

Council of the City of Wheeling met in Council Chambers, City-County Building, on the above date, with Mayor Glenn Elliott presiding.

The invocation was offered by Second Ward Councilor Ken Imer.

On roll call, the following were present:

Elliott, Thalman, Imer, Wilson, Scatterday, Thorngate, and Palmer -7

Mr. Thalman moved, seconded by Mr. Thorngate, that the minutes of the April 3, 2018 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor Elliot thanks Williams Lea Tag and Jesse Mestrovic for the "Make Wheeling Shine Event" the volunteers removed 2.5 truck loads of garbage from Wheeling Creek.

Mayor Elliott introduced two prospective members for Hall of Fame Committee, Ben Exley and George Frazier. Ms. Scatterday moved, seconded by Mr. Thalman, Council's concurrence in the appointment. Motion carried. Mayor Elliott asked for Council's concurrence in the appointment of George Frazier to the Hall of Fame Committee. Ms. Scatterday moved, seconded by Mr. Thalman, Council's concurrence in the appointment. Motion carried.

Mayor Elliott presented a proclamation to Bill Cornforth and the Wheeling Park Speech and Debate Team proclaiming the week of April 15, 2018 to April 21, 2018 as the "*Week of 39 Wins*" in the City of Wheeling.

CLERK'S REPORT

City Clerk Brenda J. Delbert present Council with a Zone Change Request, 3700, 3720, 3724 Jacob St. from C-1, Neighborhood Commercial, to I-2, General Industry. Ms. Scatterday seconded by Mr. Wilson request be forwarded to the Planning Commission.

UNFINISHED BUSINESS

MUNICIPAL COUNCIL LEVY ESTIMATE - FISCAL YEAR 2018-2019

The following was then read:

AN ORDINANCE OF THE MUNICIPAL COUNCIL LEVY ESTIMATE, PRESCRIBED BY THE WEST VIRGINIA STATE AUDITOR, KNOWN AS THE ANNUAL APPROPRIATION FOR FISCAL YEAR 2018-2019 BUDGET FOR WHEELING MUNICIPALITY, OHIO COUNTY.

The ordinance was read a second time by title. Mr. Thalman, seconded by Mr. Thorngate, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Wilson, Scatterday, Thorngate, Palmer - 7

NOES: -0

A majority of all those elected to Council having voted in favor, the Mayor thereupon declared the ordinance adopted.

PURCHASE BULLET PROOF VESTS- POLICE

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$22,135.00 WITH MARKL SUPPLY COMPANY OF PITTSBURGH, PA, FOR BULLET PROOF VESTS AND ACCESSORIES BE CHARGED TO POLICE DEPARTMENT - 001.4700.30.2114.

The ordinance was read a second time by title. Mr. Palmer, seconded by Mr. Imer, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Wilson, Scatterday, Thorngate, Palmer - 7
NOES: -0

A majority of all those elected to Council having voted in favor, the Mayor thereupon declared the ordinance adopted.

PURCHASE BODY CAMERAS-PUBLIC SAFETY

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$17,155.00 WITH DIGITAL-ALLY COMPANY OF LENEXA, KS, FOR BODY CAMERAS, CHARGING DOCKS AND ACCESSORIES TO BE CHARGED TO PUBLIC SAFETY ACCOUNT- 920572534.

The ordinance was read a second time by title. Mr. Palmer, seconded by Mr. Imer, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Wilson, Scatterday, Thorngate, Palmer - 7
NOES: -0

A majority of all those elected to Council having voted in favor, the Mayor thereupon declared the ordinance adopted.

JAMES WHITE CONSTRUCTION-VALLEY BOULEVARD WATERLINE REPLACEMENT

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$481,765.00 WITH JAMES WHITE CONSTRUCTION CO., OF WEIRTON, WV, FOR VALLEY BOULEVARD WATERLINE REPLACEMENT TO BE CHARGED TO WATER DEPARTMENT DISTRIBUTION 400.1131.03.00

The ordinance was read a second time by title. Mr. Wilson, seconded by Ms. Scatterday, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Wilson, Scatterday, Thorngate, Palmer - 7
NOES: -0

A majority of all those elected to Council having voted in favor, the Mayor thereupon declared the ordinance adopted.

O'BRIEN'S RENT-ALL & SALES- WATER VALVE REPLACEMENT- CDBG

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$247,345.84 WITH O'BRIEN'S RENT-ALL & SALES, OF WHEELING, WV, FOR WATER VALVE REPLACEMENT- 2018 TO BE CHARGED TO CDBG 1509-017-115

The ordinance was read a second time by title. Mr. Wilson, seconded by Ms. Scatterday, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Wilson, Scatterday, Thorngate, Palmer - 7
NOES: -0

A majority of all those elected to Council having voted in favor, the Mayor thereupon declared the ordinance adopted.

SAVAGE CONSTRUCTION- HYDRANT REPLACEMENT-2018

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$147, 551.10 WITH SAVAGE CONSTRUCTION, OF WHEELING, WV, FOR HYDRANT REPLACEMENT- 2018 TO BE CHARGED TO HYDRANT REPLACEMENT 1509-017-110

The ordinance was read a second time by title. Mr. Wilson, seconded by Ms. Scatterday, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Wilson, Scatterday, Thorngate, Palmer - 7
NOES: -0

A majority of all those elected to Council having voted in favor, the Mayor thereupon declared the ordinance adopted.

AUTHORIZATION TO NEGOTIATE AGREEMENT FOR NEW MARKET TAX CREDIT CONSULTANT

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO NEGOTIATIONS AND EXECUTE ANY AND ALL NECESSARY AGREEMENTS TO INITIATE AND SECURE THE SERVICE OF A NEW MARKET TAX CREDIT CONSULTANT TO ASSIST IN DOWNTOWN DEVELOPMENT TO RESTORE THE FORMER WHEELING PITTSBURGH STEEL BUILDING FOR THE MIXED-USE DEVELOPMENT AND TO BUILD A PARKING STRUCTURE TO FOSTER THE REDEVELOPMENT.

The ordinance was read a second time by title. Mr. Thalman, seconded by Mr. Thorngate, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Wilson, Scatterday, Thorngate, Palmer - 7
NOES: -0

A majority of all those elected to Council having voted in favor, the Mayor thereupon declared the ordinance adopted.

CT CONSULTANTS - FLOW MONITORING SERVICES - WPCD - 2018-19

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO NEGOTIATIONS AND EXECUTE THE APPROPRIATE DOCUMENTS TO EXTEND THE SERVICE OF CT CONSULTANTS FOR TWELVE MONTHS TO CONTINUE PROVIDING FLOW MONITORING, DATA MANAGEMENT, EQUIPMENT OPERATIONS AND MAINTENANCE IN ACCORD WITH THE CITY'S PHASE II STATUS & PHASE III WASTEWATER SYSTEM IMPROVEMENTS.

The ordinance was read a second time by title. Mr. Thalman, seconded by Mr. Thorngate, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Wilson, Scatterday, Thorngate, Palmer - 7
NOES: -0

A majority of all those elected to Council having voted in favor, the Mayor thereupon declared the ordinance adopted.

TRAFFIC RULE 4662- 2 HR. HANDICAPPED PARKING ZONE 14TH ST

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4662- 2 HR. HANDICAPPED PARKING ZONE 14TH ST

The ordinance was read a second time by title. Mr. Thalman, seconded by Mr. Thorngate, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Wilson, Scatterday, Thorngate, Palmer - 7
NOES: -0

A majority of all those elected to Council having voted in favor, the Mayor thereupon declared the ordinance adopted.

TRAFFIC RULE 4663- 1 HR. PARKING ZONE 14TH ST

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE 4663- 1 HR.
PARKING ZONE 14TH ST

The ordinance was read a second time by title. Mr. Thalman, seconded by Mr. Thorngate, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Wilson, Scatterday, Thorngate, Palmer - 7
NOES: -0

A majority of all those elected to Council having voted in favor, the Mayor thereupon declared the ordinance adopted.

TRAFFIC RULE 4664- 2 HR. PARKING ZONE- LANE F & 16TH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE 4664- 2 HR.
PARKING ZONE- LANE F & 16th St

The ordinance was read a second time by title. Mr. Thalman, seconded by Mr. Thorngate, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Wilson, Scatterday, Thorngate, Palmer - 7
NOES: -0

A majority of all those elected to Council having voted in favor, the Mayor thereupon declared the ordinance adopted.

Ms. Scatterday moved, seconded by Mr. Palmer, that the Board of Zoning Appeals Minutes- 12/21/17, Greater Wheeling Sports & Entertainment Authority Minutes- 2/27/18, Greater Wheeling Sports & Entertainment Authority Financial Statement- 2/28/18, Traffic Commission Minutes- 3/8/18, Municipal Civil Service Commission Annual Report- 2017; which were held over, be accepted as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Palmer announces Ward 6 meeting will be Wednesday April 18, 2018 at Elm Grove Civics at 7:00 pm. Mr. Thorngate announces Ward 5 meeting will be Wednesday April 18, 2018 at Christ United Methodist Church at 7:00 pm.

In response from question by Mr. Thalman Mr. Herron address what action steps the City is taking to repair slips in Warwood Terrace. Ordinance to install piling wall was passed at the April 3 2018 City Council meeting.

REPORT OF COMMITTEES

Ms. Scatterday, seconded by Mr. Thalman that the Development Committee Report be accepted as received. Motion carried. For the record they are as follows:

DEVELOPMENT COMMITTEE REPORT – APRIL 5, 2018

The Development Committee of Wheeling City Council met on Thursday, April 5, 2018 at 12:00 p.m. in Council Chambers. Committee members present: Mayor Glenn Elliott, Vice Chair Wendy Scatterday, and Member Chad Thalman. Others present: Councilors Dave Palmer, Brian Wilson and Ken Imer; City Manager Robert Herron, City Solicitor Rosemary Humway-Warmuth, Economic and Community Development Director Nancy Prager, Economic and Community Development Assistant Director Tom Connelly, City Clerk Brenda J. Delbert and media.

The following matters were discussed:

ANDREW YETTER REQUEST FOR EXTENSION:

Andrew Yetter - 1517 Wood Street and 167 - 16th Street - Assistant ECD Director Tom Connelly explained that this property was transferred August 2016 with an 18-month completion/ reversion clause. The 18-month mark was up in February. Mr. Yetter introduced Susan Hagan who is managing the project. She explained the prospective tenants, the original proposed brick oven, had dropped out. Ms. Hagan explains new plans of putting design studio on first floor. Ms. Hagan says Mr. Yetter has already spent \$80,000 in improvements on building for the following: fire escape, parking lot, painting, landscaping, windows. Mr. Yetter says 50% of work is complete, there is a lot of interior work left to be done. Mr. Connelly explains after reviewing plans and specifics and based in punch list, permits, he believes 50% completion is high. Mayor Elliott confirms that the initial decision for space was always restaurant style. Mr. Yetter indicated that he recently has meetings with other perspective tenants, one being a café. In response to a question from Mr. Thalman, Mr. Yetter indicated that he could get receipts and firm plans with- in two weeks and could have restaurant side developed within 2 months. Would want to stagger development restaurant first, then focus on apartments and move from there. Mr. Thalman moved, seconded by Ms. Scatterday to produce receipts and plans in maximum of two weeks. Can call meeting sooner just capped in two weeks. Motion carried.

STEVE SADD: 14TH STREET PROPERTIES TRANSFER REQUEST

Assistant ECD director Tom Connelly introduced Steve Sadd from Charleston, WV. Mr. Sadd is requesting transfer of properties as part of larger plan for real estate development. Mr. Sadd presents his Grant Street Commons LLC proposal to acquire and develop 2 vacant city owned lots (115-15th Street) as part of a larger project involving Vandalia's project at 15th and Wood. Mayor Elliott confirms city's obligation to convey property are on the terms of project moving forward. Following discussions in regards to future vision and property management expectations, Mr. Thalman moved, seconded by Ms. Scatterday, to authorize Mr. Herron to enter into negotiations with Mr. Sadd for option agreement as discussed, the City to have reasonable input into design of the building facades. Motion carried.

2710 EOFF STREET: PROPERTY TRANSFER REQUEST

Assistant ECD director Tom Connelly explains how the City became to own property. Mr. Shaffer has been maintaining the land in exchange for using as yard space. Mr. Blankenship, the neighbor to the east, has approached the City in regards to purchasing the land to use as off-street parking spaces. Mr. Blankenship understands zoning regulations and can only build concrete pad and not garage or carport. Mayor Elliott wants to give Mr. Shaffer a chance to consider purchasing. Asks staff to initiate conversations with Mr. Shaffer. Ms. Scatterday moved, seconded by Mr. Thalman to table the issue until next meeting. Motion carried.

TINY HOME DISCUSSION

Assistant ECD director Tom Connelly reviews the regulations for Tiny Homes on Wheels (THOW) these regulations were decided upon within the rules committee. THOW would only be allowed in a flood zone. As code states today, you can build a "tiny home", 400 sq. ft, anywhere not in a flood zone. Mr. Connelly confirms the main issues are with flood plain regulations, regardless of THOW or not there are a lot of requirements when in flood zones. THOW is one option to revitalize those areas. Martin Wach gives presentation on THOW to combat some concerns and issues community members have. He has moved his THOW from his home on Wheeling Island to Lowes parking lot within 15 minutes. Mayor Elliott voices there are pro and cons to THOW and understands the community concern. There is not enough information available or a national code to measure

standards. Ms. Scatterday questions the foundation structure, and how THOW will stay in place when in use. Example: in the event of a flood it is designed to move, but what about wind storm? How is it engineered to stay in place? Due to the lack of information and unknown contributing factors there is no decision made at this time. Ms. Scatterday, seconded by Mr. Thalman to table until engineering documentation on foundation structure is provided. Motion carried

DEVELOPMENT/REDEVELOPMENT DESIGNATION, ELM TERRACE PLAZA, PROPOSED MEXICAN RESTAURANT WITH ALCOHOL IN FORMER LOUIS HOT DOG / UNDERDOGS LOCATION

Assistant ECD director Tom Connelly presents information because Mr. Stevey was unable to attend today. Location is within 1000 feet of residence, playground, and video lottery and his location is designation for Mexican Restaurant. Mr. Palmer confirms the intent is to not have video gaming just able to sell alcohol to customers during dining experience. Mr. Thalman moves, seconded by Ms. Scatterday to approve this request and forward to council. Motion carried.

EXECUTIVE SESSION TO DISCUSS PROPERTY ACQUISITION

Mr. Thalman moved, seconded by Ms. Scatterday, to suspend the regular order of business to conduct an executive session in regard to property acquisition. Motion carried. Time: 1:55 pm. Mr. Thalman moved, seconded by Ms. Scatterday to resume the regular order of business. Motion carried. Time: 2:47pm. Mayor Elliot asked for a motion to allow City Manager to enter into negotiations with Renaissance Group for 1107 and 1109 Main Street for the option to acquire property located at 1107 & 1109 Main St. Mr. Thalman moves, seconded by Ms. Scatterday. Motion carried. In response by question asked by Ms. Scatterday Mr. Herron explains Mills group were the only one of initial three developers who answered follow up questions.

There being no further business to come before the Committee, Mr. Thalman moved, seconded by Ms. Scatterday, to adjourn. Time: 2:50 p.m.

Respectfully submitted:

Chairman Glenn Elliott

Vice Chair Wendy Scatterday

Member Chad Thalman

REPORT OF CITY MANAGER

Mr. Herron indicates he has received notice from Grant Street Commons LLC and they wish to withdraw their request. Thus, resolution, item 9/6, has been withdrawn.

Mr. Herron address concerns with the closing of the Dog Park. The City is waiting on estimates for new soil and possible sodding. Explains advantage to sod will be to open dog park sooner; grass will need time to develop strong roots.

Mr. Herron announces Allison Skibo, Marketing and Community Relations Specialist, will be leaving her position with the City after 6.5 years of service.

REPORT OF OTHER OFFICERS

Mr. Thorngate, seconded by Mr. Palmer, that the Wheeling Municipal Parking System Financial Statement 2/28/18, Robert C. Byrd Intermodal Transportation Center Financial Statement - 2/28/18, Wheeling Housing Authority Minutes- 2/14/18, Planning Commission Minutes- 12/11/17, Wheeling Planning Commission Report to Council, be held over until next the meeting. Motion carried.

ORIGINAL PROPOSITIONS

DEMOLITION LIENS -2018 (GENERAL FUND)

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING FIXING THE ASSESSMENTS FOR THE COSTS OF RAZING DILAPIDATED STRUCTURES ON CERTAIN PROPERTIES IN THE CITY IN ACCORDANCE WITH APPLICABLE SECTIONS OF THE WEST VIRGINIA CODE AND THE CODIFIED ORDINANCES OF THE CITY OF WHEELING.

MID-ATLANTIC STORAGE SYSTEMS, INC. – STACK YARD TANK - PHASE 5 (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$113,347.59 WITH MID-ATLANTIC STORAGE SYSTEMS, INC., OF WASHINGTON COURT HOUSE, OH, FOR NEW STACK YARD TANK - PHASE 5, TO BE CHARGED TO WATER - CONSTRUCTION ACCOUNT - 400.1131.04.00.

RESOLUTION - REDEVELOPMENT SITE – ELM TERRACE SHOPPING CENTER

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING IDENTIFYING ELM TERRACE SHOPPING CENTER AS A DEVELOPMENT OR A REDEVELOPMENT SITE.

Mr. Palmer moved, seconded by Mr. Thorngate, that the Resolution be adopted. Motion carried.

RESOLUTION - DOWNTOWN FACADE IMPROVEMENT GRANT – SARAH'S ON MAIN - 2122 MAIN ST

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING, WEST VIRGINIA, TO AUTHORIZE, DIRECT AND EMPOWER THE OFFICERS AND ADMINISTRATORS OF THE CITY TO EXECUTE ALL NECESSARY DOCUMENTS AND PROCEDURES TO PROVIDE FOR A DOWNTOWN FAÇADE IMPROVEMENT GRANT FOR SARAH'S ON MAIN, 2122 MAIN STREET, IN THE AMOUNT OF \$7,550.00

Mr. Wilson moved, seconded by Mr. Imer, that the Resolution be adopted. Ms. Scatterday abstained from voting. Motion carried.

RESOLUTION - OPTION AGREEMENTS 1107 & 1109 MAIN ST. – RENAISSANCE GROUP, LLC

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO EXECUTE OPTION AGREEMENTS WITH RENAISSANCE GROUP, LLC CONCERNING 1107 AND 1109 MAIN STREET FOR FUTURE TRANSFER AND REDEVELOPMENT.

Mr. Imer moved, seconded by Mr. Thalman, that the Resolution be adopted. Motion carried.

THOSE WISHING TO BE HEARD

Mr. Anthony Assaro, 109 Warwood Terrace, speaks about conditions of streets in Warwood Terrace. Conditions of roads and slips have brought a variety burdens for residences. Mr. Assaro wants streets repaved, concerns road conditions are also affecting drainage systems.

Mr. John Vessels, homeless, speaks on behalf of homeless. Mr. Vessels suggests tiny homes or vacant buildings as a solution to those living on streets. Mayor Elliot offers to speak with Mr. Vessels at the conclusion of the meeting

Ms. Julie Kenamond, 60 Warwood Terrace, addresses Council about insatiability on roads in Warwood Terrace. Ms. Kenamond is concerned about fire trucks or emergency vehicles being able to reach citizens. In response Mr. Herron will have an engineer look at the terrace and will investigate if any slips can be prevented.

There being no further business, Mr. Thalman moved, seconded by Ms. Scatterday, to adjourn. Motion carried. Time: 6:23 p.m.

City Clerk

Mayor