

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
MARCH 6, 2007**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on March 6, 2007 at 7:00 p.m.

Meeting was called to order by Mayor Dennis Wallace.

Invocation by Councilperson Mark Simms.

City Clerk called the roll and the following council persons were in attendance. Cunningham, Haynes, Vice Mayor Lemasters, Simms, Wood and Mayor Wallace. Absent: DiRemigio. Also present: City Manager Hendershot, Police Chief Kudlak, Fire Chief Clarke, Street Commissioner Richmond, Building Inspector Wise, Attorney Thomas White, CPA Finance Director Thomas Dobbs and City Clerk Hewitt.

MINUTES:

Regular Council Meeting of February 20, 2007.

Councilperson Wood made a motion to accept and approve the minutes of the regular council meeting of February 20, 2007, seconded by Councilperson Simms. Motion carried unanimously.

GENERAL PUBLIC HEARING:

* Jim Buch of McKinley & Associates thanked council for choosing his company to perform the Municipal Buildings Improvement Projects.

* Benny Smith, 1105 Twelfth Street, complained that he was stopped by police while walking along 12th Street. Police Chief Kudlak told Mr. Smith that the City has no ordinance against pedestrians walking along 12th Street.

* David White, 416 Clinton Avenue, asked council why the minutes haven't been published in the paper. City Clerk advised she was not aware the minutes were not in the paper.

OLD BUSINESS:

Discussion and Approval of an Ordinance Pertaining to Section 121.02 Committees of Council. (Second 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 AND REENACTING SECTION 121.02 OF THE CITY CODE TO AMEND THE TIME FOR APPOINTING COMMITTEES OF COUNCIL. (SECOND READING)

Councilperson Simms made a motion to accept and approve the ordinance on second reading, seconded by Councilperson Wood.

Mayor Wallace called for a voice vote. City Clerk announced the tally. 6 years. Motion carried unanimously.

Discussion and Approval of an Ordinance Concerning Employee Computer/Internet Use. (Second 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, ENACTING A COMPUTER ETHICS AND USE POLICY FOR EMPLOYEES OF THE CITY OF MOUNDSVILLE. (SECOND READING)

Councilperson Lemasters made a motion to accept and approve the policy ordinance, seconded by Councilperson Wood.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. 6 years. Motion carried unanimously.

Other Items to be Discussed by Council.

* Councilperson Simms made a motion to refer action concerning the \$10,000 Match Grant for the 13th Street Shelter to the Finance Committee, seconded by Councilperson Haynes. Motion carried unanimously.

* Councilperson Simms also made a motion to send to the Finance Committee the discussion to allocate the Landfill Timber for the RV Camper Parking on the Riverfront, seconded by Councilperson Haynes. Motion carried unanimously.

* Councilperson Simms suggested that council work together to give employees a raise in the 2007-2008 General Fund Budget.

NEW BUSINESS:

Discussion and Approval of Requisition #16 for the Water Treatment Plant Project.

Councilperson Lemasters made a motion to approve Requisition #16 for the Water Treatment Plant Project, seconded by Councilperson Haynes. Motion carried unanimously.

Appointment to the Sanitary Board.

Manager Hendershot reported the term for Sanitary Board Member William McConnell has expired and the Sanitary Board has submitted a letter recommending his reappointment.

Councilperson Lemasters made a motion to reappointment William McConnell to the Moundsville Sanitary Board, seconded by Councilperson Wood. 5 yeas, 1 abstain. Simms abstaining. Motion carried.

Appointment to the Moundsville Building Commission.

Three vacancies exist on the Moundsville Building Commission. Letters from Mike Lauter and Ricky Young have been submitted. Mayor Wallace made a motion to appoint Mike Lauter to fill a full term, Ricky Young to fill an unexpired term, seconded by Councilperson Simms. Manager Hendershot noted that one vacancy still exists on the commission.

Discussion and Approval of an Ordinance Pertaining to Section 121.04 Term of Mayor. (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 121.04 OF THE CITY CODE TO AMEND THE TIME FOR THE TERM OF MAYOR. (FIRST READING)

Councilperson Wood made a motion to accept and approve the ordinance, seconded by Councilperson Simms.

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

Other Items to be Discussed by Council.

* Councilperson Cunningham noted that he is not in favor of charging citizens \$3.00 per item, such as chairs, couches, dressers, etc., to be picked up by the Sanitation Department. Further discussion was held on the rates of sanitation and Manager Hendershot will contact other communities to see what they charge for extra items.

* Councilperson Cunningham asked why the minutes haven't been placed in the paper. Mayor informed him that the matter will be looked into.

* Councilperson Lemasters received complaints of sump pumps pumping onto city streets. Street Commissioner Richmond advised that ordinance states that citizens who are using sump

pumps are to pump to the curb onto streets or alleys.

* Councilperson Lemasters asked Manager Hendershot about the letter from James V. Kelsh concerning District #4 Water Purchase Contract. Manager Hendershot explained that the Moundsville Water Board made an offer to the Public Service District #4 in reference to their filing appeals to PSD 4's expansion project. They were asking for a 5 million gallons minimum sales agreement, which was figured into the Water Plant construction. Presently, they are buying 6 million gallons. Manager Hendershot wanted to bring this matter to council's attention in case PSD #4 accepted the offer because it would eventually would have to come to council. At this point, PSD #4 has not chosen to enter into the agreement with the Water Board.

* Councilperson Simms asked if council was in agreement to find the employees a raise for this new budget. And asked that figures could be presented to council at the Finance Meeting. Simms also asked why salaries in the Police Department has risen \$37,000. Manager Hendershot stated the cost is for the Resource Officer at the Moundsville Jr. High, but the School Board has offered to pay half of the cost.

* Councilperson Lemasters stated that he would like to have a break down of all employee salaries, insurance, etc.

MANAGER ITEMS:

Moundsville Police and Fire Pension.

Council was provided copies of the bank statement from Fire Department Pension and Relief Fund from July 1, 2005 to June 30, 2006. And also a similar statement from the Board of Trustees of the Police Pension. Manager Hendershot announced because of the new auditing principles (GASB) that have been put into place have required some changes such as an Actuary Study done on both the police and fire to see if there was an net pension obligation, which would be the difference that is owed now as compared to what would have been owed to the pension had the city been on the standard payment throughout. The amount of money that the pensions would be short because of the change would be considered a general fund obligation. After the Actuary Study, Manager Hendershot found that the city has no obligation to the pension, both pensions are funded the way the city is supposed to fund them.

Cub Scout Cake Bake.

The Cub Scout #78 are sponsoring their annual Cake Bake on March 19, 2007 at 6:00 p.m., at the Calvary Methodist Church. Councilpersons and Department Heads usually donate money to purchase a cake. Councilperson Wood has volunteered to attend.

Annual Antique Car Show.

The Marshall County Chamber of Commerce is holding their Antique Car Show on June 1, 2007

(Rain date June 8, 2007) and has asked the city to sponsor \$30 for Mayors Choice and \$30 for Managers Choice.

Councilperson Simms made a motion to sponsor the Mayor's and Manager's Choice for a total of \$60, seconded by Mayor Wallace. Motion carried unanimously.

Appeal Hearing for Tri State Water Consultants Inc.

Manager Hendershot requested that council schedule an appeal hearing for Tri State Water Consultant Inc., whose city solicitation license were suspended due to fraudulent statements. Councilperson Simms suggested the hearing be set for March 20, 2007 at 6:00 p.m.

Other Items to be Discussed by City Manager.

* Letters sent to Legislatures, Senators and Congressmen directed by council received responses back from US Senator Byrd and WV Senator Kessler.

* The Moundsville Police Department and Fire Department Haz-Mat Team received high praise in the After Action Report from the 2006 Mock Disaster. The joint Haz-Mat Team is one of a few, if not the only one in the state.

* Commendation letters have be given to officers involved in a "stand-off" on Monday night on First Street. Officers commended are Pfc. Mike Lloyd, Sgt. Shelva Smith, Cpl. DeWitt, Detective Taylor, Lt. Robinson and Sgt. Helms.

* Letter of Thanks was received from the Moundsville/Marshall County Public Library for the city's continuing support and funding.

* Attorney White submitted four legal ads published in the Moundsville Daily Echo to be received and filed by council:

1. Bids for Timbering Sales
2. Ordinance for Term of Mayor
3. Ordinance for Appointing Committees by Mayor
4. Ordinance for Employee Policy Computer/Internet Use

Councilperson Simms made a motion to receive and file the legal ads, seconded by Councilperson Haynes. Motion carried unanimously.

MAYOR ITEMS:

* Mayor Wallace commended the Police Officers involved in the "Stand-off" and both Police and Fire Departments for the high praise from the Mock Disaster.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

Councilperson Lemasters scheduled a Finance Meeting for Tuesday, March 13, 2007 at 6:00 p.m.

Discussion and Approval of Recommendations by the Policy Committee.

1. Discussion and Approval of Gump Annexation on Highland Avenue.

Councilperson Simms made a motion to instruct the City Attorney to draft an ordinance for the Annexation on Highland Avenue, seconded by Councilperson Haynes. Motion carried unanimously.

COUNCIL ITEMS:

* **Haynes** - Nothing at this time.

* **Lemasters** - Nothing at this time.

* **Wood** - Nothing at this time.

* **Simms** - Reported to council that Councilperson DiRemigio informed him that he had a pacemaker and was having kidney dialysis.

* Wished to thank Councilperson DiRemigio for his assistance to re-institute the Sanitation in the City of Moundsville.

* **Cunningham** - Nothing at this time.

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

Meeting adjourned at 8:23 p.m.

Sondra J. Hewitt, City Clerk

Dennis Wallace, Mayor