jack Cunningham, 516 Tenth Street, thanked council for the 15 mph sign 10<sup>th</sup> Street. Also  
36 asked about the handicapped curb.

37  
38 \* Eugene Holmes, 604 12<sup>th</sup> Street, asked about the uniform procedure and asked that council  
39 send a letter to the Fair Board thanking them for the access from 7<sup>th</sup> Street to 12<sup>th</sup> Street.

40  
41 \* David White, 406 Clinton Avenue, reported a vacant house on 8<sup>th</sup> Street. He reported high  
42 grass and hedges needing trimmed in Garfield and Clinton Avenue.

1 **OLD BUSINESS:**

2  
3 **Discussion and Approval of an Ordinance Pertaining to Fences Around Swimming Pools.**  
4 **(Second Reading)**

5  
6 Attorney White read the following ordinance by title only to be passed by council on second and  
7 final reading:

8  
9 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**  
10 **VIRGINIA, AMENDING SECTION 1381.14 OF THE CODE OF THE CITY OF**  
11 **MOUNDSVILLE, PERTAINING TO THE REQUIREMENT FOR FENCES AROUND**  
12 **SWIMMING POOLS. (SECOND READING)**

13  
14 Councilperson Wood made a motion to accept the fence ordinance on second reading, seconded  
15 by Councilperson Lemasters.

16  
17 Mayor Wallace called for a ballot vote. City Clerk announced the following tally. 6 yeas.  
18 Motion carried unanimously.

19  
20 **Discussion and Approval of an Ordinance Relating to Uniforms for Employees of the City**  
21 **of Moundsville. (Second Reading)**

22  
23 Attorney White read the following ordinance by title only to be passed by council on second and  
24 final reading:

25  
26 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**  
27 **VIRGINIA, AMENDING A SUBPART OF SECTION 155.06 OF THE CODE OF THE**  
28 **CITY OF MOUNDSVILLE, RELATING TO UNIFORMS FOR EMPLOYEES OF THE**  
29 **CITY OF MOUNDSVILLE. (SECOND READING)**

30  
31 Councilperson Oiler made a motion to accept the uniforms ordinance second reading, seconded  
32 by Councilperson Wood. Motion carried unanimously.

33  
34 **Discussion on Easement Drawings from Jack Tush for the alley between 11 & 13 Simpson**  
35 **Avenue.**

36  
37 Vice Mayor DiRemigio made a motion to direct the City Attorney to draft an easement for 11 &  
38 13 Simpson Avenue, seconded by Councilperson Wood. Motion carried unanimously.

39  
40 **NEW BUSINESS:**

41  
42 **Discussion and Approval of Requisition #9 for the Moundsville Water Plant Project.**  
43

1 Councilperson Oiler made a motion to approve Requisition #9 for the Moundsville Water Plant  
2 Project, seconded by Councilperson Lemasters. Motion carried unanimously.

3  
4 **Discussion and Approval of an Ordinance to Create a “Special Event” District in the City**  
5 **of Moundsville.**

6  
7 Councilperson Lemasters made a motion to accept the “special event” district ordinance,  
8 seconded by Councilperson Haynes.

9  
10 Mayor Wallace called for a voice vote. City Clerk announced the following tally. 6 yeas.  
11 Motion carried unanimously.

12  
13 **Discussion and Approval of an Ordinance Concerning the Adoption of Various Building**  
14 **Codes. (First Reading)**

15  
16 Attorney White read the following ordinance by title only to be passed by council on first  
17 reading:

18  
19 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**  
20 **VIRGINIA, AMENDING AND REENACTING SECTION 1731.01 OF THE MUNICIPAL**  
21 **CODE OF THE CITY OF MOUNDSVILLE TO PROVIDE FOR THE ADOPTION OF**  
22 **THE STATE BUILDING CODE AND VARIOUS NATIONAL AND INTERNATIONAL**  
23 **CODES. (FIRST READING)**

24  
25 Councilperson Wood made a motion to accept the building code ordinance, seconded by Vice  
26 Mayor DiRemigio.

27  
28 Mayor Wallace called for a voice vote. City Clerk announced the following tally. 6 yeas.  
29 Motion carried unanimously.

30  
31 **Discussion and Approval of an Ordinance Pertaining to the National Electrical Code.**  
32 **(First Reading)**

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

36  
37 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**  
38 **VIRGINIA, AMENDING AND REENACTING SECTION 1735.01 OF THE MUNICIPAL**  
39 **CODE OF THE CITY OF MOUNDSVILLE TO PROVIDE FOR THE ADOPTION OF**  
40 **THE NATIONAL ELECTRICAL CODE. (FIRST READING)**

41  
42 Councilperson Oiler made a motion to approve the electrical code ordinance, seconded by  
43 Councilperson Haynes.

1 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 a Parks and Recreation Board Appointment.**

5  
6 The Parks and Recreation Board has requested Karen Ali be appointed to the board.  
7 Councilperson Wood made a motion to appoint Karen Ali to the Parks and Recreation Board,  
8 seconded by Councilperson Lemasters. Motion carried unanimously.

9  
10 **Discussion and Approval of Jefferson Avenue Extension Sidewalk Bids.**

11  
12 City Manager Hendershot reported bids for the sidewalk on the Jefferson Avenue Extension were  
13 received from the following companies:

14

15	Able Concrete Inc	\$300,000
16	Mingo Junction OH	
17		
18	OH WV Excavating Co	\$274,400
19	Powhattan Pt OH	

20

21 Manager Hendershot requested that council reject these bids because the city has received a  
22 \$70,000 sidewalk grant for the project. He suggested that council approve to move this sidewalk  
23 grant to the 12<sup>th</sup> Street sidewalk project and he will resubmit a grant application for the Jefferson  
24 Avenue sidewalk project.

25  
26 After some discussion, Vice Mayor DiRemigio disagreed with the idea to move the grant money  
27 from one sidewalk project to another. He hoped to obtain the funds from another source with the  
28 help of the City Manager.

29  
30 Councilperson Wood made a motion to table this project until a later date, seconded by  
31 Councilperson Lemasters. Motion carried unanimously.

32  
33 **Discussion and Approval of a Resolution Financing Terms with BB&T on the Rescue**  
34 **Truck for the Fire Department.**

35  
36 Financing through BB&T on \$75,000 for the Fire Department Rescue Truck will have an interest  
37 rate of 4½ % for 7 years. Finance Director Tom Dobbs informed council that he checked with  
38 other banks with BB&T giving the best interest rate.

39  
40 Vice Mayor DiRemigio questioned why money was borrowed from the Municipal Fee for the  
41 purchase of the truck when city could have used other options to obtain the money, such as using  
42 the Landfill Closure money as collateral.

1 City Manager Hendershot assured council that he would research the idea of using the money for  
2 collateral, but he did not think the city was able to.

3  
4 **Appointment to the Zoning Board.**

5  
6 Manager Hendershot received letters from two interested individuals, Carl Boso Jr and Lonnie  
7 Hill, asking to be appointed to the Zoning Appeals Board.

8  
9 Councilperson Wood made a motion to appoint Carl Boso Jr and Lonnie Hill to the Zoning  
10 Appeals Board, seconded by Councilperson Haynes. Motion carried unanimously.

11  
12 **MANAGER ITEMS:**

13  
14 **Discussion and Approval of a Resolution Authorizing the City Manager to Enter into an**  
15 **Agreement between the Moundsville Fire Department, Moundsville Police Department and**  
16 **the West Virginia High Technology Consortium Foundation.**

17  
18 Councilperson Lemasters made a motion to authorize the City Manager to enter into the  
19 agreement, seconded by Councilperson Oiler. Motion carried unanimously.

20  
21 **Discussion of RFQ Bids for Timbering.**

22  
23 In the fall, bids for timbering came in low and Manager Hendershot recommended they be  
24 rejected. Council authorized the manager to begin searching for a company that the city would  
25 hire to perform the logging and the city would auction the timber on the ground at the site, which  
26 would bring the city more money for the timber. M & H Logging, a local company, submitted a  
27 bid which met all the specifications. Manager Hendershot would like to meet with M & H  
28 Logging to negotiate a percentage on the split, hopefully a 60/40 split. Since this a contracted  
29 service, the city will not have to go out for bid. Manager Hendershot is in the process of  
30 checking references and will meet with them Wednesday.

31  
32 **Appointment to the Moundsville Housing Authority.**

33  
34 Letters were submitted by Janet Goode and Jack Phillips for the vacancy on the Moundsville  
35 Housing Authority. Manager Hendershot appointed Janet Goode for the vacancy and thanked  
36 Jack Phillips for his interest in the Moundsville Housing Authority.

37  
38 **Fostoria Glass Plant Demolition.**

39  
40 Manager Hendershot announced that the city has received another grant of \$10,000 from the  
41 Marshall County Commission toward the demolition of the Fostoria Glass plant.

1 **2006 Marshall County Chamber Annual Dinner.**

2  
3 The Marshall County Chamber of Commerce is sponsoring its annual dinner on Thursday,  
4 October 5, 2006 at 5:30 p.m., at the Mollahan Building within the walls of the old prison.  
5 Mel Blount, former Pittsburgh Steeler will be the guest speaker.  
6

7 **Marshall County Youth Club.**

8  
9 The Marshall County Youth Club wished to thank the City of Moundsville for their donation in  
10 support of the club.  
11

12 **Other Items Discussed by the City Manager.**

13  
14 \* Manager Hendershot, on behalf of council, sent "Thank You" letters to the Marshall County  
15 Commission for their support of the Fostoria Glass Project.  
16

17 \* Manager Hendershot, on behalf of council, sent a letter to congratulate the Strand Theatre  
18 Preservation Society for their success on the revitalization of the exterior of the Strand Theatre.  
19

20 \* Attorney White presented several legal ads published in the Moundsville Daily Echo.  
21 Councilperson Oiler made a motion to receive and file the publications, seconded by  
22 Councilperson Wood. Motion carried unanimously.  
23

24 **MAYOR ITEMS:**

25  
26 \* Mayor Wallace announced that he agreed with Vice Mayor DiRemigio concerning the loan to  
27 BB&T for the Rescue Truck.  
28

29 \* Mayor Wallace hoped that the Jefferson Avenue sidewalk project gets attention immediately.  
30

31 **COMMITTEE REPORTS:**

32  
33 **Discussion and Approval of Recommendations by the Finance Committee.**

34  
35 Councilperson Lemasters scheduled a Finance Meeting on Wednesday, September 13, 2006 at  
36 6:00 p.m.  
37

38 **Discussion and Approval of Recommendations by the Traffic Committee.**

39  
40 Councilperson Oiler scheduled a Traffic Meeting to follow the Finance Meeting.  
41  
42  
43

1 **Discussion and Approval of Recommendations by the Policy Meeting.**

2  
3 Councilperson Oiler scheduled a Policy Meeting to follow the Traffic Meeting.

4  
5 \* Lt. Robinson announced that Monday is September 11 and hoped that everyone will take a  
6 moment of silence in remembrance of all those who lost their lives five years ago.

7  
8 **COUNCIL ITEMS:**

9  
10 \* **DiRemigio** - Commented that the City Clerk does not have to call the names of council in  
11 alphabetic order, he asked that she mix them up a bit.

12  
13 \* Asked that "Mayor" be added to the name plate of the mayor.

14  
15 \* **Haynes** - Reported the fence at the Park View Playground on the Linden Avenue side was  
16 removed and taken to the green house on Oak Avenue. Lt. Robinson stated that he was not  
17 aware of a report on the fence, but he will look into the matter.

18  
19 \* Reported that kids are climbing on the roof of the shelter at Park View playground.

20  
21 \* **Lemasters** - Noted that he is very disappointed with the Gas Company because of the holes  
22 they have dug up on Tomlinson Avenue after the city paving it.

23  
24 \* **Oiler** - Reported raccoons being a nuisance in the neighborhood of 11<sup>th</sup> & Jefferson Avenue.  
25 Animal Control can not do anything about them in the city.

26  
27 \* **Wood** - Thanked the City Manager for checking on the list of houses that he provided.

28  
29 \* Announced that he would like to participate in the sidewalk project with Vice Mayor  
30 DiRemigio and the City Manager.

31  
32 \* Lt. Robinson recommended that council look into installing "Pedestrian Walking" signs on  
33 Jefferson Extension.

34  
35 Councilperson Wood made a motion to adjourn, seconded by Councilperson Lemasters. Motion  
36 carried unanimously.

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43 \_\_\_\_\_  
Sondra J Hewitt, City Clerk

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Dennis Wallace, Mayor