

**CITY OF WEIRTON
COUNCIL MEETING – REGULAR
MONDAY, FEBRUARY 13, 2023 7:00 PM
WEIRTON MUNICIPAL BUILDING - COUNCIL CHAMBERS*
200 MUNICIPAL PLAZA, WEIRTON, WV 26062
OPEN TO THE PUBLIC**

PRAYER

PLEDGE OF ALLEGIANCE

MEETING CALLED TO ORDER

ROLL CALL

MAYOR’S AWARDS AND PROCLAMATIONS

CITIZENS’ REMARKS

Executive Session shall be held only if a majority vote of the members of the governing body vote to hold an executive session and the items for consideration shall consist of any and all of those contained within West Virginia Code 6-9A-4.

READING OF MINUTES

- January 9, 2023 – Regular Council Meeting

FINANCE COMMITTEE COMMENTS/FINANCIAL REPORT

UNFINISHED BUSINESS:

1. Second Reading of Ordinance No. 2200 for the Sale of Property Located Across from 669 Della Street, Weirton, Assessor’s Map and Parcel W43F-95 to Terry M. Board. (City Manager, Mayor Miller)

NEW BUSINESS:

1. A Resolution to Enter into an Agreement with Justice Business Services, LLC. For the Asbestos Abatement of the Single-Family Dwelling Located at 3137 Elm Street, also Purported to be 3139 Elm Street. (\$3,360.00). (City Manager, Mayor Miller)
2. A Resolution to Enter into an Agreement with Pulice Construction for the Demolition of the Single-Family Dwelling Located at 3137 Elm Street, also Purported to be 3139 Elm Street (\$6,700.00). (City Manager, Mayor Miller)

*Accessible entrance is located at the Police Department entrance on the east side of the building.

3. A Resolution to Enter into an Agreement with Alan Enterprises for the Removal of One Tree Located on the Corner of Wells Street and Gullette Lane (\$6,700.00). (City Manager, Mayor Miller)
4. A Resolution Ratifying the City Manager's Execution of a Change Order for the Installment of an Additional 18 Inch Steel Casing Pipe to Accommodate Future Utility Service Installations for Adjacent Structures for the Park Drive Infrastructure (\$11,338.56). (City Manager, Mayor Miller)
5. A Resolution Ratifying the City Manager's Execution of a Change Order Altering the Grading and Elevation Configuration of the East Parking Lot of the Park Drive Infrastructure Project to Protect Existing Water Utility Lines Instead of Relocating Said Lines (Credit to the City of \$11,552.58). (City Manager, Mayor Miller)
6. A Resolution Authorizing the City Manager to Execute a Change Order Pertaining to a Retaining Wall Extension to Accommodate an Electrical Wire Pull Box for the Park Drive Infrastructure Project (\$12,667.20). (City Manager, Mayor Miller)
7. A Resolution Authorizing the City Manager to Execute a Change Order Pertaining to a Water Line Connection in a Different Location on Three Springs Way and Amerihost Drive for the Park Drive Infrastructure Project (\$30,733.66). (City Manager, Mayor Miller)
8. A Resolution Authorizing the City Manager to Execute Change Orders Pertaining to (1) The Deferment of Sidewalk Installation, and (2) A Credit Associated to a Reduced Amount of Natural Gas Utility Pipe Line for the Park Drive Infrastructure Project (Price Reductions of \$71,261.20 and \$114,182.40, respectively). (City Manager, Mayor Miller)
9. A Resolution Authorizing the City Manager to Execute an Electrical Change Order for the Park Drive Infrastructure Project (\$7,560.51). (City Manager, Mayor Miller)
10. An Ordinance to Amend the Traffic Control Map, Ordinance No. 214, to Rescind Ordinance No. 427, Amendment No. 125, dated October 28, 1975 that Changed the Traffic Pattern on the Alley between the Genuine Parts and the Weirton Motel from "One-Way" Going West to "One-Way" Going East. (Councilman Ash)
11. An Ordinance to Amend the Traffic Control Map, Ordinance No. 214, to Establish Traffic Patterns and Necessary Signage for the Alley that Runs Behind Gus's Goodies and Mario's Restaurant. (Councilman Ash)
12. A Resolution to Authorize the City Manager to Enter into a Mutual Aid Agreement for Fire and Rescue Services with the Brooke County Firefighters Association. (City Manager, Mayor Miller)
13. A Resolution to Enter into Contract for Fireworks Display for the City of Weirton's 2023 Fourth of July Observance in the Amount of Nineteen Thousand Five Hundred Dollars and Zero Cents (\$19,500.00). (City Manager, Mayor Miller)
14. A Resolution to Authorize Revisions to the 2022-2023 Fiscal Year General Fund Budget. (City Manager, Mayor Miller)

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15. A Resolution to Enter into Contract with Assure America Corporation/Travelers Property Casualty Company of America for Property and Liability Insurance Coverage for the City of Weirton in the Amount of \$498,563.00. (City Manager, Mayor Miller)

CITY MANAGER AND DEPARTMENTAL REPORTS

MAYOR AND COUNCIL COMMENTS/COMMUNICATIONS

ADJOURNMENT

PRAYER

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INFORMATIONAL COUNCIL MEETING

Monday, February 13, 2023

COUNCIL CHAMBERS

6:55 p.m.

*Accessible entrance is located at the Police Department entrance on the east side of the building.

MEETING MINUTES WEIRTON CITY COUNCIL

Regular Council Meeting
Weirton Municipal Building – Council Chambers
200 Municipal Plaza, Weirton, WV 26062
Monday, February 13, 2023, 7:00 p.m.

Councilman Timothy Connell recited the opening prayer and led the Pledge of Allegiance.

Mayor Harold Miller called the meeting to order.

City Clerk Kimberly Long conducted roll call.

ROLL CALL

Mayor and Council Members in Attendance

Harold E. Miller	Mayor	BY VIRTUAL PARTICIPATION – CHARLESTON
Timothy C. Connell	Councilmember Ward 1	BY VIRTUAL PARTICIPATION – CHARLESTON
Chris Jonczak	Councilmember Ward 2	IN PERSON
Fred S. Marsh	Councilmember Ward 3	IN PERSON
George E. Ash, Sr.	Councilmember Ward 4	IN PERSON
Flora Perrone	Councilmember Ward 5	BY VIRTUAL PARTICIPATION – CHARLESTON
Enzo Fracasso	Councilmember Ward 6	BY TELEPHONE
Terry Weigel	Councilmember Ward 7	IN PERSON

City Officials in Attendance

Michael A. Adams, Esq.	City Manager	BY VIRTUAL PARTICIPATION – CHARLESTON
Vincent S. Gurrera, Esq.	City Attorney	IN PERSON
Diana Smoljanovich	Finance Director	IN PERSON
Allen Hess	Public Works Director	IN PERSON
Mark Miller	Planning and Development Director	IN PERSON
Matt Burskey	Code Enforcement Official	IN PERSON
Kevin Himmelrick	Fire Chief	IN PERSON
Charlie Kush	Police Chief	IN PERSON
DeeAnn Pulliam	Assistant City Manager	IN PERSON
Butch Mastrantoni	Utilities Director	IN PERSON
W. Coty Shingle	Parks & Recreation Director	IN PERSON
Rik Rekowski	Library Director	ABSENT
Phil Gilchrest	Weirton Transit Manager	IN PERSON
Kimberly Long	City Clerk	BY VIRTUAL PARTICIPATION - CHARLESTON

MAYOR'S AWARDS AND PROCLAMATIONS

There were no Mayor's Awards or Proclamations

CITIZENS' REMARKS

There were no citizens' remarks.

Request by Council to convene into Executive Session consistent with West Virginia Code 6-9A-4.

There was no motion to convene into Executive Session.

READING OF MINUTES

January 9, 2023 Regular Council Meeting Minutes

Motion to Approve the January 9, 2023 Regular Council Meeting Minutes:

Councilman Connell

Motion Approved: 7/0

FINANCE COMMITTEE COMMENTS/FINANCIAL REPORT

Councilman Marsh reported that there are several spending resolutions on tonight's agenda. Six resolutions pertain to Change Orders for the Park Drive Project that had previously been discussed during a Council Workshop that was held in the fall. At that Workshop, the City Manager was instructed by Council how to proceed with the various issues. All of the Change Order paperwork has now been received and can be voted on.

Under the direction of the City Manager and the City Attorney, the Finance Committee is recommending Traveler's through Assure America for the City's property liability insurance.

Finance Director – Diana Smoljanovich – gave the cash report as follows:

General Fund Cash Report for January 2023:

Beginning Cash Balance:	\$4,087,775.92
Deposits:	\$3,208,800.36
Interest:	\$ 5,875.83
Disbursements:	(\$1,940,947.22)
Petty Cash:	\$ 800.00
Total Cash on Hand:	\$5,362,304.89

Motion to Accept the Financial Report: Councilman Marsh

Motion Approved: 7/0

UNFINISHED BUSINESS:

1. Second Reading of Ordinance No. 2200 for the Sale of Property Located Across from 669 Della Street, Weirton, Assessor's Map and Parcel W43F-95 to Terry M. Board. (City Manager, Mayor Miller)

Minutes – Weirton City Council Meeting (Regular) 2
February 13, 2023, 7:00 p.m.

Motion to Approve: Councilman Fracasso

Motion Approved: 7/0

NEW BUSINESS:

1. A Resolution to Enter into an Agreement with Justice Business Services, LLC. for the Asbestos Abatement of the Single-Family Dwelling Located at 3137 Elm Street, also Purported to be 3139 Elm Street. (\$3,360.00). (City Manager, Mayor Miller)

Motion to Approve: Councilman Marsh

Motion Approved: 7/0

2. A Resolution to Enter into an Agreement with Pulice Construction for the Demolition of the Single-Family Dwelling Located at 3137 Elm Street, also Purported to be 3139 Elm Street (\$6,700.00). (City Manager, Mayor Miller)

Motion to Approve: Councilman Connell

Motion Approved: 7/0

3. A Resolution to Enter into an Agreement with Alan Enterprises for the Removal of One Tree Located on the Corner of Wells Street and Gulette Lane (\$6,700.00). (City Manager, Mayor Miller)

Motion to Approve: Councilman Marsh

Motion Approved: 7/0

4. A Resolution Ratifying the City Manager's Execution of a Change Order for the Installment of an Additional 18 Inch Steel Casing Pipe to Accommodate Future Utility Service Installations for Adjacent Structures for the Park Drive Infrastructure (\$11,338.56). (City Manager, Mayor Miller)

Motion to Approve: Councilman Connell

Motion to Approved: 7/0

5. A Resolution Ratifying the City Manager's Execution of a Change Order Altering the Grading and Elevation Configuration of the East Parking Lot of the Park Drive Infrastructure Project to Protect Existing Water Utility Lines Instead of Relocating Said Lines (Credit to the City of \$11,552.58). (City Manager, Mayor Miller)

Motion to Approve: Councilman Weigel

Motion Approved: 7/0

6. A Resolution Authorizing the City Manager to Execute a Change Order Pertaining to a Retaining Wall Extension to Accommodate an Electrical Wire Pull Box for the Park Drive Infrastructure Project (\$12,667.20). (City Manager, Mayor Miller)

Motion to Approve: Councilman Weigel

Motion Approved: 7/0

7. A Resolution Authorizing the City Manager to Execute a Change Order Pertaining to a Water Line Connection in a Different Location on Three Springs Way and Amerihost Drive for the Park Drive Infrastructure Project (\$30,733.66). (City Manager, Mayor Miller)

Motion to Approve: Councilman Marsh

Motion Approved: 7/0

8. A Resolution Authorizing the City Manager to Execute Change Orders Pertaining to (1) The Deferment of Sidewalk Installation, and (2) A Credit Associated to a Reduced Amount of Natural Gas Utility Pipe Line for the Park Drive Infrastructure Project (Price Reductions of \$71,261.20 and \$114,182.40, respectively).

(City Manager, Mayor Miller)

Motion to Approve: Councilman Marsh

Motion Approved: 7/0

9. A Resolution Authorizing the City Manager to Execute an Electrical Change Order for the Park Drive Infrastructure Project (\$7,560.51). (City Manager, Mayor Miller)

Motion to Approve: Councilman Marsh

Motion Approved: 7/0

10. An Ordinance to Amend the Traffic Control Map, Ordinance No. 214, to Rescind Ordinance No. 427, Amendment No. 125, dated October 28, 1975 that Changed the Traffic Pattern on the Alley between the Genuine Parts and the Weirton Motel from "One-Way" Going West to "One-Way" Going East. (Councilman Ash)

Motion to Approve: Councilman Ash

Motion Approved: 7/0

11. An Ordinance to Amend the Traffic Control Map, Ordinance No. 214, to Establish Traffic Patterns and Necessary Signage for the Alley that Runs Behind Gus's Goodies and Mario's Restaurant. (Councilman Ash)

Motion to Approve: Councilman Ash

Motion Approved: 7/0

12. A Resolution to Authorize the City Manager to Enter into a Mutual Aid Agreement for Fire and Rescue Services with the Brooke County Firefighters Association.

(City Manager, Mayor Miller)

Motion to Approve: Councilwoman Perrone

Motion Approved: 7/0

13. A Resolution to Enter into Contract for Fireworks Display for the City of Weirton's 2023 Fourth of July Observance in the Amount of Nineteen Thousand Five Hundred Dollars and Zero Cents (\$19,500.00). (City Manager, Mayor Miller)

Motion to Approve: Councilman Connell

Discussion: Councilman Marsh commented that the reason the fireworks are scheduled before July 4th is to get a better price. There was a small price increase from last year.

Motion Approved: 7/0

14.A Resolution to Authorize Revisions to the 2022-2023 Fiscal Year General Fund Budget. (City Manager, Mayor Miller)

Motion to Approve: Councilman Marsh

A Roll Call Vote was Required for the Motion:

Councilman Fred Marsh	<u>Yes</u>
Councilman George Ash	<u>Yes</u>
Councilwoman Flora Perrone	<u>Yes</u>
Councilman Enzo Fracasso	<u>Yes</u>
Councilman Terry Weigel	<u>Yes</u>
Councilman Tim Connell	<u>Yes</u>
Councilman Chris Jonczak	<u>Yes</u>

Motion Approved: 7/0

15.A Resolution to Enter into Contract with Assure America Corporation/Travelers Property Casualty Company of America for Property and Liability Insurance Coverage for the City of Weirton in the Amount of \$498,563.00.

(City Manager, Mayor Miller)

Motion to Approve: Councilman Jonczak

Motion Approved: 6/1

Councilman Fracasso voted against the Resolution.

CITY MANAGER AND DEPARTMENTAL REPORTS

City Attorney – Vince Gurrera – Extended thanks to all those who worked on the property and liability insurance coverage options. After making several phone calls to several cities, we believe we picked the best option.

Finance Director – Diana Smoljanovich – The General Fund budget is nearly complete. Meetings with a couple more department heads need to take place. Once those are completed, a workshop will be scheduled for next week.

Public Works Director – Allen Hess – A new truck driver has been hired at Public Works; the salt barn is full; he has been in contact with Mountaineer Gas to make sure there will be no projects scheduled to take place after paving is done; he will be in contact with the rest of the utility companies soon.

Planning and Development Director – Mark Miller - Today was the cutoff date to receive items for the next Zoning Board meeting; several conversations have taken place with the engineer for Form Energy; work continues with the State and the BDC to get the parcels split off so we can move forward; we have been reviewing the municipal building assessment report; the BDC and the CVB have received a grant from the EPA to do a study for an event center – a project that was discussed several years ago; we've been

working on a RAISE grant application with Frontier, the BDC, BHJ, and a consultant. The application will be put together and submitted by the end of the month. This grant is to request funds to get the road network integrated within the Frontier site; executed copies of the Park Drive Project Change Order documents will be submitted to the EDA.

Code Enforcement Official – Matt Burskey - We received plans for a Pet Supplies “Plus” to go into the old Kmart plaza to the left of Big Lots; work on the shell for Primanti Brothers continues. Once this is complete, we should be receiving the plans for the restaurant. Around Thanksgiving we started sending out our 2023 business license applications; 247 of those applications are delinquent and letters have been sent out to those business owners last week; 933 business licenses have been issued as of last Friday. Regarding Rental Registration, we have started to send out notices of violations to those who have not registered yet. The goal is to send out around 150 every other day so when they start coming due we will have a manageable number to deal with instead of dealing with them all at the same time; we have 81 business licenses issued for the rental registrations for a total of 578 units. Once we start getting more rental units registered, we will start enforcing inspections; it was stated that the City Manager and the City Attorney will need to determine how to handle the businesses who have not gotten their business licenses. Councilman Ash stated that he wants this to be addressed now; Councilman Weigel inquired about sufficient parking at the Kmart plaza to accommodate the additional businesses. Planning and development Director Mark Miller explained that there is enough parking in the old Kmart plaza for all of the new business; Councilwoman Perrone extended thanks for addressing the issues on Marland Heights.

Fire Department - Chief Kevin Himmelrick – There are a couple of guys off on military leave for the next 3 months or so and another one who just had knee replacement surgery and will probably be off for the next 6 months; all annual ladder testing has been completed; we are working with a company trying to update our agility test that is given to probationary firefighter applicants; when asked if light duty was an option, Attorney Gurrera explained that light duty is not usually done for our emergency services because of workman’s comp situations.

Police Department – Chief Charlie Kush – We had three retirements last month and promoted two Lieutenants; three new probationary officers will be sworn in on February 24th and will start work on the 27th; they will begin their training in the police department and are scheduled to be sent to the academy in June; regarding the work on the Veteran’s Bridge, a cruiser has been contracted through the FOP to sit there during normal business hours; Councilman Marsh requested increased patrols at the park-n-ride in both the morning and evening when it is dark.

Utilities Director – Butch Mastrantoni – As a result of the East Palestine train derailment, partnering with ORSANCO (Ohio River Valley Sanitation Commission), the

river and well water continues to be tested and treated as necessary; both the river water and the well water that has been released to customers of the Weirton Area Water Board is safe and compliant with all standards for potable use and ingestion – the water is completely safe to drink; four basements in homes on Marland Heights were flooded because of a sanitary line that was obstructed by a large tree root. The tree and sections of pipe with the roots have been removed and the damaged sewer line has been replaced; restoration work continues. Councilman Connell asked for clarification about late charges on the water/sewer bills. Mr. Mastrantoni explained that bills are due upon receipt and if they're not paid within 21 days penalties post. The 21-day deadline is what has been set up in the billing program. It was noted that penalties only post once so it doesn't continue to compound. As delivery by the post office can sometimes be unreliable and out of everyone's control, it was suggested that the best thing to do is to drop payments in the drop box outside of the City building or to pay the bill in person. Mr. Adams extended appreciation to Mr. Mastrantoni, the Water Board and its staff for the action they took to address the issues arising from the train derailment.

Parks & Recreation Director – Coty Shingle – The next Park Board meeting will be this Thursday at 8:00 a.m. in the Weirton Room; one of the items to be addressed is the approval of the documentation for the Request for Qualifications for the Starvaggi Pool. Once it is approved by the Park Board, it will be forwarded to Council for their review and then will be formalized and released; meetings with McKinley are scheduled to discuss the Marland Heights park area; public meetings will be held in the future to discuss new amenities and the layout of the park; Councilman Marsh asked why McKinley was chosen in light of the problems the City has recently had with McKinley. Mr. Shingle answered since it was not a biddable item McKinley was chosen because of their quick response to the request. Regarding Starvaggi Park, because of funding received by the City, the Starvaggi Civic Association, the Park Board and various donations, we are close to having the total amount needed for the playground and the equipment has been ordered; Mr. Ronnie Jones donated \$250 and issued a matching fund challenge and \$1,600 has already been donated. Councilman Jonczak asked if there is a timeline for when the Millsop Center's pool area – specifically the roof and walls - will be fixed. Mr. Shingle stated that the area is being constantly monitored to maintain safety and it will be going out to bid soon; everyone refused to bid on the project previously and if that happens again, the work may have to be done internally.

Transit – Phil Gilcrest – Explained that some reports were not included in the council packets this month due to his absence; the SVRTA link is becoming more popular; extended thanks to Council for the donation of the van that is being used for the state opioid recovery program. Because a federally funded bus can't be used for this, prior to receiving the van we were only able to transport approximately 18-20 recoveries a month; now that we have the van, 45 recovery transports took place in the month of January; Councilwoman Perrone stated that in the near future a workshop presentation will be

held with Council to talk about funding, where we've been, and where we see ourselves going.

Assistant City Manager – DeeAnn Pulliam – DataMax has been acquired by HdL; DataMax payments for January 2023 came from three new businesses and nineteen renewal payments totaling \$1,338.14, bringing the total collected to date to approximately \$87,000.00; the museum and the library are sponsoring a "Have a Heart for History" event in observance of Black History Month; the event will be taking place at the museum tomorrow from 4-8 pm with free admission, displays, door prizes and refreshments; administrative offices will be closed for President's Day on Monday, February 20th but garbage/recycling and transit will be operating as normal; next month is our African American Community Pastors and Leaders meeting at 5:45 p.m. before the March regular council meeting.

City Manager – Mike Adams – On Friday, HB 2882 passed by a 79/15 vote. This bill is positive for our area in that it will bring money in that will be tied to jobs, prospects and buildings; the announcement for the petition for Vermont Street residents and landowners to change the street name to Martin Luther King, Jr. Street is posted on the City's website and letters have been sent to each of them; 80% of landowners of the lots on the street must sign this petition; the process that must be followed comes from the Hancock County 911 service, not the City; work continues for the researching of GIS mapping, which will provide overlays of our wards, precincts, zoning, utilizes, streets, etc.; we have received a draft of a policy handbook from AlignHR and it is being reviewed; works continues on the Park Drive project; Thrasher submitted its building assessment and it is being reviewed; the ownership of Penco Road is still being discussed; the Weirton Police Department's Take Home Vehicle Policy is about complete; we continue to address code enforcement issues.

MAYOR AND COUNCIL COMMENTS/COMMUNICATIONS

There were no Council comments/communications given.

ADJOURNMENT

Motion to Adjourn: Councilman Marsh

Motion Approved 7/0

Councilman Connell recited the closing prayer.

Minutes approved at the March 13, 2023 Regular Council Meeting.

Signed: *Kimberly Long*, City Clerk