

WEIRTON CITY COUNCIL COUNCIL MEETING - REGULAR MONDAY, FEBRUARY 11, 2019, 11: 00 AM

A regular meeting of the Common Council of the City of Weirton, Hancock and Brooke Counties, West Virginia was held on Monday, February 11, 2019, at 11:00 A.M., in the Council Chambers of the Weirton Municipal Building.

Attendance:

Mayor and Councilmembers

Harold E. Miller	Mayor
Tim Connell	Councilmember Ward 1- Absent
Mike Adams	Councilmember Ward 2
Fred S. Marsh	Councilmember Ward 3
George E. Ash, Sr.	Councilmember Ward 4
Douglas L. Jackson	Councilmember Ward 5 - Absent
Enzo Fracasso	Councilmember Ward 6
Terry Weigel	Councilmember Ward 7

City Officials

Rob Alexander	Police Chief
Matt Burskey	Interim Chief Code Official
Joseph B. DiBartolomeo	City Manager
Donna Gialluco	Weirton Transit Manager
Jessica Gumm	Planning and Development, Program Manager
Vincent S. Gurrera, Esq.	City Attorney
Scott Marshall	Public Works, Electrician
DeeAnn Pulliam	City Clerk
Rik Rekowski	Library Director
Diana Smoljanovich	Finance Director
Coty Shingle	Park Board Director

10:40 a.m. Public Hearing - To conduct a public hearing with respect to proposed Ordinance No. 2057. An Ordinance Authorizing the City of Weirton to Submit to The Municipal Home Rule Board a Proposed Amendment, Attached Hereto as Exhibit A, to the City of Weirton's Municipal Home Rule Plan Consistent with West Virginia Code § 8-1-5a, Requesting Approval to Allow the Sale of Alcoholic Beverages by Certain Alcohol Beverage Control Administration Class "A" License Holders Beginning at 10:00 a.m. on Sundays.

COMMENTS:

Blaise Hogan, in opposition of the ordinance, reason for opposition of the ordinance, is because passing it would take us morally away from our Christian Culture that we once had. A written statement (attached hereto) was provided by Mr. Hogan relating to his oppositions.

Emily "Birdie" Rose, in support of the ordinance, came as a representative from Spicy Gringos, in support of the ordinance for local businesses.

Rich Ryan, in support of the ordinance, came as a representative from PeppeBroni's Pizza, in support of the ordinance. Reasons of support for the ordinance is because it would be great for the community and great for local businesses to compete with neighboring states.

Dewey Guida, in support of the ordinance, came as a representative from DeeJays BBQ Ribs and Grille in support of the ordinance to continue moving our city progressively forward.

Brenda Mull, in support of the ordinance, came as a representative from the Weirton Area Chamber and on behalf of the business community in support of the ordinance. Reasons of support are for our local businesses to offer the same alcohol sales that our neighboring states do.

Dan Greathouse, in support of the ordinance, came as a representative of the Top of West Virginia Convention Bureau and business of Brooke and Hancock Counties in support of the ordinance. It was stated that the Board and membership are also in support of the ordinance.

The Public Hearing was officially closed by DeeAnn Pulliam, City Clerk

February 11, 2019, Regular Council Meeting

Mayor Harold Miller, called the meeting to order.

DeeAnn Pulliam, City Clerk, conducted the roll call.

DeeAnn Pulliam, City Clerk, recited the opening prayer.

Mayor Harold Miller, led everyone in the reciting of the Pledge of Allegiance.

THE FINAL ROLL CALL CEREMONY

Councilman George Ash, requested that everyone remain standing for the Final Roll Call Ceremony

Councilman George Ash, on behalf of the Mayor and Council of the City of Weirton and a grateful nation, we take a moment to honor our deceased veterans. When we call out their names, a bell will ring as a symbol of their honorable and faithful service.

DeeAnn Pulliam, City Clerk, read the names of the deceased veterans

Police Chief Rob Alexander, rang the bell after each name as a symbol of the veteran's honorable and faithful service

Final Roll Call -January 2019 Meeting

- **Carl "Reece" Mink**
- **Frank Paul**
- **Kenneth G. Platko**
- **Edward S. Rodak**
- **Walter "Dutch" Steiner Jr.**
- **Walter Wayne Walters**
- **Norman Ray "Buckeye" White**
- **James White Jr**

To end the ceremony, a video of Taps was performed by Pershing's Own at Arlington National Cemetery was played.

Councilman George Ash, asked for everyone to please be seated

MAYORS AWARDS AND PROCLAMATIONS:

VETERAN'S PROCLAMATION - BRIAN JAMES WILLIAMS

Brian James Williams served in the United States Army from July 25, 1985 to December 12, 1988. Mr. Williams served as a Combat Engineer at Fort Sill, Oklahoma where he was promoted to E4 on June 30, 1987. His achievements in the Army include the Good Conduct Medal, Overseas Service Ribbon, Rifle M-16 Expert, Hand Grenade marksman, Army Achievement Medal, and he completed the German Head start Training. Brian served in the United States Navy from November 27, 1989 to January 29, 1996, as a Tactical Command System Afloat Operator, and was promoted to ES on November 16, 1992. He was stationed at the USS Chosin Naval Station in Pearl Harbor, Hawaii. His achievements in the Navy include the Good Conduct Medal, Navy Unit Commendation Ribbon, Southeast Asia Service Medal (4), Sea Service Deployment Ribbon, National Defense Service Ribbon, and Kuwait Liberation Medal. Brian has served as a City of Weirton Police Officer from September 1, 2000, to current, and; Harold E. Miller, Mayor of The City of Weirton, West Virginia, does hereby recognize Brian James Williams, for his dedicated military service to our country, on February 11, 2019.

CITIZENS REMARKS:

Matt Provenzano, City Insurance, attended the meeting as a representative with Pro Insurance Group who provided a quote for the City's Property Liability Insurance, and was there for any additional questions the Mayor or Council may have.

Joseph B. DiBartolomeo, City Council and Mayor Pay Raises, addressed the challenges towards the Mayor and Council pay raises voiced in a letter-to-the editor and others who have opposed the pay raises by stating facts and reasons. In addition, the responsibilities of the Mayor and Council compared to their salaries were discussed.

DeeAnn Pulliam, City Clerk, read into record comments and questions David Kline provided in a written statement (attached hereto) regarding Ordinance No. 2056. An Ordinance Approving and Implementing Tax Increment Financing Project Plan No. 2 - Park Drive Development within the City of Weirton Three Springs Drive Tax Increment Financing District NO. 1

COMMUNICATIONS:

Councilman Fred Marsh, requested information to be on record. Chloe Orecchio, our January 2019 Community Hero, was honored by the Prudential Spirit of Community Awards. The article regarding the Prudential Spirit of the Community has been submitted as part of the records.

The Prudential Spirit of Community Awards - West Virginia's Top Youth Volunteers 2019 Selected by National Program: The Prudential Spirit of Community Awards honors Craigsville and Weirton students with \$1,000, medallions and trip to nation's capital -

Cloe Orecchio, 11, of Weirton was named one of West Virginia's top youth volunteers of 2019 by The Prudential Spirit of Community Awards a nationwide program honoring young people for outstanding acts of volunteerism. As a State Honoree, Chloe will receive \$1,000, an engraved silver medallion and an all-expense-paid trip to Washington, D.C. During the trip, 10 students will be named America's top youth volunteers of 2019. The Prudential Spirit of Community Awards represents the United States' largest youth recognition program based solely on volunteer service.

Councilman Fred Marsh, presented a letter from Despina Melonas, at 237 East Parkway Street, Weirton, WV 26062, suggesting a Dog Park at Woodlawn Estates. The letter was given to Executive Director Coty Shingle to present to the Park Board, and then to report the Park Board's response at the March Council Meeting.

Mayor Harold Miller, reported he had a meeting with the Property Owner's, BDC, and the Development Engineers regarding the development of the Three Springs Complex. And that the Convention Center was not in their sights to build. They are talking more on residential, retail, maybe a small park, and more beautification of the area. The convention center was a suggestion based off the lack of places to hold large events. However, a convention center is not part of the property owner's plans. The owners will develop the property and own the buildings, not the City of Weirton. An increase in sales tax would be the benefit. As far as the property's owner's involvement, the Convention Center is not part of the development.

Vince Gurrera, City Attorney, announced that a bill for the sale of alcoholic beverages similar to the ordinance we have up that will amend our Home Rule Plan, just passed through the House of Delegates and is in front of the Senate. Even though there is a similar bill that is on the fast track through legislature, he suggested we move forward with the approval of the ordinance amending our Home Rule Plan to include the Brunch Bill.

READING OF THE MINUTES:

A motion to approve the January 7, 2019, Regular Council Meeting minutes was made by Councilman Ash, and second by Councilman Fracasso.

Motion passed 5/0

OLD BUSINESS:

- 1. Second Reading of Ordinance No. 2055. An Ordinance Modifying Ordinance #1313 Establishing New Minimum and Maximum Salary Levels of Specific Non-Union Municipal Employees within Specific Departments of the City of Weirton General Fund and Adding/Eliminating Specific Positions. (City Manager)**

A Motion was made to approve the second reading of the ordinance by Councilman Ash, and second by Councilman Weigel.

Motion passed 5/0

- 2. Second Reading of Ordinance No. 2056. An Ordinance Approving and Implementing Tax Increment Financing Project Plan No. 2 - Park Drive Development within the City of Weirton Three Springs Drive Tax Increment Financing District NO. 1. (City Manager)**

A Motion was made to approve the second reading of the ordinance by Councilman Marsh, and second by Councilman Ash.

Motion passed 5 / 0

- 3. Second Reading of Ordinance No. 2057. An Ordinance Authorizing the City of Weirton to Submit to The Municipal Home Rule Board a Proposed Amendment, Attached Hereto as Exhibit A, to the City of Weirton's Municipal Home Rule Plan Consistent with West Virginia Code § 8-1-5a, Requesting Approval to Allow the Sale of Alcoholic Beverages by Certain Alcohol Beverage Control Administration Class "A" License Holders Beginning at 10:00 a.m. on Sundays. (City Manager)**

A Motion was made to approve the second reading of the ordinance by Councilman Ash, and second by Councilman Adams.

Motion passed 5/0

Councilman George Ash, did we ever find out about whether this applied to the LLB Clubs.

DeeAnn Pulliam, City Clerk, it is all dependent on whether they are Class "A" License holders.

NEW BUSINESS:

- 1. An Ordinance to the Amendment No. 801 to the Traffic Control Map Ordinance No.214 of the City of Weirton to yellow the curbs between the entrances in and out in front of the Christian Center located at 117 Ivy Street. (Councilman Marsh)**

A Motion was made to approve the first reading of the ordinance by Councilman Marsh, and second by Councilman Weigel.

Motion passed 5 / 0

- 2. An Ordinance Modifying Ordinance # 1483, as Amending the Established Citizens with Disabilities Advisory Commission Removing Residency Requirement. (City Manager)**

Councilman George Ash asked for a motion for the ordinance to be removed from the agenda, second by Councilman Marsh.

Motion to remove the ordinance from the agenda passed 5/0

- 3. A Resolution to Enter Into a Contract with Justice Business Services LLC for the Asbestos Abatement of Property Located at 3321 Elm Street (\$994.00).(City Manager)**

A Motion was made to approve the resolution by Councilman Ash, and second by Councilman Marsh.

Motion passed 5/0

- 4. A Resolution to Enter Into a Contract with Pulice Construction for the Demolition of Property Located at 3221 Elm Street (\$9,700.00). (City Manager)**

A Motion was made to approve the resolution by Councilman Ash, and second by Councilman Weigel.

Motion passed 5 /0

- 5. A Resolution to Enter Into a Contract with Pulice Construction for the Demolition of Property Located at 4104 Labelle Avenue (\$8,700.00). (City Manager)**

A Motion was made to approve the resolution by Councilman Ash, and second by Councilman Marsh.

Motion passed 5/0

6. A Resolution to Enter Into a Contract for the Purchase of One (1) 2019 Chevrolet Equinox, AWD, 40 for the Inspections Department of the City of Weirton (\$21,966.00). (City Manager)

A Motion was made to approve the resolution by Councilman Ash, and second by Councilman Fracasso.

Motion passed 5 / 0

7. A Resolution to Enter Into a Contract for the Purchase of One (1) 40' Altec Bucket Truck for the Electrical Department at Public Works (\$118,342.00). (City Manager)

A Motion was made to approve the resolution by Councilman Ash, and second by Councilman Weigel.

Motion passed 5/0

8. A Resolution to Renew the City's Annual Support Contract with NORTEC for the continued support, maintenance and enhancement of the City's Computer Hardware (\$5,328.00). (City Manager)

A Motion was made to approve the resolution by Councilman Ash, and second by Councilman Adams.

Motion passed 5 / 0

9. A Resolution to Enter into Contract for Property and Liability Insurance Coverage for the City of Weirton (\$562,022.47) (WV Surcharge \$3,007.47) (City Manager)

A Motion was made by Councilman Ash to put the resolution on the floor to be amended, and second by Councilman Fracasso.

Councilman Ash Made a motion to amend the resolution to except the bid from Assure America in the amount of \$588,525.00, and second by Councilman Fracasso.

Motion passed 5 / 0

Councilman George Ash, to explain why, the Charter does not say we have to accept the lowest bid. It states we should accept the bid most beneficial to the City of Weirton. Travelers and Assure America has been with us for years, they are local,

pay service fees, pay B&O tax, and employ people. And their bid is believed to be within the 5% bid range that is stated in the charter.

Councilman Ash made a motion to accept the resolution for Property Liability Insurance as amended and second by Councilman Fracasso.

Motion passed 5 / 0

10. A Resolution to Become a Participating Employer of the West Virginia Municipal Police Officers and Firefighters Retirement System (MPFRS) for Municipal Police Officers. (City Manager)

A Motion was made to approve the resolution by Councilman Ash, and second by Councilman Adam.

Motion passed 5 / 0

Councilman Fred Marsh, this is now a state pension program we are going into. Do we still need a pension board?

Diana Smoljanovich, Finance Director, yes, because we still have our pension. We are just closing it out to any new employees.

Councilman Fred Marsh, so the pension board will have no say in this new system.

Diana Smoljanovich, Finance Director, correct.

Councilman George Ash, as you know we have the sales tax. The majority if not all of it, will be going to the police and fire pension funds, so do not think we are getting sales tax so we have a lot of money, because that money is gone if this is passed.

Councilman Terry Weigel, these pensions have been a big issue for years and years. I am proud to say we have finally come up with a solution to ensure these pensions for our employees for good. It is something we have an obligation to, and I am real proud we have found a solution.

Joseph DiBartolomeo, City Manager, Diana please report why we had to address the police pension because we were so underfunded and exactly how much we were underfunded.

Diana Smoljanovich, Finance Director, we are only 13.6% funded. We are grossly underfunded for the police pension.

Mayor Harold Miller, a couple of years ago we amended our Home Rule to include the sales tax. We were criticized for the sales tax, but unjustly because surrounding

states had sales tax. Thanks to the sales tax we can place \$2 million in the pension fund, and that will only hurt us for a short time due to the economic growth in Weirton. Diana was thanked for working with the pension board to make this possible.

11. A Resolution to Fund in Part the Utility Infrastructure Task Force (not to exceed the amount of \$18,400.00). (Councilman Ash and Councilman Fracasso)

A Motion was made to approve the resolution by Councilman Ash, and second by Councilman Fracasso.

Motion passed 5 / 0

Councilman George Ash, to clarify we have a utility task force, and for a study to be done they need \$55,000. I ask the council to support the \$18,400.00, and the Water and Sanitary Board will cover the rest. We have businesses that want to come into town, and we need to have the facilities to support them. We need to get this upgraded as fast as we can.

Mayor Harold Miller, the request for sewage and water in the City of Weirton is very important to support new businesses.

Councilman George Ash, I get asked all the time what are these businesses coming here. I can assure you that there are businesses that want to come to town.

Mayor Harold Miller, we all have seen the BOP shop being torn down. The company, Frontier, that is demolishing the building, is also an investor and builder.

12. A Resolution Designating an Acting City Manager. (Councilman Ash)

A Motion was made to approve the resolution by Councilman Ash, and second by Councilman Marsh.

Motion passed 5 / 0

APPOINTMENTS:

N/A

Finances - Diana Smoljanovich. Finance Director

General Fund Cash Report for January 2019

Beginning Cash Balance:	\$2,649,772.92
Interest on Checking:	\$1,199.43
Deposits:	\$1,786,880.94
Draw-downs on Investment:	\$ 0.00
Disbursements:	\$1,199,985.73
Deposits to Investments:	\$ 0.00
Ending Cash Balance:	\$3,237,867.56
Beginning Investment Balance:	\$ 0.00
Interest on Investments:	\$ 0.00
Investment Proceeds:	\$ 0.00
Change in Value:	\$ 0.00
Deposits:	\$ 0.00
Withdraws:	\$ 0.00
Ending Investment Balance:	\$ 0.00
Petty Cash:	\$ 800.00
Total Cash and Investments Available:	\$ 3,238,667.56

Diana Smoljanovich, Finance Director, reported that of that over \$600,000 went into the police pension at the beginning of February, and out of that \$325,000 will go into their investment account. It was announced that the auditors will be here February 25, and advised the Mayor and Council that they generally wish to speak with the Mayor and a couple of the councilmembers. In addition, work on the budget will begin, and a committee is being formed to work with the department heads.

There are no outstanding invoices for approval.

Motion was made by Councilman Marsh, and second by Councilman Weigel.

Motion passed 5/0

Mayor Harold Miller, announced that Diana Smoljanovich would be the acting City Manager while the search for a new city manager is being conducted.

DEPARTMENTAL R E P O R T S

Police Department - Chief Alexander

Recognized Detective Beatty for his bravery and assistance in an accident at the Veterans Bridge where two boys were thrown out of their vehicles. To this point the boys are still alive, thanks to his aide in the accident.

Mayor Harold Miller, recognized Detective Beatty and the other police officers for their acts of and involvement they have in the community.

Park Board - Coty Shingle

It was announced that the Park Board meeting was scheduled for February 21, 2019. The Park Board will begin activating their outdoor crews to begin preparing for the Spring and Summer seasons. Joe was thanked for his positive influence on the administrators and staff.

Councilman George Ash, reminded Coty to begin with work Jessica.

Inspections - Matt Burskey

Had nothing additional to report

Library - Rik Rekowski

It was reported that Saturday, February 16 and Saturday, February 23, the library would be showing free films. At 5:30 p.m. on both February 11 and February 25, there will be job career workshops. Also, in honor of Black History Month, Mr. Ambrose Bowling is going to a presentation on Thursday, February 25, 2019, at 6:30 p.m. on the Tuscany Airmen. Instruction books for the filing of Federal taxes are available at the library. There is also an online pre-tax service available at Library provided by the IRS and the National United Way.

Weirton Transit - Donna Gialluco

Rod Rosnick and Public Works was thanked for their work on cleaning our streets during the bad weather. Ms. Gialluco announced that the Board of Transit meeting is Wednesday, February 13, 2019, at 6:00 p.m. Operation Manager, Kevin Beynon is retiring and will be recognized at the meeting for his year of service.

Public Works - Scott Marshall

Had nothing additional to report

Mayor Harold Miller, announced that the Renaissance Committee purchased colored commercial lights for Cove Commons, and that the Mosaic on the wall is still being worked on.

Planning & Development - Jessica Gumm

Nothing additional to report

Mayor Harold Miller, recognized Joseph B. DiBartolomeo for his time serving as the

City of Weirton's City Manager, and the outstanding job he has done working with Council and the employees. It was announced that a committee was being formed to help in choosing the next City Manager.

Joseph B. DiBartolomeo, City Manager, thanked Mayor, Council, and City Staff for his time serving as the City Manager.

Councilman George Ash, expressed his gratitude to the City Manager for his transparency and time served in his role.

Councilman Mike Adams, complimented the City Manager for his leadership and transparency to the City, and for his leadership and service to our Country.

Councilman Enzo Fracasso, stated his gratitude to the City Manager for his transparency and leadership in the City.

Request by Council to convene into Executive Session consistent with WV Code § 6-9A-4-A

N/A

DeeAnn Pulliam, City Clerk, recited the closing prayer.

Mayor Harold Miller, called for a motion to adjourn the meeting.

Motion to adjourn the meeting was made by Councilman Ash, and second by Councilman Weigel.

Motion passed 5 / 0

To the Editor

Recently in the discussion proposing a Sunday brunch ordinance it was stated the prohibition against serving alcohol before 1 PM on Sundays in restaurants was an antiquated blue law. The blue laws were in support of God's law, notably the Third Commandment to "keep Holy the Sabbath". The blue law concerning alcohol was to encourage folks in a predominately Christian culture to attend church services Sunday mornings to fulfill at a minimum the third law of God.

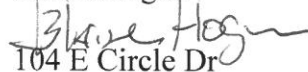
But today we are too sophisticated to give God's Law much import. What is paramount is making money regardless of what day of the week it is. You have to pay the piper for those slots, they are not cheap. So why not get them spinning on Sunday mornings with a little help from the universal social lubricant, alcohol, that decreases inhibition and often good judgment?

Another antiquated idea today apparently is regulating pornography. We have come from the famous supreme court Justice retort when asked to define pornography with "I know it when I see it" to it being protected free speech. So when I recently opened a new email account, I had a solicitation from a porn site exercising its free speech pictorially with a man, women, and a German shepherd.

Jayme Closs, a 13 year old, was rescued last Thursday from a baby faced, 21 year old, who several months ago broke into her home in the middle of the night, murdered her parents with a shot gun, and kidnapped her to hold her captive obviously to be his sex slave. In modernity, all kinds of bizarre sexual insanity are occurring at an ever increasing rate by predators of all ages and stripes. To know that, all you have to do is read and watch the local news. Yet, we are unable to make the connection between the addictive, pernicious affect internet porn has on the psyche and the compulsion to perversely sexually act out.

Are the old blue laws that were based on biblical morality really antiquated, or have we just gotten too big and foolish for our sophisticated britches?

Blaise Hogan



104 E Circle Dr

Weirton, WV

304.224.6858

To be placed in the public record of the City of Weirton

February 11, 2019 – Weirton City Council meeting. I will be out of town and cannot attend the meeting.

Written Public Comment – per Public Notice – Weirton Daily Times, January 22, 2011

Comments – Ordinance #2056 – TIF Project Plan 2 – Park Drive Development

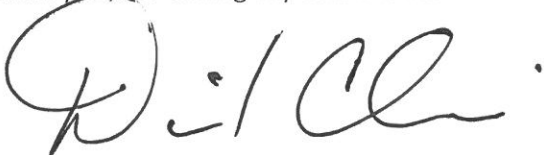
A.

1. I support the use of TIF funding for infrastructure within the TIF District, including roadways, sidewalks, lighting, storm drainage, and public utilities.
2. I question the use of TIF funding to construct a conference and event center.
3. What happens if TIF funds are needed for future infrastructure within the TIF District (before 2034), and all the funding is obligated to the event center?
4. Note – the TIF Dist is too large. – smaller districts may have worked better over the long haul.
5. What is a “alternate financial arrangement regarding the real property” ?
6. What happens to the real property (event center) if the bond obligation is not met? Will the event center be sold to the bond holders to meet the bond obligation?

B.

1. The market study done by Pompan Hospitality Global was not made public.
2. I asked about a Business Plan for the Event Center and I got no response from my councilmen. “Travis has one”. How are we (the city) going to operate this facility?
3. Will any general fund dollars be used for start up, furnishings, operations or long term maintenance of the Event Center? What is the plan? Who will manage the facility?
4. TIF funding is covering the construction cost – aka mortgage.

Thank you for taking my comments

A handwritten signature in black ink, appearing to read "David Cline". The signature is fluid and cursive, with a large initial "D" and "C".

David Cline, 320 Booker Street, Weirton