

## April 16, 2019

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 1<sup>st</sup> Ward Councilor Imer.

On roll call, the following were present:

Elliott, Thalman, Imer, Koslik, Scatterday, Thorngate, and Palmer	-7
Absent:	-0

Mr. Thalman moved, seconded by Mr. Thorngate, that the minutes of the March 21, 2019, April 2, 2019 and April 4, 2019 meeting be approved as received. Motion carried.

### MAYOR'S REPORT

Mayor Elliott gives updates on Wheeling250 Committee events. Visit Wheeling250.net for details. There will be a ground breaking ceremony tomorrow 4/17/19 to the Gold Star Families memorial.

Mayor Elliott presents a Key to the City to long time business owners Mr. and Mrs. Wade.

Mayor Elliott appoints Karen Schuler Stakem as a member of Greater Wheeling Sports and Entertainment Authority. Ms. Scatterday moved and seconded by Mr. Thalman Council's concurrence in the appointment.

### UNFINISHED BUSINESS

#### BBR DRILLING COMPANY- PILING WALLS- GENERAL FUND & SALES TAX RCIP

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$165,374 WITH BBR DRILLING COMPANY, OF BELMONT, OH, FOR PILING AND LAGGING WALLS FOR GLENHITE ROAD, ANGLE AVE, AND EAST CARDINAL, \$75,750 TO BE CHARGED TO GENERAL FUND 4977.40.9086 AND \$89,624 TO SALES TAX RCIP

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

The vote on the motion resulted as follows:

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

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

#### HACH- TURBIDIMETER MEMBRANE SYSTEM- WATER TREATMENT PLANT

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$21,694.54 WITH HACH, OF LOVELAND, CO, FOR TURBIDIMETER MEMBRANE SYSTEM, TO BE CHARGED TO WATER TREATMENT PLANT 400.1304.03.00

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

The vote on the motion resulted as follows:

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

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

ALEX E. PARIS- PHASE 2 WELLS NO. 7 & 8- WATER DISTRIBUTION

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$1,005,937.50 WITH ALEX E. PARIS CONTRACTING, OF ATLASBURG, PA, FOR PHASE 2 OF WELLS 7 AND 8 PROJECT NUMBER 14725 TO BE CHARGED TO WATER DISTRIBUTION 400.1131.04.00

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

In response to a question Mr. Helms explains this is part of a 25-year project.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Koslik, Scatterday, Thorngate, and 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- AGREEMENT FOR PHASE THREE LONG TERM CONTROL PLAN- WASTEWATER SYSTEM

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE ACTING CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CT CONSULTANTS, INC. OF MENTOR, OH FOR PROFESSIONAL ENGINEERING SERVICES AND WASTEWATER SYSTEM IMPROVEMENTS - PHASE III BEING THE INITIAL PORTION THEREOF IN AN AMOUNT OF TWO MILLION FIVE HUNDRED TWENTY FIVE THOUSAND DOLLARS \$2,525,000.00, A PART OF SUCH SERVICES ARE REQUIRED TO COMPLY WITH THE LONG TERM CONTROL PLAN AND TO ADDRESS FAILING INFRASTRUCTURE NEEDS IN THE MUNICIPAL WASTEWATER SYSTEM.

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

In response to a question Mr. Helms responds this is another long-term project and is estimated 20-year plan. Phase 1 and 2 were completed. This is part of the previous 28-million-dollar bond project.

The vote on the motion resulted as follows:

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

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

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RIGHT OF WAY AGREEMENT- WHEELING PARK COMMISSION AND LUMOS NETWORK

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE WHEELING PARK COMMISSION TO NEGOTIATE AND ENTER INTO A RIGHT OF WAY AGREEMENT WITH LUMOS NETWORK OF WEST VIRGINIA, INC. A CORPORATION OF THE COMMONWEALTH OF VIRGINIA, FOR PURPOSES OF PROVIDING FIBER OPTIC AND INTERNET SERVICES WITHIN OGLEBAY PARK AND THE ADJACENT VICINITY AND AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE ANY AGREEMENTS THERETO, IF NECESSARY.

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

In response to a question Ms. Humway-Warmuth confirmed the \$10,000 is a one-time revenue going to Wheeling Park Commission.

The vote on the motion resulted as follows:

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

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

VALLEY FENCING COMPANY- PULASKI PLAYGROUND- CDBG

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$44,478 WITH VALLEY FENCE COMPANY, OF WHEELING, WV, FOR PULASKI PLAYGROUND FENCE, TO BE CHARGED TO CDBG 1509.018.115 AND 1509.018.500

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

The vote on the motion resulted as follows:

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

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

MUNICIPAL COUNCIL LEVY ESTIMATE - FISCAL YEAR 2019-2020

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 2019-2020 BUDGET FOR WHEELING MUNICIPALITY, OHIO COUNTY.

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

The vote on the motion resulted as follows:

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AYES: Elliott, Thalman, Imer, Koslik, Scatterday, Thorngate, and 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 Ms. Koslik Robert C. Byrd Intermodal Financial Statement 2/28/19, Wheeling Municipal Parking Financial Statement 2/28/19, Arts and Cultural Minutes 1/8/19 and 2/12/19, which were held over, be accepted as received. Motion carried.

### REMARKS FROM MEMBERS OF COUNCIL

Councilors announce various wards meeting times and dates. Mr. Palmer speaks highly in favor of Original Proposition number one and thanks city staff for contribution.

### REPORT OF COMMITTEES

Mr. Palmer, seconded by Ms. Scatterday, moved that the Finance Committee Minutes dated 3/19/19 and the Development Committee dated 4/2/19 be accepted as received. For the record they are as follows:

#### FINANCE COMMITTEE REPORT March 19, 2019

The Finance Committee of Wheeling City Council met on the above date at 5:00 p.m., in City Council Chambers. Committee Members present: Chair Chad Thalman, Vice-Chair Dave Palmer, and Member Wendy Scatterday. Others present: Mayor Glenn Elliott, Councilors Ken Imer, Melinda Koslik, Wendy Scatterday, and Ty Thorngate; Acting City Manager Larry Helms, City Solicitor Rose Humway-Warmuth, City Clerk Brenda J. Delbert, Finance Director Seth McIntyre and media

The following matters were discussed:

General Fund Budget FY 2019-2020 (see attached)

Mr. McIntyre gives overview and the theory behind the 2019-2020 Budget. Department budgets we altered this year that aligned with realistic expense expectations based on prior years. Wheeling Park Commission 438k is revenue generated by levy and is considered "pass through." Typically, May-June there is a better idea of cash carryover and can modify budget at that time as necessary. Mr. Palmer moved, seconded by Ms. Scatterday to forward the budget to Council.

Coal Severance Budget FY 2019-2020

Ms. Scatterday moved, seconded by Mr. Palmer to forward Coal Severance Budget to Council.

Financial Statement February 2019

Finance Director Seth McIntyre presented the February 2019 financial statement. We are 67% through fiscal year. With 23.6 million in revenue and 22.4 million in expenses. Mr. Palmer moved, seconded by Ms. Scatterday, to accept the February Financial Statement as presented and forward it to Council. Motion carried.

There being no further business to come before the Committee, Ms. Scatterday moved, seconded by Mr. Palmer, to adjourn. Motion carried. Time: 5:21 p.m.

#### DEVELOPMENT COMMITTEE REPORT April 2, 2019

The Development Committee of Wheeling City Council met on the above date at 11:00 a.m. in Council Chambers. Committee members present: Mayor Glenn Elliott, Vice Chair Wendy Scatterday, and Member Chad Thalman. Others present: Councilors Koslik, Thorngate, Palmer, Acting City Manager Larry Helms, 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.

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The following matters were discussed:

Permanent Easement behind 1069 Main Street.

Sarel Venter was present to provide update on project and speak to the need of the request. A permanent easement is needed to allow access to a fire escape. In response to a question by Ms. Scatterday, City Solicitor said there could be options for neighboring property owners to be added to easement at a later date if necessary. Ms. Scatterday clarifies this is allowing a point of access to fire escape. Mr. Thalman moved, seconded by Ms. Scatterday to approve this request and forward to Council.

Development /Redevelopment Site: 3532 Jacob Street

Assistant ECD director Tom Connelly explains this site is within 1000 feet of a church, residence, playground, and an ABCA/LVT location. Business was previously a bar but has been closed for a few years. Jared Stone speaks in regards to business and intent; wants to bring the establishment back to the neighborhood. Mr. Stone has received a lot of support from the local community. Mr. Connelly C-2 general commercial district and bar is a permitted use. It is the staff recommendation to approve the request. Mr. Thalman moved, seconded by Ms. Scatterday to approve this request, and forward to Council.

Lane Abandonment: Lane 39 between S. Broadway & Lane L

Assistant ECD director Tom Connelly presents request from Jeff Johnston, Attention to Detail, who has recently moved business to location. They are requesting we abandon any right to this right-of-way. Mr. Connelly informed legal department and all other agencies who would have a potential interest and no objections were received. Mr. Johnston was present to speak about his request, and his intentions to fence off property for safety concerns. City recommends a quitclaim deed and abandon any interest it may have with the described area, as it does not serve a public interest. Mr. Thalman moved, seconded by Ms. Scatterday to approve this request, and forward to Council.

Mr. Thalman moves, seconded by Ms. Scatterday to enter into executive session at 11:28.  
Mr. Thalman moved, seconded by Ms. Scatterday to resume the regular order of business 12:06

Mayor Elliott said there are no formal announcements but intends future abandonment agreements with West Virginia Northern Community College.

There being no further business to come before the Committee, Mr. Thalman moved, seconded by Ms. Scatterday, to adjourn. Time: 12:07 p.m.

#### **REPORT OF CITY MANAGER**

Mr. Helms announces the Dog Park will re-open tomorrow, April 17, 2019 at 9:00 am.

Mr. Helms appoints Mike Carl and Adam Mull to the Building Code Board of Appeals. Ms. Scatterday moved and seconded by Mr. Thalman Council's concurrence in the appointment.

#### **REPORT OF OTHER OFFICERS**

Mr. Thorngate moved, seconded by Mr. Palmer, that the, Planning Commission report to Council 3/26/19, BZA Minutes 2/21/19, Financial Statement March 2019 be held over until next meeting Motion carried.

#### **ORIGINAL PROPOSITIONS**

##### AMENDING AND REENACTING ARTICLE 1771 & 1775 REGARDING ENFORCEMENT PROVISIONS

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING PART SEVEN - BUILDING AND HOUSING CODE, CHAPTER SEVEN - ARTICLE 1771 - INTERNATIONAL PROPERTY

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MAINTENANCE CODE - AMENDMENTS- AND ARTICLE 1775  
- ADMINISTRATION AND ENFORCEMENT

VACATING AND ABANDONING SECTION OF LANE 39-QUITCLAIM DEED

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING VACATING AND ABANDONING A SECTION OF LANE 39 FROM THE EAST SIDE OF SOUTH BROADWAY STREET TO THE WEST SIDE OF LANE/ALLEY "L" AND AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH QUITCLAIM DEEDS TO IMPLEMENT THIS ABANDONMENT.

RESOLUTION- DEVELOPMENT/REDEVELOPMENT 3532 JACOB ST.

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING IDENTIFYING 3532 JACOB ST AVE AS A DEVELOPMENT OR A REDEVELOPMENT SITE.

Ms. Koslik moved, seconded by Mr. Thalman, that the Resolution be adopted, Motion carried. All in favor.

RESOLUTION- BUDGET REVISION NO 2

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING APPROVING THE GENERAL FUND BUDGET REVISION NUMBER 2

Mr. Thalman moved, seconded by Ms. Scatterday, that the Resolution be adopted, Motion carried. All in favor.

RESOLUTION- FAÇADE IMPROVEMENT GRANT- 1109 MAIN ST.

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 THE SPRING LLC, WILLIAM GABRIEL HAYS, 1109 MAIN ST, IN THE AMOUNT NOT TO EXCEED \$15,000.00

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

**THOSE WISHING TO BE HEARD**

Robert Dorisio, 7 Laurel Ave, speaks against potential zone change for 1154 National Road.

Will Wallace, 33 15<sup>th</sup> Street, speaks for the need to make a decision on Mr. Herron so the city can move forward.

Karen Berger, 12 Linden Ave, speaks against potential zone change for 1154 National Road.

Charlie Ballouz, 1143 Main St., speaks about the need for consistent code enforcement.

Amanda Wakim, 4 Linden Ave, speaks against potential zone change for 1154 National Road.

Joe Wakim, 4 Linden Ave, speaks against potential zone change for 1154 National Road.

Mr. Thalman moved, seconded by Ms. Scatterday to conduct an executive session to discuss property acquisition. Time 6:16 p.m.

Mr. Thalman moved, seconded by Ms. Scatterday to conclude the executive session. Time 7:09 p.m.

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Mayor Elliott reported no decisions were made.

There being no further business, Mr. Thalman moved, seconded by Ms. Scatterday, to adjourn. Motion carried. Time 7:10 p.m.

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City Clerk

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Mayor