

## May 7, 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 2<sup>nd</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 April 16, 2019 meeting be approved as received. Motion carried.

Mr. Thalman moved, seconded by Ms. Scatterday, to suspend the regular order of business to conduct three public hearings.

“Authorizing the City of Wheeling, pursuant to its 2009 agreement with its Wheeling Park Commission, to engage in a joint effort to explore, discuss and negotiate, exchange and execute certain agreements for the leasing and development of certain oil, natural gas and related liquids on land titled in the names of the parties; ancillary agreements and addendums thereto, all in accordance with the terms of the prior 2009 agreement, as well as a ratification agreement, a letter of understanding and a new 2019 top lease”

“Amend and reenact part seven building and housing code, Chapter Seven - Article 1771 - International Property Maintenance Code - amendments- and article 1775 - administration and enforcement, including an updated citation process and fees.”

“Amend and readopt Article 931 entitled Municipal Swimming Pools regarding admissions charges”

No one signed up to speak for any of the three hearings. Mr. Thalman moved, seconded by Ms. Scatterday to resume the regular order of business.

### MAYOR’S REPORT

Mayor Elliott reminds the public about his office hours every Wednesday from 11 am to 1 pm, no appointment is necessary. Mayor Elliott presented a proclamation to Wheeling Police Department proclaiming the week of May 12 through May 18<sup>th</sup> 2019 as “*National Police Week.*”

### UNFINISHED BUSINESS

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

The ordinance was read a second time by title. Mr. Palmer, seconded by Ms. Scatterday, 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.

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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.

The ordinance was read a second time by title. Mr. Thalman, seconded by Ms. Scatterday, 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.

Ms. Scatterday moved, seconded by Ms. Koslik, that the, Planning Commission report to Council 3/26/19, BZA Minutes 2/21/19, Financial Statement March 2019, which were held over, be accepted as received. Motion carried.

**REMARKS FROM MEMBERS OF COUNCIL**

Ms. Koslik thanks the public and the Wheeling Arts and Cultural Commission for a successful event. There were over 50 tickets sold for the Arts Tour.

Ms. Scatterday reminds Ward 4 residence of crime watch meeting, and also press conference announcing Discovery Recovery.

Mr. Palmer asked for Council and staff to come up with ideas, plans for alternate routes, and trouble shot for the I-70 bridge projects.

**REPORT OF COMMITTEES**

Ms. Koslik, seconded by Mr. Imer, moved that the Rules Committee and the Finance Committee Minutes dated 4/16/19 be accepted as received. For the record they are as follows:

**RULES COMMITTEE REPORT**

**April 16, 2019**

The Rules Committee of Wheeling City Council met on the above date at 5:00 p.m. in Council Chambers. Committee members present: Chair Ken Imer, Vice Chair Thorngate, and Member Chad Thalman. Others present: Mayor Elliott, Councilors Koslik, Scatterday, Palmer, Acting City Manager Larry Helms, City Solicitor Rosemary Humway-Warmuth, Parks and Recreation Director Jesse Mestrovic, City Clerk Brenda J. Delbert and media.

The following matters were discussed:

Amending Article 931 entitled Municipal Swimming Pools. Mr. Mestrovic presented Council with a draft that updates the language in the current code. Currently, admission fees to municipal swimming pools are set \$1.00 for adults and \$.50 for children. The new language will remove this clause and City Manager is expressly authorized to determine the municipal swimming pool rates at the four city pools. The draft also included removing the clause 931.01 a. Thus, allowing rental of facilities to all citizens not only organizations. Section 931.05 dictates the "Learn to Swim" program period is one week. The new version will read two weeks. Mr. Imer, seconded by Mr. Thorngate to forward this to Council.

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There being no further business to come before the Committee, Mr. Thalman moved, seconded by Mr. Thorngate, to adjourn. Time: 5:09 p.m.

**FINANCE COMMITTEE REPORT  
April 16, 2019**

The Finance Committee of Wheeling City Council met on the above date at 5:15 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, Councillors Ken Imer, Melinda Koslik, 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:

Budget Revision FY 2018-2019 (see attached):

Mr. McIntyre gives overview and explains this is an expense only revision. Changes will reflect the following: The Wheeling 250 provision, personnel changes, temporary help in the Recreation Department. Mr. Palmer moved, seconded by Ms. Scatterday to forward the budget revision to Council.

Financial Statement March 2019:

Finance Director Seth McIntyre presented the February 2019 financial statement, beginning with page 7A: General Fund Revenues. We are 76% total General Fund Revenues, and 70% General Fund Expenditures, and 75% through fiscal year. With 37.7 million in revenue and 36.1 million in expenses. Mr. Palmer moved, seconded by Ms. Scatterday, to accept the March 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: 5:28 p.m.

**REPORT OF CITY MANAGER**

Mr. Helms reappoints Alan Baker, Gus Kayafas, Eric Matyskela, and Charlie Savage to the Building Code Board of Appeals. Mr. Thorngate moved, seconded by Mr. Thalman Council's concurrence in the appointments. Due to time constraints Mr. Helms asks for two reads on Article 931: Municipal Swimming Pools. The summer events brochure needs to go to print to be ready for before Ohio County Schools ends this school year.

**REPORT OF OTHER OFFICERS**

Mr. Imer moved, seconded by Mr. Palmer, that the, BZA Minutes 3/21/19, Wheeling Housing Authority Minutes 3/13/19, Human Rights Commission Minutes 2/19/19, Hall of Fame Board Minutes 3/12/19, and Traffic Commission Minutes 4/11/19 be held over until next meeting Motion carried.

**ORIGINAL PROPOSITIONS**

**AMENDING AND REENACTING ARTICLE 931: MUNICIPAL SWIMMING POOLS**

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING AMENDING AND REENACTING ARTICLE 931 –  
MUNICIPAL SWIMMING POOLS, TO AMEND SECTIONS  
931.01, 931.02 AND 931.05

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Koslik, Scatterday, Thorngate, and Palmer

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NOES:

-0

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

GAI CONSULTANTS- GATEWAY PARK- DESIGN DEVELOPMENT

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$35,000 WITH GAI CONSULTANTS, OF CHARLESTON, WV, FOR WHEELING ISLAND GATEWAY PARK TO BE CHARGED TO RCIP

ADOPTING TRAFFIC RULE 4715- NO PARKING ZONE 157 N. 20<sup>TH</sup> ST

The following was then read:

AN ORDINANCE OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE 4715- NO PARKING ZONE 157 N. 20TH ST

ADOPTING TRAFFIC RULE 4716- HANDICAPPED PARKING ZONE- 140 KEY AVE

The following was then read:

AN ORDINANCE OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE 4716- HANDICAPPED PARKING 140 KEY AVE

ADOPTING TRAFFIC RULE 4717- TRAFFIC CONTROL MAP- TWO WAY- LANE C

The following was then read:

AN ORDINANCE OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE 4717- TRAFFIC CONTROL MAP- TWO WAY ON LANE C

ADOPTING TRAFFIC RULE 4718- NO PARKING ZONE- MIL ACRES

The following was then read:

AN ORDINANCE OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE 4718- NO PARKING ZONE MIL ACRES

ADOPTING TRAFFIC RULE 4719- TWO-WAY STOP- LANE 23 AND LANE D

The following was then read:

AN ORDINANCE OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE 4719- TWO WAY STOP AT INTERSECTION LANE 23 AND LANE D

RESOLUTION TO ENTER INTO AGREEMENT- WHEELING PARK COMMISSION- OIL AND NATURAL GAS

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO ENTER INTO AN AGREEMENT WITH ITS WHEELING PARK COMMISSION IN A JOINT EFFORT TO EXPLORE, DISCUSS AND NEGOTIATE, EXCHANGE AND EXECUTE ANY AND ALL TERMS OF POTENTIAL LEASING AND DEVELOPMENT OF CERTAIN OIL, NATURAL GAS AND RELATED LIQUIDS ON LAND TITLED IN THE NAMES OF THE PARTIES; ANCILLARY AGREEMENTS AND ADDENDUMS THERETO IN ACCORDANCE WITH THE TERMS OF THE PRIOR 2009 AGREEMENT, AS WELL AS THE

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**RATIFICATION AGREEMENT, THE LETTER OF  
UNDERSTANDING AND THE 2019 TOP LEASE.**

Mr. Gardill speaks on the Resolution and confirms this is non surface rights, does not include Wheeling Park, or Marcellus Shale (only gas and other liquids).

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

**THOSE WISHING TO BE HEARD**

Doug Wayt, 1408 Lynn Ave, speaks on behalf of the Ohio Valley Trail Partners.

Larry Cook, 1306 McColloch Street, speaks for the need to follow up on handicapped parking zones. The zone next to his residence is on front of a vacant lot.

Bev Reed, 98 15<sup>th</sup> St, Bridgeport OH, speaks against the potential cracker plant, and urges Council to attend an event "A Better Vision" about sustainable economies.

There being no further business, Mr. Thalman moved, seconded by Ms. Scatterday, to adjourn. Motion carried. Time 12:50 p.m.

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City Clerk

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Mayor