

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
MARCH 18, 2008**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on March 18, 2008 at 7:00 p.m.

Meeting was called to order by Mayor Wayne Lemasters.

Invocation by City Manager Allen Hendershot. Councilperson Wallace asked for a few seconds of silence in memory of Councilperson Ralph DiRemigio and Mr. Allen Simms, who both recently passed away.

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

MINUTES:

Regular Council Meeting of March 4, 2008.

Councilperson Wood made a motion to accept and approve the minutes of the regular council meeting of March 4, 2008, seconded by Councilperson Haynes. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* Mayor Lemasters acknowledged Boy Scout Troop #78 and Mr. Targoski, who were in attendance, working on Citizenship and Communications badges.

*David White, 406 Clinton Avenue, wanted explanation of a Councilperson's job requirements. After brief explanation from Mayor Lemasters and brief discussion among Council, Mr. White expressed displeasure with two specific Council people. Mr. White had clarified that the proposed budget would be effective July 1, 2008 and the amount of the City Manager's salary increase. Mr. White questioned whether the Street Department would be hiring soon; Manager Hendershot confirmed that absent workers will be replaced in the near future.

CONSIDER A PUBLIC HEARING:

Public Hearing to Discuss the Proposed 2008-2009 General Fund Budget.

No one wished to address Council in regard to the 2008-2009 General Fund Budget. Councilperson Simms noted that even with the Public Safety Fee increase, only 21% of the Police, Dispatch, and Fire Department budgets are provided for; this leaves the General Fund subsidizing

the other 79%. The concern is that other City services, such as street maintenance and repairs, are being underfunded. Manager Hendershot noted that Municipal Fee funds are used for street paving, and Commissioner Richmond does have access to General Fund monies. Councilperson Simms noted that all City Departments should receive equal recognition, especially in the area of replacing workers.

Mayor Lemasters closed the public hearing on the 2008-2009 General Fund Budget.

CONSIDER THE FOLLOWING OLD BUSINESS:

There was no Old Business to be discussed.

CONSIDER THE FOLLOWING NEW BUSINESS:

Discussion and Approval to Adopt the 2008-2009 General Fund Budget.

Councilperson Wood made the motion to approve adoption of the 2008-2009 General Fund Budget, seconded by Councilperson Haynes. Mayor Lemasters called for a roll call vote: 6 yeas. Motion carried unanimously.

Discussion and Approval of an Ordinance Concerning an Increase in Garbage Rates. (First Reading)

Attorney White read the following ordinance by title only to be passed by Council on first reading:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, AMENDING AND REENACTING SECTION 953.10(a)(1) OF THE CITY CODE TO INCREASE THE RESIDENTIAL GARBAGE RATE. (FIRST READING)

Councilperson Simms made the motion to approve the ordinance on first reading, seconded by Councilperson Wallace. Manager Hendershot noted that the new rate is still lower than what was charged in 1990. Mayor Lemasters called for a roll call vote: 6 yeas. Motion carried unanimously.

Discussion and Approval of an Ordinance Concerning an Increase of the Public Safety Rate. (First Reading)

Attorney White read the following ordinance by title only to be passed by Council on first reading:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, AMENDING AND REENACTING SECTION 759.01 OF THE CITY CODE TO INCREASE THE PUBLIC SAFETY RATE. (FIRST READING)

Councilperson Wood made the motion to approve the ordinance on first reading, seconded by

Councilperson Simms. Councilperson Wallace noted that, even with the fee increase, the revenue covers even less of the Police and Fire budgets than it did when he joined Council 11 years ago; he also commended the two departments for their service. Mayor Lemasters also stated that the last Public Safety Fee increase was in 1995. Mayor Lemasters called for a roll call vote: 6 yeas. Motion carried unanimously.

Discussion and Approval of an Ordinance Concerning an Increase of the Business and Occupation Tax. (First Reading)

Attorney White read the following ordinance by title only to be passed by Council on first reading:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, AMENDING AND REENACTING SECTION 745.07 OF THE CITY CODE TO INCREASE THE BUSINESS AND OCCUPATION TAX RATE FOR RETAIL SALES OF TANGIBLE PROPERTY. (FIRST READING)

Councilperson Simms made the motion to approve the ordinance on first reading, seconded by Councilperson Haynes. Councilperson Simms noted that the retail rate will still be \$0.12 below the maximum that is allowed. Mayor Lemasters called for an roll call vote: 6 yeas. Motion carried unanimously.

Manager Hendershot stated that the Garbage rate increase will be effective May 1, 2008, and the Public Safety Fee and Business and Occupation Tax retail rate increases will take effect July 1, 2008. The ordinance for the Municipal Fee increase will be on the next meeting's agenda for first reading.

Other Business to be Discussed by Council.

*Councilperson Wood inquired about replacement of the police officers that recently resigned. Chief Kudlak stated that the department is four men short but has offered employment to a new officer, contingent on physical and psychological test results. Chief Kudlak also noted that a retired deputy has accepted a "provisional appointment" for three months until the Civil Service testing is complete.

*Discussion was held on the process to fill Councilperson DiRemigio's unexpired term. Councilperson Wallace made the motion to authorize Manager Hendershot to advertise for the vacant At-Large seat, seconded by Councilperson Haynes. Motion carried unanimously. The Manager will have the letters of interest available for the next Policy Committee meeting, then for a Council vote at the April 15 meeting. Several Council people expressed support for Nick James, who finished second in the last election.

MANAGER ITEMS:

* Manager Hendershot reminded Council of the Business After Hours next Thursday at the Glen Dale Fireman's Hall from 5:00 to 7:00 PM.

- * Manager Hendershot recognized Cub Scout Pack #78.
- * Manager Hendershot received a Thank You letter from the JM Monarchs Boys Basketball team, addressed to the Police Department, for their presence at the basketball games.
- * Young Marines 2000 expressed thanks for the use of the Police Department’s “fatal vision goggles.”
- * Manager Hendershot noted that Sanitary Board member Joe Richmond’s term will expire on April 6, which will require Council’s approval. Also, Mr. Vitiello’s seat will be vacant on the Historic Landmarks Commission, which is a Manager appointment. Both of these will be advertised.
- * Manager Hendershot stated that S. Cole Simms has resigned from the Parks & Recreation Board. Four letters of interest have been submitted to the Rec Board, which will make a formal recommendation to Council.

MAYOR ITEMS:

- * Mayor Lemasters commented on the funeral of Councilperson DiRemigio and his diligent service to the City.
- * Mayor Lemasters bestowed condolences to Councilperson Simms on the passing of his father and commended his 50 years of service to the Sanitary Plant. Manager Hendershot suggested that Council take action to formally name the road leading to the Waste Water Treatment Plant “A J Simms Drive.” Councilperson Wallace made the motion to officially name this street, seconded by Councilperson Haynes. Motion carried unanimously.
- * Mayor Lemasters stated that he is receiving complaints about street sweeper not cleaning well. Commissioner Richmond noted that the old sweeper, which should be repaired this week, is better at picking up the heavier mess left behind from winter treatment. Both sweepers should be running within a couple of days.
- * Mayor Lemasters informed Council of the Building Enforcement meeting on Wednesday morning.
- * Mayor Lemasters expressed thanks to the four Police Officers, who resigned, for their service.
- * Mayor Lemasters wished a “Speedy Recover” to the City employees currently on Sick Leave. Manager Hendershot informed Council that Office Supervisor Deanna Hess received a good report from the doctor and was released from the hospital today.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

Councilperson Wallace apologized for not having minutes available from the March 11 Finance Committee meeting.

1. Recommend to Adopt the 2008-2009 General Fund Budget.
The budget was passed earlier in the meeting.

February 2008 financial reports were presented by CPA Kay Goddard and appeared to be in order.

Discussion was held on purchasing boots for employees. Manager Hendershot suggested that Council consider increasing the clothing allowance during the next fiscal year.

Councilperson Wood purchased a cake from the Cub Scout Pack #78 sale.

Discussion and Approval of Recommendations by the Traffic Committee.

1. Recommend to Open the Alley Behind 1400 Second Street between Ash Avenue and Cedar Avenue from One Way to Two Way.

Councilperson Simms made the motion to change the alley from one way to two way, seconded by Councilperson Haynes. Discussion was held on revisiting this issue later if the traffic flow becomes a problem. Motion carried unanimously.

Discussion and Approval of Recommendations by the Policy Committee.

1. Recommend Ordinances Adopted on First Reading to Increase the Municipal Fee, Public Safety Fee, B&O Tax, and Refuse Fee.

These ordinances were approved earlier in the meeting, minus the Municipal Fee ordinance.

COUNCIL ITEMS:

* **Cunningham** - Submitted a pole number and request for an additional street light to Manager Hendershot, who will have the issue placed on the Traffic Committee agenda.

* Was discouraged from addressing David White's comments from earlier in the meeting.

* **Haynes** - Asked for Building Enforcement group to address 2411 Center Street.

* Requested that dilapidated porches on 2012 & 2014 Jackson Street be addressed; as well as the garages in the rear of these residences. Manager Hendershot committed to do work requests and have Building Inspectors review these properties.

* **Simms** - Asked if campground will be ready this year. Manager Hendershot explained that the Building Commission has been moving on this issue; and Stegman & Schellhase have completed the survey and preliminary design.

* **Wallace** - Conveyed his thoughts and best wishes to Councilperson DiRemigio's family and friends. He commended Councilperson DiRemigio for being an asset to the community.

* Expressed sympathy to Councilperson Simms and his family and friends on the passing of Allen Simms.

* **Wood** - Echoed condolences of Councilperson Wallace for the DiRemigio and Simms families.

* Discussion held on light at Fourth Street; Manager Hendershot has not received results of flow study. Chiefs Kudlak and Clarke expressed pleasure with traffic flow at this intersection.

* Mentioned poor condition of house between Cypress and Elm Streets; he would like for Building Enforcement commission to address. Chief Clarke mentioned that his department has been there; and Building Inspector Vickers stated that the property has been cleaned up.

* Offered support for Commissioner Richmond and his crew in cleaning up from the winter.

Councilperson Wood made the motion to adjourn, seconded by Councilperson Haynes.

Meeting adjourned at 7:40 p.m.

Karen L. Ankrom, Acting City Clerk

Wayne Lemasters, Mayor