

June 18, 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 4th Ward Councilor Scatterday.

On roll call, the following were present:

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

Mr. Thalman moved, seconded by Mr. Thorngate, that the minutes of the June 4, 2019 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor Elliott congratulates the West Virginia RoughRiders on bringing the championship game to Wheeling. Mayor Elliott invites all to attend two separate events honoring Juneteenth, and remembering all parts on history. Mayor Elliott creates an Ad-Hoc committee for the road work on I-70 the members are as follows: Dave Palmer, Robert Herron, Police Chief Schwertfeger, Fire Chief Larry Helms, Greg Stewart, Rusty Jebbia, Philip Sthal, Lou Vargo, and Mayor Elliott. Mr. Thorngate moved, seconded my Mr. Palmer to create the committee. Mayor Elliott reappointed Loma Nevels and Frank Calabrese to the Human Rights Committee. Ms. Scatterday moved, seconded by Mr. Thalman Council concurrence in the appointment. Loma Nevels was appointed to the Wheeling Housing Authority. Ms. Scatterday moved, seconded by Mr. Thalman Council concurrence in the appointment. Daniel Finley appointed to Arts and Cultural Commission Ms. Scatterday moved, seconded by Mr. Thalman Council concurrence in the appointment. Betsey Sweeney appointed to Arts and Cultural Commission Mr. Thalman moved, seconded by Mr. Thorngate Council concurrence in the appointment. Russ Schultz, teacher at Wheeling Park High School, presents an idea for a mural painting; location to be determined. Students will create and fund the mural.

CLERKS REPORT

City Clerk Brenda J. Delbert presents Council a notice of application to operate a private club: Knotty Pines located at 30 Junior Ave; applicants are Brian Bonacci and Robert Dobkin. Application was forwarded to ABCA without comment from Council.

UNFINISHED BUSINESS

Mr. Thalman, seconded by Mr. Thorngate, moved to consolidate the readings of Original Propositions 1-9 as routine chemical purchases for Water Treatment Plant.

The following was then read:

ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS AS FOLLOWS:

- \$53,200.00, WITH JCI JONES CHEMICAL INC., OF SARASOTA, FL, FOR THE PURCHASE OF 70,000 GALLONS OF SODIUM HYPOCHLORITE
- \$28,101.00 WITH UNIVAR SOLUTIONS, OF CINCINNATI, OH, FOR THE PURCHASE OF 30,000 GALLONS OF SODIUM HYDROXIDE
- \$47,328.00 WITH BRENNTAG MID-SOUTH INC., OF HENDERSON, KY, FOR THE PURCHASE OF 16,000 LBS. OF POTASSIUM PERMANGANATE
- \$35,370.00 WITH SHANNON CHEMICAL OF EXTON, PA, FOR THE PURCHASE OF 90,000 LBS. OF PHOSPHATE LIQUID CORROSION INHIBITOR
- \$61,740.00 WITH PVS CHEMICAL SOLUTIONS, OF DETROIT, MI, FOR THE PURCHASE OF 210,000 LBS. OF FERRIC CHLORIDE

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- \$35,432.00 WITH SAL CHEMICALS, OF WEIRTON, WV, FOR THE PURCHASE OF 6,600 GAL. OF CITRIC ACID
- \$52,500.00, WITH JACOBI CARBONS, INC., OF COLUMBUS, OH, FOR THE PURCHASE OF 50,000 LBS. OF POWDERED ACTIVATED CARBON
- \$10,500.00, WITH UNIVAR SOLUTIONS, OF CINCINNATI, OH, FOR THE PURCHASE OF 60,000 POUNDS OF HYDROFLUOSILICIC ACID
- \$5,970.00 WITH SAL CHEMICAL, OF WEIRTON, WV, FOR THE PURCHASE OF 3,000 GALLONS OF SODIUM BISULFITE
- ALL TO BE CHARGED TO WATER TREATMENT PLANT CHEMICALS FY 2019-2020 400.4012.03.0618.01

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Scatterday, Thorngate, Palmer -5
NOES: -0

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

Mr. Thalman, seconded by Mr. Thorngate, moved to consolidate the readings of Original Propositions 10-12 as routine chemical purchases for Water Pollution Control

The following was then read:

**ORDINANCE AUTHORIZING AND DIRECTING THE CITY
MANAGER TO EXPEND FUNDS AS FOLLOWS:**

- \$176,160.00 WITH SNF POLYDYNE, OF RICEBORO, GA, FOR THE PURCHASE OF 16,000 GALLONS OF POLYMER
- \$15,233.25, WITH SAL CHEMICAL CO., OF WEIRTON, WV, FOR THE PURCHASE OF 9,500 GALLONS OF CAUSTIC SODA
- \$27,780.00 WITH BARBER'S CHEMICAL, INC., OF SHARPSVILLE, PA, FOR THE PURCHASE OF 15,000 GALLONS OF SODIUM BISULFITE

ALL TO BE CHARGED TO WATER POLLUTION CONTROL DIVISION -
401.4003.05.0718.01. CHEMICALS FY 2019-2020

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Scatterday, Thorngate, Palmer -5
NOES: -0

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

TRAFFIC RULE 4723- HANDICAPPED PARKING- ACROSS FROM 146 MILLER

The following was then read:

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4723**

The ordinance was read a second time by title. Ms. Scatterday, seconded by Mr. Thorngate, moved that the ordinance be adopted. Mr. Palmer asked for confirmation around the nature of the

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parking space being located across the street from location. Clerk Delbert responded the neighbors were notified of the request and no one was present to speak against at the Traffic Commission meeting.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Scatterday, Thorngate, Palmer -5
NOES: -0

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

AMENDING THE ADMINISTRATIVE CODE- WATERFRONT HERITAGE PORT COMMISSION

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE CITY OF WHEELING, BY ADOPTING ARTICLE 177 ENTITLED WATERFRONT HERITAGE PORT COMMISSION

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:

AYES: Elliott, Thalman, Scatterday, Thorngate, Palmer -5
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. Thorngate, that the, Greater Wheeling Sports and Entertainment Authority Minutes 4/30/19, Greater Wheeling Sports and Entertainment Authority Financial Statement 4/30/19, Wheeling Housing Authority Minutes 4/10/19, Wheeling Hall of Fame Board Minutes 4/9/19, Arts and Cultural Minutes 3/12/19, which were held over, be accepted as received. Motion carried.

REPORT OF CITY MANAGER

Mr. Herron asks for an executive session at the conclusion of the public meeting to discuss property acquisitions.

REPORT OF OTHER OFFICERS

Mr. Thalman moved, seconded by Mr. Palmer, that the, Wheeling Hall of Fame Board Minutes 5/14/19, Historic Landmarks Commission Minutes 5/2/19, Robert C. Byrd Intermodal Center Financial Statement 4/30/19, Wheeling Municipal Parking Financial Statement 4/30/19, Arts and Cultural Minutes 5/14/19, Financial Statement May 2019 be held over until next meeting Motion carried.

ORIGINAL PROPOSITIONS

WHEELING SYMPHONY- FIREWORKS DISPLAY- CITY MANAGER

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$40,000 WITH WHEELING SYMPHONY, OF WHEELING, WV, FOR CITY'S SHARE OF FIREWORK DISPLAY, \$30,000 TO BE CHARGED TO CITY MANAGER 001.4412.20.2142 AND \$10,000 CHARGED TO COAL SEVERANCE 022.4412.50.2263

OVER AND UNDER CONSTRUCTION- I470 BALLFIELDS ADA SIDEWALKS- CDBG AND RCIP

The following was then read:

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AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$50,490.00 WITH OVER & UNDER CONSTRUCTION, OF MARTINS FERRY, OH FOR ADA SIDEWALKS AT I-470 BALLFIELD, \$32,000 TO BE CHARGED TO CDBG I-470 BALLFIELD IMPROVEMENTS 1509-017-500; \$16,000 CDBG 2017 EY CONTINGENCIES 1500-017-100; \$2,490 TO RCIP

O'BRIEN'S- WARWOOD AVE ACID MINE DIG- WPCD

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$15,732 WITH O'BRIEN'S, OF WHEELING, WV, FOR 324 WARWOOD AVE ACID MINE DIG TO BE CHARGED TO WATER POLLUTION CONTROL DIVISION 401.4001.02.0720.02

RESOLUTION ACCEPTING HOME AND CDBG BUDGET

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING APPROVING THE FISCAL YEAR 2019 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAMS, AND AUTHORIZING THE FILING OF THE FY 2019 ANNUAL ACTION PLAN WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

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

RESOLUTION RECOGNIZING JUNETEENTH

The following was then read:

ACKNOWLEDGING AND DENOUNCING, ON BEHALF OF THE CITY OF WHEELING, WEST VIRGINIA, THE CITY'S ROLE IN FOSTERING THE INSTITUTION OF SLAVERY AND PERPETUATING RACIAL SEGREGATION, AND FURTHER, COMMITTING TO THE PURSUIT OF INITIATIVES THAT PROMOTE DIVERSITY AND END DISCRIMINATION, PREJUDICE, AND INJUSTICE, AND FURTHER RECOGNIZING JUNETEENTH INDEPENDENCE DAY IN THE CITY OF WHEELING

WHEREAS, hundreds of thousands of African people were forcibly brought to the territory that is now the United States between 1619 and 1808; and

WHEREAS, from the first European settlement in 1769 through 1865, the institution of slavery existed within the area presently constituting the City of Wheeling, West Virginia; and

WHEREAS, Africans forced into slavery suffered indignities that are unimaginable today, often being brutalized, humiliated, dehumanized, stripped of their names and heritage, and torn apart from family members when sold at auctions under the cruelest of public spectacles; and

WHEREAS, for a number of years during this period, Wheeling was a major regional hub for the sale of slaves to nearby industry and to markets in the lower South, with weekly auctions of enslaved African people conducted in the Wheeling Market House, which sat upon the site now occupied by Market Plaza; and

WHEREAS, according to the 1860 Census of the United States, there were 100 men, women, and children living in Ohio County as the property of other local residents; and

WHEREAS, notwithstanding the outcome of the Civil War, the legal abolition of slavery in the newly formed State of West Virginia, and the passage of the 13th, 14th, and 15th Amendments to the United States Constitution more than 150 years ago, a system of racial segregation known as *Jim*

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Crow arose across many sections of our nation, including the State of West Virginia and the City of Wheeling; and

WHEREAS, these *Jim Crow* laws, which in some cases existed until the 1960s, were designed to separate African Americans from their fellow citizens, to suppress and intimidate their exercise of basic rights—including voting, and to frustrate their educational and economic opportunities for advancement; and

WHEREAS, while there is no metric by which to measure the cumulative effect of the institutions of slavery and *Jim Crow* laws on the lives of African Americans subjected to them, there can be no doubt that the consequences of these evils continue to manifest themselves today throughout American society; and

WHEREAS, it is time for the City of Wheeling to acknowledge and denounce the role that it played in fostering the institutions of slavery and *Jim Crow* and their attendant evils; and

WHEREAS, as the City of Wheeling commemorates this the 250th year since its founding by re-examining and retelling its history, it must neither purge nor minimize the role it played in the enslavement and segregation of African-Americans and the dehumanizing atrocities committed against them; and

WHEREAS, the City of Wheeling has in modern times enacted civil rights protections to outlaw discrimination in employment and housing on the basis of race, religion, color, national origin, ancestry, sex, age, blindness, disability, familial status, sexual orientation, and gender identity, and veteran status, we must acknowledge that these and other efforts have not fully eradicated the vestiges of slavery and racial segregation from our community and that efforts to strive for equality and equity and opportunity in all areas of life for African Americans in Wheeling must persist; and

WHEREAS, despite the stubborn legacies of slavery and *Jim Crow*, Wheeling's African-American community has made—and continues to make—rich and meaningful contributions to Wheeling's cultural and civic life; and

WHEREAS, Juneteenth Independence Day celebrations have been held in cities and states across the Nation to honor African-American freedom while encouraging self-development and respect for all cultures; and

WHEREAS, 45 States, including West Virginia, have designated Juneteenth Independence Day as a special day of observance in recognition of the emancipation of all slaves in the United States.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Councilmembers of Wheeling, West Virginia, in City Council assembled, that:

1. We hereby acknowledge and denounce the wrongs committed against African Americans by the institutions of slavery and *Jim Crow* in the City of Wheeling, with sincerest sympathies and regrets for the deprivation of life, human dignity, and constitutional protections occasioned as a result thereof.
2. We hereby express our commitment to the pursuit of further efforts to rectify the lingering consequences of the misdeeds committed against African-Americans under slavery and *Jim Crow*.
3. We hereby implore all Wheeling residents to be tolerant and understanding of one another, with the goal of eliminating all racial bias, prejudice, and discriminatory behavior, and to remember and teach their children about the history of slavery and *Jim Crow* laws to ensure that these tragedies will be neither forgotten nor repeated.
4. We hereby designate June 19, 2019, as “Juneteenth Independence Day” here in the City of Wheeling and encourage the people of the City of Wheeling to observe each subsequent June 19th with appropriate ceremonies, activities, and programs.

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

RESOLUTION RECOGNIZING RANDY WORLS

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF
WHEELING APPRECIATING AND HONORING THE
DEDICATION AND VAST ACCOMPLISHMENTS OF G.
RANDOLPH WORLS

WHEREAS, Randy Worls has been a shepherd in our parks for 65 years; and

WHEREAS, Mr. Worls is deeply invested in the success of Oglebay's development as a world class outdoor recreation and resort; and

WHEREAS, through his vision and leadership Oglebay as we know it has blossomed and presented itself as its intended legacy; and

WHEREAS, Oglebay is the largest municipal park in the nation showcasing one of the largest light displays; and

WHEREAS, Mr. Worls and his family have committed, and continue to commit, their lives to serving the fundamental goals of advancing the Park and Park Systems of Wheeling, for the enjoyment and quality of life for others; and

WHEREAS, friends and visitors alike are always greeted with a handshake and a smile; and

WHEREAS, Randy Worls Celebrates his birthday on July 12, 2019, hence it shall be known as Randy Worls Day in the City of Wheeling.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Wheeling recognizes, admires, and appreciates the dedication and service of Mr. Randy Worls for his many lifetime achievements; in particular to his service at Oglebay and the Park Systems of our community.

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

THOSE WISHING TO BE HEARD

Owens Brown, NAACP, speaks in favor of the Juneteenth Resolution, small deeds of kindness go a long way in healing.

Mr. Thalman moved, seconded by Ms. Scatterday to enter executive session at 6:40 p.m. to discuss property acquisition.

Mr. Thalman moved, seconded by Ms. Scatterday to resume the regular order of business at 7:34 p.m.

There being no further business, Mr. Thalman moved, seconded by Ms. Scatterday, to adjourn. Motion carried. Time 7:34 p.m.

City Clerk

Mayor