

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,  
DECEMBER 18, 2007**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on December 18, 2007.

Meeting was called to order by Mayor Dennis Wallace.

Invocation by Councilperson Mark Simms.

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

**MINUTES:**

**Regular Council Meeting of December 4, 2007.**

Councilperson Simms made a motion to accept and approve the minutes of the regular council meeting of December 4, 2007, seconded by Councilperson Wood. Motion carried unanimously.

**Presentation of Awards for the House Decorating Contest.**

**OLD BUSINESS:**

**Discussion and Approval of an Ordinance to Require Businesses to Notify the City of Business Termination and to Relinquish City License. (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 CHAPTER 705 OF THE CITY CODE TO PROVIDE FOR MANDATORY NOTICE FROM BUSINESSES WHICH CEASE DOING BUSINESS IN THE CITY OF MOUNDSVILLE. (SECOND READING)**

Councilperson DiRemigio made a motion to approve the above ordinance, seconded by Councilperson Simms.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. 7 yeas. Motion carried unanimously.

**Discussion and Approval of an Ordinance Implementing the Revised “Return to Work” Policy. (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 AN OCCUPATIONAL INJURY MANAGEMENT PROGRAM WITH RETURN-TO-WORK POLICES. (SECOND READING)**

Councilperson Wood made a motion to approve the return to work ordinance, seconded by Councilperson Haynes.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. 7 yeas. Motion carried unanimously.

**NEW BUSINESS:**

**Discussion and Approval of an Ordinance Banning Utility Trailer Parking on City Streets. (First Reading)**

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

**AN ORDINANCE OF THE CITY OF MOUNDSVILLE TO PROHIBIT THE PARKING OF UTILITY TRAILERS ON THE STREET OF THE CITY OF MOUNDSVILLE EXCEPT IN LIMITED CIRCUMSTANCES. (FIRST READING)**

Councilperson Lemasters made a motion to accept the above ordinance, seconded by Councilperson Simms for discussion.

After discussion, Mayor Wallace called for a voice vote. City Clerk announced the following tally. 6 yeas, 1 nay. Simms voting nay. Motion carried.

**Discussion and Approval of a Resolution to Execute a Contract for Improvements to the City Clerk’s Office, City Garage and City Fire Department through Funding Under the Governor’s Community Participation Project in the Amount of \$15,000.**

Councilperson Wood made a motion to approve the execution of a contract for improvements to city facilities, seconded by Councilperson Simms. Motion carried unanimously.

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

**Discussion and Approval of a Resolution to Execute a Contract to Purchase and Install Bleachers and Seating at the City Ballfields through Funding Under the Governor's Community Participation Project in the Amount of \$9,500.**

Councilperson Simms made a motion to approve the execution of a contract for bleachers and seating at city ballfields, seconded by Councilperson Haynes. Motion carried unanimously.

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

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

\* Councilperson Simms asked Manager Hendershot if the Street Department had lost an employee? Manager Hendershot advised that one employee was hired at the Water Department, but is transferring back to the Street Department.

**MANAGER ITEMS:**

**Appointment to the Historic Landmark Commission.**

A letter requesting to be re-appointed was received by Tom Vickers for the Historic Landmark Commission. Manager Hendershot announced that he will re-appoint Mr. Vickers.

**Employee Christmas Party.**

The Moundsville Street Department will be hosting the employee Christmas Party on Friday, December 21, 2007 at 12:00 p.m. Council members are also invited.

**Meeting at Sanford School with Officials.**

Manager Hendershot will meet with Board of Education officials and Council members at Sanford School on December 27, 2007 at 10:00 a.m. to walk through the building. County Commissioners were also asked to participate.

**Appointment to the Moundsville Fire Fighters Civil Service Commission.**

The Moundsville Fire Fighters Association has re-appointed Bert "Cork" Whorton as a member on the Moundsville Fire Fighters Civil Service Commission.

**WV Municipal League Winter Conference.**

The WV Municipal League Winter Conference will be held January 13 & 14, 2007 at the Charleston Marriott. Council members wishing to attend must contact Marilyn Kaufman.

**Retirement Resolution from Moundsville-Marshall County Public Library.**

The Moundsville-Marshall County Library presented a Retirement Resolution for Evan M. Rogerson who has served on the library board for over 50 years. Councilperson DiRemigio has asked council to send a letter of appreciation to Mr. Rogerson.

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

**Preliminary Study for Municipal Buildings.**

Manager Hendershot advised council that preliminary studies have been done on the City Building, City Garage and Police Barracks and provided council with copies of the study. Figures have been provided in the study for Police Barracks is \$540,000; City Garage new facility \$1,100,000; \$800,000 Municipal Building; and \$590,000 existing City Garage. Total cost for renovation is \$1,957,000 with new building \$2,471,000.

**End of Year Review of City Manager.**

Manager Hendershot reminded council that his end of the year review needs discussed at this council meeting in Executive Session.

**MAYOR ITEMS:**

\* Mayor Wallace extended his sincere condolences to Harold Thomas and his family on the loss of his wife, Opal Thomas.

\* Mayor Wallace announced due to holidays, the City Offices are closed on Monday & Tuesday for Christmas & New Years.

\* Mayor Wallace wished to thank all the citizens of Moundsville, council, City Manager, employees and everybody who has put up with him for the last two years.

\* Merry Christmas & Happy New Year to everyone.

**COMMITTEE REPORTS:**

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

1. Recommend to Renew Dental Insurance with Guardian in the Amount of \$44,309.04. Councilperson Lemasters made a motion to renew the City's Dental Insurance with Guardian in the amount of \$44,309.04, seconded by Councilperson Simms for discussion.

Councilperson DiRemigio commented that he hopes the City of Moundsville can be self insured in the near future and for him to accomplish this he is asking that fellow council members elect him as their mayor. The title of mayor helps open doors to a lot of things.

Mayor Wallace called for a roll call vote. City Clerk announced the following tally. 7 yeas. Motion carried unanimously.

2. Recommend to Donate \$100 to JM Monarch Boys Basketball for Banners.

Councilperson Lemasters made a motion to donate \$100 to JM Boys Basketball for banners, seconded by Councilperson Wood. Motion carried unanimously.

3. Councilperson Simms asked if the Finance Committee discussed salaries for the Police Officers? Manager Hendershot advised that Chief Kudlak expressed the need and concerns for the department, but no specific discussion. Council agreed to make themselves available to the employees this year to hear what the department heads and employees are requesting for the budget.

Councilperson Simms commented that he is in favor of all the employees getting the raise. Council has to understand what the city has invested in an officers, approximately \$20,000 per officer after training. Moundsville Police Department is second lowest in Marshall County. Moundsville could loose officers to another department if wages aren't adjusted.

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

1. Recommend to Approve Handicapped Parking at 706 Magnolia Avenue.

Councilperson Simms made a motion to approve handicapped parking at 706 Magnolia Avenue, seconded by Councilperson Haynes. Motion carried unanimously.

2. Recommend to Approve Handicapped Parking at 1400 Tenth Street.

Councilperson Simms made a motion to approve handicapped parking at 1400 Tenth Street, seconded by Councilperson Haynes. Motion carried unanimously.

3. Recommend that Police Chief Review the Request for the Handicapped Parking at 2203 Kanawha Street.

Chief Kudlak advised that he has made several attempts to contact the applicant with negative results. Council agreed to place the request back on the agenda.

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

1. Recommend to Direct the City Attorney to Draft a Zone Change Ordinance for Property at

517 & 519 Eighth Street and 514 & 516 Ninth Street from RM to CCCH Zone.

Councilperson Wood made a motion to direct the City Attorney to draft a zone change ordinance for the property at 517 & 519 Eighth Street and 514 & 516 Ninth Street from RM to CCCH Zone, seconded by Councilperson Simms for discussion.

Manager Hendershot advised that Mr. Stuart gave a presentation at the Policy Committee meeting and explained for council that a retail business will be established at the property in question.

Mayor Wallace commented that he is unsure of how to vote because if he votes in the positive for the zone change, the opening of a new business could cost him his job and if he votes in the negative, and the business does not jeopardize his job, he could be hurting Moundsville.

Councilperson DiRemigio stated as big as the business is going to be it is good for Moundsville and is in favor of the zone change.

Councilperson Wood feels that the City of Moundsville should not turn businesses away. Competition is good and hopefully this retail business will not affect any other business.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. 5 yeas, 1 nay, 1 abstain. Lemasters nay, Wallace abstain. Motion carried.

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

1. Recommend Council to Direct the City Manager to Equalize Commercial Refuse Rates in the City of Moundsville.

Councilperson Haynes made a motion to direct the City Manager to Equalize Commercial Refuse Rates in the City of Moundsville, seconded by Councilperson Simms. Motion carried unanimously.

### **COUNCIL ITEMS:**

\* **Wood** - Asked Manager Hendershot when council will start working on the 2008-2009 Budget? Manger Hendershot reported forms will be sent out and workshops will be scheduled.

\* Asked for an update on 7<sup>th</sup> Street. Manager Hendershot reported that core drilling has been done and gone through the engineer selection process. They are beginning to work in the direct of permanent repair to that area. The Sanitary Board, under Councilperson Simms' direction, have already began a separation project on Jefferson Avenue and also on the Training Center. The city is administering two grants for two major separation projects and now 7<sup>th</sup> Street. Rate increases are an option to cover these major expenses. Estimates on 7<sup>th</sup> Street are approximately \$350,000 range.

- \* Wished to thank Mayor Wallace for the job he has done as mayor.
- \* Wish everyone a Merry Christmas & Happy New Year.
- \* **Cunningham** - Nothing at this time.
- \* **Lemasters** - Asked that midnight officers check the street lights along Lafayette Avenue, several burned out.
- \* Reported meters not working in front of Gold, Khourey & Turak Office.
- \* Wished to thank Mayor Wallace for an excellent job.
- \* Wish everybody a Merry Christmas & Happy New Year.
- \* Announced his candidacy for the mayor position to be elected at the January 2, 2008 meeting.
- \* **Simms** - Congratulations to Mayor Wallace for his 4 years as mayor.
- \* Wish everyone Merry Christmas & Happy New Year.
- \* **DiRemigio** - Also announced his candidacy for the mayor position because as mayor he hopes to accomplish obtaining Health Insurance for everyone in the City of Moundsville.
- \* Wish everyone a Merry Christmas & Happy New Year.
- \* **Haynes** - Requested the Street Department to gravel alley behind 2012 First Street & 2101 Arlington Avenue.

Councilperson Haynes made a motion to hold an executive session for personnel matters after a recess, seconded by Councilperson Simms. Motion carried unanimously.

Meeting recesses at 8:10 p.m.  
Executive Session began at 8:15 p.m.  
Executive Session recessed at 8:45 p.m.

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

Meeting adjourned at 8:46 p.m.

---

Sondra J. Hewitt, City Clerk

---

Dennis Wallace,  
Mayor