

**CITY OF WEIRTON
COUNCIL MEETING – REGULAR
MONDAY, APRIL 10, 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 Fair Housing Month

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

- March 13, 2023 – Regular Council Meeting

FINANCE COMMITTEE COMMENTS/FINANCIAL REPORT

UNFINISHED BUSINESS:

None

NEW BUSINESS:

1. An Ordinance to Amend the Traffic Control Map, Ordinance No. 214, to Establish a Residential Disability Parking Space at 3336 West Street. (Councilman Ash)
2. An Ordinance Authorizing the Payment of the Prior Note and the Acquisition and Construction of Certain Extensions, Additions, Betterments and Improvements to the Existing Public Waterworks System of the City of Weirton and the Financing of the Cost Thereof, Not Otherwise Provided, Through the Issuance By the City of Weirton of Not More Than \$12,000,000 in Original Aggregate Principal

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

Amount of Water Revenue Bonds, Series 2023 A (West Virginia Infrastructure Fund); Providing for the Rights and Remedies of and Security for the Registered Owners of Such Bonds; Authorizing Execution and Delivery of all Documents Relating to the Issuance of Such Bonds; Approving, Ratifying and Confirming a Loan Agreement Relating to Such Bonds; Authorizing the Sale and Providing for the Terms and Provisions of Such Bonds and Adopting Other Provisions Relating Thereto. (City Manager, Mayor Miller)

3. An Ordinance Modifying Ordinance #1313, as Amended, Establishing a New Maximum Salary Level of a Specific Non-Union Municipal Employee within a Specific Department of the City of Weirton General Fund. (City Manager, Mayor Miller)
4. A Resolution to Authorize the City Manager to Enter into an Agreement with CivicPlus for the Combined Services of Maintenance and Hosting of the City of Weirton's Website, and AudioEye's Website Accessibility and ADA Compliance Software for 2023-2024 in the Amount of \$14,545.89. (City Manager, Mayor Miller)
5. A Resolution to Make a Financial Contribution to the Weirton Area Chamber of Commerce's City-Wide Christmas Lights Restoration Project (\$5,250.00). (Councilwoman Perrone, Councilman Fracasso)
6. A Resolution to Enter into an Agreement with Aqua Filter Fresh, Inc. for Water Cooler/Bottle Services for the Departments within the City of Weirton (\$4,064.20). (City Manager, Mayor Miller)

CITY MANAGER AND DEPARTMENTAL REPORTS

MAYOR AND COUNCIL COMMENTS/COMMUNICATIONS

ADJOURNMENT

PRAYER

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INFORMATIONAL COUNCIL MEETING

Monday, April 10, 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, April 10, 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	IN PERSON
Phil Gilchrest	Weirton Transit Manager	IN PERSON
Kimberly Long	City Clerk	IN PERSON

MAYOR'S AWARDS AND PROCLAMATIONS

MAYOR'S AWARDS AND PROCLAMATIONS

Proclamation – Fair Housing Month 2023 – Human Rights Commission

NOW, THEREFORE I, Harold Miller, Mayor of the City of Weirton, Brooke and Hancock Counties, West Virginia, do hereby proclaim the month of April 2023 as "FAIR HOUSING MONTH" in the City of Weirton, West Virginia, and urge all of our residents to join in our efforts to affirm fair housing opportunities for all people. We thank the Human Rights Commission for their dedication to our community and commitment to ensuring fairness and equality amongst our citizens.

CITIZENS' REMARKS

Brenda Mull, President, Weirton Chamber of Commerce, thanked Council for their support towards the maintenance of the City's Christmas Lights Restoration Project.

Karen Harris, Resident, spoke about several issues and concerns and would like the opportunity to address them in greater detail.

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

March 13, 2023 Regular Council Meeting Minutes

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

Councilman Ash

Motion Approved: 7/0

FINANCE COMMITTEE COMMENTS/FINANCIAL REPORT

Councilman Marsh – The Finance Committee approved all the finance-related resolutions on tonight's agenda. The final dollar amount for the CivicPlus resolution was not available at the time of the meeting; however, the Committee approved the resolution with the estimated amount of \$14,545.89. The final invoice has since been received, and the resolution will need to be amended tonight to correct the amount due from \$14,545.89 to \$14,524.89.

Finance Director – Diana Smoljanovich – The audited final financial statements were filed on March 23, 2023; we are still waiting for the State Auditor's approval of next year's budget; the meeting to Lay the Levy will take place on Tuesday, April 18, 2023; last month's budget revisions were approved.

Ms. Smoljanovich gave the cash report as follows:

Minutes – Weirton City Council Meeting (Regular) 2
April 10, 2023, 7:00 p.m.

General Fund Cash Report for March 2023:

Beginning Cash Balance:	\$ 5,341,203.51
Deposits:	\$ 1,297,329.91
Interest:	\$ 7,064.46
Disbursements:	(\$2,140,989.66)
Petty Cash:	\$ 800.00
Total Cash on Hand:	\$ 4,505,408.22

This report does not reflect a late 4th quarter B & O payment that was received in the amount of approximately \$913,000.00.

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

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

1. An Ordinance to Amend the Traffic Control Map, Ordinance No. 214, to Establish a Residential Disability Parking Space at 3336 West Street. (Councilman Ash)

Motion to Approve: Councilman Ash

Motion Approved: 7/0

2. An Ordinance Authorizing the Payment of the Prior Note and the Acquisition and Construction of Certain Extensions, Additions, Betterments and Improvements to the Existing Public Waterworks System of the City of Weirton and the Financing of the Cost Thereof, Not Otherwise Provided, Through the Issuance By the City of Weirton of Not More Than \$12,000,000 in Original Aggregate Principal Amount of Water Revenue Bonds, Series 2023 A (West Virginia Infrastructure Fund); Providing for the Rights and Remedies of and Security for the Registered Owners of Such Bonds; Authorizing Execution and Delivery of all Documents Relating to the Issuance of Such Bonds; Approving, Ratifying and Confirming a Loan Agreement Relating to Such Bonds; Authorizing the Sale and Providing for the Terms and Provisions of Such Bonds and Adopting Other Provisions Relating Thereto. (City Manager, Mayor Miller)

Motion to Approve: Councilman Ash

Motion Approved: 7/0

3. An Ordinance Modifying Ordinance #1313, as Amended, Establishing a New Maximum Salary Level of a Specific Non-Union Municipal Employee within a Specific Department of the City of Weirton General Fund. (City Manager, Mayor Miller)

Motion to Approve: Councilman Ash

Discussion: Councilwoman Perrone stated that AlignHR was hired over a year ago to direct and assist Council regarding the task of modifying salaries, and Council has yet to receive that information. **Councilwoman Perrone** would like to see the Ordinance tabled until Council is able to meet with AlignHR.

Motion to Table: Councilwoman Perrone

Motion Denied: 6/1

Councilwoman Perrone voted to table the resolution

Further discussion took place. Several Councilmembers feel that a meeting with AlignHR is in order. **Mr. Adams** explained that this specific salary situation has needed to be addressed for quite some time and in order to resolve the issue, an internal study was done by comparing cities with similar populations and police forces. **Councilwoman Perrone** stated she is concerned that the City doesn't have a systemic way to handle salary increases for non-union employees, and is something that AlignHR was supposed to address. She feels that Council should not have to pass an ordinance for each individual non-union employee to give salary increases or an adjustment to their salary range. **Councilman Ash** stated that this Council wanted to know what positions were needed and what ones weren't. **Councilman Ash** further stated that Council wanted salary ranges and we haven't seen anything yet and the reason I understand is the staff asked them to do a handbook instead of them doing what we asked them to do. **Councilwoman Perrone** said that she doesn't feel that Council's priorities have been addressed by AlignHR. **Mr. Adams** explained that the policy manual/ handbook is a priority because that is the reference tool to use in order to make a lot of HR decisions. Frustration is felt by many over the amount of time it is taking AlignHR to address issues.

A Roll Call Vote was Requested 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

4. A Resolution to Authorize the City Manager to Enter into an Agreement with CivicPlus for the Combined Services of Maintenance and Hosting of the City of Weirton's Website, and AudioEye's Website Accessibility and ADA Compliance Software for 2023-2024 in the Amount of \$14,545.89. (City Manager, Mayor Miller)

Motion to Approve: Councilman Ash

Councilman Marsh made a motion to amend the Resolution to strike out \$14,545.89 wherever it appears and insert \$14,524.89 in lieu thereof

Motion Approved: 7/0

Motion to Approve the Amended Resolution: Councilman Marsh

Motion Approved: 7/0

5. A Resolution to Make a Financial Contribution to the Weirton Area Chamber of Commerce's City-Wide Christmas Lights Restoration Project (\$5,250.00). (Councilwoman Perrone, Councilman Fracasso)

Motion to Approve: Councilwoman Perrone

Motion Approved: 7/0

6. A Resolution to Enter into an Agreement with Aqua Filter Fresh, Inc. for Water Cooler/Bottle Services for the Departments within the City of Weirton (\$4,064.20). (City Manager, Mayor Miller)

Motion to Approve: Councilman Fracasso

Motion to Approve: 5/2

Councilman Ash and Councilman Weigel voted against the Resolution.

CITY MANAGER AND DEPARTMENTAL REPORTS

Public Works Director – Allen Hess – Catch basins are being repaired on the streets that are going to be paved, particularly in the downtown area; the milling for paving will begin tomorrow; in-house paving of Washington Street is scheduled to take place on Wednesday; and the trucks are being prepared for Spring Clean Up and paving.

Planning and Development Director – Mark Miller – A meeting took place with the BDC and they will be borrowing from the Revolving Loan Fund to assist in removing the asbestos in order to prepare for the demolition of the Magnone Building. The Weirton Daily Times building will be demolished also. He will be in FEMA training every Tuesday for the month of April.

Code Enforcement Official – Matt Burskey – An inspection at the Bread Basket location is scheduled for Friday at 10 am. The structure at 3137 Elm street has been demolished; work is still proceeding on Pets Supplies Plus, Grupo Fanti, and the Walmart remodel project; plans for Primanti Brothers were received last week; there is still no word on what's going to go in the remainder of the building; still need to fill the position of building inspector; regarding rental registration, summons have been sent out; preparing to send letters out to those who haven't yet applied for their business license; if they don't respond to the violation letter within 10-14 days, a notice of citation with a shorter time frame will be sent, and if they don't respond to that, they will get a summons in the mail; a search warrant was conducted and the red building on West Street is going before the BEA this month; **Councilwoman Perrone** asked if there is a procedure for an unlicensed business taking business away from a licensed business in the City. **Mr. Burskey** advised the licensed business owner should contact his department and they will try to track down the unlicensed business owner; **Councilman Ash** wants a building inspection done now on a recently vacated rental property owned by Clarence Black at 3128 Orchard Street.

Fire Department - Chief Kevin Himmelrick – The Department has been responding to a lot of brush fires; there has been no response yet from the ISO audit that was conducted on March 21, 2023; it was determined that the City does own the property needed at the trail off Brookline to implement an emergency access route to Marland Heights; gating at both ends will be installed.

Police Department – Chief Charlie Kush – Training for the probationary officers continues; they will begin riding as observers next week and hopefully will get in the academy in June; we will be attending a job fair at West Liberty University; a meeting with the Police Civil Service Commission is taking place this Wednesday to discuss a potential timeline for a new round of probationary police officer hiring; 5 of the new OIC cars should be in sometime this month; the officers have been instructed to attempt to serve warrants whenever the opportunity arises; recently an attempt was made to serve 9 capiases but only 2 people were found.

Assistant City Manager - DeeAnn Pulliam – HDL payments for March 2023 came from one new business and eleven renewal payments in the amount of \$230.25, bringing the total collected to \$89,608.90; Mayor Miller recognized Comfort House and a Child’s Place CASA in honor of National Child Abuse Prevention Month; both Weirton fire stations, as well as the Brooke-Hancock Family Resource Network’s offices, are designated as a “Safe Place” which is a national outreach program for youth 21 and under; on April 15, 2023 from 1-3 pm at the Luttamus location on Colliers Way there will be a storybook walk in celebration of Autism Acceptance Month; there will be a Steelworkers Memorial Service on Friday, April 28, 2023 at 9:00 a.m. at the corner of Pennsylvania Avenue and County Road. There have been 120 fatalities since the mill opened in 1909.

Utilities Director – Butch Mastrantoni – Regarding the estimated cost for the water treatment plant upgrade, 83% of the project has been funded by federal dollars (\$22.47M obtained from a Congressionally Directed Spending grant and \$5,617,500 obtained from the Congressionally Directed Spending Matching Funds). As the estimates stand now, the bond brought forth tonight for its first reading constitutes a loan for 17% of the costs that will have to be repaid. It is important to note that the \$22.47M designation is the largest congressionally directed spending grant in the region, and either the 2nd or 3rd largest in the United States.

Parks & Recreation Director – Coty Shingle – Over 300 children attended this year’s Easter egg hunt; advertising has begun for part-time jobs for Starvaggi pool; last week the RFQ for the Starvaggi Pool renovations was advertised and has a deadline of May 18th; on Memorial Day weekend, the Millsop Center will start its summer schedule and will only be open 6 days a week; work continues to remove the trees on Brookline; 50 teams took part in the first annual William Curenton Spring Pickleball Tournament; this will become an annual event; a fall tournament may be added.

Library Director - Rik Rekowski – The virtual WV Library Association Spring Conference takes place this week; gratitude was extended to Public Works for the repair, rebuild and repaint of the book drop box; this saved approximately \$7,000 which is the cost of a new box; today was the last day for Senator Manchin to sign two letters of appropriation for library funding that enables libraries the ability to provide many free services to its patrons.

Transit – Phil Gilcrest – Thanks was extended to Council for approving the one-time allotment last month to pay Weirton Transit’s IRS debt; because of this outstanding debt, WTC has not been able to apply for many grants; after a recent drawdown, there is \$5,181.00 left in operating costs which is enough for about the next two months; work continues to find ways to keep funded.

City Manager – Mike Adams – Gathering information on realigning the ward boundaries continues; milling and paving of Cove Road is progressing; the Southwestern Energy case is still in the discovery phase; a proposed conference/event center at the Park Drive Development area is being revisited; American Disposal, which operates Short Creek Landfill, alleged the City’s contract with Brooke County Landfill was illegal and thought the City should be paying more; the Public Service Commission ruled in favor of the City by finding that the City’s contract with Brooke County Landfill was consistent with the tariff assigned to Brooke County; representatives from Form Energy recently toured several places throughout the City and an open house is scheduled for April 27th and 28th at the Millsop Center; the Nortec cloud conversion of our computer systems and the new telephone system is still in the works; the new phone system will be implemented first at our remote locations - Public Works, the Community Center and the fire stations; Jeff Berry has been promoted to Public Works Superintendent and Zach Miser has been hired to replace him; an initial meeting with Thrasher regarding the building assessment took place; Firefighter Jim Hirkala has retired and Dominic Moretti has been hired; the Police and Fire Service fee ordinance that was amended in 2022 was recently published in its entirety and the collection of delinquent fees is set to begin; the amended version gives the City the right to impose a lien on property for unpaid and delinquent police and fire fees - the rates are not being raised; Senate Bill 548 has been signed into law which prohibits foreign entities from purchasing delinquent properties; recently signed SB 522 gives neighboring owners of delinquent properties priority to buy the houses and properties next to them, with the next in line being counties and cities; SB 722 provides state funds to cover the demolition costs for dilapidated properties; in 2009 the City resolved to accept property from the Women’s Club of Weirton off of Brookline Drive but the deed was never signed. It was signed today by the current president of the Women’s Club. This property will be used as part of the emergency access route to Marland Heights if Marland Heights Road is closed. The Marland Heights fire station is equipped with a fire engine, and in an emergency 2 firefighters who are also EMS providers will be able to take the department’s UTV onto the path and remain stationed on Marland Heights until the road is reopened; a lockable gate will be installed on both ends allowing people to still be able to walk or hike there; gas line work on School Street will continue for about another 3 weeks or so; with Pam Makricosta’s recent passing, she was remembered for the many ways she was involved with the City - the Greek community and the library being among them.

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 the City's rental registration program was discussed.

ADJOURNMENT

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

Councilman Connell recited the closing prayer.

Minutes approved at the May 8, 2023 Regular Council Meeting.

Signed: Kimberly Long, City Clerk