

## May 21, 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 May 7, 2019 meeting be approved as received. Motion carried.

### MAYOR'S REPORT

Mayor Elliott appoints Lisa Werner to Northern Panhandle Workforce Development Board. Mr. Thalman moved, seconded by Ms. Scatterday Council concurrence in the appointment.

Mayor Elliott invited Mr. Herron to the podium. Mr. Herron spoke and apologized for his actions on March 10, 2019.

Mayor Elliott asks for an executive session at conclusion of regular business to discuss personnel matters.

### UNFINISHED BUSINESS

#### 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

The ordinance was read a second time by title. Mr. Imer, seconded by Mr. Palmer, moved that the ordinance be adopted. Mr. Palmer asked Parks and Recreation Director, Jesse Mestrovic, to explain this selection process and elaborate on the ordinance.

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.

#### 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

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.

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

The following was then read:

**May 21, 2019**

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

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

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

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.

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

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

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

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.

**May 21, 2019**

Ms. Scatterday moved, seconded by Ms. Koslik, 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, which were held over, be accepted as received. Motion carried.

### **REMARKS FROM MEMBERS OF COUNCIL**

Ms. Scatterday asked for a traffic rule to be created; a handicapped space for 146 Miller St. The request stems from a tie vote in the Traffic Commission.

### **REPORT OF COMMITTEES**

Mr. Thalman, seconded by Ms. Scatterday, moved that the Development Committee Minutes dated 5/7/19 be accepted as received. For the record they are as follows:

### **DEVELOPMENT COMMITTEE REPORT**

**May 7, 2019**

The Development Committee of Wheeling City Council met on the above date at 11:30 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, Imer, 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.

The following matters were discussed:

#### **18th Street Right of Way Abandonment: WVNCC**

Assistant ECD director Tom Connelly presents request from West Virginia Northern Community College. Mr. Mike Koon, Interim President, speaks on request of abandonment. The vision is a continuous parking lot, that will also allow green space and embrace the creek bank in future plans. 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. Objections were received from the Fire Department as it would decrease response times. Ms. Scatterday questioned Fire Chief Helms as to how long and it is estimated 30 seconds. Finance department noted a potential loss in revenue, losing 17 parking meters. 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.

#### **Alley A Burkham Court Abandonment: Gompers**

Assistant ECD director Tom Connelly presents request from Jonathan and Hope Wakatka; Mr. Gompers, ESQ speaks on client's behalf. 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. 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.

#### **Development / Redevelopment Designation: "Country Roads BBQ" 56 Carmel Rd.**

Assistant ECD director Tom Connelly explains this site is within 1000 feet of a church, residence, playground, and other ABCA/LVT location. Kyle Phair speaks in regards to business and intent; wants to serve craft beer from local vendors. Mr. Phair has received a lot of support from the local community. Mr. Connelly states this is a permitted use for zoning. It is the staff recommendation to approve the request. Mr. Thalman moved, seconded by Ms. Scatterday to approve this request, and forward to Council.

#### **Development / Redevelopment Designation: "Clientele" 43 Fifteenth St.**

Assistant ECD director Tom Connelly explains this site is within 1000 feet of a church, residence,

**May 21, 2019**

and other ABCA/LVT location. William Wallace speaks in regards to business and intent; wants to serve beer during art gallery shows; hours are event based and intends to host events once per month. Mr. Connelly states this is a permitted use for zoning. It is the staff recommendation to approve the request. Ms. Scatterday moved, seconded by Mr. Thalman to approve this request, and forward to Council.

**Executive Session: Property Transfer**

Mr. Thalman moves, seconded by Ms. Scatterday to enter into executive session at 11:52

Mr. Thalman moved, seconded by Ms. Scatterday to resume the regular order of business 12:12

Mayor Elliott confirms there were no decisions made.

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

**REPORT OF OTHER OFFICERS**

Ms. Scatterday moved, seconded by Ms. Koslik, that the, Financial Statement April 2019, Robert C. Byrd Intermodal Center Financial Statement 3/31/19, Wheeling Municipal Parking Financial Statement 3/31/19, Historic Landmark Commission Minutes 2/14/19, Wheeling Housing Authority Minutes 2/13/19, Traffic Commission Minutes 5/9/19, BZA Minutes 4/18/19, Human Rights Commission Minutes 3/19/19 be held over until next meeting Motion carried.

**ORIGINAL PROPOSITIONS**

VACATING AND ABANDONING SECTION OF 18TH ST-QUITCLAIM DEED

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING VACATING AND ABANDONING A SECTION OF 18th STREET BETWEEN THE EAST RIGHT OF WAY LINE OF MARKET STREET TO THE WEST RIGHT OF WAY LINE OF CHAPLINE STREET AND AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH QUITCLAIM DEEDS TO IMPLEMENT THIS ABANDONMENT

VACATING AND ABANDONING SECTION OF ALLEY BETWEEN LOTS 21 AND 23-QUITCLAIM DEED

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING VACATING AND ABANDONING A SECTION OF ALLEY A BETWEEN LOTS 21 AND 23 ON THE PLAT OF BURKHAM COURT AND AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH QUITCLAIM DEEDS TO IMPLEMENT THIS ABANDONMENT

ADOPTING TRAFFIC RULE 4720- NO PARKING ZONE- EVELYN AND DOROTHY AVE

AN ORDINANCE OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE 4720- NO PARKING ZONE- EVELYN AND DOROTHY AVE

ADOPTING TRAFFIC RULE 4721- 30 MINUTE PARKING METER ZONE- MAIN ST

The following was then read:

AN ORDINANCE OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE 4721- 30 MINUTE PARKING METER ZONE- MAIN ST

**May 21, 2019**

ADOPTING TRAFFIC RULE 4722- 1 HR. PARKING METER ZONE- MAIN ST

The following was then read:

AN ORDINANCE OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE 4722- 1 HR. PARKING METER ZONE- MAIN ST

UNIVAR- LIQUID CHLORINE- WPCD

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$34,000.00, WITH UNIVAR, OF CINCINNATI, OH, FOR THE PURCHASE OF 50 TONS OF LIQUID CHLORINE, TO BE CHARGED TO WATER POLLUTION CONTROL DIV.- 401.4003.05.0718.01 - CHEMICALS (FY 2019-2020)

SERVICE SUPPLY- PLEASANTON AND N. 24TH ST- PLAYGROUNDS

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$70,000.00 WITH SERVICE SUPPLY LTD (PLAYCRAFT SYSTEM) OF REYNOLDSBURG, OH, FOR PLEASANTON AND NORTH 24TH ST PLAYGROUNDS TO BE CHARGED TO PLAYGROUNDS 4979.40.9002

RESOLUTION- PARTICIPATION IN THE HOME CONSORTIUM- 7/1/19 TO 6/30/20

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING PARTICIPATION IN THE NORTHERN PANHANDLE HOME CONSORTIUM FOR THE PERIOD OF JULY 1, 2019 TO JUNE 30, 2020

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

RESOLUTION- 43 15TH ST- DEVELOPMENT/REDEVELOPMENT SITE

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING IDENTIFYING 43 FIFTEENTH STREET AS A DEVELOPMENT OR A REDEVELOPMENT SITE.

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

RESOLUTION- 56 CARMEL RD- DEVELOPMENT/REDEVELOPMENT SITE

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING IDENTIFYING 56 CARMEL ROAD AS A DEVELOPMENT OR A REDEVELOPMENT SITE.

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

**May 21, 2019**

RESOLUTION- BUDGET REVISION NO. 3- GENERAL FUND

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
WHEELING APPROVING THE GENERAL FUND BUDGET  
REVISION NUMBER 3

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

**THOSE WISHING TO BE HEARD**

Ben Seidler, 117 North Front Street, speaks in opposition to reinstating Robert Herron as City Manager.

Rich Lucas, 2001 Main St, speaks in favor of reinstating Robert Herron as City Manager.

John Culler, 16 Maple Ave, speaks in favor of reinstating Robert Herron as City Manager.

Bob Fitzsimmons, Warwood, speaks in favor of reinstating Robert Herron as City Manager.

Greg McDermott, speaks in favor of reinstating Robert Herron as City Manager.

Andy McKenzie, 12 Pinewood Ave, speaks in favor of reinstating Robert Herron as City Manager.

Tim Roberts, 44 15<sup>th</sup> St, speaks in favor of reinstating Robert Herron as City Manager.

George Frazier, 21 Forest Drive, speaks in favor of reinstating Robert Herron as City Manager.

Mike Carl, Warwood Tool, speaks in favor of reinstating Robert Herron as City Manager.

Mr. Thalman moved, seconded by Mr. Thorngate to enter into executive session at 6:10 pm

Mr. Thalman moved, seconded by Mr. Thorngate to resume regular order of business at 6:51 pm

Mr. Palmer moved, seconded by Mr. Imer to reinstate Mr. Herron as City Manager with conditions to be outlined in last chance agreement.

Ms. Scatterday voiced concerns with reinstatement, and Ms. Koslik echoes her concerns.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Thorngate, and Palmer	-5
NOES: Koslik, Scatterday	-2

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

There being no further business, Mr. Thalman moved, seconded by Ms. Scatterday, to adjourn. Motion carried. Time 7:01 p.m.

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City Clerk

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Mayor