

WEIRTON CITY COUNCIL COUNCIL MEETING - REGULAR MONDAY, JANUARY 9, 2017, 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, January 9, 2017, at 7:00 P.M. in the Council Chambers of the Weirton Municipal Building.

Councilmembers in Attendance:

Tim Connell	Councilmember Ward 1
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 L. Blosser	City Manager
Vince Gurrera	City Attorney
Ken Fletcher	Chief Code Official
A.D. Mastrantoni	Utilities Director
Mark Miller	Planning & Development Director
Rod Rosnick	Public Works Director
Jerry Shumate	Fire Chief

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

READING OF THE MINUTES:

A motion was made by Councilman Ash and second by Councilman Marsh to approve the minutes of the:

December 12, 2016 Regular Meeting

The motion passed, 6/0

Mayors Awards and Proclamations:

Veteran's Proclamation

Shawn Smith – Veteran of the United States Navy for his dedicated military service to our country.

Citizens Remarks:

Iris Himmelrick – Marland Heights Pool - I just want Council, Mayor and Travis to know about some things that are going on, and the current status with the Marland Heights Community Association regarding the pool. This month we are going to be taking delivery on six sand filters and a strainer for the filtration system. The money was received from a West Virginia Governor's Discretionary Fund grant that Councilman Doug Jackson wrote.

Vince Gurrera – When is your next event?

Iris Himmelrick - Marland Heights Pool - It will probably be in March. We have not set a date. We just had Santa Claus that went over really well.

Councilman Fracasso – Are you still going to do the car show?

Iris Himmelrick – Marland Heights Pool - Yes. We are also looking into a couple other grants. They are not for sure, but we will let you know.

Councilman Jackson – I think it is important to point out that zero tax payers' dollars, and zero council money has gone into this. It is the last remaining historic landmark in the City of Weirton, and in the Northern Panhandle that has been left unprotected by everybody. So, when the grant became available to write, we contacted the Governor's office, and Iris and Renee Lemal went to Charleston more than once. We are on the radar screen for everybody in Charleston and for the incoming Governor. He has the entire packet, and the debriefing which he is going to receive. This is all hard work, dedication, and donations from citizens and people of like mind who want to see historic landmark preserved and protected in the City of Weirton. It is the only one left. You tore down the school, they tore down everything. This is the only one that is left, and again it does not get protected by this council or by any of the tax payers' dollar. Good work to everybody who donated to it.

Iris Himmelrick – Marland Heights Pool - I should of brought our other award but I did not think of it. We also received an award from the Preservation Alliance of West Virginia for endangered properties in West Virginia. There were 50 of them given out across the state, and we received one of them for the Marland Heights Pool.

Councilman Jackson – If you have ever watched the West Virginia news program at 8 o'clock on Sunday Morning the West Virginia Journal. We have been in contact with them, and they want to do a story on how this historic landmark was basically left for the demolition crew, and how a team of community activist wanted to see a historic landmark

saved. It really was a grass root campaign. We are really hoping that it does not only make West Virginia news, but National news as well because it is a story worth telling.

Iris Himmelrick – Marland Heights Pool - Thank You.

COMMUNICATIONS:

Mayor Miller – I have something to say. Craig Howell, I would like to thank you. Being a member of the press, I would like to take the opportunity to thank you for your article that you ran this Sunday in the newspaper about the importance of shopping locally. The recent news of Kmart, and Macy's closing is hurting the effort that this city has put into development and the work the departments are doing. The calls that we are getting regarding moving forward, this only hurts our efforts when a major change so close affects the area. When I read your article, you hit it right on the button. We need to encourage people to support small and large businesses here in town. As a small business owner, I depend on local businesses to keep my business going. It takes an investment by individuals, money out of their pocket, and borrowing money from the banks to keep their businesses going. We are so quick to jump in the car and run 20 minutes to Robinson to buy an item or eat somewhere. We can support the businesses right here in town. I think the article that you wrote Sunday hit it right square in the bullseye. I commend you, and I thank you for that article.

Councilman Marsh – I have one thing I would like to say. I was on a business trip this weekend down south, and I am not going to say the town. I really appreciate the work of our city employees after being in a they call it a disaster where they have snow. A lot of times we take advantage of our guys saying this hasn't been cleaned. This has not been done. Let me tell you what, when a city truck from a major city, down south, goes down a street with a pallet of boxes in the back, and stops at each building, and throws out 50 or 100 pound box of salt, and says here is your salt. Clean your fair share of the street. We have it pretty good here. We appreciate everybody downstairs police, fire, public works, water every department. They make it work, and I just want to reiterate to everybody how good we have it here after what I saw this weekend.

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

Motion was made to convene into Executive Session by Councilman Ash, second by Councilman Jackson.

Motion passed 6/0

Motion was made to come out of Executive Session by Councilman Ash, second by Councilman Connell.

Motion passed 6/0

Vince Gurrera, City Attorney – The Executive Session was held in order to discuss upcoming events concerning the 2nd Ward Councilman.

OLD BUSINESS:

1. Second Reading of Ordinance No. 2015. An Ordinance Amending Article 541: Offenses Relating to Property of the Codified Ordinances of the City of Weirton Relating to the Placing of Interior Furniture and Appliances Outdoors. (City Manager)

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

Motion passed 6/0

Councilman Ash – Before this goes any further, Old Business Number 1 and 2, I want to make sure, because what was said earlier, that Mr. Jackson understands that number 1 and 2 that I have been trying get it done for almost 20 years. We are finally going to have it done.

2. Second Reading of Ordinance No. 2016. An Ordinance Amending Article 351: Parking Generally and 541: Offenses Relating to Property of the Codified Ordinances of the City of Weirton Relating to the Parking of Vehicles in the Grass or Unimproved Area of any Front or Side Yard.

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

Councilman Fracasso – I have had a couple calls on this and I feel that the peoples' concern on this is that in some areas of the city where the roads are narrow if they cannot park on their property, and they have to park out on the street, it may create a problem with service vehicles getting down the street, ambulances, fire trucks. If there is any way we can come up with a solution to that once we get going. I think we need think about that.

Councilman Ash – Mayor I have given Kathy, City Clerk, a copy of the policy that Ken has written. I am going to ask her to read it out loud. It is a good policy. Fred and I have been talking and we would like to come back in six months to review the policy. If nothing needs to be changed then it stays as is.

Kathy Mrvos, City Clerk – Inspections Department Policy

Ordinance Relating to the Parking of Vehicles in the Grass or Unimproved area of any front or side yard.

1. Prior to the 30-day effective date, officers will hand out informational notices to citizens explaining the new Ordinance.

2. Once the Ordinance has taken effect:
 - a) In well-known nuisance areas, the officer may cite on the spot.
 - b) In areas where an officer observes a vehicle parked in the grass for more than two days in a five-day period, a warning letter will be sent to the property owner and/or tenant or a door hanger will be posted at the property for first time offenders.
3. Our office along with the Planning Department, will review specific issues brought about by this Ordinance on a case-by-case basis.

Councilman Marsh – I want to get a definition. An officer is a Code Officer correct?

Ken Fletcher – Chief Code Official – Yes

Councilman Marsh – The other thing that Councilman Ash touched on is in six months that we review it, and if we need to make changes we make the changes. If we do not, we do not. It becomes part of the Ordinance. If it works it stays in the Ordinance, and it doesn't get tossed out down the road.

Councilman Connell – Comment Mr. Mayor – I have plenty of calls concerning St. Johns Road on Weircrest. I understand what their dilemma is up there. My question is was all the curbs on St. Johns Road painted yellow when it was the hospital? That is why it was painted yellow so there would not be any parking there. If that is the case, I will turn in a request to change that the yellow be removed from the curbs. So residents can get out of their yards, and park on the street. There is plenty of room to remove the yellow curbs they can park on the street, and they should not have any problems. I will get a hold of Mark and Ken if that is the case, and that is why it still remains yellow. There was a hospital zone, and we know that it is not a hospital now, and it should be removed.

Councilman Fracasso – One of the streets that I see that will have a big problem is Lindberg Way. I go up there every day because my mom lives there. You make a right at the light at Sweet Temptations. There are cars parked up on the curbs, but if they were parked on the street we would have problems getting through the street. There are problems getting through there now with cars parked on one side of the street. That is my concern. I think it is a good ordinance. We need to look at it, and need to come up with a solution, on the narrow streets also.

Councilman Weigel – Mayor I also did receive a number of phone calls on this. I went around, and looked because of those very same concerns. We have a lot of the older streets not wide enough. Now you have people pulling up in the grassy area between the sidewalk and street to allow room in the street. There are a number of places that you cannot do that. Now you are in the street, and now you have plow trucks, garbage trucks, fire trucks and all that coming through the street. My question is, is this policy going to give enough latitude to address this all?

Ken Fletcher - Chief Code Official – Yes, everybody has an option if they want to create a parking spot in there front yard, concrete or asphalt. Are you talking about an area between the sidewalk and the curb or parking in the grassy area?

Councilman Weigel – I am saying anywhere. Probably the most calls that I have had since being on Council is the parking issues because of the narrow streets. Also, our community has changed so much that now some of these homes were built when people had one car. Now you may have three or four vehicles in that family living in that one residence. In some of these cases it is good for the neighbors that they are pulling up the extra vehicle into the grass and off the street. Now are we going to force people back onto the street because they do not have anywhere else to park because they only have a one car garage? Now we are going to create traffic problems.

Travis Blosser, City Manager – I think that is the reason behind this because we received some phone calls in the office as well, and I know Ken and I discussed this somewhat. I know he spoke to some of you councilmembers as well before city council. That is partly why we put together the policy, is so that there is some latitude by Planning and Development and Inspections to formulate a game plan to assist some individuals that are dealing with that. This Ordinance isn't something that West Virginia cities across the state battle with. The same problem we have, which is the fact, the streets were at one time not built for the amount of cars that people have today. So at the same time, our cities are not upgrading the streets to be as wide as what some people would like with their cars. Other cities have this ordinance in place, but that is where this policy gives us some latitude in order to assist those individuals, Mark and Ken, to work with those individuals to try to come up with a solution for them. That is why we are putting that policy in place. That is one of things to try and address that concern.

Councilman Marsh – If I may ask the question, and one of you three can answer it. The way that I read this, Ken and Mark went with me to a residence that we created the problem. Maybe this is where this is all coming from. We actually created a problem.

Somebody answer me this question? If you see a vehicle with two wheels on the street, and two wheels over the curb or four wheels off the street are you going to cite the two wheels on the street? Two wheels over the curb?

Ken Fletcher – Chief Code Official – You have to understand that this is created because some areas we really found that people parked and creating a muddy mess, and spinning mud on the neighbor's house. It is not out there to get everybody.

Councilman Marsh – Because what is happening, is that hairs are being split here, and that was not the intention.

Travis Blosser, City Manager – For instance, we had a phone call from a lady in the office, we actually had two phone calls. The first one was a lady who said, I have a driveway it is easier for me to park in that grassy area real quick, and unload my groceries, and then pull my car in my driveway. Am I going to be ticketed or cited for that? No, through our policy that is what we are working to avoid. We are not sending personnel out there to do that. The other thing we have had some people with the misunderstanding that they thought the Ordinance said they could not park on the street. I spoke with Councilman Ash because I think that lady

was in the downtown area where she thought the Ordinance said she could not park on the street anymore. That was not the case. There are some misunderstandings, as far as, the Ordinance itself. But, that is why we are trying to put that in place, and that policy in place, in-house in terms of defining with staff. We are going to be the ones implementing this, and how that is supposed to be handled on a daily basis.

Councilman Jackson – Mayor, if I may, I read this policy about four different times and taken a lot of phone calls from Marland Heights residents, and I think the one sticking word from what I gather is 355.11 Parking Prohibited. No person shall park or place a “motor vehicle” or “other personnel property” within the grassy or otherwise unimproved area of any front or side yard.

On Marland Heights most of the houses built have a front yard, sidewalk, a little grassy island, curb. So people are asking, do I have to get rid of my grassy island? Do I have to somehow improve it? What are we supposed to do to be able to park there? So Ken, the word unimproved if I put down two cinder blocks so my tires go on that is that considered an improvement? I understand where the Ordinance is going. I go to Washington DC where there is no street parking, and everybody parks behind their house. I have been to New York City where there is no street parking. I lived in Shady Side in Pittsburgh. I know how street parking works. Monday, Wednesday, and Friday you park on one side of the road. Tuesday, and Thursday you parked on another. I get it. 99% of our population has more than one vehicle on Marland Heights that does not fit in their single car garage. Isn't there also an ordinance on the books that we are not allowed to park on sidewalks? You cannot park a car on a sidewalk. So now I have people who are overreacting, and they are driving their cars, and parking on the sidewalks. Now I get people calling because they cannot walk their dog and push their baby buggy down the sidewalk. How are we going to differentiate? I love the ordinance. I see where it is going. We don't need cars in front yards. I get it. But the language needs to address everyone's concern. The word unimproved is so open to interpretation that I have a hard time reporting back to my constituents who wanted to have a debate in the middle of Kroger's on what is improvement ais, two cinder blocks for my tires to go on? Can I just put railroad ties down? Going forward over these next six months, I think this is what we need to work on. Personally for my constituents of Marland Heights what does that improvement truly mean? Are we going to take away every body's “grassy knoll”.

Ken Fletcher – Chief Code Official – We talked about that with Mr. Marsh, if they want to do a complex track they do not have to make a big parking lot.

Councilman Ash – Question on the motion, I am tired of talking about it. Question on the motion? That means we vote.

Roll Call:

Councilman Ash	<u>YES</u>
Councilman Weigel	<u>NO</u>
Councilman Marsh	<u>YES</u>
Councilman Fracasso	<u>YES</u>
Councilman Jackson	<u>YES</u>
Councilman Connell	<u>NO</u>

Motion passed 4/2

NEW BUSINESS:

1. Resolution to Enter into a Contract for the Construction of a Chain Link Fence at the City of Weirton Fire Department Fire Training Center on County Road. (\$12,694.00) (City Manager)

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

Motion passed 6/0

2. Resolution to Enter into a Contract for the Purchase of Protective Jackets, Trousers, and Leather Boots for Structural Firefighting. (\$35,000.00) (City Manager)

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

Motion passed 6/0

3. Resolution to Enter into Contract for the Purchase of Self-Contained Breathing Apparatus (SCBA) for the Weirton Fire Department. (\$173,755.00) (City Manager)

Motion was made by Councilman Connell, second by Councilman Weigel.

Motion passed 6/0

4. Resolution to Enter into Contract for the Purchase of a Squad Truck for the Weirton Fire Department (\$174,800.00) (City Manager)

Motion was made by Councilman Connell, second by Councilman Fracasso.

Motion passed 6/0

5. Resolution to Authorize Revisions to the 2016-2017 Fiscal Year General Fund Budget. (City Manager)

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

Councilman Ash – Mayor I have a question, I talked to the City Manager about this. Those of you who follow the budget closely, yes, we are going to take \$54,312.00 out of the Garbage Department and put it in contingencies. But it will be in a sub-contingency for the Garbage Department only. Don't start worrying about the Garbage you cannot take out of Garbage to put anywhere else. The \$54,312.00 will not go anywhere but garbage.

Roll Call:

Councilman Ash	<u>YES</u>
Councilman Weigel	<u>YES</u>
Councilman Marsh	<u>YES</u>
Councilman Fracasso	<u>YES</u>
Councilman Jackson	<u>YES</u>
Councilman Connell	<u>YES</u>

Motion passed 6/0

6. Ordinance Amending Ordinance No. 1313, As Amended, Establishing new Salaries of Employees who are Members of the Weirton Municipal Employee's Union (WMEU). (City Manager)

Motion was made by Councilman Fracasso, second by Councilman Connell.

Motion passed 6/0

APPOINTMENTS:

NONE

DEPARTMENTAL REPORTS

Police Department – Chief Alexander

Nothing additional to add to the submitted reports.

Utilities – Water and Sewer – A. D. Mastrantoni

With the cold spell we are breaking water lines as normal.

Councilman Fracasso - Did you not just have one on Pennsylvania Avenue today?

Butch Mastrantoni – Utilities Director – Yes, Pennsylvania Avenue, one on Marland Heights, and others I am sure raging in the ground as we speak.

Code Department – Ken Fletcher

Nothing additional to add to the submitted reports.

Fire Department – Chief Shumate

Nothing additional to add to the submitted reports.

Just wanted to thank you for the greatly needed improvements in the department, equipment, and safety, I appreciate it.

Library – Rik Rekowski

Absent.

Public Works – Rod Rosnick

Nothing additional to add to the submitted reports.

Councilman Fracasso – Rod good job to your department with snow removal.

Transit – Marke Henne

Nothing additional to add to the submitted reports.

Planning & Development – Mark Miller

Nothing additional to add to the submitted reports.

Park Board – Terry Weigel

Nothing additional to add to the submitted reports.

Finances– Travis L. Blosser, City Manager

General Fund Cash Report for December 2016

Beginning Cash Balance:	\$3,135,894.00
Interest on Checking:	\$703.02
Deposits:	\$628,274.02
Draw-downs on Investment:	\$0.00
Disbursements:	\$1,801,480.57
Deposits to Investments:	\$0.00
Ending Cash Balance:	\$1,963,390.47
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:	\$1,964,190.47

Motion was made to approve the bills, accept the financial report and all departmental reports by Councilman Ash, second by Councilman Marsh.
Motion passed 6/0

ADJOURNMENT

Mayor Harold Miller called for a motion to adjourn the meeting after the closing prayer which was recited by Councilman Connell.
Motion was made by Councilman Connell, second by Councilman Fracasso.
Motion passed 6/0