

**WEIRTON CITY COUNCIL
COUNCIL MEETING - REGULAR
MONDAY, JUNE 12, 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, June 12, 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	ABSENT
Fred S. Marsh	Councilmember Ward 3	
George E. Ash, Sr.	Councilmember Ward 4	
Douglas L. Jackson	Councilmember Ward 5	ABSENT
Enzo Fracasso	Councilmember Ward 6	
Terry Weigel	Councilmember Ward 7	ABSENT

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
Kathy Mrvos	City Clerk

Mayor Harold Miller - Absent

Presiding was Kathy Mrvos, City Clerk led everyone in the reciting of the Pledge of Allegiance.

READING OF THE MINUTES:

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

June 12, 2017 Regular Meeting

The motion passed, 3/0/1 (Councilman Ash sustained was absence from Council Meeting)

Mayors Awards and Proclamations:

CERTIFICATE OF ACHIEVEMENT

Rachel Bainbridge – This is in recognition of the academic achievements with appreciation for being selected as a West Virginia University Foundation Outstanding Senior 2017.

Kristen Mastrantoni – This is in recognition of the academic achievements with appreciation for being selected as a West Virginia University Foundation Outstanding Senior 2017.

Citizens Remarks:

Amanda & Charles Bailey – Chickens

We are here today because we have chickens. Fur as my son calls them because he suffers from social anxiety, panic attacks, and ADHD. These pets are certified emotional support animals; the same concept as the Seeing Eye dog. Both recognized by the American Disability Act. His psychiatrist agrees that the birds help with his emotions. A few years ago, I was doing research about panic attacks and social anxiety, and I found that chickens were a huge help because of their calming demeanor. Before we got the birds, we looked up the old ordinance, and it stated yes we could have chickens but no roosters in the City of Weirton. When Animal Control came to our house, we showed him this ordinance, and it matched his records. The next day he came back with the revised Ordinance which he was unaware of. My son has been on an emotional roller coaster ever since. Each and every day he asks us when and why he has to get rid of his birds. It has been stressful, and we have been reassuring him we are doing everything we can. We know that the updated ordinance is against chickens, but we believe that the spirit of the ordinance is to keep people from having hundreds of chickens running wild. These are five chickens that we call his service animals.

We have copies of the certificates if you want to see them.

(Amanda & Charles Bailey passed the copies to Council)

Travis Blosser, City Manager – Are these copies that we can keep?

Amanda & Charles Bailey – Yes

Travis Blosser, City Manager – If you need these back we can make copies.

Councilman Ash – Is these service animals?

Travis Bosser, City Manager – Well, I think that was the conversation that the City Attorney and I were having. There are sections of the American Disability Act that the City Attorney and I need to review as it relates to that. I don't know that he and I are necessarily prepared to publicly comment at the moment as to where we stand at on that side of the issue. There is deferring opinions with the Americans with Disability Act, and what it covers, and how that enforces us to relate to this. It is definitely something the City Attorney and I are reviewing at the moment. We appreciate that you dropped these off. We will continue to review it, and make sure we report back to you as to what the findings are.

Yvonne Tuchaeski – Congratulations Seniors

Weirton did not congratulate any seniors for Madonna or Weir High. You have two marquees one at the bottom of Cove Road, and one at the Community Center. You are advertising about Red, White and Boom for July 1st. Could you not for one week in May or June congratulate the seniors? Maybe put it up on graduation day there schools flags on Penco Road like spirit week. Other businesses such as McDonalds and Banks have put congratulations seniors. Shouldn't you, for one week, put up congratulations such as local things, then put up 4th of July. Thank You.

Matthew Wyatt – Ordinance No. 2018

Hello again, I said I would be back. I am back again, two months after the first time I was here after I told you about things that would happen, and it did happen one month later, after I was told, and ridiculed for saying I get my news from Facebook. After this, I still stand here before you against Ordinance 2018. It is very vague. Please rewrite this. Just for the appearance of something you could be arrested. It is unjust. My aunt who is legally blind constantly has eyes that move. I was told that stigmas, by the medical conditions where you rapidly move your eyes, is one indication of having the appearance of being under the influence of narcotics or drugs sometimes. That means that my aunt who is legally blind who walks around Weirton because she cannot drive, and will be able to be picked up, and arrested according to your Ordinance, and or fined \$500.00. I find that to be unfair for a senior citizen as well as somebody that is disabled. That is just one example I have many more. Please I strongly request you revise the ordinance. Thank You.

Councilman Ash – Before you leave you said you were here a couple months ago, and I was not here. What happened this month? You said something happened.

Matthew Wyatt – I was afraid there would be a pending litigation, and I said there was an officer that has a pending litigation against the City Police of Weirton. One month ago, two days after the City Council Meeting I noticed that there was litigation filed. Even though I was told specifically that I get my news from Facebook.

Councilman Ash – You are talking about two different things. I just wanted to know what you meant.

Matthew Wyatt – Absolutely

Councilman Ash – I thought you were talking about the ordinance itself when you said that.

Matthew Wyatt – No not yet. Thank You.

COMMUNICATIONS:

Travis Blosser – The only communication that I have is on Pennsylvania Avenue, and expect that this Thursday they are supposed to be starting milling work on Pennsylvania Avenue. We just may be shy of the June 15th deadline that they had set. It all has to do with Kelly and Sands, and when they get up there actually to lay the asphalt down on the roadway. That project is fairly close to finish. We were up there today. All the concrete sidewalks are poured. Everything is in place separate from asphalt paving. That is currently the only thing that is weighed in on, and that hinders on when Kelly and Sands gets up there to do that work. I wanted to make sure that everybody in the public was aware, especially with the press here, and Craig will have that in the paper.

Also, June 19th, from about 7:30 in the morning to 4:00 pm, crews from James White will be working on the lower portion of Marland Heights Road in downtown replacing the water line. That work is expected to start June 19th. So again, we will remind residents of Marland Heights, and will try to make sure we do multiple different venues of media to try to get that information out there. As we all know that the Marland Heights residents, that it doesn't matter what Councilmen you are, you will get phone calls that they are sitting in traffic, and try to get that information out to them so they know there will be traffic control it will down to one lane. There will be traffic delays relative to that construction. That construction should move rather rapidly on that road, and then the game plan is that the paving project is then soon after so that whole roadway is paved. That project should be moving; June 19th is the effective date. Most materials have been delivered today. Not all of them, but most of them are here. That project looks like it should be able to be moving on June 19th.

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

N/A

OLD BUSINESS:

1. Second Reading of Ordinance No. 2019. An Ordinance Amending the Text of the Unified Development Ordinance Table 1. (City Manager)

A motion was made by Councilman Ash, second by Councilman Connell
Motion passed 4/0

NEW BUSINESS: NONE

APPOINTMENTS:

Councilman Ash made a motion to accept all the appointments on the list.

Hall of Fame Committee

Appointment
Chuck Wright 5/1/2017 – 4/30/2020

Fire Civil Service Commission

Reappointment
Joe Stankiewicz 7/1/2017 – 6/30/2021

Human Rights Commission

Reappointment
Kyle Wilson 7/1/2017 – 6/30/2020

Mary H. Weir Public Library Board

Reappointment
Molly Mosser 7/1/2017 – 6/30/2022

Police Civil Service Commission

Reappointment
Helen L. Jackson-Gillison 7/1/2017 – 6/30/2021

Municipal Service Fee Appeals Board

Reappointment
John Porco 7/1/2017 – 6/30/2019
Joseph Gurrera 7/1/2017 – 6/30/2019

Appointment
Diana Smoljanovich 7/1/2017 – 6/30/2019

A motion was made by Councilman Ash, Second by Councilman Marsh
Motion passed 4/0 on all Appointments

DEPARTMENTAL REPORTS

Police Department – Chief Alexander

Nothing additional to add to the submitted reports.

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

This past weekend has been one that has been pretty active for the Water Department. We had two separate line failures that occurred, one at Kmart Plaza, and one at the intersection of Union and Beacon Drive. It was so significant that we had to end up working overtime throughout the weekend to replace nearly 180 feet of 6-inch line, and associated valving. I went through all the water crews. I had to go to the Sanitary Board. We went through all of their crews, and the City graciously supported us. Interdepartmental cooperation, and their support really turned the corner for us, and we were able to make that project a success. I guess if you live long enough you will see things that you had not fathomed before. We have had line failure situation on Union and Beacon recurrent, and this is the third such time. I truly thought my butt was going to be in a sling with the residents there. To my surprise they were nice, patient, and they supported us so greatly. I want to make note of the manpower and dedication that it took to stay around the clock for them to do the work. I would be remiss if I did not say that residents of Beacon Drive and Union were so supportive that they actually made us proud to do it. You hear about how good our employees are, now your hearing from one of your employees how good our residents are.

Councilman Marsh – Butch was it a distribution line or pump line?

Butch Mastrantoni, Utilities Director – It was a distribution line that feed directly from a pump line.

Code Department – Matt Burskey

Nothing additional to add to the submitted reports.

Councilman Ash – I have a couple of questions. The barrel behind the Dairy Queen I have asked about that for months, and that needs to get out of there. Public Works did go down there to take a look at it, and it is on private property. There is a barrel behind the old Dairy Queen on Main Street. That thing has been full for years. It is overflowing, and asked about it once, and it has not been taken care of.

The other thing is I am getting multiple, multiple calls. I hate to do this publicly because it has to be done because it is not being taken care of at 119 Hudson Avenue. Both neighbors on both sides say you can go in the yard and look all around the house if you want too. That needs to be looked at right away.

Fire Department – Chief Shumate

Nothing additional to add to the submitted reports.

The only thing I have to report is tomorrow morning at 11:30 am we will be swearing in Shane Roush to fill the position created by Lt. Churchill retiring. I am informing Council and City Administration if they want to attend the swearing in here in the Council Chambers at 11:30 am.

Councilman Marsh – Have you heard any update on truck delivery?

Chief Shumate – Sutphen has said they are behind. I know the cab is built. The chassis is getting close to being done.

Councilman Marsh – So it will be 4 or 5 months.

Chief Shumate – They are 2 weeks behind.

Library – Rik Rekowski

Absent.

Public Works – Bruce Lamp

Nothing additional to add to the submitted reports.

Transit – Marke Henne

Absent.

Planning & Development – Mark Miller

Nothing additional to add to the submitted reports.

Park Board – Terry Weigel

Absent.

Councilman Ash – Before we move on to the Finance Report, I would like to thank the Public Works Department, the Judge, and Prosecutor. They have been giving me community service personnel to help clean up the area that I represent. I get the equipment from Public Works, and I appreciate that. This year, things are starting to look nice. We talked about the past, but this year is actually working, and I appreciate that.

Finances– Diana Smoljanovich, Finance Director

General Fund Cash Report for May 2017

Beginning Cash Balance:	\$3,874,558.99
Interest on Checking:	\$1,531.95
Deposits:	\$898,259.37
Draw-downs on Investment:	\$0.00
Disbursements:	\$1,861,784.08
Deposits to Investments:	\$0.00
Ending Cash Balance:	\$2,912,566.23
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:	\$2,913,366.23

Councilman Marsh – There is a pretty decent difference between May of 2016 deposits and May 2017 deposits? Is anything sticking out on that?

Travis Blosser, City Manager - We have had conversations not from our standpoint. So everyone is aware, we usually wait till the end of the year. We had that additional Pension contribution that we made that is in that million eight number of withdrawals from that we have paid out. We have not started moving any money into our financial stabilization that we have budgeted \$700,000.00 to go into that. You are looking at another two million three collected the rest of this fiscal year that will go into that budget. Most of that will come in July, and have to be retro back into last year's budget. It was revenue that was for this current year's budget. There is nothing that is peaking our curiosity. There are going to be, as we talked before when we were in budget session, that the difference we are watching for are those structures that were sold out on Accelor-Mittal site. While some of them are still up, we will receive Fire and Police Service Fees from Frontier, but once they come down, that revenue dissipates. We are monitoring that side for what that increase amount should be but everything is holding steady. The only thing that isn't in our budget numbers holding steady is Hotel Motel Taxes. It is flat right now. It started to take a better track in the last three months; now that we started having better returns on Hotel Motel Taxes than we had prior. But it is still not to the level it was in the past. The Oil and Gas market has not returned.

Diana Smoljanovich, Finance Director – We will have to see at the end of the second quarter. The first quarter was up over previous year for the Hotel Motel Tax.

Councilman Ash – Any other Councilmember noticed the Municipal Court Record Report from last year to now?

All Councilmembers said yes.

Motion was made to accept the financial report and all departmental reports by Councilman Connell, and second by Councilman Marsh.
Motion passed 4/0

ADJOURNMENT

Kathy Mrvos, City Clerk called to adjourn the meeting after the closing prayer which was recited by Councilman Connell.

Motion was made by Councilman Ash, and second by Councilman Connell.
Motion passed 4/0