

July 16, 2019

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

On roll call, the following were present:

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

-7

Mr. Thalman moved, seconded by Mr. Thorngate, that the minutes of the July 2, 2019 meeting be approved as received. Motion carried.

Mr. Palmer moved, seconded by Mr. Thorngate, to suspend the regular order of business to conduct a public hearing to enact Article 550 regarding abatement of public nuisances such as drug and gang houses, houses of prostitution, and other disorderly premises. Charles Ballouz, 1143 Main St. Apt 703, speaks in favor of supporting the nuisance article. No one else signed up to speak. Mr. Palmer moves, seconded by Mr. Thorngate, to resume the regular order of business.

MAYOR'S REPORT

Mayor Elliott updates on Suspension Bridge. No decisions have been made but City officials are meeting with WVDOH. Mayor Elliott suggests the appointment of Ron Scott to the Arts and Cultural Commission. Mr. Thalman, seconded by Ms. Scatterday council's concurrence. Mayor Elliott recognizes Patricia 'Pat' Pockl for 19 years of service to the Hall of Fame Board.

CLERKS REPORT

City Clerk Brenda J. Delbert presents Council three notices of applications to operate a private club: State Line Café & More d.b.a Bogeys Carryout & Hot Spot located at 33 Washington Ave. applicant Larry Lewis; Cutie Pies- 142 16th St. applicant- Claude Macri; Studio Blue Barbershop- 2153 Market St- Danielle Gaus. Applications were forwarded to ABCA without comment from Council.

UNFINISHED BUSINESS

AGREEMENT WITH THE OHIO COUNTY BOARD OF EDUCATION IN RE: GARDEN PARK- WARWOOD

The following was then read:

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE OHIO COUNTY BOARD OF EDUCATION REGARDING USE OF A PORTION OF THE GARDEN PARK RECREATION COMPLEX – 2019-2020 SCHOOL YEAR

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, Palmer

-7

NOES:

-0

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

AMENDING CODIFIED ORDINANCE GENERAL OFFENSE CODE-PUBLIC NUISANCES

The following was then read:

AN ORDINANCE AMENDING THE CODIFIED LAWS OF THE CITY OF WHEELING ENACTING PART FIVE, GENERAL OFFENSES CODE, BY ENACTING ARTICLE 550 REGARDING ABATEMENT OF PUBLIC NUISANCES SUCH AS DRUG AND GANG HOUSES, HOUSES OF PROSTITUTION AND OTHER DISORDERLY PREMISES

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

July 16, 2019

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Koslik, 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.

Mr. Imer moved, seconded by Ms. Scatterday to amend Ordinance regarding Fulton playground. Mr. Imer would like to change the verbiage to not to exceed \$30,000 for replacement of the structure. All in favor.

PLAY AND PARK STRUCTURE- FULTON PLAYGROUND- CDBG

The following was then read:

AN AMENDED ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT NOT TO EXCEED \$30,000 FOR FULTON PLAYGROUND IMPROVEMENTS TO BE CHARGED TO CDBG EY 2018 FULTON PLAYGROUND 1509- 018-500 AND TO CDBG CONTINGENCIES 1550-018- 100

The amended ordinance was read a second time by title. Ms. Scatterday, 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, Palmer -7
NOES: -0

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

EDGCO- ABATEMENT CONTRACT– OIL AND GAS

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$17,035.00 WITH EDGCO, INC., OF LANSING, OH FOR ASBESTOS ABATEMENT TO BE CHARGED TO CIF OIL AND GAS

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:

AYES: Elliott, Thalman, Imer, Koslik, 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.

EDGCO- DEMOLITION CONTRACT - OIL AND GAS

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$152,200.00 WITH EDGCO, INC., OF LANSING, OH FOR BUILDING DEMOLITION TO BE CHARGED TO CIF OIL AND GAS

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:

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

July 16, 2019

NOES: -0

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

STEPHENS AUTO CENTER- 2 DODGE RAM PICKUP TRUCKS- WATER DISTRIBUTION

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$51,024.00 WITH STEPHENS AUTO CENTER, OF DANVILLE, WV FOR TWO 2019 DODGE RAM 1500, TO BE CHARGED TO WATER DISTRIBUTION 400.1128.05.00

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, Palmer -7

NOES: -0

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

Ms. Koslik moved, seconded by Ms. Scatterday, that the, Wheeling Housing Authority Minutes 5/8/19, Arts and Cultural Commission Minutes 4/9/19, Greater Wheeling Sports and Entertainment Authority Minutes 5/28/19, Greater Wheeling Sports and Entertainment Authority Financial Statement 5/19, Greater Wheeling Sports and Entertainment Authority Audited Financial Statement 2017 and 2018, Greater Wheeling Sports and Entertainment Budget 2020, which were held over, be accepted as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Ms. Koslik announces Arts and Cultural Commission is launching a project, calling for artist to submit ideas for artistic crosswalks that will be located in Centre Market district.

REPORT OF COMMITTEES

Ms. Scatterday moved, seconded by Mr. Thalman to accept the Development Committee Minutes Report 7/2/19 as received. For the record they are as follows:

DEVELOPMENT COMMITTEE REPORT

July 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, 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:

Development /Redevelopment Site: Cutie Pies- 142 16th St.

Business owner Claude Macri was present to speak on behalf of request. He is approaching 2 years in business and wants to offer beer and wine to customers. Currently there are no late hours and he intends to keep this business model. His primary objective is to serve beer or wine options with a meal, there will not be a sit-down bar. Mr. Connelly indicates staff recommends to approve the request. Mr. Thalman moved, seconded by Ms. Scatterday to approve this request, and forward to Council.

Development / Redevelopment Designation: Studio Blue Barbershop- 2153 Market St.

The business owner/applicant is not present. Mr. Connelly presents her request to the best of his skill and knowledge. Her letter states she intends to offer a beer to her clients while they receive a haircut. This is a very limited use, staff recommends to adopt, beer only and accept what was proposed in

July 16, 2019

her application. Mr. Thalman moved, seconded by Ms. Scatterday to approve this request, and forward to Council.

There being no further business to come before the Committee, Mr. Thalman moved, seconded by Ms. Scatterday, to adjourn. Time: 11:56 p.m.

REPORT OF CITY MANAGER

Mr. Herron introduces new Assistant City Manager Bill Lanham. Mr. Herron introduces Jeremy West as a prospect for Planning Commission. Ms. Scatterday moved, seconded by Mr. Thalman Council's concurrence in the appointment. Mr. Herron introduces Tom Conner as prospect for Planning Commission. Ms. Scatterday, moved seconded by Mr. Thorngate Council's concurrence in the appointment. Fire Chief Blazier and Lt. Noice, WPD, both voice agreement with new proposed location site for Public Safety Building.

REPORT OF OTHER OFFICERS

Ms. Koslik moved, seconded by Mr. Imer, that the, BZA Minutes 5/16/19, Arts and Cultural Commission Minutes 6/11/19, Robert C. Byrd Intermodal Center Financial Statement 5/31/19, Wheeling Municipal Parking Financial Statement 5/31/19 be held over until next meeting Motion carried.

ORIGINAL PROPOSITIONS

BERRY BIPPUS CHISON & FOOSE- INSURANCE PREMIUMS- GENERAL FUND, WATER, & WPCD

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$622,127.45 WITH BERRY BIPPUS CHISON AND FOOSE, OF WHEELING, WV FOR 2019-2020 INSURANCE PREMIUMS, TO BE CHARGED AS FOLLOWS: \$322,068.57 TO GENERAL FUND, \$125,563.97 TO WATER AND \$174,494.91 TO WATER POLLUTION CONTROL DIVISION

ADOPTING THE 2019 CODIFIED REPLACEMENT PAGES

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING THE 2019 REPLACEMENT PAGES TO THE CODIFIED ORDINANCE

RESOLUTION FOR COST OF LIVING INCREASE – PENSION FUND

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING ESTABLISHING AN AD-HOC COST-OF-LIVING INCREASE FOR RETIRED MEMBERS OF THE MUNICIPAL EMPLOYEES PENSION FUND AND THEIR BENEFICIARIES

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

RESOLUTION- DEVELOPMENT/REDEVELOPMENT FOR 2153 MARKET ST

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING IDENTIFYING 2153 MARKET STREET AS A DEVELOPMENT/ REDEVELOPMENT SITE

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

July 16, 2019

RESOLUTION – DEVELOPMENT/REDEVELOPMENT FOR 142 16TH ST

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING IDENTIFYING 142 16TH STREET AS A DEVELOPMENT/ REDEVELOPMENT SITE

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

RESOLUTION-PENCILS FOR PARKING

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING PROPOSING A SCHOOL SUPPLY DONATION PROCESS, IN LIEU OF OVERTIME PARKING FINES, “PENCILS (AND MORE) FOR PARKING” TO BE DISTRIBUTED TO OHIO COUNTY BOARD OF EDUCATION

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

RESOLUTION APPROVING OIL AND GAS LEASE APPROPRIATIONS

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING ACCEPTING THE APPROPRIATIONS FOR A PORTION OF AMERICAN PETROLEUM PARTNERS/ CITY GAS LEASE SIGNING BONUS

Mr. Palmer moved, seconded by Mr. Thalman, that the Resolution be adopted. During discussion Ms. Scatterday moved, seconded by Ms. Koslik, to amend the recommended list. Ms. Scatterday and Ms. Koslik vote for the amendment, Mayor Elliott, Mr. Thalman, Mr. Imer, Mr. Thorngate, and Mr. Palmer vote No on the amendment. Mayor calls for a vote on the original Resolution. Resolution passes 5 to 2. The vote on the original resolution is as follows:

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

RESOLUTION APPROVING BUDGET REVISION NO. 1

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING ACCEPTING GENERAL FUND BUDGET REVISION NUMBER 1 2019-2020

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

THOSE WISHING TO BE HEARD

No one signed up to speak.

There being no further business, Mr. Thalman moved, seconded by Ms. Scatterday, to adjourn. Motion carried. Time 6:09 p.m.

City Clerk

Mayor