

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
DECEMBER 16, 2008**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on December 16, 2008 at 7:00 p.m.

Meeting was called to order by Mayor Wayne Lemasters.

Invocation by Councilperson Mark Simms.

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

MINUTES:

Regular Council Meeting of November 18, 2008.

Councilperson Wood made a motion to accept and approve the minutes of the regular council meeting of November 18, 2008, seconded by Councilperson Wallace. Motion carried unanimously.

Regular Council Meeting of December 2, 2008.

Councilperson Wood made a motion to accept and approve the minutes of the regular council meeting of December 2, 2008, seconded by Councilperson Haynes. Motion carried unanimously.

PUBLIC HEARING:

Public Hearing Concerning the Charter Change Pertaining to Attendance Requirements for Members of City Council.

Mayor Lemasters opened the meeting to the public for any comments on the Charter Change.

* Brad Varlas, 1107 12th Street, asked if this will affect a council person who is sick and is in contact with the City Manager? Manager Hendershot advised this action will require an affirmative act of council.

With no further comments, Mayor Lemasters closed the public meeting.

OLD BUSINESS:

Discussion and Approval of an Ordinance Concerning Attendance Requirements for City Council. (Second Reading)

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, AMENDING AND REENACTING ARTICLE II, SECTION 5 OF THE CHARTER OF THE SAID CITY OF MOUNDSVILLE PROVIDING FOR ATTENDANCE REQUIREMENTS FOR MEMBERS OF CITY COUNCIL. (SECOND READING)

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

Mayor Lemasters called for a voice vote. City Clerk announced the following tally. 5 yeas. Motion carried unanimously.

Discussion and Approval of Fireworks Bids.

Bids were received from Schaefer Pyrotechnics with two proposals:

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| 1. | \$8,925.00 | (Same show as last year) |
| 2. | \$8,500.00 | |

Councilperson Wallace made a motion to approve the bid for \$8,925 same show as last year, seconded by Councilperson Simms. Motion carried unanimously.

NEW BUSINESS:

Election of Mayor.

Mayor Lemasters opened nominations for Mayor and nominated Councilperson Wood, seconded by Councilperson Wallace.

Councilperson Simms motioned to close nominations and elect Councilperson Wood as mayor, seconded by Councilperson Wallace.

Mayor Lemasters called for a voice vote. City Clerk announced the following tally. 5 yeas. Motion carried unanimously.

Election of Vice Mayor.

Councilperson Wood opened nominations for Vice Mayor and nominated Councilperson Wallace, seconded by Mayor Lemasters.

Mayor Lemasters motioned to close nominations and elect Councilperson Wallace as vice mayor, seconded by Councilperson Simms.

Mayor Lemasters called for a voice vote. City Clerk announced the following tally. 5 years. Motion carried unanimously.

Discussion and Approval of an Ordinance Pertaining to Security Deposits for Certain Garbage Customers. (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 SECTION 953.10 OF THE CITY CODE TO PROVIDE FOR SECURITY DEPOSITS ON CERTAIN GARBAGE CUSTOMER. (FIRST READING)

Councilperson Simms made a motion to approve the security deposit ordinance for garbage, seconded by Councilperson Haynes for discussion. Councilperson Wallace commented that since large amounts of money are left delinquent when the business closes he would like to have a two month deposit instead of one month.

Councilperson Simms made a motion to amend the motion to require a two month security deposit for businesses, seconded by Councilperson Haynes.

Mayor Lemasters called for a voice vote. City Clerk announced the following tally. 5 years. Motion carried unanimously.

Council voted on the original motion to accept the ordinance as amended. Mayor Lemasters called for a voice vote. City Clerk announced the following tally. 5 years. Motion carried unanimously.

Discussion and Approval of Four (4) Resolutions for Funding of the Following Projects from the Community Participation Program.

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| 1. City Hall Improvements | \$10,000 |
| 2. Capital Improvements | \$8,000 |
| 3. Fire Department Bldg | \$10,000 |
| 4. Public Works Bldg | \$10,000 |

Councilperson Wallace made a motion to approve the resolutions for improvements to four City of Moundsville facilities, seconded by Councilperson Haynes. Motion carried unanimously.

Awards Presented to House Decorating Contest Winners.

Mayor Lemasters presented House Decorating First Place Award to Dorothy Parker, 222 Pine Avenue; Second Place to Marlene Bonar, 416 Poplar Avenue; and Mickey Tomlinson, 430 Filbert Avenue.

Receive and File the City of Moundsville 2008 General Election Canvass Results Certified by the Marshall County Commission.

Councilperson Wood made a motion to receive and file the 2008 General Election Canvass results, seconded by Councilperson Simms. Motion carried unanimously.

Discussion and Approval of a Resolution for an Easement at 801 Juniper Avenue.

Councilperson Simms made a motion to approve the easement for 801 Juniper Avenue, seconded by Councilperson Haynes. Motion carried unanimously.

Discussion and Approval of a Resolution Through the Local Economic Development Assistance Grant in the Amount of \$21,625 for the Moundsville Economic Development Council for Roof Repair and Other Improvements at the Moundsville Prison.

Councilperson Wood made a motion to approve the resolution for funding in the amount of \$21,625 for roof repairs and other improvements at the Moundsville Prison, seconded by Councilperson Wallace. Motion carried unanimously.

Appointment to the Moundsville Parks & Recreation Commission.

Manager Hendershot received three letters of intent from Karen Ali, Karen Estep and Susan Lunau for the expired term on the Moundsville Parks & Recreation Commission. The Parks & Recreation Board submitted a letter asking that Karen Ali be re-appointed for another term.

Councilperson Simms made a motion to re-appoint Karen Ali to the Moundsville Parks & Recreation Commission, seconded by Councilperson Haynes. Motion carried unanimously.

Council's Evaluation of City Manager Hendershot.

Manager Hendershot informed council they must evaluate the City Manager in Executive Session.

MANAGER ITEMS:

Receive and File the Fireman's Pension & Relief Fund Annual Financial Report.

Manager Hendershot reported the Fireman's Pension & Relief Fund had suffered some losses this year due to the stock market. Because the limitations on the Police & Fire pensions are both the same only a portion of the pension can be in the market. The losses are not dramatic or drastic and should not affect the amount the city has to pay toward the pension.

Councilperson Simms made a motion to receive and file the Fireman's Pension & Relief Fund Annual Financial Report, seconded by Councilperson Wood. Motion carried unanimously.

Resignations on the Moundsville Police Civil Service Commission.

Manager Hendershot announced that he received resignations from Eugene Saunders (Chamber of Commerce appointment), who has been elected as Third Ward Councilperson and Mike Richmond (FOP appointment).

Vacancy on the Moundsville Zoning Appeals Board.

The city will be advertising for a board member on the Zoning Appeals Board.

Moundsville Building Commission Vacancy.

The Building Commission is a five member board and they have been working with three. Rick Young will resign his position on the board and Nick James has submitted his letter of intent. There are two additional vacancies to be advertised.

Employee Christmas Luncheon.

Manager Hendershot invited council members to attend the employee Christmas luncheon at the City Garage on Friday, December 19 at 12:00 p.m.

Meeting with Legislatures.

Manager Hendershot reminded of a meeting with legislatures on Wednesday, December 17, 2008 at 2:00 p.m.

Other Items to be Discussed by City Manager.

Certificates of Publication by Attorney White.

Attorney White submitted a legal ad published in the Moundsville Daily Echo for the Charter Change on attendance of council members.

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

MAYOR ITEMS:

* Mayor Lemasters commented that he enjoyed his time on council and with fellow council members. He commented that a lot of streets have been paved during his time on council. And wished to thank all employees for the job they have done. Also thanked City Manager Hendershot and Attorney White.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

1. Discussion of the purchase of a new city vehicle. Councilperson Wallace and Wood remarked the purchase was not in the budget and council should wait until the next budget. Councilperson Simms made a motion to purchase the vehicle, seconded by Councilperson Haynes.

Mayor Lemasters called for a voice vote. City Clerk announced the tally 3 yeas, 2 nays. Wallace and Wood voting nay. Motion carried.

2. Recommend Guardian Dental Insurance for employees.

Councilperson Wallace made a motion to contract Guardian Dental Insurance for employees, seconded by Councilperson Simms. Motion carried unanimously.

COUNCIL ITEMS:

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

* **Wood** - Wished to thank Wayne Lemasters who has been a very good mayor during his term, one who is always there, one who attended countless meetings and public events. Also thanked Wayne for his service to the city and its citizens.

* Presented a key of the City of Moundsville to Wayne Lemasters.

* Wish everyone a Merry Christmas and Happy New Year.

* Reminded council members to stop by the City Building Wednesday, December 17th at 2:00 p.m.

* **Wallace** - Said it has been a pleasure serving on council with Wayne because he has had the best interest of the city and represented Moundsville very well. Thank you for your service.

* Wished to thank Nick James who has also represented the city well.

* Wished to thank all the employees who are the backbone of the city.

* Wished everyone a Merry Christmas and Happy New Year.

* **Simms** - Agreed with Councilperson Wallace.

* Wished everyone a Merry Christmas and Happy New Year.

Councilperson Simms made a motion to hold an Executive Session for personnel matters after a 5 minute recess, seconded by Councilperson Haynes. Motion carried unanimously.

Meeting recessed at 7:45 p.m.

Meeting reconvened at 7:50 p.m.

Executive Session began at 7:50 p.m.

Executive Session recessed at 8:05 p.m.

Councilperson Wallace made a motion to adjourn, seconded by Councilperson Haynes. Motion carried unanimously.

Meeting adjourned at 8:06 p.m.

Sondra J. Hewitt, City Clerk

Wayne Lemasters, Mayor