

**CITY OF WEIRTON
COUNCIL MEETING – REGULAR
MONDAY, MARCH 13, 2023 7:00 PM
WEIRTON MUNICIPAL BUILDING - COUNCIL CHAMBERS*
200 MUNICIPAL PLAZA, WEIRTON, WV 26062
OPEN TO THE PUBLIC**

PRAYER

PLEDGE OF ALLEGIANCE

MEETING CALLED TO ORDER

ROLL CALL

MAYOR’S AWARDS AND PROCLAMATIONS

- Proclamation – National Vietnam War Veterans Day
- Certificates Recognizing Police K9 Retirements

CITIZENS’ REMARKS

Executive Session shall be held only if a majority vote of the members of the governing body vote to hold an executive session and the items for consideration shall consist of any and all of those contained within West Virginia Code 6-9A-4.

READING OF MINUTES

- February 3, 2023 – Special Council Meeting
- February 13, 2023 – Regular Council Meeting

FINANCE COMMITTEE COMMENTS/FINANCIAL REPORT

UNFINISHED BUSINESS:

1. Second Reading of Ordinance No. 2201, to Amend the Traffic Control Map, Ordinance No. 214, to Rescind Ordinance No. 427, Amendment No. 125, dated October 28, 1975, that changed the traffic pattern on the alley between the Genuine Parks and the Weirton Motel from “One-Way” Going West to “One-Way” going east. (Councilman Ash)
2. Second Reading of Ordinance No. 2202, to Amend the Traffic Control Map, Ordinance No. 214, to Establish Traffic Patterns and Necessary Signage for the Alley that Runs Behind Gus’s Goodies and Mario’s Restaurant. (Councilman Ash)

*Accessible entrance is located at the Police Department entrance on the east side of the building.

NEW BUSINESS:

1. A Resolution of Appreciation for All Who Were Instrumental in Bringing Form Energy to Weirton, West Virginia. (Mayor Miller, Councilman Connell, Councilman Jonczak, Councilman Marsh, Councilman Ash, Councilwoman Perrone, Councilman Fracasso, Councilman Weigel, City Manager)
2. A Resolution Authorizing the Payment of 2023-2024 West Virginia Municipal League Dues in the Amount of \$6,898.68. (City Manager, Mayor Miller)
3. A Resolution to Enter into a Contract with Kelly Paving for City Wide Milling and Paving of Various City Streets (\$1,520,440.63). (City Manager, Mayor Miller)
4. A Resolution to Enter into a Contract with Kelly Paving for Milling and Paving of CDBG Eligible Streets (\$260,421.28). (City Manager, Mayor Miller)
5. A Resolution to Allocate Funding for Cleaning, Repairing or Replacing Storm Sewers (Catch Basins) within Ward IV of the City of Weirton (\$150,000.00). (Councilman Ash)
6. A Resolution to Enter into a Contract with Stericycle, Inc. for Shredding Services for the City of Weirton (\$3,000.00). (City Manager, Mayor Miller)
7. A Resolution to Enter into a Contract with Nortec Communications, Inc. to Provide the Services to Implement Microsoft 365 Cloud-Based Infrastructure for the City of Weirton (One-time set up \$3,230.00/Monthly \$3,538.00.) (City Manager, Mayor Miller)
8. A Resolution to Authorize a One-Time Allotment of up to \$75,000 to the Weirton Transit Corporation to Pay the Unpaid Tax Balance Due to the IRS. (Councilman Weigel)
9. A Resolution to Approve the 2023-2024 Fiscal Year General Fund and Coal Severance Fund Budgets. (City Manager, Mayor Miller)
10. A Resolution to Authorize Revisions to the 2022-2023 Fiscal Year General Fund Budget. (City Manager, Mayor Miller)
11. A Resolution to Authorize Revisions to the 2022-2023 Fiscal Year Coal Severance Fund Budget. (City Manager, Mayor Miller)

CITY MANAGER AND DEPARTMENTAL REPORTS

MAYOR AND COUNCIL COMMENTS/COMMUNICATIONS

ADJOURNMENT

PRAYER

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INFORMATIONAL COUNCIL MEETING

Monday, March 13, 2023

COUNCIL CHAMBERS

6:55 p.m.

*Accessible entrance is located at the Police Department entrance on the east side of the building.

MEETING MINUTES WEIRTON CITY COUNCIL

Regular Council Meeting
Weirton Municipal Building – Council Chambers
200 Municipal Plaza, Weirton, WV 26062
Monday, March 13, 2023, 7:00 p.m.

Councilman Timothy Connell recited the opening prayer and led the Pledge of Allegiance.

Mayor Harold Miller called the meeting to order.

City Clerk Kimberly Long conducted roll call.

ROLL CALL

Mayor and Council Members in Attendance

Harold E. Miller	Mayor	IN PERSON
Timothy C. Connell	Councilmember Ward 1	IN PERSON
Chris Jonczak	Councilmember Ward 2	IN PERSON
Fred S. Marsh	Councilmember Ward 3	IN PERSON
George E. Ash, Sr.	Councilmember Ward 4	IN PERSON
Flora Perrone	Councilmember Ward 5	IN PERSON
Enzo Fracasso	Councilmember Ward 6	IN PERSON
Terry Weigel	Councilmember Ward 7	IN PERSON

City Officials in Attendance

Michael A. Adams, Esq.	City Manager	IN PERSON
Vincent S. Gurrera, Esq.	City Attorney	IN PERSON
Diana Smoljanovich	Finance Director	IN PERSON
Allen Hess	Public Works Director	IN PERSON
Mark Miller	Planning and Development Director	IN PERSON
Matt Burskey	Code Enforcement Official	IN PERSON
Kevin Himmelrick	Fire Chief	IN PERSON
Charlie Kush	Police Chief	IN PERSON
DeeAnn Pulliam	Assistant City Manager	IN PERSON
Butch Mastrantoni	Utilities Director	IN PERSON
W. Coty Shingle	Parks & Recreation Director	IN PERSON
Rik Rekowski	Library Director	ABSENT
Phil Gilchrest	Weirton Transit Manager	IN PERSON
Kimberly Long	City Clerk	IN PERSON

MAYOR'S AWARDS AND PROCLAMATIONS

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Proclamation – National Vietnam War Veterans Day 2023

Larry James "Jim" Bissett

*NOW, THEREFORE, I, Harold E. Miller, Mayor of the City of Weirton, do hereby recognize March 29, 2023, as **National Vietnam War Veterans Day** in our community, and thank Vietnam veteran Larry James "Jim" Bissett for his dedicated military service to our Country and our community.*

Certificates of Appreciation and Celebration – K9 Retirements

Lt. Troy Bickers & K-9 Tygo and Lt. Matt Lelless & K-9 Shay

Loyal partners and faithful friends who together courageously served to defend and protect our citizens and community. Thank you for your dedication, bravery, and service to the City of Weirton.

Mayor Miller recognized and thanked Delegate Mark Zatezalo and Delegate Jimmy Willis for attending tonight's meeting.

CITIZENS' REMARKS

There were no citizens' remarks.

Request by Council to convene into Executive Session consistent with West Virginia Code 6-9A-4.

Executive Session will be conducted after all other business on tonight's agenda is completed.

READING OF MINUTES

February 3, 2023 Special Council Meeting Minutes

Motion to Approve the February 3, 2023 Special Council Meeting Minutes:

Councilman Ash

Motion Approved: 7/0

February 13, 2023 Regular Council Meeting Minutes

Motion to Approve the February 13, 2023 Regular Council Meeting Minutes:

Councilman Ash

Motion Approved: 7/0

FINANCE COMMITTEE COMMENTS/FINANCIAL REPORT

Councilman Marsh – Item #5 on the agenda tonight was not recommended by the Finance Committee as written. It is being brought in front of the full Council tonight for discussion and possible amendments.

Finance Director – Diana Smoljanovich – presented an amended Levy Rate Sheet received from the State Auditor’s office. The original Levy Rate Sheet was incorrect in that the Brooke County’s numbers did not reflect any TIF money. The TIF allowance of \$100,067 is now included and the sheet correctly reflects the property tax of \$2,990,628 instead of \$3,088,943. The difference has been taken out of contingencies.

Ms. Smoljanovich gave the cash report as follows:

General Fund Cash Report for March 2023:

Beginning Cash Balance:	\$5,361,504.89
Deposits:	\$1,575,177.08
Interest:	\$ 7,248.30
Disbursements:	(\$1,602,726.76)
Petty Cash:	\$ 800.00
Total Cash on Hand:	\$5,342,003.51

Motion to Accept the Financial Report: Councilman Marsh
Motion Approved: 7/0

Ms. Smoljanovich stated that the audit is finished and they are happy with our compliancy and efficiency. The audited financials should be received by March 22nd or 23rd.

At this time, **Mayor Miller** recognized the President of the Weirton Chamber of Commerce, Brenda Mull, and confirmed that the upcoming 2023 Chamber Banquet is scheduled for March 28, 2023.

UNFINISHED BUSINESS:

- 1. Second Reading of Ordinance No. 2201, to Amend the Traffic Control Map, Ordinance No. 214, to Rescind Ordinance No. 427, Amendment No. 125, dated October 28, 1975, that changed the traffic pattern on the alley between the Genuine Parts and the Weirton Motel from "One-Way" Going West to "One-Way" going east. (Councilman Ash)

Motion to Approve: Councilman Ash
Motion Approved: 7/0

2. Second Reading of Ordinance No. 2202, to Amend the Traffic Control Map, Ordinance No. 214, to Establish Traffic Patterns and Necessary Signage for the Alley that Runs Behind Gus's Goodies and Mario's Restaurant. (Councilman Ash)

Motion to Approve: Councilman Ash

Motion Approved: 7/0

NEW BUSINESS:

1. A Resolution of Appreciation for All Who Were Instrumental in Bringing Form Energy to Weirton, West Virginia. (Mayor Miller, Councilman Connell, Councilman Jonczak, Councilman Marsh, Councilman Ash, Councilwoman Perrone, Councilman Fracasso, Councilman Weigel, City Manager)

A Roll Call Vote was Conducted for the Motion:

Councilman Tim Connell	<u>Yes</u>
Councilman Chris Jonczak	<u>Yes</u>
Councilman Fred Marsh	<u>Yes</u>
Councilman George Ash	<u>Yes</u>
Councilwoman Flora Perrone	<u>Yes</u>
Councilman Enzo Fracasso	<u>Yes</u>
Councilman Terry Weigel	<u>Yes</u>

Motion Approved: 7/0

2. A Resolution Authorizing the Payment of 2023-2024 West Virginia Municipal League Dues in the Amount of \$6,898.68. (City Manager, Mayor Miller)

Motion to Approve: Councilman Fracasso

Motion Approved: 7/0

3. A Resolution to Enter into a Contract with Kelly Paving for City Wide Milling and Paving of Various City Streets (\$1,520,440.63). (City Manager, Mayor Miller)

Motion to Approve: Councilman Marsh

Motion Approved: 7/0

4. A Resolution to Enter into a Contract with Kelly Paving for Milling and Paving of CDBG Eligible Streets (\$260,421.28). (City Manager, Mayor Miller)

Motion to Approve: Councilman Ash

Motion Approved: 7/0

5. A Resolution to Allocate Funding for Cleaning, Repairing or Replacing Storm Sewers (Catch Basins) within Ward IV of the City of Weirton (\$150,000.00). (Councilman Ash)

Motion to Approve: Councilman Ash

Motion to Amend: Councilman Weigel made a motion to amend the Resolution to strike out "Ward IV" wherever it appears and insert "the City of Weirton" in lieu thereof.

Discussion: It was discussed that there are no supplies currently on hand to fix catch basins. **Councilman Ash** commented that the money can be allocated now to buy the supplies and store them until the work can be done. It is understood that \$150,000 will not be nearly enough money to do them all but it would be a start. **Ms. Smoljanovich** stated that tonight's budget revision reflects the \$150,000 and another budget revision can be done in July or when necessary. **Mr. Hess** said that the average cost for each catch basin is anywhere from about \$500-\$2,500 - the bigger ones are even more – and the cost of pipe, curbing, concrete and topsoil has to be considered also. Further discussion centered around the concern that this money will be restricted for use in Ward IV only. **Councilman Ash** prefers this Resolution not be changed and other Councilmembers can do their own resolutions for their ward if they wish. **Mr. Hess** further explained that there is a crew dedicated to survey and fix catch basins on an ongoing basis and they are currently being maintained with what the budget allows; they are not replaced just to make them look good. It will probably cost over \$10,000 just to replace 4 or 5 that were looked at on Elmer Avenue.

A Roll Call Vote was Requested for the Motion to Amend:

Councilman Terry Weigel	<u>Yes</u>
Councilman Tim Connell	<u>No</u>
Councilman Chris Jonczak	<u>No</u>
Councilman Fred Marsh	<u>No</u>
Councilman George Ash	<u>No</u>
Councilwoman Flora Perrone	<u>No</u>
Councilman Enzo Fracasso	<u>Yes</u>

Motion Failed: 5/2

Councilman Ash made a motion to amend the Resolution to add "up to and not to exceed" before \$150,000.00.

Realizing that this Resolution does not affect next year's budget, Councilman Weigel stated his concern over the financial decisions that are being made and noted that the contingency fund for next year is only starting out at a little over \$130,000.00.

A Roll Call Vote was Requested for the Motion to Amend:

Councilman George Ash	<u>Yes</u>
Councilman Enzo Fracasso	<u>Yes</u>
Councilman Terry Weigel	<u>No</u>
Councilman Tim Connell	<u>Yes</u>

Councilman Chris Jonczak Yes
Councilman Fred Marsh Yes
Councilwoman Flora Perrone Yes

Motion Approved: 6/1

Motion to Approve the Resolution as Amended: Councilman Ash

Motion Approved: 6/1

Councilman Weigel voted against the Resolution

6. A Resolution to Enter into a Contract with Stericycle, Inc. for Shredding Services for the City of Weirton (\$3,000.00). (City Manager, Mayor Miller)

Motion to Approve: Councilman Marsh

Motion Approved: 7/0

7. A Resolution to Enter into a Contract with Nortec Communications, Inc. to Provide the Services to Implement Microsoft 365 Cloud-Based Infrastructure for the City of Weirton (One-time set up \$3,230.00/Monthly \$3,538.00.) (City Manager, Mayor Miller)

Motion to Approve: Councilman Fracasso

Motion Approved: 6/1

Councilman Marsh voted against the Resolution

8. A Resolution to Authorize a One-Time Allotment of up to \$75,000 to the Weirton Transit Corporation to Pay the Unpaid Tax Balance Due to the IRS. (Councilman Weigel)

Motion to Approve: Councilman Fracasso

Discussion: Councilman Ash stated that this is a private corporation not a city entity and this could open the door for other agencies to ask for and expect help also. **Councilman Jonczak** commented that the current transit administration inherited the mess, it is not their fault, and they should be helped. Transit is a very important service to the citizens of Weirton. **Mayor Miller** explained that under the previous management, deadlines were not being met and things were not being done properly. The current management continues to work on correcting the issues.

Motion Approved: 5/2

Councilman Marsh and Councilwoman Perrone recused themselves due to a conflict of interest.

9. A Resolution to Approve the 2023-2024 Fiscal Year General Fund and Coal Severance Fund Budgets. (City Manager, Mayor Miller)

Motion to Approve: Councilman Ash

A Roll Call Vote was Required for the Motion:

Councilman George Ash	<u>Yes</u>
Councilwoman Flora Perrone	<u>Yes</u>
Councilman Enzo Fracasso	<u>Yes</u>
Councilman Terry Weigel	<u>No</u>
Councilman Tim Connell	<u>Yes</u>
Councilman Chris Jonczak	<u>Yes</u>
Councilman Fred Marsh	<u>Yes</u>

Motion Approved: 6/1

10.A Resolution to Authorize Revisions to the 2022-2023 Fiscal Year General Fund Budget. (City Manager, Mayor Miller)

Motion to Approve: Councilman Ash

A Roll Call Vote was Required for the Motion:

Councilman George Ash	<u>Yes</u>
Councilwoman Flora Perrone	<u>Yes</u>
Councilman Enzo Fracasso	<u>Yes</u>
Councilman Terry Weigel	<u>No</u>
Councilman Tim Connell	<u>Yes</u>
Councilman Chris Jonczak	<u>Yes</u>
Councilman Fred Marsh	<u>Yes</u>

Motion Approved: 6/1

11.A Resolution to Authorize Revisions to the 2022-2023 Fiscal Year Coal Severance Fund Budget. (City Manager, Mayor Miller)

Motion to Approve: Councilman Connell

A Roll Call Vote was Required for the Motion:

Councilman Tim Connell	<u>Yes</u>
Councilman Chris Jonczak	<u>Yes</u>
Councilman Fred Marsh	<u>Yes</u>
Councilman George Ash	<u>Yes</u>
Councilwoman Flora Perrone	<u>Yes</u>
Councilman Enzo Fracasso	<u>Yes</u>
Councilman Terry Weigel	<u>No</u>

Motion Approved: 6/1

CITY MANAGER AND DEPARTMENTAL REPORTS

Public Works Director – Allen Hess – The new paint machine is being assembled; next week will probably be the last week of night turn; once the landfill gets the necessary approval from the DEP, the clean-up dates will be announced; rebuilding catch basins and patching is being done.

Planning and Development Director – Mark Miller – is working with the BDC on an application for asbestos abatement at the Magnone building. If approved, some of the revolving loan fund money that is still available will be used; at the end of February, the RAISE grant with Frontier, BDC, BHJ and the DOH was submitted for the industrial road work; the CVB and BDC received an EPA grant to do a feasibility study on the prospect of a conference center; the City has just signed off to participate in a USDA grant to hopefully move that project forward again; we are working with Thrasher on updating the stormwater management agreement. Every year \$30,000 is budgeted for private development and \$30,000 is budgeted to make sure the City is in compliance with everything; we are expecting the site plans and building permits for Form Energy to begin coming in soon; it was explained that the road access for the most recent logging application that was approved will not affect any City streets. The access will be from behind the old Walmart - the road from MonPower - on to Three Springs Drive and then straight onto Rt. 22. If there is a second phase, the access will be from Starvaggi's property up to Three Springs Drive.

Code Enforcement Official – Matt Burskey – A zoning application and plans for a new home in St. James Gate was received last week; Granato's Deli has closed but a new owner is going to be taking the space over; the Community Bread Basket is moving to 3545 Pennsylvania Avenue. Work is currently being done on the bottom two levels to meet code and their needs; 1,085 business licenses for 2023 were issued with 175 currently delinquent; rental registration inspections are picking up with 14 inspections this week and 17 inspections scheduled for next week. There are 959 units registered and 155 rental business licenses have been issued. A lot of people have been taken off the list because the properties are either vacant or the owners are letting family members live in the home for free; potentially eliminating the requirement of a rental owner to have a state of WV business license will be addressed; a building inspector position has been posted; discussion took place regarding the notice of violation and citation process for business licenses; **Councilman Ash** requested the issue of the trash already being set out before the city-wide trash pick-up days to be addressed now.

Fire Department - Chief Kevin Himmelrick – Working on an alternate emergency access route to Marland Heights. There will be an ISO audit on March 21, 2023.

Police Department – Chief Charlie Kush – The three new probationary officers are receiving internal training and are scheduled to go to the police academy in June and to graduate in September. They will then continue their in-house training and be on their own in January. The SRT officers have been in training for a year and are now available for calls. There are ten officers on the team and all have new equipment because of a grant that was received. As the new police cars are coming in, they are being assigned and it has been a great morale booster. **Councilman Ash** inquired what can be done about the cars with out of state plates parking on the streets. It was explained that it is up to the county assessor to track residents with out of state plates; however, they can be cited if they get stopped for another reason and it can be proven they have been living in the city for more than 20 days and haven't gotten their license and plates changed over to WV. Not much can be done if the vehicle is legally licensed through someone else out of state or it is a business. **Councilman Ash** would like the City Clerk to provide Chief Kush a copy of the ordinance against playing ball in the street.

Assistant City Manager - DeeAnn Pulliam – HDL (previously DataMax) payments for February 2023 came from two new businesses and twenty-six renewal payments in the amount of approximately \$2,000.00, bringing the total collected to almost \$90,000.00. In recognition of Women's History Month, elected/appointed women who are currently serving our City were acknowledged.

On behalf of the **Library Director, Rik Rekowski**, Ms. Pulliam extended thanks to City Council for their contribution to the library in this year's budget.

Utilities Director – Butch Mastrantoni – As a result of the East Palestine train derailment, water continues to be tested every two hours instead of four, and no chemicals from the derailment have been detected. Additional money spent from the increased testing is related to the purchase of helium used in the testing equipment. Records of the additional expenditures are being kept in the event that these costs become eligible for reimbursement. Advertising for bids for the water treatment plant expansion will hopefully take place by the end of May or early June, and authorization to bid for the sewer treatment plant expansion will hopefully be in late August or early September; water lines are being replaced at the Gruppo Fanti location.

Parks & Recreation Director – Coty Shingle – A letter of thanks to City Council for supporting the Park Board's funding request for this year's budget was read by Mr. Shingle; the Park Board accepted PMV/ASI Architect and Engineering's proposal in the amount of \$24,100.00 for the Marland Heights park improvements. The proposal covers the whole project – from site prep to a completed project; a pickleball tournament is coming up; the Easter egg hunt will be held on Saturday, April 8th; the process of a pre-bid and new bids for the remaining work on the south wall repair at the Millsop Center continue; the final draft of the RFQ for the Starvaggi Pool will be emailed to Council sometime this week.

Transit – Phil Gilcrest – Extended thanks to Council for passing the one-time allotment of \$75,000 to Transit tonight; confirmed that Weirton Transit is a 501(c)(3) corporation; WTC continues to work improving and expanding routes throughout the City.

City Manager – Mike Adams – At the WVML conference, conversations took place with various State representatives on many issues that included Form Energy and Penco Road; on March 21st members of Form Energy will be visiting the city; a Form Energy Town Hall will be taking place sometime in April; Jeff Berry was introduced as the new Public Works Superintendent; work continues on the HR initiative – specifically the employee handbook and safety initiatives; hopefully work will begin on the installation of the new telephone system for the City at the end of this month; Thrasher has submitted their building assessment report and it is being reviewed. The report states that the building’s exterior is not bad, the structure is sound and the roof is in good condition. Changes to the restrooms are a big item that needs to be addressed, not only for their condition but for ADA compliancy; **Councilman Ash** requested a letter be sent from the Mayor to the Hancock County prosecuting attorney to request action be taken to demolish the structure on the 3200 block of Orchard Street that caught fire two years ago.

MAYOR AND COUNCIL COMMENTS/COMMUNICATIONS

There were no Council comments/communications given.

Request by Council to convene into Executive Session consistent with West Virginia Code 6-9A-4.

**A Motion to convene into Executive Session was made by Councilman Ash.
Motion passed 7/0**

**Motion to come out of Executive Session was made by Councilman Ash.
Motion passed 7/0**

City Attorney, Vince Gurrera, stated that in Executive Session potential litigation and personnel matters were discussed.

ADJOURNMENT

**Motion to Adjourn: Councilman Ash
Motion Approved 7/0**

Councilman Connell recited the closing prayer.

Minutes approved at the April 10, 2023 Regular Council Meeting.

Signed: Kimberly Long, City Clerk