

**WEIRTON CITY COUNCIL  
COUNCIL MEETING - REGULAR  
MONDAY, AUGUST 13, 2018, 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, August 13, 2018, at 7:00 P.M., in the Council Chambers of the Weirton Municipal Building.

**Councilmembers in Attendance:**

Tim Connell	Councilmember Ward 1	
Mike Adams	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	<b>ABSENT</b>
Terry Weigel	Councilmember Ward 7	

**City Officials in Attendance:**

Rob Alexander	Police Chief
Matt Burskey	Interim Code Official
Joe DiBartolomeo	City Manager
Donna Gialluco	Transit Director
Vince Gurrera	City Attorney
Butch Mastrantoni	Utilities Director
Mark Miller	Planning & Development Director
Kathy Mrvos	City Clerk
Rik Rekowski	Library Director
Rod Rosnick	Public Works Director
Coty Shingle	Park Board Director
Jerry Shumate	Fire Chief
Diana Smoljanovich	Finance Director

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

Councilman Connell recited the opening prayer.

**READING OF THE MINUTES:**

A motion to approve the July 17, 2018, minutes was made by Councilman Ash, and second by Councilman Marsh.

**July 17, 2018, Special Meeting**

The motion passed 6/0

A motion to approve the July 31, 2018, minutes was made by Councilman Ash, and second by Councilman Marsh.

**July 31, 2018, Special Meeting**

The motion passed 6/0

Councilman Ash stated he would like to make an amendment to the Agenda so that we can name the City Manager.

Mayor Miller stated all in favor of amending the Agenda to add the City Manager.

A motion was made by Councilman Ash, second from Councilman Connell.

Motion passed 6/0

Mayor Miller stated he would like to nominate for the Office of City Manager, for the City of Weirton, Joe DiBartolomeo. Joe served in the City for about 12 years. He was the City Attorney. He is a retired Brigadier General, and has a degree in Accounting and Law. I also found out last night, at the City of Weirton Hall of Fame, that he was inducted into the Hall of Fame, and never mentioned it to me. He is well known and well liked, as well as being highly qualified; it is an honor for me to put his name up for vote as the next City Manager of the City of Weirton.

Councilman Ash made the motion to accept the nomination for Joe DiBartolomeo for City Manager, second from Councilman Weigel.

Motion passed 6/0

Councilman Marsh, Mr. Mayor, before you move on any further, I also would like to amend the agenda. Under appointments, I know Council has passed an Ordinance or Resolution that states a Council member would serve on the boards as ex-officio. Councilman Ash has expressed a desire for that, and I would like to amend the agenda to put his name up for that position.

Mayor Miller, which Board?

Councilman Marsh, it would be the Water Board.

Councilman Marsh made a motion to appoint Councilman Ash, second from Councilman Jackson

Motion passed 6/0

**Mayor Miller had the swearing in of Joe Bartolomeo as the City Manager of Weirton at this time.**

**Mayors Awards and Proclamations:  
None**

**Citizens Remarks:**

**Ralph Cunningham – Road**

I have been here a lot of times about the back end of Seneca Street. I want to know why we cannot get anything done back there. You stop at 229 Seneca, and you do not go any further. The back end of Seneca has chunks of asphalt like this all over the place, and pot holes. Kids are going to fall over them like chunks of asphalt or step into one of those pot holes, and get hurt. I do not know why it is so hard to get someone out there to patch these things. You have 20<sup>th</sup> Street repaved, you said that Seneca Street wasn't bad enough. You go around that bend at 229 Seneca Street, and it is all busted up. You have one of those drains ready to fall down in. If a car goes over it, it might go through.

Mayor Miller, did they do anything with Ford?

Ralph Cunningham, no, no, no. You cannot get anybody out there. It must not be a recommendation of whoever makes out the streets signs because they cannot spell. They have Senaca instead of the correct spelling of Seneca. I know it is not very important, but it is for the people that live on Seneca Street. It is getting terrible out there.

Mayor Miller, you complained about that before, and it is terrible. As a matter of fact, my sister lives on Dubey Street. You know where Dubey Street is?

Ralph Cummingham, yes.

Mayor Miller, they complained also for years. We will get on it. Definitely it will be a priority.

Joe DiBartolomeo, please leave your phone number with the clerk, and we will give you a call. I will take a look at it.

**David Cline - Public Hearing Notices and Website**

I have a couple of requests, the first one is City Legal Notices to please place on the Cities Website under the title "Legal Ads" in the transparency section in a timely fashion as we do also in the newspaper. It is not required by law, but many of our citizens, look up information, and this would be a place that you would find information about Public Hearings and public issues that has been missed by citizens in the paper. When you research information, it is not there.

I also request that when a Public Hearing is held that the copies of the public notice, and other information regarding the public hearing be available before and during the meeting in the hearing room.

**Anna Withrow - Weirton Area Reuse Plan**

I am here on behalf of the Northern West Virginia Ground Brownfields Assistance Center, and I have an update on the Weirton area. (Anna passed the WARP Update to all Council Members) You will see in this newsletter the Thrasher Group who is hired by the Business Development Corporation of the Northern Panhandle has developed an app that will soon be available as a web app. The BDC will be able to use the app with potential clients, and potential developers at this site. You can see a snap shot of the plan there on the first page, and it shows the areas highlighted in green that are owned by the Frontier Group. Those that are outlined in yellow are areas that they are looking closer at where they analyzed all the information on this site with utilities data, etc. The Thrasher Group has engaged DJS Ventures to complete an Industry Cluster and Market Analysis with industry leaders in business and economic revitalization to look at this Market Analysis. They are seeking prospects for developing the site, and engaging them through the planning process. So folks that are interested, and inquire about the site you can then direct them to the BDC or myself, and I will connect them to the client or client group that way.

As far as an update from the Frontier Group, it is well known that the Basic Oxygen Plant is under demo now, and it is slated to be completed in March 2019. They hope to complete all the demo, cleanup, and site grading by end of 2019.

**JOHN SORRENTI – REPRESENTING TOP OF WV CONVENTION & VISITORS BUREAU**

Mr. John Sorrenti passed out the reports and balance sheets to Council, Mayor, and City Manager.

**COMMUNICATIONS:**

**NONE**

**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. An Ordinance of the Council for the City of Weirton, Amending and Supplementing Ordinance No. 814, More Particularly, Part XV. Chapter 1 Fire Prevention Code, Article 1501, of the Weirton Code of Ordinances. (City Manager) (Tabled 7-09-18)  
EMERGENCY READING**

Motion was made to remove from being tabled by Councilman Ash, and second by Councilman Weigel  
Motion passed 6/0

A motion to approve was made by Councilman Ash, second by Councilman Connell

Councilman Ash, I have some amendments Mayor. The first one is under 1501.7D to read that the Fire Chief shall not appoint more than one (1) Fire Marshal and two (2) Deputy Fire Marshals on staff so therefore, there shall not be more than three (3) Firemen authorized to carry firearms once they are trained, and they meet all the approvals of the Weirton Police Department.

Councilman Ash makes a motion to accept that, second by Councilman Marsh  
Motion passed 6/0

Second Amendment is 1501.8F to change it to read hereby establish a Weirton Fire Prevention Board which shall be responsible for the orderly enforcement of the Fire Prevention Code. The membership of the Board shall be composed of the City Manager, who shall be its permanent chairperson, the Chief of the Fire Department, the City Engineer, the Chief Code Official and (1) councilmember. The chairperson shall not have a vote unless there is a tie. The reason I put that in is because we voted at the very beginning of our term that we would have a councilmember committee on board.

Councilman Ash made a motion for that amendment, second by Councilman Jackson  
Motion passed 6/0

Third Amendment is 1501.11D amended to read \$300.00 minimum penalty.

Councilman Ash made a motion for that amendment, second by Councilman Connell  
Motion passed 6/0

Fourth Amendment is 1501.12B amended to read \$300.00 minimum penalty.

Councilman Ash made a motion for that amendment, second by Councilman Jackson  
Motion passed 6/0

Fifth Amendment is 1501.23A I would like to amend it to say that the Chief of the Fire Department, Inspectors of the Bureau of Fire Prevention, or any inspector thereof may, within reasonable hours and with a (24) twenty-four hour notice (other than emergencies),

enter a building or premises within his or her jurisdiction for the purpose of making any inspection .... etc.

Councilman Ash made a motion for that amendment, second Councilman Jackson  
Motion passed 6/0

The last Amendment is 1501.99A I amend that to make it a \$300.00 minimum penalty.

Councilman Ash made a motion for that amendment, second Councilman Jackson  
Motion passed 6/0

Councilman Ash makes a motion to accept this Ordinance as amended, and I would like to have it as an Emergency Reading because I promised the Chief I would do that since we have held it up so long, a second by Councilman Connell.

Roll Call:	Councilman Ash	Yes
	Councilman Weigel	Yes
	Councilman Marsh	Yes
	Councilman Adams	Yes
	Councilman Fracasso	Absent
	Councilman Jackson	Yes
	Councilman Connell	Yes

Motion passed 6/0

**2. Second Reading of Ordinance No. 2040. An Ordinance to the Amendment No. 793 to the Traffic Control Map Ordinance No. 214 of the City of Weirton to Extend the Yellow Curb past the Guardrail on Oak Street and Mercer by Approximately 30 Feet in Order for the Yellow Curb to extend past the Driveway on the other side of the Street. (Councilman Connell)**

Motion was made by Councilman Connell, second by Councilman Ash  
Motion passed 6/0

**NEW BUSINESS:**

**1. An Ordinance of the Council of the City of Weirton Adopting the City of Weirton Planning Commission Rules of Order and Procedure Approved and Amended by Said Planning Commission on July 18, 2018. (City Manager)**

Motion was made by Councilman Ash, second by Councilman Jackson

Councilman Ash stated he has amendments to that Ordinance also. I would like to make an amendment to page 4, paragraph 2.10.3. Will somebody please explain why we would be allowed to have a telephone conference or other electronic means for meetings? People will just not show up if it is allowed.

Mark Miller, Planning and Development Director, it is meant to be in order to get a quorum in an emergency. We try to get meetings scheduled a month ahead especially like the Board of Zoning. If we have a meeting setup, and I have only two (2) out of my five (5) there if we have the ability to make a phone call, and get somebody, and do it that way. That is what it is meant for.

Councilman Ash, you will always have two (2) out of five (5) if we pass that.

I make a motion to remove that section.

Councilman Ash made a motion for the amendment, second by Councilman Connell

Mayor Miller, we do that at Council if we don't have enough.

Councilman Ash, if it is only medical, can we use the phone.

Motion passed 5/1 (Councilman Weigel voted no)

Councilman Ash makes the motion to accept the Ordinance with the amendments, second by Councilman Adams

Motion passed 6/0

## **2. Resolution to Enter into Professional Services Contract for Services related to an Update of the City of Weirton's Unified Development Code with Mackin Engineering Company. (\$24,830.00) (City Manager)**

Councilman Marsh made the motion, second by Councilman Ash

Councilman Marsh, before we go to take a vote this was brought to Finance and Mr. Mark Miller had other commitments, and we did not really get an explanation, and I would ask him to come up to the podium and explain it to us.

Mark Miller, Planning and Development Director, we are wrapping up the Comprehension Plan. We have a Public Hearing on September 19, 2018, in the Planning Commission, and that will come before you. On the heels of that, and the recommendation of that, is to look

at the UDO. That was last done in 2005, and there is a lot of changes to the City, a lot of changes on how we do things, a lot of changes in the State Code that needs to be addressed. There is a \$25,000 line item in my Professional Services Budget currently. That was the money that was intended to use to pay for this.

Councilman Weigel, why is this dated June 26, 2018?

Mark Miller, Planning and Development Director, it has been ready for quite some time, and only now on the Agenda for you to take a look at it.

Councilman Ash, so can we change the date?

Mark Miller, Planning and Development Director, absolutely. I would like to say Jessica and I will be doing most of the work in-house, and they will be reviewing a couple special codes, and then going over it, and making sure everything is compliant. We will also be taking a look at the Zoning Map and Zoning Districts, and to facilitate some of the new growth that we have in town.

Councilman Ash, Mr. Mayor I want to make sure that the date is changed, and I talked to the City Attorney, and I would like to amend it to read that the date is August 13, 2018 instead of June 26, 2018.

Motion was made to Amend the date to read August 13, 2018 by Councilman Ash, and second by Councilman Marsh.

Motion passed 6/0

Councilman Weigel, stated he would like Joe DiBartolomeo, City Manager, in place of Travis Blosser, City Manager.

Motion was made to amend by Councilman Weigel, and second by Councilman Ash.

Motion passed 6/0

Councilman Marsh made the motion to accept the Ordinance with the amendments, second by Councilman Ash

Motion passed 6/0

### **3. Resolution to Amend the Rules of the Firemen's Civil Service Commission Code. (City Manager)**

Motion was made to approve by Councilman Marsh, and second by Councilman Ash.

Motion passed 5/1 (Councilman Mike Adams abstained)

### **4. An Ordinance Amendment No. 794 to the Traffic Control Map Ordinance No. 214 of the City of Weirton Requesting Yellow Lines**



**East and West Curbs of Gilson Avenue Extending from Pennsylvania Avenue South to the Alley behind the Fire Station. (Councilman Marsh) EMERGENCY READING**

Motion was made by Councilman Marsh, and second by Councilman Weigel. Councilman Marsh asked this be read as an Emergency Reading. One reason is yellow lines are there and we never found an Ordinance.

Roll Call:	Councilman Ash	Yes
	Councilman Weigel	Yes
	Councilman Marsh	Yes
	Councilman Adams	Yes
	Councilman Fracasso	Absent
	Councilman Jackson	Yes
	Councilman Connell	Yes

Motion passed 6/0

**5. Resolution to Authorize Financial Support by the City of Weirton to the Business Development Corporation (BDC) (\$28,750.00) (City Manager)**

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

Councilman Ash, Question, is this what we paid last year?

Mayor Miller, yes.... We have paid the same amount the last two (2) years.

Councilman Ash, the BDC knows about all the projects that we are doing so they can advise the new City Manager.

Motion passed 6/0

**6. Resolution to Place Liens Against Real Properties for Costs Incurred in Demolition of Unsafe Properties Pursuant to Ordinance 250. (\$13,933.09) (City Manager)**

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

Motion passed 6/0

**7. Resolution to Enter into Contract for the Purchase of Road De-icing Salt Fiscal Year 2018/2019. (\$93.88 per ton) (City Manager)**

Motion was made by Councilman Connell, and second by Councilman Weigel.  
Motion passed 6/0

**8. Resolution to Enter into Contract for the Purchase of One (1) Caterpillar 304E2 Mini Excavator for the Street Department at Public Works (\$59,680.00) (City Manager)**

Motion was made by Councilman Marsh, and second by Councilman Connell.  
Motion passed 6/0

**9. Resolution to Enter into Contract for the Purchase of One (1) Caterpillar 926 Front End Loader for the Street Department at Public Works (\$161,300.00) (City Manager)**

Motion was made by Councilman Marsh, and second by Councilman Ash.  
Motion passed 6/0

**10. Resolution to Enter into Contract for the Purchase of One (1) 2013 Fully Equipped Ford F-150 4 x 4 Truck for the Weirton Police Department (\$20,000.00) (City Manager)**

Motion was made by Councilman Connell, and second by Councilman Jackson.  
Motion passed 6/0

**11. Resolution to Authorize Revisions to the 2018-2019 Fiscal Year General Budget. (City Manager)**

Motion was made by Councilman Ash, second by Councilman Marsh

Councilman Jackson, I would like to make an amendment. We have all talked about this over the last couple years that what we want to do is to stabilize the financial position of the City as well as all the funds. I have been on the phone and countless meetings with Diana Smoljanovich, Financial Director, who has been gracious enough to take my many phone calls. If you look at your latest budget, you will see that 2.627 million dollars that is sitting in the General Fund. I believe that is before Mr. Blosser left. He had put plus or minus \$600,000 that was ear marked to fund the Policeman's Pension. We had \$1,000,000 plus or minus that was ear marked to pay our portion of the roads and paving. It still leaves us about \$950,000 plus or minus sitting in the General Fund. If you look at the last three to four years of the Financial Statements, we have never had that much money sitting in the General Fund. The only fund that we have not asked Council or the City has done, but we have not moved towards is to stabilize the financial position of the City, so under that, Councilmembers, I am asking that \$250,000 of the remaining portion be moved immediately from the General Fund into the Rainy Day Fund, which is also called the Stabilization Fund. With all the work that Council has done

over the last three years we have been able to sequestered 2.6 million dollars in investments. Correct?

Diana Smoljanovich, Financial Director, yes.

Councilman Jackson, plus or minus with Diana's help. So Council has put the City of Weirton Financial Stabilization at the forefront of everything they have done. We are not where we need to be, but we have made a huge progress from where we were three years ago when we got elected. I am simply asking since this fund was not funded this entire year, and it is the only one neglected, that we move \$250,000 immediately from the General Fund into the Stabilization Fund. It gives Diana permission to invest this money a.s.a.p.

Councilman Jackson made a motion to amend, second by Councilman Ash  
Motion passed 6/0

Councilman Marsh, we still have to vote on the Budget revision. It has to be a roll call.

Roll Call:	Councilman Ash	Yes
	Councilman Weigel	Yes
	Councilman Marsh	Yes
	Councilman Adams	Yes
	Councilman Fracasso	Absent
	Councilman Jackson	Yes
	Councilman Connell	Yes

Motion passed 6/0

## **APPOINTMENTS:**

John Thomas      8/13/2018 - 12/31/2018

Motion was made by Councilman Ash, and second by Councilman Marsh  
Motion passed 6/0

## **DEPARTMENTAL REPORTS**

### **Police Department – Chief Alexander**

Nothing additional to add to the submitted reports.

Councilman Marsh, Chief, if I may say one thing, I have been lax until today when I am starting my trips back and forth from Wellsburg now, but I do not know if anybody has noticed when you come north from route 2 right before you turn into Highland Hills there is a huge billboard, and Weirton Medical Center purchased both sides of the billboard. On the one side they are basically advertising that Weirton is the safest City in the State of West Virginia. I want to thank you for helping us get there, and for

somebody to tell Weirton Medical Center thank you for the advertisement on the billboard.

**Utilities – Water and Sewer – Butch Mastrantoni**

Nothing additional to add to the submitted reports.

**Fire Department – Chief Shumate**

Nothing additional to add to the submitted reports.

Thank you for finally approving the Fire Prevention Code. I appreciate all your work on it. Friday at noon, Captain Hinchee's retirement party will be held at the Fire Station if you would like to attend. He had 31 years in the Fire Department and roughly about 46 years in the Fire Service. He has moved on in his life, and we will have his retirement party this Friday.

**Public Works – Rod Rosnick**

Nothing additional to add to the submitted reports.

**Inspections – Matt Burskey**

Nothing additional to add to the submitted reports.

**Planning & Development – Mark Miller**

Nothing additional to add to the submitted reports.

**Park Board – Coty Shingle**

Nothing additional to add to the submitted reports.

**Transit – Donna Gialluco**

Nothing additional to add to the submitted reports.

We transported over 100 children, parents, and strollers from the Community Center to the Event Center free of charge.

**Library – Rik Rekowski**

I have good news, Dear Mayor, City Manager, City Council, our Adult Literacy Program has experienced an increase in registration, and the adult attendance in reading and writing skills. I would like you to know that the program, the adult tutors have been providing additionally coaching skills, additional hours of training in the activity room for adults for the preparation of the upcoming GED Task examinations. We do not call GED's anymore they are called Task. This is happening right now at the Library but there has been an increase, and everyone should know that our community adult volunteers are supportive of these new learners.

Also, the Mary H. Weir Public Library summer reading program just ended last week. It was remarkable and good. It was a one month program, five weeks. We had 71 children registered for that program, and we had 192 in attendance during the five week program. It is important to know that we had 40 books read to these children. There were program sessions for toddlers, preschool, elementary, and middle school. There was a total of 300 hours that children read books. You have to understand 300 hours of reading books. Most of the libraries in the United States are trying to deal with children, who are saying I read this, and I read this, and I read this, and the books are not challenging. We are timing the children on how many hours they are actually reading. This was very remarkable. It is important to these children that you understand that they are independent discovering books, and literature independently with self-exploration and motivation. No one is telling them or making them read. Why is that important well, Weirton has self-motivated readers, researchers, successful student achievements, future in the schooling, education, and perhaps in their careers.

Finally, I would like to say the Library is a family research network that is referred to as FRN. The Event Center had an event on August 4<sup>th</sup>, which was a Saturday, at the Event Center tent. That was a community resource. If you were, and some of you were there, I saw you moving around, you saw all the baby strollers and parents with their children right out here going up to the Event Center. There were many booths, and they made the children and families go to each booth, and record a number, and get them to ask, and visit the services of the City for the youth. The Mary H. Weir Library is a member, and did participate, and we had over 201 visitors at the Mary H. Weir Library booth. That was for parents and children to learn about programing, and services at the library. With that, I conclude the library is preparing for the fall children services, and I say "thank you" we look good for the future.

**Finances – Diana Smoljanovich, Finance Director**

**General Fund Cash Report for July, 2018**

Beginning Cash Balance:	\$1,755,305.47
Interest on Checking:	\$861.00
Deposits:	\$1,594,450.27
Draw-downs on Investment:	\$0.00
Disbursements:	\$1,457,392.97
Deposits to Investments:	\$0.00
Ending Cash Balance:	\$1,893,223.77
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:	\$1,894,023.77

Additionally we do not have any outstanding invoices due at this time.

Motion to approve by Councilman Marsh, and second by Councilman Weigel  
Motion passed 6/0

Councilman Ash, I have a couple of questions, Mr. Mayor. Councilman Ash directed the question at the Finance Director, Diana Smoljanovich, I would like to ask you about longevity pay has that been cut out?

Diana Smoljanovich, Finance Director, yes

Councilman Ash, who cut that out?

Diana Smoljanovich, Finance Director, the former City Manager.

Councilman Ash, do you know if it went before Council or does it have to go before Council because it is a budget.

Diana Smoljanovich, Finance Director, it was effective July 31, 2017. I started here six days later. If it went to Council, it would of been before I started.

Councilman Ash, I would like to ask the City Attorney, I believe everything that has to do with the budget has to go through Council.

Vince Gurrera, City Attorney, yes

Councilman Ash, so therefore, it was an inappropriate order, and I am asking you, and I don't know if Council wants to go along with me, I am asking go back, and reinstate the longevity pay back to the day it was cancelled. Unless it comes back in front of this Council, he had no right to do that.

Mayor Miller, we will investigate our records, and see what was done, and when it was done.

Councilman Ash, I am telling you that I want it back.

Mayor Miller, I did not know it was gone.

Councilman Ash, I want it back. Second thing, is there a contract signed by anybody for anyone that Council has not looked at?

Diana Smoljanovich, Finance Director, I don't know of any.

Councilman Ash, You don't know of any? I just want to make sure. Thank You.

Joe DiBartolomeo, City Manager, Councilman Ash, I will be in tomorrow, and we will take a look at this Longevity item.

Diana Smoljanovich, Finance Director, it was actually a memo.

Joe DiBartolomeo, City Manager, Council has the authority. Let me take a look at it, and we will do the recalculations, and see what we should of done, and what needs to be done to correct that.

Councilman Ash, I understand thank you.

Mayor Miller, any other questions in the Administrative Reports?

## **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 Ash, and second by Councilman Marsh  
Motion passed 6/0