

**CITY OF WEIRTON  
MONDAY, MARCH 7, 2022  
COUNCIL MEETING – REGULAR  
OPEN TO THE PUBLIC  
7:00 p.m.  
COUNCIL CHAMBERS**

PRAYER

PLEDGE OF ALLEGIANCE

MEETING CALLED TO ORDER

ROLL CALL

MAYOR’S AWARDS AND PROCLAMATIONS

- Veteran’s Proclamation
- Proclamation – National Vietnam War Veterans Day – Weirton VFW Post #2716
- Proclamation – National Women’s History 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

- February 14, 2022 – Special Council Meeting
- February 17, 2022 – Special Council Meeting

FINANCE COMMITTEE COMMENTS/FINANCIAL REPORT

UNFINISHED BUSINESS:

1. Second Reading of Ordinance No. 2184 Modifying Ordinance #1313, as Amended, Establishing New Salaries for Firefighters who are Members of the Weirton Firefighters Association Local #948, and Authorizing the City Manager to Sign the New Contract Necessary to Place These Changes into Effect. (City Manager)
2. A Resolution Designating a Portion of the Municipal Plaza Parking Lot as a Landing Zone for Emergency Helicopters in Downtown Weirton. (City Manager) (Tabled February 14, 2022)

NEW BUSINESS:

1. An Ordinance to Amend the Traffic Control Map, Ordinance No. 214, to Rescind Ordinance No. 2030 that Established a Dedicated Residential Disability Parking Space at 131 Cropper Street. (Councilman Fracasso)
2. An Ordinance Establishing and Fixing Sewer Rates, Fees and Charges of the City of Weirton, West Virginia and Approving the Construction of Sewer Improvements for the Sanitary Board. (City Manager)
3. An Ordinance Establishing and Fixing Water Rates, Fees and Charges of the City of Weirton, West Virginia and Approving the Construction of Water Improvements for the Weirton Area Water Board. (City Manager)
4. Amendment to Resolution to Allocate \$2 Million to Water and Sewer Plant Upgrades from the American Rescue Plan Act of 2021. (Councilman Ash)
5. A Resolution to Allocate \$2 Million to Sewer Plant Upgrades from the American Rescue Plan Act of 2021-2022. (Councilman Ash)
6. A Resolution to Enter into Contract with Kelly Paving for City Wide Milling and Paving of Various City Streets (\$1,146,357.80). (City Manager)
7. A Resolution to Enter into Contract with Kelly Paving Company for Milling and Paving of CDBG Eligible Streets (\$432,448.25). (City Manager)
8. A Resolution to Enter into a Contract for Professional Services by and between the City of Weirton, WV and Urban Design Ventures, LLC. (City Manager)
9. A Resolution Appointing Mr. George E. Ash, Sr. to the Municipal Service Fee Appeals Board for the City of Weirton. (Mayor Miller)
10. A Resolution Authorizing Payment of 2022-2023 West Virginia Municipal League Dues in the Amount of \$5,174.01. (City Manager)
11. A Resolution Opposing the Closing of the Workforce WV Office in Weirton. (Mayor Miller, Councilman Connell, Councilman Jonczak, Councilman Marsh, Councilman Ash, Councilwoman Perrone, Councilman Fracasso, Councilman Weigel)
12. A Resolution to Approve the 2022-2023 Fiscal Year General Fund and Coal Severance Fund Budgets. (City Manager)
13. An Ordinance to Amend and Re-Enact Police and Fire Service Fee for the City of Weirton. (City Manager)

14. An Ordinance Amending the City of Weirton’s Charter Article VI, Section 1. to Establish an Additional Regular Council Meeting on the 3<sup>rd</sup> Monday of Every Month (Councilman Connell)
15. A Resolution Authorizing the City Manager to Enter into an Agreement with US Housing Consultants to Initiate the City of Weirton Residential Inspection Program Pursuant to the City of Weirton Ordinance No. 2084 (\$50,000.00). (Councilman Ash)
16. A Resolution to Enter into Contract with Stericycle, Inc. for Shredding Services for the City of Weirton (\$1,222.00). (City Manager)

CITY MANAGER AND DEPARTMENTAL REPORTS

MAYOR AND COUNCIL COMMENTS/COMMUNICATIONS

ADJOURNMENT

PRAYER

**INFORMATIONAL COUNCIL MEETING**

**Monday, March 7, 2022**

**COUNCIL CHAMBERS**

**6:55 p.m.**

**MEETING MINUTES  
WEIRTON CITY COUNCIL**

Regular Council Meeting  
Weirton Municipal Building – Council Chambers  
200 Municipal Plaza, Weirton, WV 26062  
Monday, March 7, 2022, 7:00 p.m.

**Councilman Tim 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
Tim 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

Scott Cook	Deputy Police Chief	IN PERSON
Kevin Himmelrick	Fire Chief	IN PERSON
Butch Mastrantoni	Utilities Director	IN PERSON
Rik Rekowski	Library Director	ABSENT
Rod Rosnick	Public Works Director	IN PERSON
Jessica Gumm	Planning and Development Director	ABSENT
W. Coty Shingle	Park Board Executive Director	IN PERSON
Diana Smoljanovich	Finance Director	IN PERSON
Matt Burskey	Code Official	IN PERSON
Pamela Wright	Employee Benefits Administrator	ABSENT
Phil Gilcrest	Weirton Transit Manager	IN PERSON
Mike Adams	City Manager	IN PERSON
DeeAnn Pulliam	Assistant City Manager	IN PERSON
Vincent S. Gurrera, Esq.	City Attorney	IN PERSON
Brian Stewart	IT Analyst	IN PERSON
Kimberly Long	City Clerk	IN PERSON

## MAYOR'S AWARDS AND PROCLAMATIONS

### VETERAN'S PROCLAMATION – Timothy Connell

***NOW, THEREFORE, I, HAROLD E. MILLER, MAYOR OF THE CITY OF WEIRTON, BROOKE AND HANCOCK COUNTIES** do hereby recognize **TIM CONNELL** and honor him for his dedicated military service to our Country and his community, on this day March 7, 2022.*

### PROCLAMATION – National Vietnam War Veterans Day 2022 – Veterans of Foreign Wars Post #2716

***NOW, THEREFORE, I, Harold E. Miller, Mayor of the City of Weirton,** do hereby recognize March 29, 2022, as **National Vietnam War Veterans Day** in our community, and thank the Veterans of Foreign War Post #2716 for their promotion of patriotism and dedicated support to the veterans of the City of Weirton.*

### PROCLAMATION – National Women's History Month – Earlean Jones and Savannah Guz

***NOW, THEREFORE, BE IT RESOLVED,** that I, Harold E. Miller, Mayor of the City of Weirton, do hereby proclaim March as **WOMEN'S HISTORY MONTH** in the City of Weirton and recognize Earlean Jones and Savannah Guz for their efforts in ensuring the Dunbar Recreation Center will always be appreciated and never forgotten. Earlene and Savannah are great examples of women who have contributed much to preserve the history and legacy of our community*

## CITIZENS' REMARKS

Residents, B. Keith Fabianich, Mark McEvoy and Chuck Svokas, spoke about the proposed water rate increases.

Resident, Steve Psaros, requested the paving of the 300 block of Old Colliers Way.

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

No motion was made to go into Executive Session.

## READING OF MINUTES

### **February 14, 2022, Special Council Meeting Minutes**

**Motion to Approve the February 14, 2022, Special Council Meeting Minutes:**

**Councilman Ash**

**Motion Approved: 7/0**

### **February 17, 2022, Special Council Meeting Minutes**

**Motion to Approve the February 17, 2022, Special Council Meeting Minutes:**

**Councilman Ash**

**Motion Approved: 7/0**

## **FINANCE COMMITTEE COMMENTS/FINANCIAL REPORT**

**Councilman Marsh** – Several spending resolutions are on tonight’s agenda, including a resolution to hire the consulting firm to help us handle CDBG, along with the budget resolution.

**Finance Director, Diana Smoljanovich** – There are four invoices that need approval tonight. The Nortec invoice in the amount of \$3,981.25 is for technical support we received over and above our annual maintenance agreement. The other three invoices are for the Community Center project. The first one is for Fort Steuben maintenance in the amount of \$7,091.00, the second one is for James White Construction in the amount of \$12,948.84, and the third one is also for James White Construction in the amount of \$74,740.86. There is a balance of \$54,323.38 remaining of the \$500,000.00 allocated by Council to this project. After paying the Fort Steuben invoice and the first James White Construction invoice, there is only \$34,283.54 left to pay towards the last James White Construction invoice, leaving the Park Board responsible for the remaining \$40,457.32. That is up to Council to approve with a partial payment or full payment.

**Park Board Executive Director, Coty Shingle**, explained that the only invoice paid so far from Phase 2 of the project was for the stairwells, because the stairwells were moved to Phase 1 due to the contractors working on the job didn’t want to close up the hole and then come back and reopen it to put in the stairwells. The only other alternative would have been to leave the hole open, leaving an unsafe situation. Other things occurred due to unforeseen issues arising during the stabilization of the wall. It was confirmed that the three invoices up for approval tonight are all Phase 1 invoices.

After further consideration, it was recommended to pay the \$34,283.54 now. Anything more would be subject to a future discussion.

**Motion to Pay the Invoices as Presented: Councilman Marsh**

**Motion Approved: 7/0**

### **General Fund Cash Report for February 2022:**

Beginning Cash Balance:	\$2,881,894.68
Deposits:	\$1,429,507.97
Interest:	\$ 268.07
Disbursements:	(\$1,333,516.00)
Petty Cash:	\$ 800.00
Total Cash on Hand:	\$2,978,954.72

**Motion to Accept the Financial Report: Councilman Marsh**

**Motion Approved: 7/0**

## **UNFINISHED BUSINESS:**

1. Second Reading of Ordinance No. 2184 Modifying Ordinance #1313, as Amended, Establishing New Salaries for Firefighters who are Members of the Weirton Firefighters Association Local #948, and Authorizing the City Manager to Sign the New Contract Necessary to Place These Changes into Effect. (City Manager)

**Motion to Approve: Councilman Ash**

**Motion Approved: 7/0**

2. A Resolution Designating a Portion of the Municipal Plaza Parking Lot as a Landing Zone for Emergency Helicopters in Downtown Weirton. (City Manager) (Tabled February 14, 2022)

**Chief Himmelrick** stated he researched alternative locations and there is a space behind the station that could be used instead.

**DIED FOR LACK OF MOTION**

## **NEW BUSINESS:**

1. An Ordinance to Amend the Traffic Control Map, Ordinance No. 214, to Rescind Ordinance No. 2030 that Established a Dedicated Residential Disability Parking Space at 131 Cropper Street. (Councilman Fracasso)

**Motion to Approve: Councilman Fracasso**

**Motion Approved: 7/0**

2. An Ordinance Establishing and Fixing Sewer Rates, Fees and Charges of the City of Weirton, West Virginia and Approving the Construction of Sewer Improvements for the Sanitary Board. (City Manager)

**Motion to Approve: Councilman Ash**

**Councilman Weigel** made a motion to amend the Ordinance by changing the **Delayed Payment Penalty** from ten percent (10%) to five percent (5%) on page 2 of the Ordinance.

When asked by **Councilman Ash, Utilities Director, Butch Mastrantoni**, stated that he feels it is acceptable to make this change.

**Motion to Approve the Amendment: 7/0**

**Motion to Approve the Ordinance as Amended: Councilman Weigel**

**Motion Approved: 7/0**

3. An Ordinance Establishing and Fixing Water Rates, Fees and Charges of the City of Weirton, West Virginia and Approving the Construction of Water Improvements for the Weirton Area Water Board. (City Manager)

**Motion to Approve: Councilman Fracasso**

**Councilman Weigel** made a motion to amend the Ordinance by changing the **Delayed Payment Penalty** from ten percent (10%) to five percent (5%) on page 3 and page 6 of the Ordinance.

**Motion to Approve the Amendment: 7/0**

**Motion to Approve the Ordinance as Amended: Councilman Weigel**

**Motion Approved: 7/0**



4. Amendment to Resolution to Allocate \$2 Million to Water and Sewer Plant Upgrades from the American Rescue Plan Act of 2021. (Councilman Ash)

**Motion to Approve: Councilman Ash**

**Discussion: Councilman Marsh** clarified that this Resolution is to reallocate funds previously approved by Council. Council had approved \$1M of ARPA funds to go to the Water Treatment Plant Upgrades and \$1M to go to the Sewer Plant upgrades. According to the final ARPA rules, these funds are not able to be used towards the water project; therefore, this is a reallocation of funds to the Sewer Plant upgrades.

**Motion Approved: 7/0**

5. A Resolution to Allocate \$2 Million to Sewer Plant Upgrades from the American Rescue Plan Act of 2021-2022. (Councilman Ash)

**Motion to Approve: Councilman Ash**

**Motion Approved: 7/0**

6. A Resolution to Enter into Contract with Kelly Paving for City Wide Milling and Paving of Various City Streets (\$1,146,357.80). (City Manager)

**Motion to Approve: Councilman Ash**

**Motion Approved: 7/0**

7. A Resolution to Enter into Contract with Kelly Paving Company for Milling and Paving of CDBG Eligible Streets (\$432,448.25). (City Manager)

**Motion to Approve: Councilman Connell**

**Motion Approved: 7/0**

8. A Resolution to Enter into a Contract for Professional Services by and between the City of Weirton, WV and Urban Design Ventures, LLC. (City Manager)

**Motion to Approve: Councilman Ash**

**Councilman Marsh** made a motion to amend the Resolution on the seventh “**Whereas,**” by adding after the word “**program**”: “**and are not to exceed the budgeted amount set by Council.**”

**Motion to Approve the Amendment: 7/0**

**Councilman Weigel** explained that this is an open-ended contract and the Finance Committee wanted a limit set.

**Motion to Approve the Amended Resolution: Councilman Marsh**

**Motion Approved: 7/0**

9. A Resolution Appointing Mr. George E. Ash, Sr. to the Municipal Service Fee Appeals Board for the City of Weirton. (Mayor Miller)

**Motion to Approve: Councilman Fracasso**

**Motion Approved: 6/0**

**Councilman Ash abstained**

10. A Resolution Authorizing Payment of 2022-2023 West Virginia Municipal League Dues in the Amount of \$5,174.01. (City Manager)

**Motion to Approve: Councilman Weigel**

**Motion Approved: 7/0**

11. A Resolution Opposing the Closing of the Workforce WV Office in Weirton. (Mayor Miller, Councilman Connell, Councilman Jonczak, Councilman Marsh, Councilman Ash, Councilwoman Perrone, Councilman Fracasso, Councilman Weigel)

**Motion to Approve: Councilman Fracasso**

**Motion Approved: 7/0**

12. A Resolution to Approve the 2022-2023 Fiscal Year General Fund and Coal Severance Fund Budgets. (City Manager)

**Motion to Approve: Councilman Marsh**

**A Roll Call Vote was Required for the Motion:**

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

**Motion Approved: 7/0**

13. An Ordinance to Amend and Re-Enact Police and Fire Service Fee for the City of Weirton. (City Manager)

**Motion to Approve: Councilman Ash**

**Motion Approved: 7/0**

14. An Ordinance Amending the City of Weirton's Charter Article VI, Section 1. to Establish an Additional Regular Council Meeting on the 3rd Monday of Every Month (Councilman Connell)

**Motion to Approve: Councilman Connell**

**Discussion:** If approved, this would be a Charter change and the process outlined under W.Va. State Code §8-4-8 would need to be followed. A proposed Charter change requires a roll call vote and has to be unanimously approved. If there is one objection, it would have to be put on an election ballot. There is an option to have a special election for this one item which would be costly, or it could wait until the next general election. It was explained that the idea behind this is to reduce time spent at meetings and to process the issues and concerns quicker and more efficiently. It was also noted that if the issues were broken up into smaller increments it could be beneficial by allowing time for more thorough review and investigation into the matters that will be discussed and on which decisions will be made. There are certain matters that are regulated by State Code that would still have timelines that must be followed. The concern was expressed that if you add to the number of mandatory meetings it would increase the time commitment of being a councilperson and could potentially hinder the interest of people to sign up and run for council. It was also expressed that it should not be a necessity for a special election be needed for this one item. It was confirmed, however, that nothing would prohibit this item from being added to a future general election ballot. Council still has the ability to call workshops and special meetings as needed.

**Councilman Ash** made the motion to amend the Ordinance to state “**If there is one objection to this Ordinance, it will not be pursued so that it does not go on a special election ballot.**”

**Motion to Approve the Amendment: 7/0**

**Roll Call Vote was Required for the Amended Ordinance:**

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

**Motion Approved: 6/1**

**Due to the amendment made to the Ordinance, based upon one objection, this Ordinance dies.**

15. A Resolution Authorizing the City Manager to Enter into an Agreement with US Housing Consultants to Initiate the City of Weirton Residential Inspection Program Pursuant to the City of Weirton Ordinance No. 2084 (\$50,000.00). (Councilman Ash)

**Motion to Approve: Councilman Ash**

**Motion Approved: 7/0**

16. A Resolution to Enter into Contract with Stericycle, Inc. for Shredding Services for the City of Weirton (\$1,222.00). (City Manager)

**Motion to Approve: Councilman Ash**

**Motion Approved: 7/0**

## **CITY MANAGER AND DEPARTMENTAL REPORTS**

**Fire Department – Chief Himmelrick** – Nothing further to add to the submitted report.

**Police Department – Deputy Chief Cook** – Nothing further to add to the submitted report.

**Utilities – Butch Mastrantoni** – Thanked Council for approving the total of the \$4M allocation to the Sewer Plant upgrades. The professional team involved with the rate increase process will be in attendance at the April 11, 2022, public hearing in order to respond to any questions that arise.

**Public Works – Rod Rosnick** – Nothing further to add to the submitted report.

**Code – Matt Burskey** – Nothing further to add to the submitted report.

**Parks and Recreation – Coty Shingle** – Thanked Council for favorably considering the increased Parks and Recreation budget allocation for 2022-2023, and for the \$500,000.00 allotment towards Phase 1 of the Community Center project.

**Transit – Phil Gilcrest** – Nothing further to add to the submitted report.

**City Manager – Mike Adams** – Received the final document from the EDA for the Park Drive project that amends the grant and allows us to issue notices to proceed with the contractors; accompanied the Frontier Group on a visit with a prospect interested in investing in the City , which also included representatives from the WV Department of Economic Development; finalized the budget which included an increase of 25% in the paving budget; continues to work with the DOH on the roads and lighting issues; the decision to close the Workforce WV Weirton office has been delayed indefinitely; secured the City’s liability and property insurance at a savings of about \$66,000 this year; amended the police and fire service fee as a way to hopefully address some of the issues of delinquency. The idea behind this amendment was to change and streamline the collection process. The previous collection process required the Finance Director having to file a lawsuit with the magistrate or circuit courts to collect. The WV State Code allows for cities to be able to file a lien on a determination of delinquency first, as long as there is a process in place within the ordinance giving the landowner the ability to protest the charges.

**Assistant City Manager – DeeAnn Pulliam** – The promotional tour videos showcasing the City are now up on the City’s website and are on Facebook. Work on the website concept design continues. In February, DataMax collected \$1797.64 from five new companies and one previous company giving the City \$898.82 from DataMax for February 2022, bringing the total collected for the City since July 2020 from DataMax to \$57,889.02.

**IT - Brian Stewart** – Nothing to report.

**Councilwoman Perrone** inquired about the option of council members being assigned city email accounts.

## **MAYOR AND COUNCIL COMMENTS/COMMUNICATIONS**

**Mayor Miller** announced that this summer will be the 75<sup>th</sup> birthday of the City and a celebration is being planned. The Mayor also announced that he is now a representative for the City on the CVB board.

## **ADJOURNMENT**

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

**Councilman Tim Connell** recited the closing prayer.

Minutes approved at the April 11, 2022 Regular Council Meeting.

Signed: *Kimberly Long*, City Clerk