

**CITY OF WEIRTON
FRIDAY, JULY 16, 2021
COUNCIL MEETING – SPECIAL
OPEN TO THE PUBLIC
9:30 a.m.
COUNCIL CHAMBERS**

PRAYER

PLEDGE OF ALLEGIANCE

MEETING CALLED TO ORDER

ROLL CALL

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

- June 7, 2021 – Regular Council Meeting
- June 29, 2021 – Special Council Meeting

FINANCE COMMITTEE COMMENTS/FINANCIAL REPORT

UNFINISHED BUSINESS:

1. Second Reading of Ordinance No. 2157 for the Sale of Property Located Adjacent to 157 Bennett Drive, Weirton, Assessor’s Map and Parcel W38C-283 to Carol Hawthorne. (City Attorney)

NEW BUSINESS:

1. A Resolution to Enter Into Agreement with GoGovApps for GOEnforce Code Enforcement Subscription for August 1, 2021 – July 31, 2022 (\$4,500.00). (City Manager)
2. A Resolution to Enter Into Agreement with Pulice Construction for the Demolition for the Structure Located at 341 Greenbrier Road (\$6,400.00). (City Manager)
3. A Resolution to Enter Into Agreement with Safeco Environmental Inc. for the Asbestos Abatement of the Structure Located at 341 Greenbrier Road (\$1,200.00). (City Manager)
4. A Resolution to Authorize a Contribution to the Hancock County Special Olympics’ Golf Scramble (\$1,000.00). (Councilman Fracasso).
5. An Ordinance for the Abandonment of Real Property Located Adjacent to Shiloh Apostolic Faith Church Located at 3000 Weir Avenue, Weirton, Hancock County, West Virginia. (Councilman Connell)
6. An Ordinance Modifying Ordinance #1733 Implementing New Rules and Regulations for the Weirton Fire Department Personnel. (Councilwoman Perrone)

7. A Resolution to Authorize the City Manager to Enter into Contract for the Purchase of Three (3) AWD 2021 Ford Explorer SUV Marked Police Cruisers for the Weirton Police Department's Patrol Division (\$102,423.00). (City Manager)
8. A Resolution to Authorize the City Manager to Enter into Contact for the Upfitting of Three (3) AWD 2021 Ford Explorer SUV Marked Police Cruisers for the Weirton Police Department's Patrol Division (\$23,031.00). (City Manager)
9. An Ordinance Approving and Authorizing the Feasibility Study for the City of Weirton Public Safety Facility (\$21,000.00). (Councilman Weigel)
10. 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)
11. An Ordinance Modifying Ordinance #1313, as Amended, Establishing New Salaries and Work-Related Provisions of Employees Who are Members of the Weirton Municipal Employees Union (WMEU), and Authorizing the City Manager to Sign Contracts Necessary to Place These Changes Into Effect. (City Manager)
12. An Ordinance Modifying Ordinance #1313, as Amended, Establishing New Salaries and Work-Related Provisions 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)
13. A Resolution to Enter into an Agreement with the Hancock County Sheltered Workshop for Water and Bottle Service at the Weirton Municipal Building. (City Manager)
14. A Resolution to Authorize Financial Support by the City of Weirton to the Business Development Corporation (BDC) (\$33,062.50). (Councilwoman Perrone)
15. A Resolution to Allocate \$2 Million Dollars to Water and Sewer Plant Upgrades from the American Rescue Plan Act of 2021 (\$2,000,000.00). (Councilman Ash)
16. A Resolution Appointing Mr. Nathan Mazur to the Mary H. Weir Public Library Board. (Mayor Miller)

ADJOURNMENT

PRAYER

**MEETING MINUTES
WEIRTON CITY COUNCIL**

Special Council Meeting
Weirton Municipal Building – Council Chambers
Weirton, WV 26062
Friday, July 16, 2021, 9:30 a.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
Mike Adams	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

Charlie Kush	Police Chief	IN PERSON
Kevin Himmelrick	Fire Chief	IN PERSON
Butch Mastrantoni	Utilities Director	IN PERSON
Rik Rekowski	Library Director	IN PERSON
Rod Rosnick	Public Works Director	IN PERSON
Donna Gialluco	Weirton Transit Manager	ABSENT
Jessica Gumm	Planning and Development Director	ABSENT
Kaleb Knowlton	Program Manager	BY TELEPHONE
W. Coty Shingle	Park Board Executive Director	BY TELEPHONE
Diana Smoljanovich	Finance Director	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

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

Motion to go 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 matters were discussed, which falls under exception #12 of the Open Meetings Act.

READING OF MINUTES

June 7, 2021, Regular Council Meeting Minutes

Motion to Approve the June 7, 2021, Regular Council Meeting Minutes:
Councilman Fracasso
Motion Approved: 7/0

June 29, 2021, Special Council Meeting Minutes

Motion to Approve the June 29, 2021, Special Council Meeting Minutes:
Councilman Fracasso
Motion Approved: 7/0

FINANCE COMMITTEE COMMENTS/FINANCIAL REPORT

Councilman Fred Marsh – Finance related items on tonight’s agenda include new equipment, new police cruisers, outfitting of the police cruisers, allocating some of the American Rescue Plan money to water and sewer projects, three salary ordinances and Councilman Weigel’s feasibility study.

UNFINISHED BUSINESS:

1. Second Reading of Ordinance No. 2157 for the Sale of Property Located Adjacent to 157 Bennett Drive, Weirton, Assessor’s Map and Parcel W38C-283 to Carol Hawthorne. (City Attorney)
Motion to Approve: Councilman Fracasso
Motion Approved: 7/0

NEW BUSINESS:

1. A Resolution to Enter Into Agreement with GoGovApps for GOEnforce Code Enforcement Subscription for August 1, 2021 – July 31, 2022 (\$4,500.00). (City Manager)
Motion to Approve: Councilman Ash
Motion Approved: 7/0
2. A Resolution to Enter Into Agreement with Pulice Construction for the Demolition for the Structure Located at 341 Greenbrier Road (\$6,400.00). (City Manager)
Motion to Approve: Councilman Marsh
Motion Approved: 7/0
3. A Resolution to Enter Into Agreement with Safeco Environmental Inc. for the Asbestos Abatement of the Structure Located at 341 Greenbrier Road (\$1,200.00). (City Manager)
Motion to Approve: Councilman Marsh
Motion Approved: 7/0
4. A Resolution to Authorize a Contribution to the Hancock County Special Olympics' Golf Scramble (\$1,000.00). (Councilman Fracasso).
Motion to Approve: Councilman Fracasso
Motion Approved: 6/1
Councilman Weigel Voted Against the Resolution
5. An Ordinance for the Abandonment of Real Property Located Adjacent to Shiloh Apostolic Faith Church Located at 3000 Weir Avenue, Weirton, Hancock County, West Virginia. (Councilman Connell)
Motion to Approve: Councilman Connell
Motion Approved: 7/0
6. An Ordinance Modifying Ordinance #1733 Implementing New Rules and Regulations for the Weirton Fire Department Personnel. (Councilwoman Perrone)
Motion to Approve: Councilwoman Perrone
Motion Approved: 7/0
7. A Resolution to Authorize the City Manager to Enter into Contract for the Purchase of Three (3) AWD 2021 Ford Explorer SUV Marked Police Cruisers for the Weirton Police Department's Patrol Division (\$102,423.00). (City Manager)
Motion to Approve: Councilman Ash, Seconded by Councilwoman Perrone
Motion Approved: 7/0
8. A Resolution to Authorize the City Manager to Enter into Contact for the Upfitting of Three (3) AWD 2021 Ford Explorer SUV Marked Police Cruisers for the Weirton Police Department's Patrol Division (\$23,031.00). (City Manager)
Motion to Approve: Councilman Connell, Seconded by Councilman Ash
Motion Approved: 7/0
9. An Ordinance Approving and Authorizing the Feasibility Study for the City of Weirton Public Safety Facility (\$21,000.00). (Councilman Weigel)
Motion to Approve: Councilman Fracasso
Motion Approved: 7/0

10. 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)

Motion to Table: Councilman Connell

Discussion: It was noted that there was a discrepancy in one of the line items that there was a line through and needs to be taken out and when we move on this, the pay raises will be retroactive to July 1st.

Motion Approved: 7/0

11. An Ordinance Modifying Ordinance #1313, as Amended, Establishing New Salaries and Work-Related Provisions of Employees Who are Members of the Weirton Municipal Employees Union (WMEU), and Authorizing the City Manager to Sign Contracts Necessary to Place These Changes Into Effect. (City Manager)

Motion to Approve: Councilman Ash, Seconded by Councilwoman Perrone

Motion Approved: 6/1

Councilman Weigel Voted Against the Ordinance

12. An Ordinance Modifying Ordinance #1313, as Amended, Establishing New Salaries and Work-Related Provisions 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)

Motion to Approve: Councilman Connell

Motion Approved: 6/1

Councilman Weigel Voted Against the Ordinance

13. A Resolution to Enter into an Agreement with the Hancock County Sheltered Workshop for Water and Bottle Service at the Weirton Municipal Building. (City Manager)

Motion to Approve: Councilwoman Perrone

Motion Approved: 7/0

14. A Resolution to Authorize Financial Support by the City of Weirton to the Business Development Corporation (BDC) (\$33,062.50). (Councilwoman Perrone)

Motion to Approve: Council Fracasso

Discussion: It was asked what the Finance Committee's decision was on this. The Chairman of the Finance Committee, Councilman Marsh, stated that it was recommended to be approved by the Finance Committee.

Motion Approved: 7/0

15. A Resolution to Allocate \$2 Million Dollars to Water and Sewer Plant Upgrades from the American Rescue Plan Act of 2021 (\$2,000,000.00). (Councilman Ash)

Motion to Approve: Councilman Ash

Motion Approved: 7/0

16. A Resolution Appointing Mr. Nathan Mazur to the Mary H. Weir Public Library Board. (Mayor Miller)

Motion to Approve: Councilman Connell

Motion Approved: 7/0

CITY MANAGER AND DEPARTMENTAL REPORTS

Finances – Diana Smoljanovich – The sales tax figures are in at over \$900,000.00; that is up over 23% from the same time last year, and up about 13% over the last quarter. There is still over \$5 million in the Rainy-Day fund and about \$2.5 million in the operating account.

Assistant City Manager - DeeAnn Pulliam – Nothing to report at this time.

Utilities - Butch Mastrantoni - Nothing further to add to the submitted report.

Police Department - Chief Kush – We are in our hiring process for probationary police officers, and have oral interviews coming up next week with 14 applicants.

Fire Department - Chief Himmelrick – Hancock County is in the process of renewing the mutual aid agreements with all of the fire departments. The resolution for this renewal will hopefully be on the August council meeting agenda.

Code – Matt Burksey - Nothing further to add to the submitted report.

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

Library - Rik Rekowski – The circulation of books and printed materials has gone up. The summer reading program continues.

Councilman Ash asked **Mr. Rekowski** to respond to a previous comment made about the library needing an IT person. **Mr. Rekowski** stated that the potential is if the library had an IT person, the library could take full advantage of what the state is offering as far as technology.

Parks and Recreation - Coty Shingle – Things are very close to normal at the Millsop Center. Attendance at the Starvaggi Pool has been good.

Planning and Development - Kaleb Knowlton – Nothing further to add to the submitted report.

Benefits - Pam Wright – Nothing to report at this time.

MAYOR AND COUNCIL COMMENTS/COMMUNICATIONS

Councilwoman Perrone – To clarify the sponsorship of financial support to the Business Development Corporation, the BDC is involved in a lot of efforts for economic development that involve the City of Weirton.

Councilman Weigel – Reiterated that it's a very good relationship with the BDC and looks forward to collaboration on projects in the upcoming months.

Councilman Marsh – Reminded everyone that a workshop is scheduled for Tuesday night at 5:30 p.m. regarding the Park Drive project.

Councilman Adams – Responded to the comments that were previously made as to his ability to legally serve as councilman for Ward II in Weirton as follows: Article 3, Section 3 (F) of the City Charter was referenced and it was stated that my job as an assistant prosecutor for Hancock County disqualifies me to serve as councilman. My research into this issue indicates this premise is wrong. Please note that I was neither elected nor appointed in place of a person that was elected as a prosecutor. I was hired and am still considered an employee of the Hancock County Commission. West Virginia’s doctrine of “employment-at-will” controls. This means, absent of a collective bargaining agreement, people can be hired or fired at will. For the premise that I’m an elected official or appointed in place of an elected official, that is incorrect. On a bigger scale, the folks of Ward II should know that the West Virginia Supreme Court found that municipal corporations, cities like Weirton, the attempts of limiting access to elected municipal offices by imposing qualifications or restrictions like this over and above what is established in Article 4, Section 4 of our State’s Constitution is a violation of a person’s fundamental right to run for, and accordingly, hold office. Article 4, Section 4, is the exclusive constitutional authority for the establishment of qualifications for municipal office and any qualifications in excess of the provision cannot be created by general law under our West Virginia Constitution. Except for the specific requirements stated in this section, as long as you’re a voter you qualify. The West Virginia Supreme Court expressly overruled six previous cases which support such restrictions. Any question as to my ability to serve as Ward II councilman I think has been answered. That restriction found in our Charter was found unconstitutional by the State’s Supreme Court.

ADJOURNMENT

Motion to Adjourn: Councilman Marsh
Motion Approved 7/0

Councilman Tim Connell recited the closing prayer.

Minutes approved at the August 9, 2021 Regular Council Meeting.
Signed: Kimberly Long, City Clerk