

**WEIRTON CITY COUNCIL
COUNCIL MEETING - SPECIAL
WEDNESDAY, JUNE 1, 2016 7:00 PM**

A special meeting of the Common Council of the City of Weirton, Hancock and Brooke Counties, West Virginia was held on Wednesday, June 1, 2016 at 7:00 P.M. in Council Chambers of the Weirton Municipal Building.

Councilmembers in Attendance:

Tim Connell	Councilmember Ward 1
Charles Wright	Councilmember Ward 2
Fred S. Marsh	Councilmember Ward 3
George E. Ash, Sr.	Councilmember Ward 4
Douglas L. Jackson	Councilmember Ward 5
Enzo Fracasso	Councilmember Ward 6
Terry Weigel	Councilmember Ward 7

City Officials in Attendance:

Rob Alexander	Police Chief
Travis Blosser	City Manager
Vince Gurrera	City Attorney
Bruce Lamp	Interim Chief Code Official
Thomas J. Maher, Jr.	Finance Director
A. D. Mastrantoni	Utilities Director
Rik Rekowski	Library Director
Rod Rosnick	Public Works Director
Jerry Shumate	Fire Chief

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

Mayors Awards and Proclamations:
NONE

Citizens Remarks:
NONE

Comments:

Councilman Ash

I would like to ask a question of the City Manager.

Mr. Jackson and I asked for a productivity report when things are starting to get accomplished. Never received that yet, so I would like to ask you again, when are we going to get that report? I would especially like to get it to see that the TIF District downtown, when that is going to be brought to Council, and some of other things that we had on the list.

Travis Blosser – City Manager

Ok, I will work on that to get that to you.

Mayor Miller

Matter of fact, thinking about doing the State of Community address, we are 11 months in, so about time we give everybody in the community an update of what we have accomplished.

Communications:
NONE

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

N/A

OLD BUSINESS:

1. Second Reading of Ordinance No. 1994. An Ordinance Allowing for the Sale, Service, Possession and/or Consumption of Alcohol on City of Weirton Property (Councilman Jackson)

A motion was made by Councilman Wright, second by Councilman Fracasso
Motion passed 5/2

Councilman Ash – Comment Mayor

You all know that I was against this Ordinance, but it is neither here nor there. We can have a special Council Meeting to make sure that we allow the sale of Alcohol on City Property, but for some reason, we cannot have a Special Council Meeting and go into Executive Session, and have entire Council here, at one time, instead of all this piece milling. Exactly, what do we need to do with the Pension Fund for the Police Department. My question is, why can we have a Special Council Meeting for Alcohol, and we cannot have one for Police Pension Fund?

Travis Blosser – City Manager

Tom and I are working on some final analysis with our actuaries. As soon as that wraps up, we plan on, in the month of July, scheduling hopefully two different Workshops or one. I feel it does not need to be in executive session. I think it can be open to the public. In terms of going over that information, I think in order to sell what we are going to do to fix the Pension problem, which is going to take serious work on both Council and Administrations part to solve that problem, and some serious decisions. We are just waiting on that final analysis when those are done. I think we should have those Workshops in July to go over that information. We plan on doing that.

Councilman Ash – Comment Mayor

Do you agree that was said here recently, that the Police Pension Fund could go to zero by 2027?

Travis Blosser – City Manager

I think it was 2028 was the number that we looked at. We are well aware of those numbers, and so we do have concern with ensuring that we work. To solve a problem for those pension assets. I think our comprehensive solution is to work we are to look at both pension funds Police and Fire and moving the City to solve the solution. Police right now, is in a bad particular problem because you have more retiree's than people paying into it. Fire is not in that position, because they have more people paying into it than retiree's. As soon as that number flips, they will be in the same position that the Police are in. So we need to address both Pension Funds. Deal with both issues, and begin to shift out of those funds, and move under a different method that the State provides us. Which is going to take some significant decisions for City Council to make so I think those Workshops happening in July will be a good thing. So we plan on doing that.

Councilman Ash

One last question about the Pension Fund, it is my understanding based on the board meetings that I have been at, that if we don't get this Pension Fund straightened out for the Police Department before 2028, I thought it was 2027, you are saying 2028, that we will not be able to fix a pot hole unless we get this Pension Fund fixed first.

Travis Blosser – City Manager

If that fund runs dry, and we don't have any revenue in the account to draw from because right now, we bring in what we contribute, what we bring in from the State, and what our employees pay with their contributions, we bring in enough money that it requires us to have to draw out about \$400,000.00 from their pension assets every year. That is why you see those pension assets draw down every single year, because you are pulling out \$400,000.00 from it. Essentially, if that fund goes dry, the City would be required to have pick up that \$400,000.00

from the general fund. We would have to pay current retirees out of the City general fund. Yes, we would have to pay the amounts for those things. Those funds would have to be paid first, and then of course that number escalates every year as you have new retirees going to the fund. Of course it is going to cost more money for what you have to pay. Again, the reason why we look for a comprehensive solution in these Workshops are extremely important and for this discussion to happen amongst this community with moving towards a different financing method with these funds that the State provides us because they provide us with limited options to move with. The current funding method that we are under, these payments will escalate and they do every single year by 7%. It will escalate in about 10 to 15 years to where we are paying three to four million dollars. The City will not generate 7% additionally revenue every single year. It is not going to happen. No City in this country is generating rapid revenue in the amounts of 7% every single year. It doesn't happen. It never will. So we will be faced with having to cut back certain revenue line items and certain expenditures. So that being said, I think these Workshops will be very important to the community in terms of Council having that dialogue, going over this issue, and looking at those solutions. Again, we are very limited in terms of what the State provides us, but I think we have a good path forward. Tom and I are trying to finalize those numbers with the actuary in terms of the path going forward that I think we need to take which is a decent path.

NEW BUSINESS:

1. Ordinance to Rescind Ordinance No. 1993. An Ordinance to Rescind the Ordinance Establishing Fireworks Safety for the City of Weirton (Councilman Marsh)

A motion was made by Councilman Marsh, second by Councilman Ash
Motion passed 7/0

Discussion:

Councilman Marsh

If I may have a little discussion, I have one question. To rescind an Ordinance is that one reading or two readings?

Vince Gurrera, City Attorney

One Reading

Councilman Marsh

After tonight this is done.

Vince Gurrera, City Attorney

Yes

Councilman Marsh

Just a little background I did call everybody over the weekend. I got a phone call from the State Marshall's Office telling me that the Ordinance that I proposed and wrote was not legal. According to the Bill written, and signed by the Governor, rule making authority was given to the State Fire Marshall's Office and they interpreted the Bill as we can only draw the use, not the sale of these things. I asked several questions, you guys are insuring the safety of our people. They will permit tents. With all that said we are going to rescind this Ordinance step back and take a breather to look at everything and do it again in another fashion. So with that said, I would ask for your support to keep the City out of litigation because of the Fire Marshall's Office.

Councilman Ash

Mr. Connell asked last meeting if it was possible to just not have any sell of fireworks. I was reading the Wheeling Ordinance. In Wheeling, you cannot buy fireworks in the City of Wheeling. There is an Ordinance that says that. So I will be putting it up on the June meeting and I am hoping this Council will make a decision then. I am telling you up front right now, I am going to copy the Wheeling Ordinance that we do not sell fireworks in the City of Weirton, period.

Councilman Marsh

I do have to tell you, I don't want to put this either way, but Wheeling Ordinance was grandfathered. I would take the same notion that the Fire Marshall's Office is going to come back to you and say you can only control the use.

Councilman Ash

Let them call me up.

Councilman Marsh

That is fine. That is what I did, we will go through it again.

Councilman Jackson

I was just wondering how does the Fire Marshall's Rule versus our Home Rule. How legally does that work? How does a Fire Marshall from the State of West Virginia have the ability to tell this Council what is best for their City, when we have Home Rule.

Travis Blosser – City Manager

This specific Ordinance was not done under Home Rule authority. Fred and I spoke about that and in terms of, I had a conversation with Steve Connelly, who is the attorney for the Attorney General's Office who represents the Fire Marshall and Fire Commission. Essentially, as it lays out, and he and I had a frank discussion over the fact that I feel still you have the ability as even I think, with restriction because Councilman Connell did point out over the restriction of the fireworks all together. I think there is the ability under Home Rule because there it does not trigger any of those specific things under the Home Rule Statute that you are limited to not doing. Again, Connelly he tended to, as most those state agencies do, I think he tended to try to disagree with that. Those state agencies tend to disagree with those moves, and then eventually once it moves forward to Home Rule, then tend to back away from that.

Councilman Jackson

Let me ask you this, who issues the permit to sell fireworks in the City of Weirton, or a permit even needed?

Councilman Marsh

If I may answer that, according to the rules from the State Fire Marshall remember let us go through the steps. The legislature states, yes, you can sell boomers. But because it is March we are throwing this in the Fire Marshall's lap and he is going to write the rules. He actually wrote the rules and sent it to the Secretary of State to become part of the law. We would issue a business permit at which point the State Fire Marshall issues all the other permits.

Travis Blosser, City Manager

They still have to comply with zoning requirements. They still have to go through that process as well.

Your next meeting that the Bill would have to go through Home Rule to the Home Rule Board for submission would be sometime in September.

Councilman Marsh

If I could, I just want to leave one comment. I think it is a sad day that the State Agency tells a City what it can and cannot do. It is a sad day in this State if that can happen.

What you proposed was simply to protect our citizens. You were looking for a secure building with a sprinkler system that was in a proper area and everything you did was about the safety of our citizens. That is what we as Council are here for. Now we have been overruled. So I fundamentally have a problem with that. I rest.

Vince Gurrera – City Attorney

I will give you some more information. When they were building the school, our Weirton Heights School, Rod, Bruce, everybody was saying listen this is what you have to do with the water system, this is what you have to do for security, this is what you have do for safety, and the State basically told us this is our property, your City Ordinances, your City Regulations, your City demands mean nothing. If we recommended they put in 8" water pipe in there to help water in case of a fire, and they decided they wanted a 4" water pipe in there. A 4" water pipe went in.

Correct Bruce?

Bruce Lamp – Interim Chief Code Official

Yes

Vince Gurrera – City Attorney

They told us many times, stay out of there.

Bruce Lamp – Interim Chief Code Official

We did inspections on State Road, and we were told stay out of there.

Mayor Miller

Any more comments on the motion?

PRAYER

ADJOURNMENT

Mayor Miller called for a motion to adjourn the meeting after the closing prayer which was recited by Councilman Connell.

Motion was made by Councilman Ash, second by Councilman Marsh.

The motion passed, 7/0.