

**WEIRTON CITY COUNCIL
COUNCIL MEETING – REGULAR
MONDAY, JULY 8, 2019, 7:00 PM**

A regular meeting of the Common Council of the City of Weirton, Hancock and Brooke Counties, West Virginia was held on Monday, July 8, 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
Flora Perrone	Councilmember Ward 5
Enzo Fracasso	Councilmember Ward 6
Terry Weigel	Councilmember Ward 7

City Officials

Rob Alexander	Police Chief
Donna Gialluco	Weirton Transit Manager
Vincent S. Gurrera, Esq.	City Attorney
Butch Mastrantoni	Utilities Director
Mark Miller	Planning and Development Director
DeeAnn Pulliam	City Clerk
Rik Rekowski	Library Director
Rod Rosnick	Public Works Director
Jerry Shumate	Fire Chief
Diana Smoljanovich	Interim City Manager/Finance Director

Weirton City Council Meeting – Regular

Mayor Harold Miller, called the meeting to order.

DeeAnn Pulliam, City Clerk, conducted the roll call.

Councilman Tim Connell, recited the opening prayer.

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

MAYOR’S AWARDS AND PROCLAMATIONS

VETERAN’S PROCLAMATION – JERRY T. MILLER

Jerry T. Miller was seventeen years old when he entered the United States Army and faithfully served until 1983. Jerry attended basic training at Fort Dix, New Jersey and continued his training throughout his career which included AIT and NCOES. He skillfully earned various titles in the Army which include: Medic, Operating Room Technician, Platoon Sergeant, and 1st Sergeant. Mr. Miller has served our community for many years in numerous facets such as on the City Council and Transit Board as well as being involved in the Chamber of Commerce and the United Way. Jerry ran a local youth bowling program and was involved in multiple fundraisers for St. Jude Children’s Research Hospital and the Make a Wish Foundation; and, Jerry Miller and his wife Patricia continue to be upstanding citizens of the City of Weirton where they raised their two daughters Timika and Ashlee, and now enjoy spending time with their grandsons Aaron and Dakota. Harold E. Miller, Mayor of the City of Weirton, Brooke, and Hancock counties, does hereby recognize Jerry T. Miller for his dedicated military service to our country, on July 8, 2019.

CITIZENS REMARKS

Jan Futey and Theresa Delong, CASA, Thank you, attended the meeting on behalf of A Child’s Place CASA to express gratitude to the Mayor and Council for the organization being included in the CDBG Budget. CASA is currently advocating for 143 children. Out of the 143 children, 89 are located in Hancock County.

John Barone, Rental Registration Ordinance, attended the meeting to oppose the Rental Registration Ordinance. Mr. Barone stated the reason for his opposition is that the ordinance does not take into consideration the tenants right to privacy.

Vince Gurrera, City Attorney, advised Mr. Barone that he would be willing to sit down with him and go through the ordinance.

John Barone, stated he would like for the City Attorney to review the ordinance with him.

Jeremy Bischof, Rental Registration Ordinance, attended the meeting in opposition of the Rental Registration Ordinance. Mr. Bischof stated he is in opposition to

the ordinance because in his opinion it proposes prejudicial, warrantless searches of private residents within the city limits that are not homeowners. There is also concern that all the reports gathered from the registration will be a public record that anyone can request, which could reveal private information. Also, he feels that the ordinance will cause the cost of rentals to increase. That increase will then, in turn, negatively affect the housing market for the residents of Weirton. Port Smith, Ohio had a similar program to the one being presented that was in place for almost 20 years that was overturned in Federal Court and left open for civil cases.

McKinley, Park Drive Streetscape, McKinley & Associates President Ernie Delatorre and Greg Fox with Terradon Communications Group attended the meeting to give an overview and visual presentation of the Park Drive Streetscape project.

Mayor Harold Miller, added that some of the walkways were going to be designed for walking exercises and planters will be placed in the corners. The project is tentatively scheduled to begin this fall.

COMMUNICATIONS

N/A

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

A Motion to convene into Executive Session was made by Councilman Connell, and second by Councilman Weigel.

A Roll Call Vote Was Requested to Convene into Executive Session

Roll Call to Convene into Executive Session:

Councilman Connell	<u>Yes</u>
Councilman Adams	<u>Yes</u>
Councilman Marsh	<u>No</u>
Councilman Ash	<u>No</u>
Councilwoman Perrone	<u>Yes</u>
Councilman Fracasso	<u>No</u>
Councilman Weigel	<u>Yes</u>

Motion Passed 4/3

A Motion to come out of Executive Session was made by Councilman Connell, and second by Councilman Adams.

Motion Passed 7/0

Vince Gurrera, City Attorney, stated that the Executive Session dealt with personnel items and appointments.

READING OF MINUTES

Vince Gurrera, City Attorney, Councilwoman Perrone was not in office during the June 10, 2019, Regular City Council Meeting, and therefore has to abstain from voting on the minutes.

- June 10, 2019 – Regular

Motion to approve the minutes of the June 10, 2019, Regular Council Meeting was made by Councilman Ash, and second by Councilman Connell.

Motion Passed 7/0

Councilwoman Perrone abstained from voting on the minutes

Motion Passed 6/0

- July 1, 2019 – Special

Motion to approve the minutes of the July 1, 2019, Special Council Meeting was made by Councilman Ash, and second by Councilman Fracasso.

Motion Passed 7/0

OLD BUSINESS:

Vince Gurrera, City Attorney, recommended that items 1 and 2 under old business continue to be tabled. It was advised for the two ordinances to be read together then council could vote whether to keep the ordinances tabled.

- 1. Second Reading of Ordinance No. 2080. An Ordinance Modifying the Weirton Fire Department Work Schedule to a 212 Hour/28 Day Work Rotation. (Councilman Connell, Councilman Marsh, Councilman Ash, Councilman Jackson, Councilman Fracasso) (Tabled 6/10/19)**
- 2. Second Reading of Ordinance No. 2081. An Ordinance Creating the Position of Public Safety Director for the City of Weirton, WV. (Councilman Connell, Councilman Marsh, Councilman Ash, Councilman Jackson, Councilman Fracasso) (Tabled 6/10/19)**

Mayor Miller, asked for a motion to take the ordinances off the table.

No motion was made to take the ordinances off the table

Both ordinances remain tabled due to lack of motion to take them off the table

Councilman Fred Marsh, stated that after the last meeting it has been brought to his attention that with current WV Ethics Committee rulings and other things, based off of the advice from the city attorney, he will need to recuse himself from the discussion and voting on agenda items 3, 4, and 5 because of doing business with landlords.

- 3. Second Reading of Ordinance No. 2084. An Ordinance of the City of Weirton Repealing Ordinance 1569, as Amended, which Ordinance is Codified as Article 1790 "Registration and Inspection of Rental Housing Units" of The Weirton City Code and Re-enacting Said Article 1790 as "Rental Dwelling Units" to Provide for the Establishment of a Rental Registration Program. (Councilman Ash, Councilman Jackson, Councilman Fracasso)**

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

Councilman Marsh recused himself from the meeting while the ordinance was being discussed and voted on

A Roll Call Vote Was Requested to Approve the Ordinance

Roll Call to Approve the Ordinance:

Councilman Connell **Yes**

Councilman Adams **No**

Councilman Ash **Yes**

Councilwoman Perrone **Yes**

Councilman Fracasso **Yes**

Councilman Weigel **No**

Motion Passed 4/2

4. Second Reading of Ordinance No. 2085. An Ordinance Amending Article § 701.03 of the Weirton Code of Ordinances to Establish a Residential Rental Property License Fee. (City Manager)

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

Councilman Marsh recused himself from the meeting while the ordinance was being discussed and voted on

**Councilwoman Perrone Voted No
Councilman Weigel Voted No**

Motion Passed 4/2

5. Second Reading of Ordinance No. 2086. An Ordinance Establishing a Commercial Rental Property License Fee. (City Manager)

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

Councilman Terry Weigel, stated he found it very ironic that we are here stomping on the Fourth Amendment rights of renters only a few days after Independence Day.

Councilman Fred Marsh recused himself from the meeting while the ordinance was being discussed and voted on

A Roll Call Vote Was Requested to Approve the Ordinance

Roll Call to Approve the Ordinance:

Councilman Weigel	<u>No</u>
Councilman Fracasso	<u>Yes</u>
Councilwoman Perrone	<u>No</u>
Councilman Ash	<u>Yes</u>
Councilwoman Adams	<u>Yes</u>
Councilman Connell	<u>Yes</u>

Motion Passed 4/2

- 6. Second Reading of Ordinance No. 2087. An Ordinance Modifying Ordinance #1313, as Amended, Establishing New Salaries of Employees Who are Members of the Fraternal Order of Police Lodge #84, and Authorizing the City Manager to Sign Contracts Necessary to Place these Changes into Effect. (City Manager)**

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

Motion Passed 7/0

NEW BUSINESS:

- 1. Appointments and Swearing-In of the City Manager, City Attorney, City Judge, and City Police Chief.**

City Manager – Carlo Pilgrim

A Motion was made to approve the appointment of Carlo Pilgrim as City Manager by Councilman Connell, and second by Councilman Weigel.

A Roll Call Vote Was Requested to Approve the Appointment of Carlo Pilgrim for City Manager

Roll Call to Approve the Appointment:

Councilman Connell Yes

Councilman Adams Yes

Councilman Marsh No

Councilman Ash No

Councilwoman Perrone Yes

Councilman Fracasso No

Councilman Weigel Yes

Motion Passed 4/3

City Attorney – Vincent S. Gurrera, Esq.

A Motion was made to approve the appointment of Vincent S. Gurrera as City Attorney by Councilman Ash, and second by Councilman Marsh.

Motion Passed 7/0

City Judge – Dean Makricostas, Esq.

A Motion was made to approve the appointment of Dean Makricostas, Esq. as City Judge by Councilman Ash, and second by Councilman Marsh.

Motion Passed 7/0

City Police Chief – Rob Alexander

A Motion was made to approve the appointment of Rob Alexander as City Police Chief was made by Councilman Ash, and second by Councilman Marsh.

Motion Passed 7/0

2. An Ordinance to the Amendment No. 808 to the Traffic Control Map to Place a Yellow Curb on the North Side of Oak Street from Corner of Mercer Street to the Wall at 137 Oak Street. (Councilman Connell)

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

Motion Passed 7/0

3. An Ordinance to the Amendment No. 809 to the Traffic Control Map Establishing 45 feet of no parking beginning at 493 feet from the intersection of Potomac Avenue on the north side of Morningside Court and then beginning again at a point of 37 feet, establishing no parking for a distance of 66 feet on the north side of Morningside Court, and placing a "No Parking" Sign on each end. (Councilman Marsh)

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

Motion Passed 7/0

- 4. An Ordinance to the Amendment No. 810 to the Traffic Control Map, placing a stop sign 5' North of the driveway of 1272 Elmhurst on the East side of Palisades and place an additional stop sign 40' east of the driveway at 3877 Palisades on the Northside of Beaumont. (Councilwoman Perrone)**

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

Motion Passed 7/0

- 5. An Ordinance Modifying Ordinance #1313, as Amended, establishing new Salaries of Employees who are members of the Weirton Municipal Employees Union and authorizing the City Manager to Sign Contracts Necessary to Place these Changes into Effect. (City Manager)**

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

Motion Passed 7/0

- 6. An Ordinance Modifying Ordinance #1313, As Amended, 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 first reading of the ordinance by Councilman Ash, and second by Councilman Marsh.

Motion Passed 7/0

- 7. A Resolution to Begin Design and Construction on the Park Drive Streetscape Project with the Funding through a State of West Virginia Transportation Alternatives Grant and to Provide Matching Funds from the Three Springs Tax Increment Financing District. (City Manager)**

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

Motion Passed 7/0

8. A Resolution to Enter into a Contract for the Purchase of Protective Fire Fighting Coats, Pants, and Gloves for Structural Firefighting (\$4,089.35). (City Manager)

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

Motion Passed 7/0

9. A Resolution to Place Liens against Real Properties for Costs Incurred in Demolition of Unsafe Properties Pursuant to Ordinance 250 (3221 Elm Street) (\$11,125.25). (City Manager)

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

Motion Passed 7/0

10. A Resolution for the B-19 Community Development Block Grant (CDBG) (\$412,648.00) (City Manager)

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

Councilman Weigel Voted No

Councilman Marsh Voted No

Motion Passed 5/2

11. A Resolution to Renew the City's Annual Support Contract with AccuFund, Inc. for the Continued Support, Maintenance and Enhancement of the City's Accounting Software (\$8,995.25). (City Manager)

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

Motion Passed 7/0

12. A Resolution to Enter into Contract for GASB 34 Accounting Services with Kozicki, Hughes & Tickerhoof, PLLC (\$30,000.00). (City Manager)

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

Motion Passed 7/0

13. A Resolution to Renew the City's Annual Support Contract with ACCELA for the Continued Support and Maintenance of the City's Customer Interaction Website (\$5,992.00). (City Manager)

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

Motion Passed 7/0

14. A Resolution to Enter into a Contract with NLS Paving Inc. for City Wide Milling and Paving of Various City Streets (\$969,424.50). (City Manager)

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

Councilman Fred Marsh, advised that the Finance Committee went through this resolution and contract. The price came way under budget. It was in the opinion of the Finance Committee to move the contract forward so it could get on the paving company's schedule. On Wednesday night, there will be a workshop to discuss the balance of the money to see where it should go and place a change order on the current contract.

Motion Passed 7/0

15. A Resolution to Enter into Contract with NLS Paving Inc. for Milling and Paving of CDBG Eligible Streets (\$213,679.75). (City Manager)

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

Motion Passed 7/0

16. A Resolution to Enter into Contract with H.E. Neumann for the Purchase of a New Variable Air Volume (VAV) System for the Weirton Municipal Building (\$174, 469.00). (City Manager)

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

Councilman Fred Marsh, stated that the contract only covers the air-conditioning side of the system. The heating side of the system is not covered under the contract.

Motion Passed 7/0

17. A Resolution Notifying the Mayor to Present for Approval Administrative Appointments as Prescribed by the Charter of the City of Weirton. (Councilman Marsh)

Councilman Fred Marsh, requested that the resolution be pulled from the agenda because all appointments were made and approved.

The resolution was pulled from the agenda; therefore no vote took place

APPOINTMENTS:

Disruptive Activity Board

Lyndon Allman

8/1/19 - 7/31/2022

Joseph Gurrera

8/1/19-7/31/2022

Jon Phillips

8/1/19-7/31/2022

A Motion to approve the appointments was made by Councilman Marsh, and second by Councilman Weigel.

Motion Passed 7/0

Police and Fire Service Fee Appeals Board

Councilman Enzo Fracasso

7/1/2019 – 1/1/2025

A Motion to approve the appointments was made by Councilman Marsh, and second by Councilman Weigel.

Motion Passed 7/0

Redevelopment Authority

Councilman Fred Marsh, questioned the existence of the Redevelopment Authority at this point because all the appointments have expired, and the Redevelopment Authority has not met in years.

Vince Gurrera, City Attorney, if you do not make another appointment it dies.

Mayor Harold Miller, agreed that the board has been inactive.

Councilman Fred Marsh, requested his name to be pulled off.

Councilman Fred Marsh

7/1/2019 – 1/1/2025

The appointment was pulled off due to the inactive board – No vote took place

Planning Commission

Councilman Tim Connell

7/1/2019 – 1/1/2025

A Motion to approve the appointments was made by Councilman Marsh, and second by Councilman Weigel.

Motion Passed 7/0

Weirton Fire Prevention Board

Councilman Fred Marsh

7/1/2019 – 1/1/2025

A Motion to approve the appointments was made by Councilman Marsh, and second by Councilman Weigel.

Motion Passed 7/0

Mary H. Weir Public Library Board

Janice McSherry

7/1/19 – 6/30/2020

A Motion to approve the appointments was made by Councilman Marsh, and second by Councilman Weigel.

Motion Passed 7/0

Direct Mayoral Appointments:

Building Enforcement Agency

Mayor Harold E. Miller serves
Councilman George Ash has been re-appointed

Finance Committee

Councilman Fred Marsh has been re-appointed
Councilman Enzo Fracasso has been re-appointed

Councilman Terry Weigel has been re-appointed and replaced Councilwoman Flora Perrone's appointment

BHJ Metropolitan Planning Commission

Mayor Harold E. Miller serves

Councilman Tim Connell has been re-appointed

Business Development Corporation

Mayor Harold E. Miller serves

Councilman Terry Weigel has been appointed

Councilwoman Flora Perrone has been appointed

WV Workforce Development Board

Councilman Tim Connell has been re-appointed

Water Board

Councilman George Ash has been re-appointed as an ex-officio member

DEPARTMENTAL REPORTS

Weirton Transit -Donna Gialluco

A new Weirton Transit Schedule was presented to Mayor and Council that provides more information to citizens using the Weirton Transit for their traveling needs.

Police Department – Chief Rob Alexander

Nothing additional to report

Fire Department – Chief Jerry Shumate

It was reported that the Fourth of July Holiday went off without any events and the Weirton Geriatric Center had their fireworks scheduled for tonight. Besides, the Chief's car has received the proper lettering and will be here tomorrow.

Public Works – Rod Rosnick

Let Mayor and Council know he will be out of town for the next few of days, but would be available if any of the councilmen would like anything evaluated to be placed in the change order before the workshop.

Utilities – Water and Sewer – Butch Mastrantoni

All were advised that Weirton was selected as a community to receive a development loan in the amount 1.3 million dollars to upgrade our current water treatment plant and a development loan in the amount of 1.3 million dollars to upgrade our sewage treatment plant. This will allow us to address all of the engineering design, the soft costs associated with the project, and roll those into long term financing in the end. No

one's budget will be strapped, and we can still do a really good job. Discussion took place on upgrades for both facilities.

Councilman Terry Weigel, asked if council will be required to take action before closing these loans.

Butch Mastrantoni, Utilities Director, yes, council will have to approve the ordinances under three readings with a public hearing for both. A schedule on the ordinances will be forthcoming.

Councilman Terry Weigel, advised he would like a workshop with all of council and the taskforce to summarize what was stated today, where we are at, and what will be needed in the future.

Butch Mastrantoni, Utilities Director, stated he would be happy to facilitate a workshop with Mayor and Council to discuss those items.

Councilman Terry Weigel, asked where do we stand on the restoration of damages done due to waterline breaks?

Butch Mastrantoni, Utilities Director, reported that they are woefully behind. Waterline breaks continue to happen. Outside assistance is being looked at to locate some of the issues.

Councilman Fred Marsh – asked if the concrete crew were going to do sidewalks also.

Butch Mastrantoni, Utilities Director, advised that the concrete crew was doing sidewalk restoration and any street restoration.

Planning and Development – Mark Miller

Nothing additional to report

Library – Rik Rekowski

All were advised that the library continues to have a busy summer. The Summer Reading Program is held on Mondays and Tuesdays for July at 11:00 AM and 3:00 PM. This Saturday, July 13, there is an adult book discussion group at 11:00 AM. On Saturday, July 20, at 2:00 PM, the Library will be showing the movie "Wonder Park." On Wednesday, July 24, at 1:00 PM is the Teddy Bear Tea event that is hosted by the Weirton Women's Club. On Wednesday, July 27, there will be a Game Day at the library. The Brooke County, Economic Development Authority in coalition with Northern Community College, is going to have a program on Thursday, July 18, 2019, from 6:00-8:00 PM at Northern's campus relating to the WV Invest Program. Wellsburg Chamber of Commerce with the Brooke County Economic Development Authority is running a Pitch Program Contest for entrepreneurs. The deadline is a week from this Friday for anyone who would like to be coached and apply for a business development experience. The event will take place on August 9.

Mayor Harold Miller, thanked Rik Rekowski for everything he does for our community. Mr. Rekowski has been nominated to be inducted into the Weirton Hall of Fame for all he has done for our community.

Finances – Diana Smoljanovich, Interim City Manager / Finance Director

Before getting to the cash report, an item needed to be addressed. There was a problem with the court report from the state. Only a month-to-date total is being given for \$9,300, but the correct total comes from the year-to-date, which is \$327,000. Renee was asked going forward to type in what the year-to-date totals are.

General Fund Cash Report for June 2019

Beginning Cash Balance:	\$ 1,720,516.83
Interest on Checking:	\$ 607.12
Deposits:	\$ 410,039.19
Draw-downs on Investment:	\$ 0.00
Disbursements:	\$1,566,459.65
Deposits to Investments:	\$ 0.00
Ending Cash Balance:	\$ 564,703.49
Beginning Investment Balance:	\$0.00
Interest on Investments:	\$0.00
Investment Proceeds:	\$0.00
Change in Value:	\$0.00
Deposits:	\$0.00
Withdrawals:	\$0.00
Ending Investment Balance:	\$0.00
Petty Cash:	\$800.00
Total Cash and Investments Available:	\$565,503.49

Invoices Submitted for Payment

GENERAL FUND:

Invoice #31147	Kelly Paving, Inc.	\$ 6,390.78	
Invoice #31050	Kelly Paving, Inc.	\$ 4,645.74	
Invoice #31136	Kelly Paving, Inc.	\$ 6,035.08	
Invoice #8719	JIMCO Plumbing	\$ 4,385.00	\$ 21,456.60

TIF FUND:

Invoice #32680-2	Terradon Corporation	\$ 10,680.00	
Invoice #32680-1	Terradon Corporation	\$ 28,195.00	\$ 38,875.00

Motion to approve the payment of the invoices presented and financial report was made by Councilman Marsh, and second by Councilman Weigel.

Councilman Terry Weigel, asked if there were any concern with the cash flow.

Diana Smoljanovich, Interim City Manager/Finance Director, stated no she was not concerned. The balance was so low due to what was paid out in June with having

to make the final pension deposit close to \$400,000 and the last vehicle Rod ordered was approximately \$120,000. This month B&O, municipal fees, and sale taxes will be in by July 20, 2019, which will bring the cash flow back up.

Councilman Terry Weigel, stated the balance was the lowest he had seen in years.

Diana Smoljanovich, Interim City Manager / Finance Director, advised it had been that low in the past. Last year, we were not allowed to spend anything after April on so we could have a larger carryover. The total in there now is a good place to be.

Motion Passed 7/0

Councilman Tim Connell, 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 Marsh.

Motion Passed 7/0

Oath of Office for the City Attorney, City Judge, and City Police took place directly after the meeting ended.