

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,  
APRIL 1, 2008**

The Council of the City of Moundsville met in Regular Session in the Council Chambers on April 1, 2008 at 7:00 p.m.

Meeting was called to order by Mayor Wayne Lemasters.

Invocation by Councilperson Mark Simms. Mayor Lemasters asked for a moment of silence in memory of former Street Department employee Mark Clark who recently passed away.

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

**MINUTES:**

**Regular Council Meeting of March 18, 2008.**

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

**GENERAL PUBLIC HEARING:**

\* Carl Boso, 305 Tenth Street, asked that council extend his contract for the boat docks to a 10 year agreement because he is hoping to install pylons to secure the docks when flooding. The contract expires in May of 2008.

Councilperson Simms made a motion to amend current contract and extend the amount of time from 5 years to 10 years, seconded by Councilperson Haynes. Motion carried unanimously.

\* Mr. Boso also complained about the traffic light at 10<sup>th</sup> & Lafayette Avenue reporting the east & west side doesn't change to green when it should and sometimes all lights north & south and east & west show red when nobody has pushed the crosswalk button.

Chief Kudlak reported having trouble with the light for awhile and contacting the state on the issue.

\* Mr. Kachalo, 31 Fostoria Avenue, asked when the city was going to do something about the alley behind his residence. Mayor Lemasters directed Mr. Kachalo to a lawyer stating this is a civil matter.

**OLD BUSINESS:**

**Discussion and Approval of an Ordinance Concerning an Increase in Garbage Rates.  
(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 953.10(a)(1) OF THE CITY CODE TO INCREASE THE RESIDENTIAL GARBAGE RATE. (SECOND READING)**

Councilperson Simms made a motion to approve the ordinance pertaining to residential Garbage Rate increase, seconded by Councilperson Wood.

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

**Discussion and Approval of an Ordinance Concerning an Increase of the Public Safety Rate. (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 759.01 OF THE CITY CODE TO INCREASE THE PUBLIC SAFETY RATE. (SECOND READING)**

Councilperson Wood made a motion to approve the ordinance pertaining to Public Safety Rate increase, seconded by Councilperson Haynes. Motion carried unanimously.

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

**Discussion and Approval of an Ordinance Concerning an Increase of the Business and Occupation Tax. (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 745.07 OF THE CITY CODE TO INCREASE THE BUSINESS AND OCCUPATION TAX RATE FOR RETAIL SALES OF TANGIBLE PROPERTY. (SECOND READING)**

Councilperson Simms made a motion to approve the ordinance pertaining to Business and Occupation Tax increase, seconded by Councilperson Haynes.

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

**NEW BUSINESS:**

**Discussion and Approval of an Ordinance Pertaining to Municipal Fee 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 760.01 OF THE CITY CODE TO INCREASE THE MUNICIPAL FEE RATE. (FIRST READING)**

Councilperson Wood made a motion to approve the ordinance pertaining to Municipal Fee rate increase, seconded by Councilperson Simms.

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

**Appointment to the Unexpired Term on the Parks and Recreation Board.**

The Moundsville Recreation Board submitted a letter of recommendation to council on Michael Bell. Councilperson Simms made a motion to appoint Mr. Bell to the Moundsville Parks & Recreation Board for an unexpired term, seconded by Councilperson Haynes. Motion carried unanimously.

**Discussion of an Emergency Resolution for Repairs to the City Garage Roof. A Resolution of the Council of the City of Moundsville, West Virginia, Authorizing Repair of the Roof on the City Garage on an Emergency Basis Without Utilizing Competitive Bidding.**

Councilperson Wood made a motion to approve the resolution authorizing emergency repair to the roof on the City Garage, seconded by Councilperson Wallace. Motion carried unanimously.

Councilperson Simms made a motion to accept the quote from Trigg Construction in the amount of \$29,100.00 to repair the City Garage Roof, seconded by Mayor Lemasters. Motion carried unanimously.

**Approval of the 2008-2009 Moundsville Sanitary Board Budget.**

Councilperson Wallace made a motion to receive and file the 2008-2009 Moundsville Sanitary Board Budget, seconded by Councilperson Haynes. Motion carried unanimously.

**Approval of the 2008-2009 Moundsville Water Board Budget.**

Councilperson Wood made a motion to receive and file the 2008-2009 Moundsville Water Board Budget, seconded by Councilperson Wallace. Motion carried unanimously.

**MANAGER ITEMS:**

**Debt Analysis Study.**

Acting City Manager Chief Kudlak announced that City Manager Hendershot attended a meeting with Mr. Robin Capehart, West Liberty College, concerning the debt analysis study to be conducted in relationship to the preliminary engineering study for the municipal building program. Manager Hendershot has asked that council authorize him to proceed with discussion with Mr. Capehart on the matter.

Councilperson Simms made a motion to authorize City Manager Hendershot to proceed with discussion on the debt analysis study with Mr. Capehart, seconded by Councilperson Wood. Motion carried unanimously.

**2008 Assistance to Firefighters Grant Program.**

Fire Chief Clarke announced that he will be submitting a grant application for the 2008 Assistance to Firefighters Grant Program. Chief Clarke noted that is monies are not available at the time of the match, council can turn the grant down.

Councilperson Simms made a motion to proceed with application of the grant, seconded by Councilperson Haynes. Motion carried unanimously.

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

\* City Council, Manager & City Attorney received a Thank You card from the family of former Council member Ralph DiRemigio.

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

\* Chief Kudlak announced that Moundsville Mayor and Council have been invited to attend a Town Hall meeting for the Family Resource Network to prevent underage drinking within Marshall County. One has been scheduled at Cameron High School April 1, 2008 from 3:30 to

5:30 p.m. Second has been scheduled at John Marshall High School April 3, 2008 from 4:00 to 6:00 p.m.

\* Marshall County Chamber of Commerce Business After Hours hosted by United Bank on Thursday, April 3, 2008 from 5:00 to 7:00 p.m.

\* The Police Department received a \$7,200 award to purchase lap top computers for police cars. The award is for racial profiling data on every traffic stop. Since lap tops have already been purchased and placed in vehicles, Chief Kudlak has decided to purchase scanners that will attach to the lap tops to scan bar codes on drivers license.

\* Attorney White presented legal ads published in the Moundsville Daily Echo to be received and file by council.

1. Ordinance for Increase to Garbage Fee
2. Ordinance for Increase to Public Safety Fee
3. Ordinance for Increase to B&O Tax.

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

#### **MAYOR ITEMS:**

\* Mayor Lemasters received complaints of large amount of debris on Jefferson Avenue Extension near Dorsey Street Housing. Moundsville Housing Authority needs contacted about the trash.

\* Mayor Lemasters asked for more patrol of East End Playground.

\* Family Counseling Connection of Charleston is asking Municipalities to purchase flags for children. Mayor Lemasters made a motion to send this request to Finance, seconded by Councilperson Simms. Motion carried unanimously.

#### **COMMITTEE REPORTS:**

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

Councilperson Wallace scheduled a Finance Meeting on Wednesday, April 9, 2008 at 6:00 p.m.

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

Councilperson Simms scheduled a Traffic Meeting to follow the Finance Meeting.

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

Councilperson Wood scheduled a Policy Meeting to follow the Traffic Meeting.

**COUNCIL ITEMS:**

\* **Wood** - Wished to extend his sympathy to the family of Mark Clark.

\* Asked for an update on the house across from Smith Mart on First Street. Building Inspector Wise reported the Building Enforcement Agency has met and will be taking appropriate measures to assure the house will be repaired or razed.

\* Reported the roof falling in on another abandoned building on the alley of Elm Avenue & Cypress Avenue.

\* Asked if testing has been given to hire officers in the Police Department? Chief Kudlak reported Civil Service is in the testing process and another test will be given April 25, 2008.

\* **Wallace** - Asked if the Financials will be ready for Finance Meeting on Wednesday or would Ms. Goddard prefer the meeting to be held the week after the 3<sup>rd</sup> council meeting of the month? Ms. Goddard said she preferred the meeting the week after the 1<sup>st</sup> council meeting.

\* **Simms** - Nothing at this time.

\* **Cunningham** - Reported street lights need higher wattage on Jefferson Avenue across from the prison. Manager Hendershot was supposed to contact the AEP to change the lights. Councilperson Simms said the Traffic Committee will discuss this item.

\* Asked that officers be available to lead funeral escorts every time of a funeral. Councilperson Haynes agreed with Cunningham asking that officers be paid over time for leading funeral escorts. Mayor Lemasters suggested sending this matter to Policy Committee.

\* Reported junk vehicles at Second Street & Washington Avenue in old Dales Pontiac lot. Chief Kudlak reported the council could not agree on revising the abandoned/junk vehicle ordinance. Mayor Lemasters referred this to Policy Committee.

\* **Haynes** - Complained the street sweeper does not run on Wesley Park.

\* Reported a house at 1 Oak Avenue needs cleaned up, people moved out. Councilperson Wallace made a motion to adjourn, seconded by Councilperson Simms. Motion carried unanimously.

Meeting adjourned at 7:45 p.m.

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Sondra J. Hewitt, City Clerk

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Wayne Lemasters, Mayor