

September 17, 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

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Absent:

Mr. Thalman moved, seconded by Mr. Thorngate, that the minutes of the September 3, 2019 meeting be approved as received. Motion carried.

PUBLIC HEARING

Mr. Palmer, seconded by Mr. Thorngate to suspend the regular order of business to conduct three public hearings on the following: Community Development Block Grant (CDBG) and Home Investment Partnership Program (HOME) FY 2018 Performance Hearing, Public hearing will be held to amend and readopt article 1735 of the International Energy Conservation Code, Transfer 1508 Market St Property to the State of West Virginia Public Land Corporation. No one signed up to speak on either topic. Mr. Palmer, seconded by Mr. Thorngate to resume the regular order of business.

MAYOR'S REPORT

Mayor Elliott presented a proclamation to Jennifer L. Rohrig, Partnership Specialist U.S. Census Bureau, proclaiming September 17, 2019 as "Census Day."

With no objections, Mr. Thorngate, seconded by Mr. Thalman, to allow Those Wishing to be Heard speak now before the vote on the Zoning Class Change.

THOSE WISHING TO BE HEARD

Gee Loftstead, David Croft, Joe Bullister, Emily Ward, Dean Conners, Dave Delk, and Susan Hagan all spoke in favor of the zone change. The subsequent neighbors spoke in opposition: Mario Muscar, Jennifer Kellner-Muscar, Bethany Decker, Amanda and Joe Wakim, Jason Koegler, Robert Dorisio, and Karen Berger.

CLERK'S REPORT

City Clerk Delbert presented Council with a Notice of Application to Operate a Private Club: Tiffany's LLC d/b/a Island Coffee Shop; applicants Jerry Nixon and Gary Glessner. Application was forwarded to WV ABCA without comment.

UNFINISHED BUSINESS

ZONING DISTRICT CLASS CHANGE- 1154 NATIONAL ROAD- FROM R-1B TO EMO

The following was then read:

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF LOTS 4, 5, 6, 7 & 8 ON THE MAP OF LENOX, NOW A PART OF THE CITY OF WHEELING CONSISTING OF 1154 NATIONAL ROAD AND 2 LAUREL AVENUE FROM R-1B SINGLE FAMILY RESIDENTIAL, MEDIUM DENSITY TO EMO EDUCATIONAL MEDICAL OFFICE.

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, Palmer

- 3

NOES: Imer, Koslik, Scatterday, Thorngate

- 4

A majority of all those elected to Council having voted against, the Mayor thereupon declared the ordinance failed.

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AMENDING AND RE ADOPTING ARTICLE 1735 ENTITLED: INTERNATIONAL ENERGY CONSERVATION

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ARTICLE 1735 INTERNATIONAL ENERGY CONSERVATION CODE, TO AMEND SECTIONS 1735.01

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, Palmer - 7

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

PRECISION PUMP & VALVE SERVICE- COURTLAND AVE PUMP STATION- SALES TAX RCIP

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$56,900.00 WITH PRECISION PUMP VALVE SERVICE, OF CROSS LANES, WV FOR COURTLAND AVE PUMP STATION PUMP NO. 2 REBUILD TO BE CHARGED TO SALES TAX RCIP

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

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

TRANSFER FUNDS FROM ARENA RCIP TO WESBANCO FOR RESTROOM RENOVATIONS

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO TRANSFER FUNDS IN THE AMOUNT OF \$110,000.00 FROM ARENA RCIP TO WESBANCO ARENA FOR RESTROOM RENOVATIONS

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, Palmer - 7

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

EDGCO- ABATEMENT AND EMERGENCY DEMOLITION- OIL AND GAS

The following was then read:

A CONFIRMING ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$31,360.00 WITH EDGCO, INC., OF LANSING, OH FOR

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**ASBESTOS ABATEMENT AND EMERGENCY DEMOLITION
TO BE CHARGED TO CIF OIL AND GAS**

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, Palmer - 7

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

HATCH- NEW FLOW METERS- WPCD

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$42,362.58 WITH HACH, OF LOVELAND, CO, FOR NEW FLOW METERS, TO BE CHARGED TO WATER POLLUTION CONTROL DIVISION 401-4001-01-0736-02

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, Palmer - 7

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

MOODY'S- WELL NO. 3 REHAB- WATER

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$15,560.00 WITH MOODY'S OF DAYTON INC, OF COLUMBUS, OH, FOR REHABILITATION WELL NO. 3 TO BE CHARGED TO WATER TREATMENT PLANT 400.4012.04.0636.01

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

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

Ms. Koslik moved, seconded by Mr. Imer, that the, Greater Wheeling Sports and Entertainment Authority Income Statement 7/31/19, Greater Wheeling Sports and Entertainment Authority Minutes 6/27/19, Greater Wheeling Sports and Entertainment Audited Financial Statements 2017 and 2018 (on file in the Office of the City Clerk), Robert C. Byrd Intermodal Center Financial Statement 7/31/19, Wheeling Municipal Parking Financial Statement 7/31/19, which were held over, be accepted as received. Motion carried.

REPORT OF COMMITTEES

Mr. Palmer, seconded by Ms. Koslik, moved that the Public Safety Committee Report dated 9/12/19 be accepted as received. For the record they are as follows:

PUBLIC SAFETY COMMITTEE REPORT September 12, 2019 The Public Safety Committee of

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Wheeling City Council met on the above date at 12:00 p.m., in City Council Chambers. Committee Members present: Chair Dave Palmer and Member Melinda Koslik. Vice-Chair Ken Imer Absent. Others present: Councilors Thalman and Scatterday; City Manager Robert Herron, City Solicitor Rose Humway-Warmuth, City Clerk Brenda J. Delbert, and media.

The following matters were discussed: Discussion on Police Department Reduction in Sergeant Positions

Mr. Palmer invites Police Chief Shawn Schwertfeger to present his request in reduction of Sergeant Positions. Chief Schwertfeger states there are currently 20 Sergeant Positions almost 1/3 of the department. He strongly believes this is too many for a department of our size. The Sergeant is an extremely important position, they are the first line supervisor; there are currently four who do not supervise anyone. Chief Schwertfeger is recommending 15 Sergeant positions assigned to the following: 10 for patrol, 1 investigator, 1 drug task force, 1 staff/special operations/traffic, 1 office of professional standards, 1 public resource officer. There will be no immediate cuts but will happen over time. The estimated financial savings is \$27,000. Chief Schwertfeger is recommending the extra 5 positions to be placed into the PFC rank. Mr. Herron explains this will go back to the way it was prior to May 2010 when previous Chief requested the increase from 15 to 20. Ms. Koslik moves, seconded by Mr. Palmer to accept to forward the proposal to Council.

Discussion on Fire False Alarm Ordinance Mr. Palmer invites Fire Chief Larry Helms to present his request. Chief Helms clarifies this only applies to false medical, EMS calls. The premise is to implement same as WPD false alarm program. Chief Helms explains most false calls come from “pull calls” when the string is pulled EMS is called. When EMS responds the crew cannot identify what apartment made the call; 76 false calls were at one location and only 17 were able to be traced to the original location. Property owner will be held accountable if the apartment location cannot be identified. Chief Helms believes a third-party involvement is unnecessary for enforcement and it should be handled through Municipal Court. Ms. Koslik moves, seconded by Mr. Palmer to accept to forward the proposal to Council.

There being no further business to come before the Committee, Ms. Koslik moved, seconded by Mr. Palmer, to adjourn. Motion carried. Time: 12:34 p.m.

REPORT OF CITY MANAGER

City Manager Robert Herron asks Council for two reads on items 9/1 and 9/2 citing timeliness issues. Mr. Herron gives a brief overview of August Financials, and also announces Wheeling Fire Department has received a 700k grant. There are matching stipulations and grant is only good for three years. Mr. Herron says the time is perfect and matches well with staggering personal and overtime projects. Mr. Palmer moved, seconded by Ms. Scatterday to allow Mr. Herron to proceed with acceptance of the grant. Motion carried. All in favor.

REPORT OF OTHER OFFICERS

Ms. Koslik moved, seconded by Mr. Imer, that the Arts and Cultural Commission Minutes 7/9/19, Arts and Cultural Commission Minutes 8/13/19, Wheeling Housing Authority Minutes 6/12/19, Wheeling Housing Authority Minutes 7/10/19, Historic Landmarks Commission Minutes 8/1/19, Ohio County Board of Health Minutes 3/12/19, Ohio County Board of Health Minutes 5/14/19, Ohio County Board of Health Minutes 7/9/19 be held over until next meeting Motion carried.

ORIGINAL PROPOSITIONS

AMENDING AND READOPTING THE ADMINISTRATIVE CODE ARTICLE 133 ENTITLED POLICE DEPARTMENT

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING THE ADMINISTRATIVE CODE – ARTICLE 133, ENTITLED POLICE DEPARTMENT, OF THE CODIFIED ORDINANCES OF THE CITY OF WHEELING BY AMENDING SECTION 133.12, TABLE OF ORGANIZATION

Mr. Palmer seconded by Ms. Koslik requested a second reading. The Ordinance was read a

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second time by title. Mr. Palmer, seconded by Ms. Koslik, 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.

TRANSFERRING REAL PROPERTY- 1508 MARKET ST TO THE STATE OF WV PUBLIC LAND CORPORATION

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY AND IMPROVEMENTS LOCATED AT 1508 MARKET STREET TO THE STATE OF WEST VIRGINIA PUBLIC LAND CORPORATION AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER SUCH DEEDS AND OTHER DOCUMENTS TO EFFECTUATE THIS CONVEYANCE

Ms. Koslik seconded by Mr. Imer requested a second reading. 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, Palmer -7
NOES: -0

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

ROBINSON PIPE CLEANING- PHASE III A&B- WPCD

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$1,964,614.00 WITH ROBINSON PIPE CLEANING, OF PITTSBURGH, PA, FOR PHASE III A AND B- WASTEWATER COLLECTION AND TREATMENT SYSTEM IMPROVEMENTS TO BE CHARGED TO WATER POLLUTION CONTROL DIVISION

RESOLUTION- FAÇADE GRANT- 1054 MARKET ST- INNOVATIVE ENDEAVORS LLC

The following was then read:

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 INNOVATIVE ENDEAVORS LLC., 1054 MARKET ST, IN THE AMOUNT OF \$15,000.00

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

RESOLUTION- FAÇADE GRANT- 1307 CHAPLINE ST- FIRST PRESBYTERIAN CHURCH

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING, WEST VIRGINIA, TO AUTHORIZE, DIRECT AND EMPOWER THE OFFICERS AND ADMINISTRATORS OF THE

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CITY TO EXECUTE ALL NECESSARY DOCUMENTS AND PROCEDURES TO PROVIDE FOR A DOWNTOWN FAÇADE IMPROVEMENT GRANT FOR FIRST PRESBYTERIAN CHURCH, 1307 CHAPLINE ST., IN THE AMOUNT OF \$9,245.45

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

There being no further business, Mr. Thalman moved, seconded by Ms. Scatterday, to adjourn. Motion carried. Time 7:06 p.m.

City Clerk

Mayor