

# The City of Weirton

HOME RULE PLAN AMENDMENT

FOR PRESENTATION TO  
THE HOME RULE BOARD

# CITY OF WEIRTON

## HOME RULE PLAN AMENDMENT

### INTRODUCTION

In 2008, pursuant to the authority provided by West Virginia Code § 8-1-5a, the Municipal Home Rule Board (the "Board") selected the Cities of Charleston, Huntington, Wheeling and Bridgeport to participate in the West Virginia Home Rule Pilot Program. In 2015, the City of Weirton began Phase II of the Municipal Home Rule Pilot Program which allowed us the opportunity to make positive changes in our community. We are excited for further opportunities that the Home Rule Program will afford our city to make a positive impact on the City of Weirton and our citizens.

Under West Virginia Code § 8-1-5a, municipalities participating in the Municipal Home Rule Pilot Program may amend their written plans. For the reason set forth herein, Weirton is now requesting that the Board authorize the following amendment to Weirton's approved plan.

### SPECIFIC STATE LAWS, POLICIES, RULES OR REGULATIONS

West Virginia Code § 60-7-12(a)(5); 60-8-34; 11-16-18(a)(1).

**PROBLEM: WEST VIRGINIA STATE CODE RESTRAINS RESTAURANTS AND HOTELS DURING BRUNCH HOURS BY PROHIBITING THE SERVICE OF ALCOHOL BEFORE THE HOUR OF ONE O'CLOCK P.M. ON SUNDAYS.**

### A Short History of Brunch

According to the Smithsonian, Sunday brunch was popularized in the 1930's by hotels as a dining option for travelers on a day when many restaurants were closed. Combining two services (breakfast and lunch) into one provided staffing and kitchen economies for the establishments. Restaurants soon also began offering brunch service and popularized the inclusion of morning cocktails such as Bloody Marys, Bellini, or Mimosas. The popularity of brunch extended as women entered the post-World War II workforce and began looking for an option to preserve the tradition of a Sunday meal with family and friends, but without the time spent in the kitchen preparing that meal. More and more, weekend mornings became the preferred time for groups of friends with career and family obligations to get together. Brunch also offered a form of celebration on holidays like Mother's Day and Easter, and in the last decade has given rise to new traditions like the bridal brunch.

Since the repeal of Prohibition, West Virginia has maintained various laws regulating the sale of alcohol, including the current prohibition on the sale of alcohol before one o'clock p.m. on Sundays. As the popularity of brunch grew, some restaurants and hotels in Weirton and other West Virginia municipalities began offering brunch service, but have indicated that the inability to serve the traditional brunch cocktails until the afternoon has stifled attendance and resulted in limited revenue. On behalf of its membership, the West Virginia Hospitality and Travel Association has advocated for a relaxation of the State's liquor laws to allow alcohol to be served before one o'clock on Sundays so that establishments can capitalize on the popularity of brunch and maximize their revenue from brunch service.

SOLUTION: THE CITY OF WEIRTON DESIRES TO AUTHORIZE CERTAIN CLASS "A" ABCA LICENSE HOLDERS TO SERVE ALCOHOL BEGINNING AT TEN O'CLOCK A.M. ON SUNDAYS.

Cities that have been approved as Home Rule cities are permitted to modify the time at which alcohol may be served on Sundays within their cities and such a modification is the type of innovative solution that was intended by the Legislature when it enacted the Home Rule Statute. The Legislature has acknowledged the value of the Home Rule Program as an incubator for municipalities to try new ideas and solutions to overcome administrative and economic restraints and has enacted several state laws that began as one City's idea in the Home Rule Program. With regard to this issue, several other Home Rule municipalities have been approved for the Sunday "Brunch Bill" status including Beckley, Bridgeport, Charles Town, Morgantown, Nitro, Oak Hill, Ranson, and Wheeling. If authorized to do the same as our Home Rule sister cities, Weirton's enactment will provide citizens with the opportunity to witness and experience an unrestricted, traditional brunch service.

Although counties do not currently have home rule powers, the Legislature did recently address the issue of relaxing restrictions on Sunday alcohol sales on a county-wide basis. During the 2016 regular session, the Legislature enacted a law that provides a mechanism for interested counties to place that issue on the ballot. Notwithstanding, counties and cities often serve a very different population. A survey of Google search interests in "brunch" published in the Washington Post indicates that brunch is much more popular in urban areas than in rural areas. Given that the interests of Weirton and those of the rest of the county may be varied, restaurant and hotel owners and operators located in Weirton and the Top of West Virginia Convention and Visitors Bureau have requested that the City pursue this issue now. The City remains supportive of any action the County may take to make earlier alcohol service available countywide. Successful enactment by Weirton now will also benefit the County and any other city or county that may be considering Home Rule enactment or county-wide election by demonstrating the benefits of relaxing Sunday alcohol restrictions prior to the time in which that issue could be placed on a county-wide ballot.

There is good reason to believe that enactment of this power by Weirton will benefit its citizenry and result in an economic enhancement to businesses within the City. The Top of West Virginia Convention and Visitors Bureau contacted local restaurant owners to find that owners of Weirton restaurant facilities firmly believe that their businesses would realize additional revenue per Sunday if alcohol service were to begin at ten o'clock a.m. Others have indicated to the Top of West Virginia Convention and Visitors Bureau that although they do not currently serve brunch, the earlier serving time would provide adequate incentive for them to start. Hotels and restaurants have indicated that there is a market for champagne brunch events on which they have heretofore been unable to fully capitalize. The City of Weirton is geographically situated within a five mile span of the Pennsylvania and Ohio state borders. The City's restaurants are competing for

business with similar facilities in Pennsylvania and Ohio who do not have such restrictions on Sunday alcohol sales. The expanded window for alcohol service may also facilitate more events on Sundays benefitting caterers and event venues. All of this increased revenue for both small and large hospitality businesses will result in additional business and occupation tax for the City and increased sales tax revenue for both the City and State. There may also be additional benefits to the City, State and its citizens from increased working hours and/or tips for servers and other hospitality workers.

The Top of West Virginia Convention and Visitors Bureau, which is composed of civic leaders and people involved in the City's hospitality and tourism industries, fully supports the City's use of Home Rule to allow earlier Sunday alcohol service in Weirton. Aside from the potential direct financial benefit, relaxing Sunday liquor laws and allowing restaurants in the City to be fully operational on Sunday enhance the City's image in the eyes of business and leisure travelers thereby enriching their travel experience in Weirton.

The City's Comprehensive Plan envisions the reinforcement of Weirton's position as a cultural destination, and active promotion of Weirton as a city that offers a range of lifestyle choices. These goals are instrumental in attracting new residents to the City and retaining its current residents. The establishment of earlier Sunday alcohol service is another way for the City to meet these goals and strengthen its social vitality.

#### **SPECIFIC POWER REQUESTED UNDER THIS PROPOSED AMENDMENT TO WEIRTON'S HOME RULE PLAN.**

The City of Weirton respectfully requests that it be granted the power under West Virginia Code § 8-1-5a to amend its approved Home Rule Plan to permit the City to allow certain Alcohol Beverage Control Administration Class "A" license holders to begin serving alcohol at ten o'clock a.m. on Sundays.



# CITY OF WEIRTON

200 MUNICIPAL PLAZA  
WEIRTON, WEST VIRGINIA 26062

February 26, 2019

Honorable Members of the Board  
WV Home Rule Pilot Program  
WV Department of Commerce  
State Capitol Complex  
Building 6, Room 525  
Charleston, WV 25305-0311

RE: Municipal Home Rule Pilot Program Amendment

Dear Board Members:

The City of Weirton respectfully herein submits its Amendment for consideration as an approved Plan participant in the West Virginia Municipal Home Rule Pilot Program. Enclosed please find the Amendment with attachments, as well as the requisite affidavits and documents evidencing that the procedural requirements of West Virginia Code § 8-1-5A et seq. have been met.

Thank you in advance of your consideration. Should you have any questions regarding the enclosed, please do not hesitate to contact me.

Sincerely,

Diana Smoljanovich  
City Manager

Enclosure

VINCENT S. GURRERA, ESQ.  
ATTORNEY/PROSECUTOR FOR CITY OF WEIRTON  
PO BOX 2308 WEIRTON, WV 26062  
304-723-3861 FAX: 304-723-3871  
EMAIL: [ESQ87@HOTMAIL.COM](mailto:ESQ87@HOTMAIL.COM)

February 25, 2019

To: Home Rule Board

Re: City of Weirton Amendment to the Municipal Home Rule Plan  
Relating to the "Brunch Bill"

Ladies and Gentlemen,

As City Attorney for the City of Weirton, I have reviewed West Virginia Code §8-1-5a, the Municipal Home Rule Pilot Program Phase II Guidelines, and the proposed City of Weirton's Municipal Home Rule Plan Amendment relating to the "Brunch Bill" which requests approval to allow the sale of alcoholic beverages by certain alcohol beverage control administration Class A license holders beginning at 10:00 am on Sundays. I have used these documents collectively for the purpose of providing this opinion.

Based upon the examination of the documents and my understanding of the intent of the proposed provisions contained in the **amendment** to the City of Weirton's Municipal Home Rule Plan, it is my opinion that the **plan amendment** complies with West Virginia Code §8-1-5a.

The Municipal Home Rule Board may rely upon this opinion.

Sincerely,



Vincent S. Gurrera  
City Attorney-City of Weirton



# CITY OF WEIRTON

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200 Municipal Plaza  
Weirton, West Virginia 26062  
Telephone: (304) 797-8500

I, DeeAnn Pulliam, do hereby certify that Ordinance No. 2057, is a true and exact copy of the ordinance that was adopted unanimously by Weirton City Council at its regularly scheduled meeting that was held on February 11, 2019. A public hearing was held prior to its adoption and we had one citizen who spoke in opposition to the amendment and five citizens who spoke in support of the amendment.

Given under my hand and seal of the City of Weirton this 20<sup>th</sup> Day of March, 2019

DeeAnn Pulliam, City Clerk

**ORDINANCE NO. 2057**

**AN ORDINANCE AUTHORIZING THE CITY OF WEIRTON TO SUBMIT TO THE MUNICIPAL HOME RULE BOARD A PROPOSED AMENDMENT, ATTACHED HERETO AS EXHIBIT A, TO THE CITY OF WEIRTON'S MUNICIPAL HOME RULE PLAN CONSISTENT WITH WEST VIRGINIA CODE § 8-1-5a, REQUESTING APPROVAL TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES BY CERTAIN ALCOHOL BEVERAGE CONTROL ADMINISTRATION CLASS "A" LICENSE HOLDERS BEGINNING AT 10:00A.M. ON SUNDAYS**

**WHEREAS**, the owners of restaurants and hotels in the City have indicated that there is a market for brunch services on Sundays and that current restrictions on hours of Sunday alcohol service imposed by State Law stifle Sunday morning brunch attendance; and,

**WHEREAS**, the Top of West Virginia Convention & Visitors Bureau and its Board of Directors, which is composed of civic leaders and people involved in the City's hospitality and tourism industries, fully support the City's use of Home Rule to allow earlier Sunday alcohol service in Weirton thereby enabling restaurants and hotels in the City to be fully operational on Sunday to enhance the City's image in the eyes of business and leisure travelers and enrich the experiences of visitors to Weirton; and,

**WHEREAS**, the City has determined that allowing alcohol sales at Sunday morning brunch service within the City will produce more revenue and strengthen City businesses, increase City business and occupation tax revenues and City/State sales tax revenues, and increase earnings for servers and other employees working in the hotels and restaurants in the City; and,

**WHEREAS**, due to the fact that the City of Weirton is geographically situated within a five mile span of the Pennsylvania and Ohio state borders, the City's restaurants are competing with similar facilities in Pennsylvania and Ohio who do not have such restrictions on Sunday alcohol sales; and

**WHEREAS**, the City's Comprehensive Plan envisions the reinforcement of Weirton's position as the region's cultural destination, and the active promotion of Weirton as a city that offers a range of lifestyle choices in order to attract new residents to the City and retain its current residents; the establishment of an earlier Sunday alcohol service is another way for the City to meet these goals and strengthen its social vitality;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WEIRTON:**

**Section 1.** On behalf of the City of Weirton, the City Manager and City Attorney and the City Administration are hereby authorized and requested to submit to the Municipal Home Rule Board a proposed amendment, attached hereto as Exhibit A, to the City of Weirton's Municipal Home Rule Plan consistent with West Virginia Code § 8-1-5a, requesting approval to allow the sale of alcoholic beverages by certain Alcohol Beverage Control Administration Class "A" license holders beginning at 10:00 a.m. on Sundays.

**Section 2.** This Ordinance shall be effective from and after the date of its adoption.

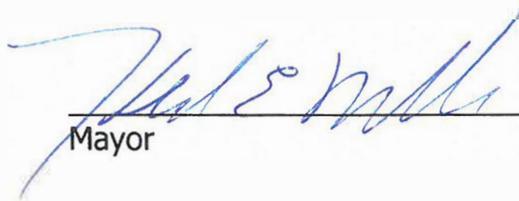
First Reading: January 7, 2019

Publication Date: January 22, 2019

Public Hearing Notice  
Publication Date: January 10, 2019

Public Hearing Notice  
Publication Date: January 17, 2019

Second Reading: February 11, 2019

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
City Clerk

**Sponsored by Weirton City Manager Joseph B. DiBartolomeo**

**CITY OF WEIRTON**

**MONDAY, February 11, 2019**

**COUNCIL MEETING – REGULAR  
11:00 AM  
COUNCIL CHAMBERS**

**10:40 a.m. Public Hearing – To conduct a public hearing with respect to proposed Ordinance No. 2057. An Ordinance Authorizing the City of Weirton to Submit to The Municipal Home Rule Board a Proposed Amendment, Attached Hereto as Exhibit A, to the City of Weirton’s Municipal Home Rule Plan Consistent with West Virginia Code § 8-1-5a, Requesting Approval to Allow the Sale of Alcoholic Beverages by Certain Alcohol Beverage Control Administration Class "A" License Holders Beginning at 10:00 a.m. on Sundays.**

Meeting Called to Order

Roll Call

Prayer

Pledge of Allegiance

The Final Roll Call Ceremony

Mayor’s Awards and Proclamations

- Veteran’s Proclamation –Brian James Williams

Citizens Remarks

Communications

READING OF MINUTES

- January 7, 2019 – Regular

OLD BUSINESS:

1. Second Reading of Ordinance No. 2055. An Ordinance Modifying Ordinance #1313 Establishing New Minimum and Maximum Salary Levels of Specific Non-Union Municipal Employees within Specific Departments of the City of Weirton General Fund and Adding/Eliminating Specific Positions. (City Manager)
2. Second Reading of Ordinance No. 2056. An Ordinance Approving and Implementing Tax Increment Financing Project Plan No. 2 – Park Drive Development within the City of Weirton Three Springs Drive Tax Increment Financing District No. 1. (City Manager)
3. Second Reading of Ordinance No. 2057. An Ordinance Authorizing the City of Weirton to Submit to The Municipal Home Rule Board a Proposed Amendment, Attached Hereto as Exhibit A, to the City of Weirton’s Municipal Home Rule Plan Consistent with West Virginia Code § 8-1-5a, Requesting Approval to Allow the Sale of Alcoholic Beverages by Certain Alcohol Beverage Control Administration Class "A" License Holders Beginning at 10:00 a.m. on Sundays. (City Manager)

**NEW BUSINESS:**

1. An Ordinance to the Amendment No. 801 to the Traffic Control Map Ordinance No.214 of the City of Weirton to yellow the curbs between the entrances in and out in front of the Christian Center located at 117 Ivy Street. (Councilman Marsh)
2. An Ordinance Modifying Ordinance # 1483, as Amending the Established Citizens with Disabilities Advisory Commission Removing Residency Requirement. (City Manager)
3. A Resolution to Enter Into a Contract with Justice Business Services LLC for the Asbestos Abatement of Property Located at 3321 Elm Street (\$994.00). (City Manager)
4. A Resolution to Enter Into a Contract with Pulice Construction for the Demolition of Property Located at 3221 Elm Street (\$9,700.00). (City Manager)
5. A Resolution to Enter Into a Contract with Pulice Construction for the Demolition of Property Located at 4104 Labelle Avenue (\$8,700.00). (City Manager)
6. A Resolution to Enter Into a Contract for the Purchase of One (1) 2019 Chevrolet Equinox, AWD, 4D for the Inspections Department of the City of Weirton (\$21,966.00). (City Manager)
7. A Resolution to Enter Into a Contract for the Purchase of One (1) 40' Altec Bucket Truck for the Electrical Department at Public Works (\$118,342.00). (City Manager)
8. A Resolution to Renew the City's Annual Support Contract with NORTEC for the continued support, maintenance and enhancement of the City's Computer Hardware (\$5,328.00). (City Manager)
9. A Resolution to Enter into Contract for Property and Liability Insurance Coverage for the City of Weirton (\$562,022.47) (WV Surcharge \$3,007.47). (City Manager)
10. A Resolution to Become a Participating Employer of the West Virginia Municipal Police Officers and Firefighters Retirement System (MPFRS) for Municipal Police Officers. (City Manager)
11. A Resolution to Fund in Part the Utility Infrastructure Task Force (not to exceed the amount of \$18,400.00). (Councilman Ash and Councilman Fracasso)
12. A Resolution Designating an Acting City Manager. (Councilman Ash)

**Appointments:**

N/A

**Administrative Reports from Various Departments**

**Financial Report**

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

**Prayer**

**Adjournment**

**INFORMATIONAL COUNCIL MEETING**

**MONDAY, FEBRUARY 11, 2019**

**COUNCIL CHAMBERS**

**10:55 AM**



# CITY OF WEIRTON OFFICE OF THE CITY MANAGER

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**Joseph B. DiBartolomeo**  
CITY MANAGER

200 Municipal Plaza  
Weirton, West Virginia 26062  
Telephone: (304) 797-8500 Ext.1003  
Fax: (304) 797-8598  
Email: [citymanager@cityofweirton.com](mailto:citymanager@cityofweirton.com)

January 8, 2019

Please publish the following Public Notice on **Thursday, January 10, 2019,**  
**and Thursday, January 17, 2019.**

## **PUBLIC NOTICE**

### **PUBLIC HEARING**

Notice is hereby given that a Public Hearing will be held at the regular meeting of Weirton City Council on Monday, February 11, 2019, at 10:40 a.m., in Weirton City Council Chambers, 200 Municipal Plaza, Weirton, West Virginia 26062, on Ordinance Number 2057, authorizing an amendment to the City's Home Rule Plan to allow the sale of alcoholic beverages by certain Alcohol Beverage Control Administration Class "A" license holders beginning at 10:00 a.m. on Sundays. Interested parties may appear at the Public Hearing and be heard with respect to Ordinance Number 2057 and the proposed amendment to the City's Home Rule Plan. A copy of Ordinance Number 2057 and the proposed amendment to the City's Home Rule Plan may be inspected in the City Clerk's Office beginning, January 10, 2019, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.

**Joseph DiBartolomeo**  
**City Manager**

Herald Star/Weirton Daily Times Legal Ads Print Ad Proof

ADNo: 182134 Customer Number: L00158  
Customer Name: CITY OF WEIRTON Company:  
Address: 200 MUNICIPAL PLAZA CITY MANAGER  
City/St/Zip: WEIRTON ,WV 26062  
Phone: (304) 797-8500 Solicitor: 24  
Category: 80 Class: 599 Rate: WL-0 Start: 1-10-2019 Stop: 1-17-2019  
Lines: 30 Inches: 3.01 Words: 153

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Credit Card: Expire:  
Order Number:  
Cost: 35.91 Extra Charges: 2.00 Adjustments: .00  
Payments: .00 Discount: .00  
Balance: 37.91

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Joseph DiBartolomeo  
City Manager

1-10,17, 2019 Adv.

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Joseph DiBartolomeo  
City Manager

1-10,17, 2019 Adv.

**WEIRTON CITY COUNCIL  
COUNCIL MEETING – REGULAR  
MONDAY, JANUARY 7, 2019, 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 7, 2019, at 7:00 P.M., in the Council Chambers of the Weirton Municipal Building.

**Attendance:**

**Mayor and Council Members**

Harold E. Miller	Mayor
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 – <b>Absent</b>
Enzo Fracasso	Councilmember Ward 6
Terry Weigel	Councilmember Ward 7

**City Officials**

Rob Alexander	Police Chief
Matt Burskey	Interim Chief Code Official
Joseph B. DiBartolomeo	City Manager
Donna Gialluco	Weirton Transit Manager
Jessica Gumm	Planning and Development, Program Manager
Vincent S. Gurrera, Esq.	City Attorney
Butch Mastrantoni	Utilities Director
DeeAnn Pulliam	City Clerk
Rik Rekowski	Library Director
Rod Rosnick	Public Works Director
Coty Shingle	Park Board Director
Jerry Shumate	Fire Chief

**Mayor Harold Miller**, called the meeting to order.

**DeeAnn Pulliam, City Clerk**, conducted the roll call.

**Councilman Tim Connell**, recited the opening prayer.

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

**THE FINAL ROLL CALL CEREMONY**

**Councilman George Ash**, requested that everyone remain standing for the Final Roll Call Ceremony

**Councilman George Ash**, on behalf of the Mayor and Council of the City of Weirton and a grateful nation, we take a moment to honor our deceased veterans. When we call out their names, a bell will ring as a symbol of their honorable and faithful service.

**DeeAnn Pulliam, City Clerk**, read the names of the deceased veterans

**Police Chief Rob Alexander**, rang the bell after each name as a symbol of the veteran’s honorable and faithful service

**Final Roll Call – January 2019 Meeting**

- Richard Barton
- William Blankenship
- Samuel Cekinovich
- Guy Ceraolo
- Terry Chipps
- Leon Delaney
- Joseph Dichauzi
- Ralph Paul Foster
- Edward T. Gilliam
- Glenn Harrington
- Robert Hawkins
- Richard Henderson
- Theodore Anthony Kolanko
- Samuel Lescalette
- George Martich
- Andrew Joseph Mesaros
- Emery Mikula
- William Moore
- Rudolph Nagy
- Frank Olenick
- Paul Pavelka Jr.
- Alfred "Al" T. Posti
- Edward Anthony Ptaszek
- Stanley Sitarz
- Daniel Thomas
- James Tingler
- Henry "Hank" Vierbicky

To end the ceremony, a video of Taps as performed by Pershing’s Own at Arlington National Cemetery was played.

**Councilman George Ash**, asked for everyone to please be seated.

## **MAYORS AWARDS AND PROCLAMATIONS:**

### **VETERAN'S PROCLAMATION – MARK APESOS**

Mark Apesos was born May 26, 1926, and entered in the United States Army in September 1944, at the age of 18 years. Mr. Apesos served in the United States Army until his discharge in September 1946. He served in Fort McClellan Army Base, Alabama, and was an administrator and during the 1940's; his rank was a TECHNICIAN FIFTH GRADE and was addressed as "Tech Sergeant". Technicians addressed as Sergeant possessed specialized skills that were awarded with a higher pay grade. Mr. Apesos held the specialized position as an administrator, governing military records. He was stationed in a replacement unit in Fort Dix, New Jersey and Fort Meade, Maryland and with the 2<sup>nd</sup> Armored Division in Camp Hood, Texas, preparing to be assigned overseas; however, the "A" bomb was dropped and the unit did not have to be reassigned. Mark Apesos was one (1) of five (5) brothers that served during World War II and Korea. He holds the distinct but sorrowful title as "GOLD STAR FAMILY" due to the fact that his brother THOMAS APESOS died as a result of a mortar attack during the 2<sup>nd</sup> wave of the "D-day" invasion. Harold E. Miller, Mayor of the City of Weirton, Brooke and Hancock counties do hereby recognize veteran Mark Apesos, for his dedicated military service to our county, on this day January 7, 2019.

### **HONORING COMMUNITY HERO – "CHLOE ORECCHIO" – A CITIZEN MAKING A DIFFERENCE**

**Councilman Fred Marsh** , Chloe, a city is only as great as the spirit of the people who live there. After all, a city is just a spot on a map surrounded by borders and filled with zones and districts. If greatness comes to a city, it is because the people achieved it. When citizens show that they care enough to take action whenever they see a problem, our town becomes a better place to live. Seeing a problem and taking steps to resolve it independently is the mark of a true leader and visionary. Today, we recognize the achievements of an outstanding Weirton resident who made a difference in her community.

**Chloe Orecchio** is a citizen of the City of Weirton and a sixth-grade student at St. Joseph the Worker School. While on her way to school, Chloe was dismayed at the litter that was lining the driveway leading up to her school. Chloe decided to start Chloe's Campus Cleanup and recruited a group of volunteers to work together to make her vision a reality. In May of 2018, this group of volunteers, working together, gathered up trash and litter to clean up the school campus. The volunteer service of community members strengthens our City as a whole and improves our quality of life. Chloe not

only recognized a problem, but she took action and came up with a solution, which is the mark of a true leader. Chloe has demonstrated a spirit of dedication, enthusiasm, and love for her school and community. Harold E. Miller, Mayor of the City of Weirton, on this day January 7, 2019, hereby honor Chloe Orecchio on being a leader and the founder of Chloe's Campus Cleanup and for volunteering her time to maintain the beauty of the St. Joseph the Worker School campus. Chloe Orecchio is truly a "Citizen Making a Difference".

#### **CITIZENS REMARKS:**

**Mayor Harold Miller**, I want to mention one thing. Mr. Ed Rodak passed away this past weekend. He was a former councilman here in Weirton. George you may know if he was a veteran or not.

**Councilman George Ash**, yes, he served in World War II.

**Mayor Harold Miller**, yeah I thought he was. I know his son-in-law and daughter. We like to take just a moment for a silent prayer in remembrance of Mr. Ed Rodak, a former councilman here in the City of Weirton.

***A moment of silence was taken in remembrance of former councilman Mr. Ed Rodak.***

**George Romage, Recent Pay Raises**, attended the February 11, 2019, Regular Council Meeting in opposition of the pay raises for the Mayor and Council that is to take effect with the 2019 Mayor and Council that is elected. He was in opposition of the raise amounts and how they were voted on based off a November 25, 2019, article/letter-to-the-editor.

**Dewey Guida, Brunch Bill**, attended the February 11, 2019, Regular Council Meeting as the restaurant owner of Dee Jay's BBQ Ribs and Grille and as a citizen of Weirton in support of amending the City of Weirton's Home Rule Plan to include the Brunch Bill. Mr. Guida's points of support for the Brunch Bill were the enhancement of Weirton's image and growth.

**Dan Greathouse, Brunch Bill**, attended the February 11, 2019, Regular Council Meeting on behalf of Top of WV Convention Bureau and Board in support of amending the City of Weirton's Home Rule Plan to include the Brunch Bill. Mr. Greathouse stated that he had been advised that a law similar to that of the Brunch Bill for municipalities was being discussed for counties.

**Brenda Mull, Brunch Bill**, attended the February 11, 2019, Regular Council Meeting on behalf of the Weirton Chamber of Commerce in support of amending the City of Weirton's Home Rule Plan to include the Brunch Bill. Ms. Mull's points of support for the

Brunch Bill was for Weirton's Businesses to be able to compete with neighboring states so we may keep jobs and revenue here in Weirton.

**Anna Withrow, Weirton Area Reuse Plan** – attended the February 11, 2019, Regular Council Meeting to give an update on the Weirton Area Reuse plan. The update included a roundabout in North Weirton – North Main Street on Route 2 and the timeline for the project was going to be extended. A rough draft of the project will be provided in April 2019, and the project is scheduled to be completed in May.

## **COMMUNICATIONS:**

- **Mayor Declares 2019 the Year of the Volunteers**

**Mayor Harold Miller**, I decided a couple weeks ago to declare 2019 the year of the volunteer. We are going to try and highlight many volunteer activities that are going on in our community as we can.

- **Gerard Spencer – Juvenile Division**

**Mayor Harold Miller**, stated that a letter was going to be read by the City Clerk that recognizes Gerard Spencer for his outstanding work regarding an investigation.

DeeAnn Pulliam, City Clerk, read the letter dated December 21, 2018, from Prosecuting Attorney, James W. Davis commending Gerard Spencer for his outstanding work regarding the investigation and subsequent prosecution of the case involving Ethan Strope.

The letter dated December 21, 2018, read as follows:

Dear Gentlemen:

On June 5, 2018, Ethan Strope, a resident of Weirton, WV, was found guilty by a Hancock County Jury for the felony offenses of Sexual Abuse in the First Degree and Sexual Abuse by a Custodian. On yesterday's date, Mr. Strope was sentenced by the Honorable Jason A. Cuomo to a maximum of 25 to 45 years in prison, a \$10,000 fine, 50 years of enhanced supervised probation upon his release from incarceration, and the requirement that he register as a sex offender for life. Mr. Strope has a criminal history that includes a felony conviction of attempted arson from 2010 wherein Mr. Strope was caught attempting to throw a "Molotov cocktail" into the Ponderosa Restaurant previously located on Three Springs Drive.

Please accept this correspondence for the purpose of commending Weirton Police Department Detective Gerard Spencer for his outstanding work regarding the investigation and subsequent prosecution of this matter. Upon initiation of the investigation, Detective Spencer had concern regarding the well-being of the child. He persistently sought the assistance of this office and child protective services to ensure the safety of the child. He then conducted a thorough investigation that included assistance by Sergeant Kush of the West Virginia State Police as well as the services of The Comfort House Child Advocacy Center in Weirton. Upon arrest and subsequent indictment, he continued to work closely with this office as the case was prepared for trial.

Often times the work of protecting a child, is shrouded in confidentiality. Because of this, officers investigating such crimes do not get the recognition for their service that more publicized crimes receive. Detective Spencer was the driving force in protecting not only this victim, but also the children and citizens of Weirton from this very dangerous individual.

**Chief Rob Alexander** , acknowledged and thanked Gerard Spencer for the job he does in the Juvenile Division of the Police Department.

**Mayor Harold Miller**, discussed the ugly situations the Juvenile Division and organizations like the Comfort House deal with. Mayor Miller acknowledged and thanked Gerard for the work he does.

**Councilman George Ash**, thanked Councilman Fred Marsh for the bell used during the Final Roll Call Ceremony. Councilman George Ash recognized and thanked Mayor Miller for his efforts involving the Council in City matters and the progression of the City. He also acknowledged his involvement in recognizing veterans and deceased veterans. Fellow councilmen were acknowledged for their corporative efforts serving with him.

#### **READING OF THE MINUTES:**

A motion to approve the December 10, 2018, minutes was made by Councilman Ash, and second by Councilman Weigel.

**Motion passed with 4 votes in favor, 0 against, and 2 abstentions**

**Councilman Fred Marsh** – requested an abstention because he was absent from the January 7, 2019, meeting.

**Councilman Enzo Fracasso** – requested an abstention because he was absent from the January 7, 2019, meeting.

## **OLD BUSINESS:**

- 1. Second Reading of Ordinance No. 2053. An Ordinance to the Amendment No. 800 to the Traffic Control Map Ordinance No.214 of the City of Weirton to change Delaware Avenue from a One-Way Street into a Two-Way Street. (Councilman Connell)**

A Motion was made to approve the second reading of the ordinance by Councilman Connell, and second by Councilman Ash.

**Motion passed 6/0**

- 2. Second Reading of Ordinance No. 2054. An Ordinance Approving and Implementing Tax Increment Financing Project Plan No. 2 – Park Drive Development within the City of Weirton Three Springs Drive Tax Increment Financing District No. 1. (City Manager)**

Mayor Harold Miller moved for a motion three times on the second reading of the ordinance.

*A motion was not made, and the ordinance was not passed*

## **NEW BUSINESS:**

- 1. An Ordinance Approving and Implementing Tax Increment Financing Project Plan No. 2 – Park Drive Development within the City of Weirton Three Springs Drive Tax Increment Financing District NO. 1. (City Manager)**

A Motion was made to approve the first reading of the ordinance by Councilman Marsh, and second by Councilman Ash.

**Motion passed 6/0**

- 2. An Ordinance Modifying Ordinance #1313 Establishing New Minimum and Maximum Salary Levels of Specific Non-Union Municipal Employees within Specific Departments of the City of Weirton General Fund and Adding/Eliminating Specific Positions. (City Manager)**

A Motion was made to approve the first reading of the ordinance by Councilman Ash, and second by Councilman Fracasso.

**Motion passed 6/0**

- 3. An Ordinance Authorizing the City of Weirton to Submit to The Municipal Home Rule Board a Proposed Amendment, Attached Hereto as Exhibit A, to the City of Weirton's Municipal Home Rule Plan Consistent with West Virginia Code § 8-1-5a, Requesting Approval to Allow the Sale of Alcoholic Beverages by Certain Alcohol Beverage Control Administration Class "A" License Holders Beginning at 10:00 a.m. on Sundays. (City Manager)**

A Motion was made to approve the first reading of the ordinance by Councilman Ash, and second by Councilman Weigel.

**Motion passed 6/0**

- 4. A Resolution Adopting the Time of 11:00 a.m. for the Regularly Scheduled Weirton City Council Meetings for the Months of February and March 2019. (City Manager)**

A Motion was made to approve the resolution by Councilman Connell, and second by Councilman Fracasso.

**Councilman Weigel – Opposed  
Councilman Marsh – Opposed**

**Motion passed 4/2**

- 5. A Resolution to Enter Into a Contract for the Purchase of One (1) Volvo Vibratory Asphalt Roller for the Street Department at Public Works (\$53,700.00). (City Manager)**

A Motion was made to approve the resolution by Councilman Fracasso, and second by Councilman Connell.

**Motion passed 6/0**

- 6. A Resolution to Enter into Contract for the Purchase of One (1) Ford SUV Police Cruiser for the Weirton Police Department (\$36,462.00). (City Manager)**

A Motion was made to approve the resolution by Councilman Ash, and second by Councilman Connell.

**Motion passed 6/0**

**7. A Resolution to Enter into Contract for the Purchase of One (1) Ford Sedan Police Cruiser for the Weirton Police Department (\$32,698.00). (City Manager)**

A Motion was made to approve the resolution by Councilman Connell, and second by Councilman Adams.

**Motion passed 6/0**

**APPOINTMENTS:**

**Traffic Commission**

Dave Guglielmo  
1/1/2019to12/31/2022

A Motion was made to approve the appointment by Councilman Weigel, and second by Councilman Marsh.

**Motion passed 6/0**

**Mayor Harold Miller**, stated we have a growing list of growing boards and commissions that do not exist. We need to look at the list and eliminate the ones that are no longer operating.

**DEPARTMENTAL REPORTS**

**City Manager – Joseph B. DiBartolomeo**

Reported that improvements to the building were being looked at within the next few months, and that we would be starting to work on the budget. A Merry Christmas was expressed to Serbian residents. It was also discussed that liability insurance coverage was being worked on also. The growth opportunities for the City was also discussed.

**Police Department – Chief Alexander**

Had nothing additional to report

## **Fire Department – Chief Shumate**

Talked about challenges and positives the Fire Department faced in the month of December. It was also expressed of his dislike of dragging fire and police departments into an argument to get a point across.

## **Public Works – Rod Rosnick**

Had nothing additional to report

**Mayor Harold Miller** , asked about the salt.

**Joseph B. DiBartolomeo**, advised Rod to report how much they were paying for salt for this year compared to last year.

**Rod Rosnick, Public Work Director**, reported this year it is at \$92/ per ton and last year is was at \$56/per ton last year.

## **Library – Rik Rekowski**

Reported that the WV Department of Transportation was going to meet again here in the City on January 10. It was expressed more people were needed to take the transportation survey available on SurveyMonkey. Mr. Rekowski advised that the library is having career planning and job search coaching workshops. Individuals getting and taking the GED test was also touched on.

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

Advised the council that a date for the Waterplant/ Sewerplant upgrade Taskforce to meet has been set for noon at January 24, 2019, at the sanitary plant on Freedom Way. Mr. Mastrantoni stated that the water and sewer infrastructure would be incorporated to support the Comprehensive plan. On Main Street there was a collapsed sewer line, which is going to be addressed.

## **Park Board – Coty Shingle**

Talked about the renovations of Starvaggi Park. The City of Weirton was thanked for their support in the project and help on the insurance.

## **Planning & Development – Jessica Gumm**

Reported that they are working on a TIF 2 district in the downtown area, including Moon and the Frontier Property. Progress on the TIF voted on at this council meeting will be forthcoming. It was expressed that Planning would be working with the Mayor on a project for a Handicap Playground.

## **Weirton Transit -Donna Gialluco**

Reported that regular stops to their routes on Three Springs Drive and American Way has been added.

## **Finances – Joseph B. DiBartolomeo, City Manager**

### **General Fund Cash Report for December, 2018**

Beginning Cash Balance:	\$ 3,259,714.97
Interest on Checking:	\$ 1,299.45
Deposits:	\$ 463,760.09
Draw-downs on Investment:	\$ 0.00
Disbursements:	\$ 1,075,001.59
Deposits to Investments:	\$0.00
Ending Cash Balance:	\$ 2,649,772.92
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:	\$ 2,650,572.92

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

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

**Motion passed 6/0**

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

**N/A**

**Councilman Tim Connell**, recited the closing prayer.

**Mayor Harold Miller**, called for a motion to adjourn the meeting.

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

**Motion passed 6/0**

# **WEIRTON CITY COUNCIL COUNCIL MEETING - REGULAR MONDAY, FEBRUARY 11, 2019, 11: 00 AM**

A regular meeting of the Common Council of the City of Weirton, Hancock and Brooke Counties, West Virginia was held on Monday, February 11, 2019, at 11:00 A.M., in the Council Chambers of the Weirton Municipal Building.

## **Attendance:**

### **Mayor and Councilmembers**

Harold E. Miller	Mayor
Tim Connell	Councilmember Ward 1- <b>Absent</b>
Mike Adams	Councilmember Ward 2
Fred S. Marsh	Councilmember Ward 3
George E. Ash, Sr.	Councilmember Ward 4
Douglas L. Jackson	Councilmember Ward 5 - <b>Absent</b>
Enzo Fracasso	Councilmember Ward 6
Terry Weigel	Councilmember Ward 7

### **City Officials**

Rob Alexander	Police Chief
Matt Burskey	Interim Chief Code Official
Joseph B. DiBartolomeo	City Manager
Donna Gialluco	Weirton Transit Manager
Jessica Gumm	Planning and Development, Program Manager
Vincent S. Gurrera, Esq.	City Attorney
Scott Marshall	Public Works, Electrician
DeeAnn Pulliam	City Clerk
Rik Rekowski	Library Director
Diana Smoljanovich	Finance Director
Coty Shingle	Park Board Director

**10:40 a.m. Public Hearing - To conduct a public hearing with respect to proposed Ordinance No. 2057. An Ordinance Authorizing the City of Weirton to Submit to The Municipal Home Rule Board a Proposed Amendment, Attached Hereto as Exhibit A, to the City of Weirton's Municipal Home Rule Plan Consistent with West Virginia Code § 8-1-5a, Requesting Approval to Allow the Sale of Alcoholic Beverages by Certain Alcohol Beverage Control Administration Class "A" License Holders Beginning at 10:00 a.m. on Sundays.**

**COMMENTS:**

**Blaise Hogan, in opposition of the ordinance,** reason for opposition of the ordinance, is because passing it would take us morally away from our Christian Culture that we once had. A written statement (attached hereto) was provided by Mr. Hogan relating to his oppositions.

**Emily "Birdie" Rose, in support of the ordinance,** came as a representative from Spicy Gringos, in support of the ordinance for local businesses.

**Rich Ryan, in support of the ordinance,** came as a representative from PeppeBroni's Pizza, in support of the ordinance. Reasons of support for the ordinance is because it would be great for the community and great for local businesses to compete with neighboring states.

**Dewey Guida, in support of the ordinance,** came as a representative from DeeJays BBQ Ribs and Grille in support of the ordinance to continue moving our city progressively forward.

**Brenda Mull, in support of the ordinance,** came as a representative from the Weirton Area Chamber and on behalf of the business community in support of the ordinance. Reasons of support are for our local businesses to offer the same alcohol sales that our neighboring states do.

**Dan Greathouse, in support of the ordinance,** came as a representative of the Top of West Virginia Convention Bureau and business of Brooke and Hancock Counties in support of the ordinance. It was stated that the Board and membership are also in support of the ordinance.

**The Public Hearing was officially closed by DeeAnn Pulliam, City Clerk**

## February 11, 2019, Regular Council Meeting

**Mayor Harold Miller**, called the meeting to order.

**DeeAnn Pulliam, City Clerk**, conducted the roll call.

**DeeAnn Pulliam, City Clerk**, recited the opening prayer.

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

### THE FINAL ROLL CALL CEREMONY

**Councilman George Ash**, requested that everyone remain standing for the Final Roll Call Ceremony

**Councilman George Ash**, on behalf of the Mayor and Council of the City of Weirton and a grateful nation, we take a moment to honor our deceased veterans. When we call out their names, a bell will ring as a symbol of their honorable and faithful service.

**DeeAnn Pulliam, City Clerk**, read the names of the deceased veterans

**Police Chief Rob Alexander**, rang the bell after each name as a symbol of the veteran's honorable and faithful service

### Final Roll Call -January 2019 Meeting

- **Carl "Reece" Mink**
- **Frank Paul**
- **Kenneth G. Platko**
- **Edward S. Rodak**
- **Walter "Dutch" Steiner Jr.**
- **Walter Wayne Walters**
- **Norman Ray "Buckeye" White**
- **James White Jr**

To end the ceremony, a video of Taps was performed by Pershing's Own at Arlington National Cemetery was played.

**Councilman George Ash**, asked for everyone to please be seated

## **MAYORS AWARDS AND PROCLAMATIONS:**

### **VETERAN'S PROCLAMATION - BRIAN JAMES WILLIAMS**

Brian James Williams served in the United States Army from July 25, 1985 to December 12, 1988. Mr. Williams served as a Combat Engineer at Fort Sill, Oklahoma where he was promoted to E4 on June 30, 1987. His achievements in the Army include the Good Conduct Medal, Overseas Service Ribbon, Rifle M-16 Expert, Hand Grenade marksman, Army Achievement Medal, and he completed the German Head start Training. Brian served in the United States Navy from November 27, 1989 to January 29, 1996, as a Tactical Command System Afloat Operator, and was promoted to ES on November 16, 1992. He was stationed at the USS Chosin Naval Station in Pearl Harbor, Hawaii. His achievements in the Navy include the Good Conduct Medal, Navy Unit Commendation Ribbon, Southeast Asia Service Medal (4), Sea Service Deployment Ribbon, National Defense Service Ribbon, and Kuwait Liberation Medal. Brian has served as a City of Weirton Police Officer from September 1, 2000, to current, and; Harold E. Miller, Mayor of The City of Weirton, West Virginia, does hereby recognize Brian James Williams, for his dedicated military service to our country, on February 11, 2019.

### **CITIZENS REMARKS:**

**Matt Provenzano, City Insurance,** attended the meeting as a representative with Pro Insurance Group who provided a quote for the City's Property Liability Insurance, and was there for any additional questions the Mayor or Council may have.

**Joseph B. DiBartolomeo, City Council and Mayor Pay Raises,** addressed the challenges towards the Mayor and Council pay raises voiced in a letter-to-the editor and others who have opposed the pay raises by stating facts and reasons. In addition, the responsibilities of the Mayor and Council compared to their salaries were discussed.

**DeeAnn Pulliam, City Clerk,** read into record comments and questions David Kline provided in a written statement (attached hereto) regarding Ordinance No. 2056. An Ordinance Approving and Implementing Tax Increment Financing Project Plan No. 2 - Park Drive Development within the City of Weirton Three Springs Drive Tax Increment Financing District NO. 1

### **COMMUNICATIONS:**

**Councilman Fred Marsh,** requested information to be on record. Chloe Orecchio, our January 2019 Community Hero, was honored by the Prudential Spirit of Community Awards. The article regarding the Prudential Spirit of the Community has been submitted as part of the records.

The Prudential Spirit of Community Awards - West Virginia's Top Youth Volunteers 2019 Selected by National Program: The Prudential Spirit of Community Awards honors Craigsville and Weirton students with \$1,000, medallions and trip to nation's capital -

Cloe Orecchio, 11, of Weirton was named one of West Virginia's top youth volunteers of 2019 by The Prudential Spirit of Community Awards a nationwide program honoring young people for outstanding acts of volunteerism. As a State Honoree, Chloe will receive \$1,000, an engraved silver medallion and an all-expense-paid trip to Washington, D.C. During the trip, 10 students will be named America's top youth volunteers of 2019. The Prudential Spirit of Community Awards represents the United States' largest youth recognition program based solely on volunteer service.

**Councilman Fred Marsh,** presented a letter from Despina Melonas, at 237 East Parkway Street, Weirton, WV 26062, suggesting a Dog Park at Woodlawn Estates. The letter was given to Executive Director Coty Shingle to present to the Park Board, and then to report the Park Board's response at the March Council Meeting.

**Mayor Harold Miller,** reported he had a meeting with the Property Owner's, BDC, and the Development Engineers regarding the development of the Three Springs Complex. And that the Convention Center was not in their sights to build. They are talking more on residential, retail, maybe a small park, and more beautification of the area. The convention center was a suggestion based off the lack of places to hold large events. However, a convention center is not part of the property owner's plans. The owners will develop the property and own the buildings, not the City of Weirton. An increase in sales tax would be the benefit. As far as the property's owner's involvement, the Convention Center is not part of the development.

**Vince Gurrera, City Attorney,** announced that a bill for the sale of alcoholic beverages similar to the ordinance we have up that will amend our Home Rule Plan, just passed through the House of Delegates and is in front of the Senate. Even though there is a similar bill that is on the fast track through legislature, he suggested we move forward with the approval of the ordinance amending our Home Rule Plan to include the Brunch Bill.

#### **READING OF THE MINUTES:**

A motion to approve the January 7, 2019, Regular Council Meeting minutes was made by Councilman Ash, and second by Councilman Fracasso.

**Motion passed 5/0**

## **OLD BUSINESS:**

- 1. Second Reading of Ordinance No. 2055. An Ordinance Modifying Ordinance #1313 Establishing New Minimum and Maximum Salary Levels of Specific Non-Union Municipal Employees within Specific Departments of the City of Weirton General Fund and Adding/Eliminating Specific Positions. (City Manager)**

A Motion was made to approve the second reading of the ordinance by Councilman Ash, and second by Councilman Weigel.

**Motion passed 5/0**

- 2. Second Reading of Ordinance No. 2056. An Ordinance Approving and Implementing Tax Increment Financing Project Plan No. 2 - Park Drive Development within the City of Weirton Three Springs Drive Tax Increment Financing District NO. 1. (City Manager)**

A Motion was made to approve the second reading of the ordinance by Councilman Marsh, and second by Councilman Ash.

**Motion passed 5 / 0**

- 3. Second Reading of Ordinance No. 2057. An Ordinance Authorizing the City of Weirton to Submit to The Municipal Home Rule Board a Proposed Amendment, Attached Hereto as Exhibit A, to the City of Weirton's Municipal Home Rule Plan Consistent with West Virginia Code § 8-1-5a, Requesting Approval to Allow the Sale of Alcoholic Beverages by Certain Alcohol Beverage Control Administration Class "A" License Holders Beginning at 10:00 a.m. on Sundays. (City Manager)**

A Motion was made to approve the second reading of the ordinance by Councilman Ash, and second by Councilman Adams.

**Motion passed 5/0**

**Councilman George Ash**, did we ever find out about whether this applied to the LLB Clubs.

**DeeAnn Pulliam, City Clerk**, it is all dependent on whether they are Class "A" License holders.

## **NEW BUSINESS:**

- 1. An Ordinance to the Amendment No. 801 to the Traffic Control Map Ordinance No.214 of the City of Weirton to yellow the curbs between the entrances in and out in front of the Christian Center located at 117 Ivy Street. (Councilman Marsh)**

A Motion was made to approve the first reading of the ordinance by Councilman Marsh, and second by Councilman Weigel.

**Motion passed 5 / 0**

- 2. An Ordinance Modifying Ordinance # 1483, as Amending the Established Citizens with Disabilities Advisory Commission Removing Residency Requirement. (City Manager)**

Councilman George Ash asked for a motion for the ordinance to be removed from the agenda, second by Councilman Marsh.

**Motion to remove the ordinance from the agenda passed 5/0**

- 3. A Resolution to Enter Into a Contract with Justice Business Services LLC for the Asbestos Abatement of Property Located at 3321 Elm Street (\$994.00).(City Manager)**

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

**Motion passed 5/0**

- 4. A Resolution to Enter Into a Contract with Pulice Construction for the Demolition of Property Located at 3221 Elm Street (\$9,700.00). (City Manager)**

A Motion was made to approve the resolution by Councilman Ash, and second by Councilman Weigel.

**Motion passed 5 /0**

- 5. A Resolution to Enter Into a Contract with Pulice Construction for the Demolition of Property Located at 4104 Labelle Avenue (\$8,700.00). (City Manager)**

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

**Motion passed 5/0**

**6. A Resolution to Enter Into a Contract for the Purchase of One (1) 2019 Chevrolet Equinox, AWD, 40 for the Inspections Department of the City of Weirton (\$21,966.00). (City Manager)**

A Motion was made to approve the resolution by Councilman Ash, and second by Councilman Fracasso.

**Motion passed 5 / 0**

**7. A Resolution to Enter Into a Contract for the Purchase of One (1) 40' Altec Bucket Truck for the Electrical Department at Public Works (\$118,342.00). (City Manager)**

A Motion was made to approve the resolution by Councilman Ash, and second by Councilman Weigel.

**Motion passed 5/0**

**8. A Resolution to Renew the City's Annual Support Contract with NORTEC for the continued support, maintenance and enhancement of the City's Computer Hardware (\$5,328.00). (City Manager)**

A Motion was made to approve the resolution by Councilman Ash, and second by Councilman Adams.

**Motion passed 5 / 0**

**9. A Resolution to Enter into Contract for Property and Liability Insurance Coverage for the City of Weirton (\$562,022.47) (WV Surcharge \$3,007.47) (City Manager)**

A Motion was made by Councilman Ash to put the resolution on the floor to be amended, and second by Councilman Fracasso.

Councilman Ash Made a motion to amend the resolution to except the bid from Assure America in the amount of \$588,525.00, and second by Councilman Fracasso.

**Motion passed 5 / 0**

**Councilman George Ash**, to explain why, the Charter does not say we have to accept the lowest bid. It states we should accept the bid most beneficial to the City of Weirton. Travelers and Assure America has been with us for years, they are local,

pay service fees, pay B&O tax, and employ people. And their bid is believed to be within the 5% bid range that is stated in the charter.

Councilman Ash made a motion to accept the resolution for Property Liability Insurance as amended and second by Councilman Fracasso.

**Motion passed 5 / 0**

**10. A Resolution to Become a Participating Employer of the West Virginia Municipal Police Officers and Firefighters Retirement System (MPFRS) for Municipal Police Officers. (City Manager)**

A Motion was made to approve the resolution by Councilman Ash, and second by Councilman Adam.

**Motion passed 5 / 0**

**Councilman Fred Marsh**, this is now a state pension program we are going into. Do we still need a pension board?

**Diana Smoljanovich, Finance Director**, yes, because we still have our pension. We are just closing it out to any new employees.

**Councilman Fred Marsh**, so the pension board will have no say in this new system.

**Diana Smoljanovich, Finance Director**, correct.

**Councilman George Ash**, as you know we have the sales tax. The majority if not all of it, will be going to the police and fire pension funds, so do not think we are getting sales tax so we have a lot of money, because that money is gone if this is passed.

**Councilman Terry Weigel**, these pensions have been a big issue for years and years. I am proud to say we have finally come up with a solution to ensure these pensions for our employees for good. It is something we have an obligation to, and I am real proud we have found a solution.

**Joseph DiBartolomeo, City Manager**, Diana please report why we had to address the police pension because we were so underfunded and exactly how much we were underfunded.

**Diana Smoljanovich, Finance Director**, we are only 13.6% funded. We are grossly underfunded for the police pension.

**Mayor Harold Miller**, a couple of years ago we amended our Home Rule to include the sales tax. We were criticized for the sales tax, but unjustly because surrounding

states had sales tax. Thanks to the sales tax we can place \$2 million in the pension fund, and that will only hurt us for a short time due to the economic growth in Weirton. Diana was thanked for working with the pension board to make this possible.

**11. A Resolution to Fund in Part the Utility Infrastructure Task Force (not to exceed the amount of \$18,400.00). (Councilman Ash and Councilman Fracasso)**

A Motion was made to approve the resolution by Councilman Ash, and second by Councilman Fracasso.

**Motion passed 5 / 0**

**Councilman George Ash,** to clarify we have a utility task force, and for a study to be done they need \$55,000. I ask the council to support the \$18,400.00, and the Water and Sanitary Board will cover the rest. We have businesses that want to come into town, and we need to have the facilities to support them. We need to get this upgraded as fast as we can.

**Mayor Harold Miller,** the request for sewage and water in the City of Weirton is very important to support new businesses.

**Councilman George Ash,** I get asked all the time what are these businesses coming here. I can assure you that there are businesses that want to come to town.

**Mayor Harold Miller,** we all have seen the BOP shop being torn down. The company, Frontier, that is demolishing the building, is also an investor and builder.

**12. A Resolution Designating an Acting City Manager. (Councilman Ash)**

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

**Motion passed 5 / 0**

**APPOINTMENTS:**

**N/A**

**Finances** - Diana Smoljanovich. Finance Director

**General Fund Cash Report for January 2019**

Beginning Cash Balance:	\$2,649,772.92
Interest on Checking:	\$1,199.43
Deposits:	\$1,786,880.94
Draw-downs on Investment:	\$ 0.00
Disbursements:	\$1,199,985.73
Deposits to Investments:	\$ 0.00
Ending Cash Balance:	\$3,237,867.56
Beginning Investment Balance:	\$ 0.00
Interest on Investments:	\$ 0.00
Investment Proceeds:	\$ 0.00
Change in Value:	\$ 0.00
Deposits:	\$ 0.00
Withdraws:	\$ 0.00
Ending Investment Balance:	\$ 0.00
Petty Cash:	\$ 800.00
Total Cash and Investments Available:	\$ 3,238,667.56

**Diana Smoljanovich, Finance Director,** reported that of that over \$600,000 went into the police pension at the beginning of February, and out of that \$325,000 will go into their investment account. It was announced that the auditors will be here February 25, and advised the Mayor and Council that they generally wish to speak with the Mayor and a couple of the councilmembers. In addition, work on the budget will begin, and a committee is being formed to work with the department heads.

**There are no outstanding invoices for approval.**

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

**Motion passed 5/0**

**Mayor Harold Miller,** announced that Diana Smoljanovich would be the acting City Manager while the search for a new city manager is being conducted.

**DEPARTMENTAL R E P O R T S**

**Police Department** - Chief Alexander

Recognized Detective Beatty for his bravery and assistance in an accident at the Veterans Bridge where two boys were thrown out of their vehicles. To this point the boys are still alive, thanks to his aide in the accident.

**Mayor Harold Miller**, recognized Detective Beatty and the other police officers for their acts of and involvement they have in the community.

### **Park Board - Coty Shingle**

It was announced that the Park Board meeting was scheduled for February 21, 2019. The Park Board will begin activating their outdoor crews to begin preparing for the Spring and Summer seasons. Joe was thanked for his positive influence on the administrators and staff.

**Councilman George Ash**, reminded Coty to begin with work Jessica.

### **Inspections - Matt Burskey**

Had nothing additional to report

### **Library - Rik Rekowski**

It was reported that Saturday, February 16 and Saturday, February 23, the library would be showing free films. At 5:30 p.m. on both February 11 and February 25, there will be job career workshops. Also, in honor of Black History Month, Mr. Ambrose Bowling is going to a presentation on Thursday, February 25, 2019, at 6:30 p.m. on the Tuscan Airmen. Instruction books for the filing of Federal taxes are available at the library. There is also an online pre-tax service available at Library provided by the IRS and the National United Way.

### **Weirton Transit - Donna Gialluco**

Rod Rosnick and Public Works was thanked for their work on cleaning our streets during the bad weather. Ms. Gialluco announced that the Board of Transit meeting is Wednesday, February 13, 2019, at 6:00 p.m. Operation Manager, Kevin Beynon is retiring and will be recognized at the meeting for his year of service.

### **Public Works - Scott Marshall**

Had nothing additional to report

**Mayor Harold Miller**, announced that the Renaissance Committee purchased colored commercial lights for Cove Commons, and that the Mosaic on the wall is still being worked on.

### **Planning & Development - Jessica Gumm**

Nothing additional to report

**Mayor Harold Miller**, recognized Joseph B. DiBartolomeo for his time serving as the

City of Weirton's City Manager, and the outstanding job he has done working with Council and the employees. It was announced that a committee was being formed to help in choosing the next City Manager.

**Joseph B. DiBartolomeo, City Manager,** thanked Mayor, Council, and City Staff for his time serving as the City Manager.

**Councilman George Ash,** expressed his gratitude to the City Manager for his transparency and time served in his role.

**Councilman Mike Adams,** complimented the City Manager for his leadership and transparency to the City, and for his leadership and service to our Country.

**Councilman Enzo Fracasso,** stated his gratitude to the City Manager for his transparency and leadership in the City.

**Request by Council to convene into Executive Session consistent with WV Code § 6-9A-4-A**

**N/A**

**DeeAnn Pulliam, City Clerk,** recited the closing prayer.

**Mayor Harold Miller,** called for a motion to adjourn the meeting.

Motion to adjourn the meeting was made by Councilman Ash, and second by Councilman Weigel.

**Motion passed 5 / 0**

## To the Editor

Recently in the discussion proposing a Sunday brunch ordinance it was stated the prohibition against serving alcohol before 1 PM on Sundays in restaurants was an antiquated blue law. The blue laws were in support of God's law, notably the Third Commandment to "keep Holy the Sabbath". The blue law concerning alcohol was to encourage folks in a predominately Christian culture to attend church services Sunday mornings to fulfill at a minimum the third law of God.

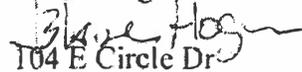
But today we are too sophisticated to give God's Law much import. What is paramount is making money regardless of what day of the week it is. You have to pay the piper for those slots, they are not cheap. So why not get them spinning on Sunday mornings with a little help from the universal social lubricant, alcohol, that decreases inhibition and often good judgment?

Another antiquated idea today apparently is regulating pornography. We have come from the famous supreme court Justice retort when asked to define pornography with "I know it when I see it" to it being protected free speech. So when I recently opened a new email account, I had a solicitation from a porn site exercising its free speech pictorially with a man, women, and a German shepherd.

Jayne Closs, a 13 year old, was rescued last Thursday from a baby faced, 21 year old, who several months ago broke into her home in the middle of the night, murdered her parents with a shot gun, and kidnapped her to hold her captive obviously to be his sex slave. In modernity, all kinds of bizarre sexual insanity are occurring at an ever increasing rate by predators of all ages and stripes. To know that, all you have to do is read and watch the local news. Yet, we are unable to make the connection between the addictive, pernicious affect internet porn has on the psyche and the compulsion to perversely sexually act out.

Are the old blue laws that were based on biblical morality really antiquated, or have we just gotten too big and foolish for our sophisticated britches?

Blaise Hogan



104 E Circle Dr

Weirton, WV

304.224.6858

To be placed in the public record of the City of Weirton

February 11, 2019 – Weirton City Council meeting. I will be out of town and cannot attend the meeting.

Written Public Comment – per Public Notice – Weirton Daily Times, January 22, 2011

Comments – Ordinance #2056 – TIF Project Plan 2 – Park Drive Development

A.

1. I support the use of TIF funding for infrastructure within the TIF District, including roadways, sidewalks, lighting, storm drainage, and public utilities.
2. I question the use of TIF funding to construct a conference and event center.
3. What happens if TIF funds are needed for future infrastructure within the TIF District (before 2034), and all the funding is obligated to the event center?
4. Note – the TIF Dist is too large. – smaller districts may have worked better over the long haul.
5. What is a “alternate financial arrangement regarding the real property” ?
6. What happens to the real property ( event center) if the bond obligation is not met? Will the event center be sold to the bond holders to meet the bond obligation?

B.

1. The market study done by Pompan Hospitality Global was not made public.
2. I asked about a Business Plan for the Event Center and I got no response from my councilmen. “Travis has one”. How are we ( the city ) going to operate this facility?
3. Will any general fund dollars be used for start up, furnishings, operations or long term maintenance of the Event Center? What is the plan? Who will manage the facility?
4. TIF funding is covering the construction cost – aka mortgage.

Thank you for taking my comments

A handwritten signature in black ink, appearing to read "David Cline". The signature is fluid and cursive, with a large initial "D" and "C".

David Cline, 320 Booker Street, Weirton

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