

WEIRTON CITY COUNCIL COUNCIL MEETING - REGULAR MONDAY, MAY 8, 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, May 8, 2017, at 7:00 P.M., in the Council Chambers of the Weirton Municipal Building.

Councilmembers in Attendance:

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

City Officials in Attendance:

Rob Alexander	Police Chief
Travis L. Blosser	City Manager
Vince Gurrera	City Attorney
Jerry Shumate	Fire Chief
Matt Burskey	Code Official
Bruce Lamp	Public Works Superintendent
A.D. Mastrantoni	Utilities Director
Mark Miller	Planning and Development Director
Bruce Lamp	Public Works Superintendent

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

READING OF THE MINUTES:

A motion was made by Councilman Weigel to amend the minutes which was given to the City Clerk, and second by Councilman Marsh
The motion passed 5/0

A motion to approve the minutes was made by Councilman Marsh, and second by Councilman Weigel

April 10, 2017 Regular Meeting

The motion passed, 5/0

A motion was made to approve the minutes by Councilman Connell, and second by Councilman Weigel

April 18, 2017 Special Meeting

The motion passed, 5/0

Mayors Awards and Proclamations:

Proclamation for Relay for Life Days – Paint the Town Purple – May 1 – June 14, 2017

Relay for Life helps fund groundbreaking research, crucial patient care programs, education, and prevention information – all critical in this “fight”. Paint the Town Purple in the City of Weirton, and encourages all residents to recognize, and participate in the Relay for Life Days activities.

To receive Proclamation, is Steve Lauck.

LOCAL YOUTH PROCLAMATIONS:

Michael Lorello – To excel in any one sport, must demonstrate, in addition to a great deal of natural ability, and outstanding spirit of dedication, enthusiasm, and hard work. Michael participates in league bowling, basketball, soccer, baseball, and karate. He achieved First Place Boys Champion for U8 Scratch. He attends Tri-State Christian Academy as a first-grader and has a 4.0 grade point average, and received 2015-2016 Kiwanis Terrific Kid Award.

Kali Krynicki – The participation in organized sports encourages ethical conduct both on and off the field and helps develop high expectations – which can be used throughout one’s lifetime. Kali participates in the Youth Bowling League and has achieved First Place Girls Champion in the State for U15 Scratch. She was selected twice for bowler of the year; Youth High Handicap Series 2015-2016, 2013-2014, and 2012-2013. Kali is a freshman at Madonna High School with a 4.11 GPA. She runs track, soccer and basketball. Kali will also will represent Madonna High School in the State of West Virginia at the Congress for Future Medical Leaders in Boston, Massachusetts in June.

CERTIFICATE OF RECOGNITION

Wayne Zapotoczny, Jr. – This is to recognize appreciation for his United States Bowling Conference Certified Perfect 300 Game at the Holiday Lanes Youth League on March 25, 2017.

Citizens Remarks:

Kachina Mooney – Ordinance No. 2018

Thank you for your time, my name is Kachina Mooney. I am a resident of Weirton. I am here to speak in opposition of Ordinance No. 2018, Charge of Appearing in a Public Place or Automobile in a Drug Induced Condition. Last month, I talked about addiction being an illness, and requested a rewrite of this Ordinance in hopes that our council would submit to our councilmen that it would be able to include a path to wellness and treatment for our neighbors who struggle with addiction, instead of a pathway to filling more jail cells. I have yet to see anything published publicly that this Ordinance has been rewritten. So, I am here today to speak specifically to the punishment of this Ordinance. According to the Weirton City Council, that after punishment for appearing in a drug induced condition in public is a maximum of 30 days in jail and/or a \$500.00 fine. I personally have two issues with this punishment, that I am hoping to see resolved with the rewrite of this Ordinance.

First, Pennsylvania Law for possession of 30 grams of cannabis is 30 days in jail, and a \$500.00 fine. When I read that recently, I was astounded to discover that the same recourse for the people living less than 10 miles from my home, who have possession of a federally illegal substance, is the exact same as someone who may look intoxicated here in Weirton. That shocked me, but what floored me was when I continued reading, and that was Pennsylvania who was working to lessen that sentence as they now have a medical marijuana law on their books. As I stated last month, West Virginia State Legislature passed SB 386 a Medical Cannabis Law here in our state, which was signed by our Governor. Yet, here I stand begging my City Council not to lock up my neighbors who may appear a certain way in public. I am asking you to rewrite this ordinance so that the punishment fits this crime.

Secondly, as a resident of a state in which our economy is almost nonexistent, and with no current state budget, it is hard for me to fathom why we would be creating more laws to put more people in jail. As a country, we have been using dollars to improve nonviolent offenders, and I do not think that the residents of Weirton want to see there hard earned tax dollars going toward jailing those suffering from addiction rather than helping to get treatment.

The last thing I would like to mention is my concern about something that the City Attorney said last month. When asked what the recourse would be for someone who would be picked up on a legal prescription, the response from the City Attorney was "when I see the person in court they can bring their prescription, and a drug test, whatever they may have with them." So what you are saying is if somebody is in public, and gets picked up for being on a legal prescription written to them by their doctor, they would need to spend time in jail, and get out on bond if they can afford it, or go pay to get their drug test analyzed and/or pay to see their doctor for a copy of their prescription, and take time off of work to provide you with that information in court. I am failing to see how this will be serving and protecting the residents of Weirton. Again, I am asking you to rewrite this Ordinance for the vague language that does not serve our residents. Thank You.

Matthew Wyatt – Ordinance No. 2018

Hello again, I am here again speaking about Ordinance 2018. I probably will be back again because I have a feeling that it will not change. I don't know why I have that feeling, but I do. I look forward to the future, I do. I look forward to having children with my new fiancée when we get married in December. I look forward to them growing up and being in many different things, such as bowling, which we saw here earlier, or Boy Scouts which you will see outside in a little bit. What I do not look forward to, is them being worried how they appear in public, because it makes no difference in age with this Ordinance. It makes no difference as far as anything else goes, and if we say it does, that means we are using this Ordinance arbitrarily. They are judged differently based off of different people. Both of those things I cannot stand. I can't imagine my children growing up in the future. Please reconsider writing this Ordinance. Thank You.

COMMUNICATIONS:

Mayor Miller – I would like to advise council we are not having a Veteran Proclamation this month, because we are going to have general proclamations for a Memorial Day Celebrations. We will be presenting both of them, one to VFW, and one to the American Legion. There will be a general proclamation for all veterans.

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

Travis Blosser requested Executive Session for a legal matter.

Motion was made to go into Executive Session by Councilman Connell, and second by Councilman Jackson
Motion passed 5/0

Motion was made to come out of Executive Session by Councilman Connell, and second by Councilman Jackson
Motion passed 5/0

Vince Gurrera, City Attorney – We discussed certain legislation, and actually discussed some upcoming State wide litigations.

OLD BUSINESS:

NONE

NEW BUSINESS:

1. Ordinance Amending the Text of the Unified Development Ordinance Table 1 (City Manager)

Motion was made by Councilman Marsh, and second by Councilman Connell.
Motion passed 5/0

2. Resolution Authorizing the Changing of Addresses on Weir Avenue in the City of Weirton (City Manager)

Motion was made by Councilman Connell, and second by Councilman Provenzano.
Motion passed 5/0

Councilman Marsh – Has the homeowners been contacted.

Travis Blosser, City Manager – Yes

3. Resolution to Enter into Contract for Fireworks Display for the City of Weirton's 2017 Fourth of July Observance (City Manager)

Motion was made by Councilman Weigel, and second by Councilman Connell.
Motion passed 5/0

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

Motion was made by Councilman Marsh, and second by Councilman Weigel.
Motion passed 5/0

Mayor Miller – At this time I would like to call Josh Nichols, a Boy Scout, who may have a couple of questions. He is earning a badge. He would like to ask a couple questions about what we just voted on in the City so he can earn the badge.

Josh Nichols – Concerning our Fireworks budget where is the money coming from?

Travis Blosser, City Manager – The money comes from our Civic Contribution line. So each year council appropriates a specific pool of money for Civic Contributions. Essentially, that is where

fireworks, and certain other contributions to local organizations here in town throughout the year comes from. That Civic Contribution line item is what that is utilized for.

Josh Nichols – I have a question about the address change on Weir Avenue? What led to the idea of the address being changed?

Vince Gurrera, City Attorney – Actually, it is being adjusted more to change. The Fire Department, Ambulances, EMT's, would be able to get to these streets easier than just calling it Street A, and then Avenue A behind it. We decided to name the separate parts so they can get to it easier.

Mayor Miller – To follow up on that item, we are working on the numbers of all the homes in the City of Weirton for a safety issue. I addressed that all houses need to be numbered. It becomes a safety issue for the Fire, Police, and Utilities to go to these homes, and they don't know exactly what address number the house is. We are working on the program to encourage the residents to identify their residency with the numbers. It has to be posted on the house or on the mail box.

Josh Nichols – Any projects, any concerns, or anything in Weirton, West Virginia that may be an influence for the young people to interact with these things?

Mayor Miller – We have the Summer Youth Program coming up this year again. There will be 8 or 10 youths that will be helping the city with some projects. There are a number of organizations, youth organizations that need service hours, so they will be helping us clean up the City, and doing some painting in some of the areas.

Josh Nichols – Thank You.

Councilman Weigel – We just recently spoke with a scout group that was going to help us with Brookline Park over here. They will be doing some clean up, and put some mulch down.

APPOINTMENTS:

Housing Authority

Reappointment
Jim Davis 6/1/2017 – 5/30/2022

Motion was made by Councilman Weigel, second by Councilman Connell
Motion passed 5/0

Water Board

Reappointment
James Shockley 6/1/2017 – 5/30/2022

Motion was made by Councilman Weigel, second by Councilman Provenzano
Motion passed 5/0

DEPARTMENTAL REPORTS

Police Department – Chief Alexander

Nothing additional to add to the submitted reports.

Utilities – Water and Sewer – A. D. Mastrantoni.

Our Sanitary Board Contractor is on site, and will be doing active work on Monday on Pennsylvania Avenue. The work on Pennsylvania Avenue that the State is doing is coming along quite nicely. We are hopeful that our guy will be done, weather permitting, within the three week period. We will then release that area to the State, and have Pennsylvania Avenue be addressed by that deadline of June 15th.

Travis Blosser, City Manager – Wanted to let everyone aware we are going to make sure more information goes out. The bidding is happening for the Marland Heights road water line replacement project. Councilman Jackson we will make sure we stay in touch with you because I know your residents will be calling. For the rest of the Council members, and the general public, and for the newspaper, to make everyone aware of that project that it will be happening as well. It is a very aging line, and driving that portion of Marland Heights and downtown. It is a line that continues to break all the time, so before we pave that area we are doing that water line replacement project. Those bids are happening, and we will make sure that once the bid happens, and we select a contractor, and a date for construction schedule that we are out there with the public when the roads are going to be affected.

Butch Mastrantoni, Utilities Director – I wanted to thank Council for their financial support with the CDBG money. Water Board extremely appreciates it. Thank you.

Code Department – Matt Burskey

Nothing additional to add to the submitted reports.

Fire Department – Chief Shumate

Nothing additional to add to the submitted reports.

Thank you for the Ordinance for the address changes, and the action taken.

Library – Rik Rekowski

Absent.

Public Works – Bruce Lamp

Nothing additional to add to the submitted reports.

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– Diana Smoljanovich, Finance Director

General Fund Cash Report for April 2017

Beginning Cash Balance:	\$3,223,920.56
Interest on Checking:	\$809.06
Deposits:	\$2,300,930.62
Draw-downs on Investment:	\$0.00
Disbursements:	\$1,651,588.04
Deposits to Investments:	\$0.00
Ending Cash Balance:	\$3,874,072.20
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:	\$3,874,872.20

Motion was made to approve the bills, accept the financial report and all departmental reports by Councilman Connell, and second by Councilman Marsh.

Motion passed 5/0

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 Marsh, and second by Councilman Jackson.

Motion passed 5/0