

WEIRTON CITY COUNCIL COUNCIL MEETING – SPECIAL MONDAY, March 25, 2019, 7:00 PM

A special meeting of the Common Council of the City of Weirton, Hancock and Brooke Counties, West Virginia was held on Monday, March 25, 2019, at 7:00 PM in the Council Chambers of the Weirton Municipal Building.

Attendance:

Mayor and Council Members

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

City Officials

Vincent S. Gurrera, Esq.	City Attorney
DeeAnn Pulliam	City Clerk
Diana Smoljanovich	Interim City Manager/Finance Director

Mayor Harold Miller, called the meeting to order.

DeeAnn Pulliam, City Clerk, conducted the roll call.

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

Councilman Tim Connell, recited the opening prayer.

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

N/A

OLD BUSINESS:

Councilman Fred Marsh, Vince, there were three ordinances that were opposed at the public hearing.

Vince Gurrera, City Attorney, correct

Councilman Fred Marsh, if councilman votes yes on one that was opposed, that is a yes vote to send it to the ballot. A no vote would be to kill it.

Attorney Gurrera: If the majority of Council votes yes it gets sent; if the majority votes no, it is dead.

1. Second Reading of Ordinance No. 2060. An Ordinance Amending the Position of Treasurer and Auditor throughout the City of Weirton Charter to Read City Financial Director a Permanent and Full-Time Position. (Councilman Ash)

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

Motion passed 7/0

2. Second Reading of Ordinance No. 2061. An Ordinance Amending the City of Weirton Charter by Eliminating the Position of City Physician from the Charter. (Councilman Ash)

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

Motion passed 7/0

3. Second Reading of Ordinance No. 2062. An Ordinance Amending the City of Weirton Charter by Eliminating the Position of Recreation Director from the Charter (Councilman Ash)

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

Motion passed 7/0

4. Second Reading of Ordinance No. 2063. An Ordinance Amending Article III, Section 2 (c) of the City of Weirton Charter Relating to the Removal of Appointed Officers. (Councilman Ash)

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

Councilman Fred Marsh, point of notice, this is one of the ordinances that was opposed at the public hearing.

DeeAnn Pulliam, City Clerk, we should do a roll call for this one and all the charter changes that were opposed.

Roll Call to Approve the Ordinance:

Councilman Ash **Yes**

Councilman Weigel **No**

Councilman Marsh **Yes**

Councilman Adams **No**

Councilman Fracasso **Yes**

Councilman Jackson **Yes**

Councilman Connell Yes

Motion to pass the ordinance passed 5/2.

Vince Gurrera, City Attorney, since that one was previously objected to, it will now go onto the ballot.

5. Second Reading of Ordinance No. 2064. An Ordinance Amending the City of Weirton Charter by Eliminating Article III, Section 3 (a) Qualifications and Requirements for Mayor and Councilman Being a Resident of Weirton for at Least Five Years Prior to an Election. (Councilman Ash)

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

Councilman Terry Weigel, these next couple of items we have done are to comply with state code to make us in compliance with the code. Should state code change in the future, then we would fall under those guidelines.

Councilman Tim Connell, yes, we would still have to follow state code no matter what.

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

Motion passed 7/0

Vince Gurrera, City Attorney, do we have any citizen comments?

DeeAnn Pulliam, City Clerk: Generally we don't do citizens' comments in Special Meetings, but with second reading of ordinances, public comments are allowed. Lester McHenry did sign up to speak. Mr. McHenry, do you have anything to speak about regarding the charter changes?

Lester McHenry, yes, all of these charter amendments; I prefer they all be up for ballot for citizens to decide.

Mayor Harold Miller, we had a prior meeting and public hearing for objections?

Councilman George Ash, that's right, and he was here for both of them.

Councilman Enzo Fracasso, you were here for both the meeting and public hearing.

Lester McHenry, yes, and you've got a sheet up there for citizens' comments, and I wanted to get different opinions at the other two meetings.

Vince Gurrera, so everything goes on the ballot as long as you guys say yes.

6. Second Reading of Ordinance No. 2065. An Ordinance Amending the City of Weirton Charter by Eliminating Article III, Section 3 (d) Qualifications and Requirements Requiring Mayor and Councilmen to Have Paid Taxes on at Least Five Hundred Dollars' Worth of Real or Personal Property for the Year Preceding His Election to Office. (Councilman Ash)

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

Motion passed 7/0

7. Second Reading of Ordinance No. 2066. An Ordinance Amending the City of Weirton Charter Article III, Section 3 (f) Qualifications and Requirements to Include Appointed or Elected Office in the State of West Virginia. (Councilman Ash)

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

Roll Call to Approve the Ordinance:

Councilman Ash **Yes**

Councilman Weigel **No**

Councilman Marsh **Yes**

Councilman Adams **No**

Councilman Fracasso **Yes**

Councilman Jackson **Yes**

Councilman Connell **Yes**

Motion to pass the ordinance passed 5/2

Councilman Tim Connell, question, how can two state code changes that we have to make by state code, have to go on the ballot? We are following state code on five and six.

Vince Gurrera, City Attorney, I appreciate that, very much. I think after it is on the ballot and it is denied on the ballot, then we can get something from the state requiring us to make those changes. I think based upon the fact that Mr. McHenry objected and wants them all on the ballot, even the ones that don't exist like a Physician and Recreation Director all have to go onto the ballot under state law. I don't disagree with you Councilman at all.

- 8. Second Reading of Ordinance No. 2067. An Ordinance Amending the City of Weirton Charter Article III, Section 3 (g) Qualifications and Requirements from Missing Council Meetings for a Period of Six Months to Missing Regular Monthly Council Meetings Six Times Within the City's Fiscal Year. (Councilman Ash)**

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

Motion passed 7/0

- 9. Second Reading of Ordinance No. 2068. An Ordinance Amending the City of Weirton Charter Article VII, Officers and Employees Section 1 (f) City Manager Relating to Contracts. (Councilman Ash)**

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

Motion passed 7/0

- 10. Second Reading of Ordinance No. 2069. An Ordinance Amending the City of Weirton Charter Article VII, Officers and Employees Section 1 (d) to Read the City Clerk Shall Work the Hours of Duty Determined by the City Manager. (Councilman Ash)**

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

Motion passed 7/0

- 11. Second Reading of Ordinance No. 2070. An Ordinance Amending the City of Weirton Charter Article VIII, Elections Relating to the Conduct of Municipal Elections. (Councilman Ash)**

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

Councilman Terry Weigel, we had the public hearing with consideration that we would have a primary and a general election. The case was made that if you have one election and have multiple people run for it, that you could have someone win with only receiving 15% , and have no majority with it. I would like to know if Council would like to consider instead of piggybacking only on the General National Election, we piggyback off both Primary and General Elections in the next National Election. In the event we need a general election, we could then do that. The primary would be all of the races if someone wins by 51% they are the winner. If however, no one exceeds the 51% threshold, and then as we do now the top two vote getters in that race would advance to the general election.

Councilman Enzo Fracasso, So if someone gets 51%, they are determined the winner in the primary.

Councilman Terry Weigel, and those do not we would be piggy-backing with the county running the election.

Councilman Fred Marsh, there is a six month gap between the primary and the general.

Councilman George Ash, Do you have anything in writing that you want us to look at to consider that?

Councilman Terry Weigel, I did not write it out.

Vince Gurrera, City Attorney, it is a proposed amendment. If the amendment gets approved, then we have to start back at square one.

Councilman Terry Weigel, so we change that to read in that last paragraph, that the City of Weirton elections will commence every four years during the Primary and General National Elections beginning in 2024. I would look to Vince for the language as far as the 51%.

I think that we could put in there that in the event the candidate wins the primary election with a 51% majority, that candidate will be declared the winner. In the event that no candidate receives 51% or greater in the primary election, then the top two vote-getters in the primary election will advance to the general elections where the candidate receiving the majority will be declared the winner.

Vince Gurrera, City Attorney, I can do the amendment for the next Council if you guys vote that you guys want the amendment. If you want that amended, we start all over.

Councilman Terry Weigel, this would be the first hearing we would need to have a public hearing next week and then we could put the second reading on the April Council Meeting. So we would have that either approved or disapproved if we have an objection it will go onto the ballot.

Councilman George Ash, per the Charter, any amendment that you have should be in writing so if we are going to do that, write something up so we can have it in writing. If we don't, what we are doing here is not by the charter. I don't care what we do. I just want it to follow the charter. All of us have to have a copy. So if you want to bypass this one for now and come back to it at the end, then someone write it up, get copies to us so we can all read it.

Councilman Tim Connell, Wouldn't be do the same if we all turned it down, voted no on it, we throw this one out then bring the new one in and have a hearing for that and put it on the April ballot?

Councilman George Ash, we would have to have two readings, and a public hearing.

Vince Gurrera, City Attorney, if we did the public hearing at a separate time, to make it convenient, there is no requirement that the public hearing not take place 15 minutes before the Council Meeting. We changed that just because some of the citizens asked to do that. We don't have to have a special public hearing next week then the Council Meeting the following. We could do it prior to the Council Meeting.

Mayor Harold Miller, What's better – to defeat it then bring it back?

Vince Gurrera, City Attorney, I think if we are going to do the motion, Terry do you have a basic outline of what you want to say? If you just write it right now we can look at it.

Convene for Councilman Weigel to put the amendment in writing.

Councilman Weigel makes a motion to amend the ordinance as written out.

Mayor Harold Miller, advised the clerk to read the amendment.

DeeAnn Pulliam, City Clerk, **NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF WEIRTON, BROOKE AND HANCOCK COUNTIES, WEST VIRGINIA**, has determined that the City of Weirton Elections will commence every four (4) years during the Primary and General National Elections beginning in 2024; and that whomever wins the Primary Election by a majority of fifty-one percent or more of the vote will be named the winner pursuant to all other West Virginia Election Laws. In the event that no primary candidate receives fifty-one percent majority of the vote or more, then the top two vote winners shall advance to the General Election. Whoever wins the election for council and mayor in the 2019 election shall take office from July 1, 2019, through January 1, 2025, and the election shall be held every four (4) years thereafter as set forth herein. All other provisions in ARTICLE VIII shall remain in force.

Mayor Harold Miller, asked for a second motion three times to amend the ordinance.

A second motion was not made, and the motion to amend the ordinance failed.

Mayor Harold Miller, we go back to the original.

DeeAnn Pulliam, City Clerk, read the original title again.

Roll Call to Approve the Ordinance:

Councilman Ash **Yes**

Councilman Weigel **No**

Councilman Marsh **Yes**

Councilman Adams **No**

Councilman Fracasso Yes

Councilman Jackson Yes

Councilman Connell Yes

Motion to pass the ordinance passed 5/2

12. Second Reading of Ordinance No. 2071. An Ordinance Amending Appendix A of the Rules and Regulations of the Police Civil Service Commission of the City of Weirton. (City Manager)

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

Motion passed 7/0

13. Second Reading of Ordinance No. 2072. An Ordinance to the Amendment No. 802 to the Traffic Control Map Ordinance No.214 of the City of Weirton to Place a stop sign at the corner of Pennsylvania Avenue and Delaware Avenue. (Councilman Connell)

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

Motion passed 7/0

14. Second Reading of Ordinance No. 2074. An Ordinance Modifying Ordinance #1313, As Amended, Establishing New Minimum and Maximum Salary Levels of 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 Fracasso.

Councilman Weigel voted no

Motion passed 6/1

Councilman Tim Connell, recited the closing prayer.

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

Motion was made by Councilman Ash, and second by Councilman Connell.

Motion passed 7/0