

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,  
JUNE 17, 2008**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on June 17, 2008 at 7:00 p.m.

Meeting was called to order by Mayor Wayne Lemasters.

Invocation by Councilperson K. Mark Simms.

Acting City Clerk Ankrom called the roll and the following councilpersons were in attendance: Haynes, James, Simms, Wallace, Wood and Mayor Lemasters. Absent: Cunningham (sick). Also present: City Manager Hendershot, Police Chief Kudlak, Fire Chief Clarke, Street Commissioner Richmond, Building Inspector Vickers, CPA Kathryn Goddard, Attorney Thomas White and Acting City Clerk Ankrom. Absent: City Clerk Hewitt (sick).

**MINUTES:**

**Regular Council Meeting of June 3, 2008.**

Councilperson Haynes made a motion to accept and approve the minutes of the regular council meeting of June 3, 2008, seconded by Councilperson Wood. Motion carried unanimously.

**GENERAL PUBLIC HEARING:**

**A. Public Hearing for the Adoption of a Charter Change Concerning the Mayor & Vice Mayor.**

City Manager Hendershot explained that the Charter Change concerning positions of Mayor and Vice Mayor could not be considered this meeting due to a discrepancy with advertising requirements. This item will appear again on the July 17 agenda.

\* Lester Tasker, 1407 10<sup>th</sup> Street, expressed concern that the police and fire patrols are not in his neighborhood very often. He also questioned why an April 12, 2008 incident at his residence was not addressed by the Police Chief; he forwarded paperwork to Chief Kudlak through Mayor Lemasters.

\* Jerry Drake, 500 Jefferson Avenue, presented his opinion regarding the delay in resurfacing the basketball courts at East End playground and the need for City Council to take more initiative in maintaining this area, especially in the area of financing. City Manager Hendershot clarified that he serves the Parks & Recreation Board only in an advisory position in regard to budget issues, and he does the department's hiring and firing; all other decisions are the responsibility of the Board.

\* David White, 406 Clinton Avenue, discussed with City Manager Hendershot regulations on “stock piling” grass on property. He also mentioned the expiration of Harold Games’ contract with the City in regard to the Fostoria demolition; Manager Hendershot explained that, due to the addition of new partners, negotiations are still in the works.

\* H Carl Boso, 305 10<sup>th</sup> Street, addressed the recent incident concerning the theft of his grandson’s bicycle on the riverfront walking trail. Mr. Boso commended Sgt Murray for his assistance, but expressed the need for more patrols in that area. Manager Hendershot explained that he and Chief Kudlak have discussed some options.

**OLD BUSINESS:**

**Discussion and Approval of a Charter Change Pertaining to Mayor and Vice Mayor in the City of Moundsville. (Second Reading)**

Councilperson Wood made the motion to table this issue until a future meeting, due to the previously discussed advertising discrepancy, seconded by Councilperson Haynes. Mayor Lemasters called for a roll call vote. Acting City Clerk announced the following tally: 6 yeas. Motion carried unanimously.

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

\* Councilperson Simms addressed the possibility of using the “timbering” funds, received from work at the former City landfill, for resurfacing the East End basketball courts. These funds were previously earmarked by City Council for the Riverfront Campground project, which has been delayed. Manager Hendershot explained some problems with Municipal Building Commission meeting attendance, Health Dept requirements for the camp park, and funding issues that have delayed this project. Manager Hendershot promised to provide Building Commission attendance records for the next council meeting.

**NEW BUSINESS:**

**A Resolution Authorizing the City Manager to Enter into a Contract with the Health Plan Insurance Company for Employee Health Insurance.**

Manager Hendershot explained that there is a 4% increase in the cost of the employee health insurance to maintain the same coverage as is currently offered. Additional information was provided about the prescription drug mail order option utilized by only 22 of the roughly 140 covered employees and dependents.

Councilperson Wood made the motion to approve the resolution authorizing the City Manager to enter into the contract, seconded by Councilperson Haynes. Motion carried unanimously.

**Discussion and Approval of an Ordinance Pertaining to Clothing Allowance. (First**

**Reading)**

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

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, AMENDING A SECTION 155.06(h) OF THE CODE OF THE CITY OF MOUNDSVILLE, INCREASING ALLOWANCES REGARDING UNIFORMS FOR EMPLOYEES OF THE CITY OF MOUNDSVILLE. (FIRST READING)**

Councilperson Simms made the motion to approve the ordinance to increase the clothing allowance, seconded by Councilperson Haynes. Mayor Lemasters called for a roll call vote. Acting City Clerk announced the following tally: 6 yeas. Motion carried unanimously.

**Discussion and Approval of an Ordinance Pertaining to Travel Expenses. (First Reading)**

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

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, TO AMEND SECTION 155.04(g) OF THE EMPLOYEE POLICY REGULATIONS PROVIDING FOR AN INCREASE IN REIMBURSEMENT OF TRAVEL EXPENSES. (FIRST READING)**

Councilperson Simms made the motion to approve the ordinance to increase reimbursement of travel expenses, seconded by Councilperson James. Manager Hendershot explained that this will increase the mileage rate to meet the Federal level. He also explained that more general language will be included, for the second reading, which will allow the City Manager to adjust these rates whenever the Federal level changes. Mayor Lemasters called for a roll call vote. Acting City Clerk announced the following tally: 6 yeas. Motion carried unanimously.

**Discussion and Approval of a Resolution for Budget Revisions for the Fiscal Year 2007-2008.**

Manager Hendershot explained that the revision is adjusted by \$100,000.00 due to the reclassification of the City's annual liability insurance payment.

Councilperson Simms made the motion to approve the budget revisions, seconded by Councilperson Haynes. Mayor Lemasters called for a roll call vote. Acting City Clerk announced the following tally: 6 yeas. Motion carried unanimously.

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

Nothing to be discussed.

## **MANAGER ITEMS:**

### **Appointment to the Planning Commission (Manager Appointment)**

Manager Hendershot explained that Mr. Fred Brunner's term will expire June 21, 2008. The position has been advertised, and Mr. Brunner desires to continue in that position; therefore, the Manager will re-appoint him.

### **Business After Hours**

Manager Hendershot announced that Business After Hours will be held June 19 at the Cameron EMT Building, sponsored by Hattie's Hometown Hardware and American Legion Post 18. The Manager reminded members to get in touch with Marilyn Kaufman to pre-register.

### **Chamber of Commerce Chocolate Jubilee**

Manager Hendershot informed members that the Chamber of Commerce's 2<sup>nd</sup> Annual Chocolate Jubilee will be held at the Grand Vue Activities Building on June 18 from 4:00 to 7:00 PM.

### **Central Michigan Exploration Company and City of Moundsville Landfill.**

Manager Hendershot and Attorney White have met with the Central Michigan Exploration Company regarding drilling on the former City landfill property. Some changes will be made in the contract, as CME is now offering \$100.00 per acre, and they are willing to remove the Moundsville Rifle & Pistol Club's range area from the contract; discussion was also held on changing the proposed royalty amount.

### **City Building Security System**

Manager Hendershot explained that two quotes were received for the Security System: Erb Electric bid \$9,160.00 and Luttamus Communications quoted \$6,892.00. As both bids are under the \$10,000 threshold, the Manager will be awarding the bid to Luttamus Communications.

## **MAYOR ITEMS:**

\* Mayor Lemasters questioned status of parking meter mapping. Manager Hendershot has met with the meter attendant, who is in the process of mapping all City parking meters, designating which are single or double head meters and which are functional. Council will be able to review once mapping is complete, possibly by the next Traffic or Policy meeting date.

\* Mayor Lemasters wanted an update on the Building Enforcement Agency's review of properties. Manager Hendershot explained that delays by the construction company, doing the demolition of the collapsed house behind the Grant Avenue doctor's office, are being addressed by the property owner; and the certified mail, sent to the First Street property owner, was returned unclaimed.

Inspector Vickers explained that the work at 102 Jefferson Avenue has been delayed due to the worker's health problems; but all of the proper permits have been obtained. Manager Hendershot discussed the possibility of using City equipment to do some smaller demolition work, but any abatement would have to be contracted out.

\* Mayor Lemasters expressed displeasure with multiple-property owners who do not maintain proper ownership records or the structures that they own.

## **COMMITTEE REPORTS:**

### **Discussion and Approval of Recommendations by the Finance Committee.**

#### **Committee Recommends Purchasing an Advertisement from the Bass Masters in the Amount of \$500.00.**

Councilperson Wallace made the motion to approve the \$500.00 donation, seconded by Councilperson Simms for discussion. Councilperson Simms clarified, and Manager Hendershot agreed, that the City has always been listed as a sponsor for the annual Bass Masters tournament. Mayor Lemasters called for a roll call vote. Acting City Clerk announced the following tally: 6 yeas. Motion carried unanimously.

#### **East End Paving**

Councilperson Wallace explained that discussion was held on donations made for the resurfacing of the East End basketball courts.

#### **Parking Meters**

Councilperson Wallace explained that discussion was held on City parking meters, which Mayor Lemasters previously addressed.

#### **Business Licensing Requirements for Grass Cutting Services**

Councilperson Wallace questioned whether the Business & Occupation Tax issue was addressed for grass cutting services. Manager Hendershot explained that the issue was discussed at the last Department Head meeting; and Chief Kudlak inquired as to whether any such businesses were listed in the City records. The City Clerk has sent License paperwork to some such businesses.

#### **May 2008 Financial Statements**

Councilperson Wallace explained that the Financial Statements for May 2008 were reviewed.

\* Councilperson Simms again addressed using the camp ground funds to pave the East End courts. Councilperson James mentioned two companies he has briefly investigated that provide acrylic

surfaces, which are less expensive than asphalt and could be easily installed by City employees. Councilperson Simms made a motion for the City Manager to do some further research on these companies and report back to Council, seconded by Councilperson Haynes. Manager Hendershot suggested using the funds provided by the lease agreement with Central Michigan Exploration for the resurfacing.

Further discussion was held on the duties of the Parks and Recreation Board. Manager Hendershot explained that the Board is working on a long range plan; City Council can provide direction and guidance, as well as adjust the departments' budget.

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

Nothing was discussed.

#### **Discussion and Approval of Recommendations by the Policy Committee.**

#### **Recommendation to Direct the City Attorney to Draft Policy Changes Concerning 155.07(g)(8); Retirement Options Sick Leave Buy Out.**

Committee discussed increasing the sick leave buyout to 100%; include Survivor of Employee Entitled to Benefits; and include a definition of retirement age of 70, which would be a combination of the employee's age and seniority. Councilperson Wood made the motion to have the City Attorney draft the policy changes, seconded by Councilperson Simms. Mayor Lemasters called for a roll call vote. Acting City Clerk announced the following tally: 6 yeas. Motion carried unanimously.

#### **Recommendation to Permit Animal Trapping**

Discussion was held on reaching an agreement with Marshall County Animal Control to permit trapping of live animals, specifically cats. Manager Hendershot explained that he and Chief Kudlak have met with the Animal Control Officer to work out an arrangement that would meet the parameters of existing ordinances. The Police Department now has some traps, and guidelines on trapping live animals, that can be signed out by residents; the Animal Shelter has agreed to pick up any trapped animals. Councilperson Simms commended Chief Kudlak and Manager Hendershot for making the arrangements promptly and efficiently.

#### **Recommendation for the City Attorney to Update the ATV Ordinance**

Councilperson Wood made the motion to direct the City Attorney to update the ATV ordinance for discussion at the next Policy meeting, seconded by Councilperson Simms for discussion. Council does not want to completely outlaw ATVs, and guidelines will have to be set for special circumstances. Mayor Lemasters called for a roll call vote. Acting City Clerk announced the following tally: 6 yeas. Motion carried unanimously.

#### **Recommendation to Increase Employee Clothing Allowance**

This issue was previously addressed.

**Recommendation to Increase the Travel Allowance**

This issue was previously addressed.

**Recommendation to Direct the City Attorney to Draft an Ordinance Creating a Job Incentive Program for Service and Manufacturing Industries.**

Councilperson Wood made the motion to direct the City Attorney to draft an ordinance for the Job Incentive Program, seconded by Councilperson Simms for discussion. Manager Hendershot explained that Council will have to provide guidance on the parameters to be included in the ordinance, which will allow a Business & Occupation Tax decrease based on the number of employees. Mayor Lemasters called for a roll call vote. Acting City Clerk announced the following tally: 6 yeas. Motion carried unanimously.

**Recommendation to Direct the City Attorney to Draft Changes to the DUI Code, Article 333 to Bring into Compliance with Recent Changes to State Code.**

Councilperson Wood made the motion to direct the City Attorney to draft changes to the DUI Code, seconded by Councilperson Simms for discussion. Manager Hendershot and Attorney White explained that consequences for a First Offense DUI, based on the level of alcohol, were changed in the WV State Code. The City Code must be changed to remain in compliance. Mayor Lemasters called for a roll call vote. Acting City Clerk announced the following tally: 6 yeas. Motion carried unanimously.

**Recommendation to Direct the City Attorney and City Manager to Continue Negotiations with Central Michigan Exploration.**

Councilperson Wood made the motion to allow the City Attorney and City Manager to continue negotiations for drilling at the former City landfill, seconded by Councilperson Wallace. Motion carried unanimously.

**COUNCIL ITEMS:**

\* **Wood** - Encouraged further progress on the Fostoria demolition and expressed appreciation for maintenance on the grass.

\* Expressed appreciation to Inspector Vickers and Manager Hendershot for update on dilapidated houses. Inquired as to the status of the former Convenient Food Mart; Chief Clarke noted that a new business should be opening around the first of July, pending fire inspection results.

\* Commented on two newly hired police officers, including one female. Chief Kudlak explained

that Brittany Poplawski was sworn in on June 13, and Mike Baker on June 17; and Trevor Goode has been offered employment. Both officers are firearms qualified and working in the FTO program, which will provide evaluation after a 16-week mentoring. Chief Kudlak also noted that Patrolman Steven Oliver is currently at the State Police Academy, and Officer Younger is still filling in when needed.

\* **Wallace** - Received complaint about a pot hole near the walking trail and railroad tracks at 10<sup>th</sup> Street.

\* Asked Commissioner Richmond to address the Stop Sign facing the river at the intersection on Thompson Avenue.

\* Mentioned the alley between 9<sup>th</sup> and 10<sup>th</sup> Street. Commissioner Richmond is addressing the drainage problem.

\* **Simms** - Commented that he and Councilperson Haynes have completed the NIMS training. He commended Chief Clarke on his teaching ability. Manager Hendershot mentioned that five Council members have completed the training, which is very important for FEMA funding.

\* **Haynes** - Noted high grass at 2302 First Street, at the corner of Poplar Avenue; Manager Hendershot has already done a work report on this property.

\* Manager Hendershot reported that he has not received a response about 43 and 47 Linden Avenue.

\* Asked Commissioner Richmond to address the potholes at the top of Linden Avenue. Commissioner Richmond explained that he has tried both dura patch and cold patch, but, due to drainage from the hillside, problems continue.

\* **James** - Reported high grass at 441 Clinton Avenue.

\* Commented about high grass and repairs in progress at a house on Highland, right off of Linden Avenue. Manager Hendershot will have building permit status checked into.

Councilperson Simms made a motion to adjourn, seconded by Councilperson James. Motion carried unanimously.

Meeting adjourned at 8:14 p.m.

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Karen L. Ankrom, Acting City Clerk

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Wayne Lemasters, Mayor