

**August 20, 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, Thorngate, and Palmer  
Absent: Scatterday

-6

Mr. Thalman moved, seconded by Mr. Thorngate, that the minutes of the August 6, 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 a public hearing on Oil and Gas Lease with SWN Production Company, LLC. No one signed up to speak. Mr. Palmer, seconded by Mr. Thorngate to resume the regular order of business.

Mr. Palmer, seconded by Mr. Thorngate to suspend the regular order of business to conduct a public hearing on Second Amendment to Option and Land Lease Agreement with American Towers, LLC For the Grandview Cell Tower Site. No one signed up to speak. Mr. Palmer, seconded by Mr. Thorngate to resume the regular order of business.

Mr. Palmer, seconded by Mr. Thorngate to suspend the regular order of business to conduct a public hearing to Amend and Reenact Part Seven Entitled Business Regulations and Taxation Code of The Codified Ordinance of The City of Wheeling by Creating A New Article, Designated as Article 797 Entitled City Service Fee. Gino Mascetti, Charles Ballouz, Dan Armstrong, Connie Cain, Elgine McArdle, Jack McArdle, Ed Calvert, and Sarah Stupak all speak in opposition to enacting a City Service Fee. Mr. Palmer, seconded by Mr. Thorngate to resume the regular order of business.

### **MAYOR'S REPORT**

Mayor Elliott informs the public the Washington Ave Bridge weight limit is being lowered to five tons. The bridge is eligible for WVDOH off system bridge program for 80 percent of the funding. It is estimated the City's share would be 1.5 million.

### **CLERKS REPORT**

City Clerk Brenda J. Delbert presents Council notice of application to operate a private club: D&J Paradise Food Mart- 500 N. Main St- Applicant Dalbor Giu and Julie Denholu. Application was forwarded to ABCA without comment from Council.

### **UNFINISHED BUSINESS**

USI INSURANCE SERVICES- WORKERS COMPENSATION FUND- ANNUAL POLICY 2019-2020

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$89,210.00 WITH USI INSURANCE SERVICES, LLC, OF VIRGINIA BEACH, VA, FOR EXCESS LIABILITY WORKERS' COMPENSATION POLICY FY 2019 TO 2020, TO BE CHARGED TO WORKERS' COMPENSATION FUND

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, Thorngate, Palmer

- 6

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

**August 20, 2019**

TELOG INSTRUMENTS INC.- DATA COLLECTION- WPCD

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$22,400.00 WITH TELOG INSTRUMENTS INC, OF VICTOR, NY, FOR TELOG DATA COLLECTORS, TO BE CHARGED TO WPCD 401-4001-01-076-02

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Koslik, Thorngate, Palmer - 6

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

STEPHENS AUTO CENTER- DODGE RAM x2- WPCD

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 POLLUTION CONTROL DIVISION 400-1114-05-00

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, Thorngate, Palmer - 6

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

WOLF CREEK CONTRACTING- JENSEN PLAYGROUND BASKETBALL COURT- CDBG

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$81,082.37 WITH WOLF CREEK CONTRACTING COMPANY, OF WATERFORD, OH FOR JENSEN PLAYGROUND BASKETBALL COURT, TO BE CHARGED TO CDBG

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Koslik, Thorngate, Palmer - 6

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

CAST AND BAKER- SLIP REPAIR GLENHITE AVE- RCIP

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$21,566.90 WITH CAST AND BAKER CORPORATION, OF CANONSBURG, PA FOR

**August 20, 2019**

**SLIP REPAIR STREET PATCHING AT GLENHITE AVE AND ANGLE AVE, 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, Thorngate, Palmer - 6

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

**AMENDING AND REENACTING PART SEVEN ENTITLED BUSINESS REGULATIONS AND TAXATION CODE- "CITY SERVICE FEE"**

The following was then read:

**AN ORDINANCE TO AMEND AND REENACT PART SEVEN ENTITLED BUSINESS REGULATIONS AND TAXATION CODE OF THE CODIFIED ORDINANCE OF THE CITY OF WHEELING BY CREATING A NEW ARTICLE, DESIGNATED AS ARTICLE 797 ENTITLED "CITY SERVICE FEE"**

The ordinance was read a second time by title. Mr. Palmer, seconded by Mr. Thorngate, moved that the ordinance be adopted. A discussion ensues amongst council members. Ms. Koslik is for the fee and states areas of the city are falling into critical conditions. Mr. Palmer echoes support of enacting the fee. Mayor Elliott expresses the need should have been done 10-15 years ago and the time is now. Mr. Imer expresses support for Public Safety Building and first responders; however, it is not good timing.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Koslik, Thorngate, Palmer - 5  
NOES: Imer - 1

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, Robert C. Byrd Intermodal Center Financial Statement 6/30/19, Wheeling Municipal Parking 6/30/19, Historic Landmarks Commission letter in re: Wheeling Suspension Bridge, Historic Landmarks Commission Minutes 6/6/19, Planning Commission Minutes 3/11/19, Human Rights Commission Minutes 4/16/19, which were held over, be accepted as received. Motion carried.

**REPORT OF CITY MANAGER**

Assistant City Manager Bill Lanham gave updates on parks including: dog park, N. 24<sup>th</sup> St, Pleaston, and N. 3<sup>rd</sup> St. There was a successful partnership with the Homeless Coalition and we have hired two people from the seasonal program. Mr. Lanham confirms the resolutions in regards to oil leasing does not include surface rights.

**REPORT OF OTHER OFFICERS**

Ms. Koslik moved, seconded by Mr. Imer, that the, Traffic Commission Minutes 8/8/19, BZA Minutes 7/18/19, Human Rights Commission Minutes 4/16/19, and Planning Commission Minutes 7/8/19 be held over until next meeting Motion carried.

**ORIGINAL PROPOSITIONS**

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

The following was then read:

**August 20, 2019**

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.

EDGCO- CONFIRMING ORDINANCE- EMERGENCY DEMO JACOB ST- GAS AND OIL

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$38,820.00 WITH EDGCO, INC., OF LANSING, OH FOR EMERGENCY DEMOLITION 4001-4003 JACOB ST TO BE CHARGED TO CIF OIL AND GAS

OHIO COUNTY HEALTH DEPARTMENT ANNUAL CONTRACT

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$67,000.00 WITH OHIO COUNTY HEALTH DEPARTMENT, OF WHEELING, WV, FOR PROVISION OF HEALTH SERVICES AND USE OF PUBLIC HEALTH FACILITIES FOR FY 2019-2020. \$42,000 TO BE CHARGED TO GENERAL FUND 001.4414.50.5138 AND \$25,000 TO COAL SEVERANCE 002.4412.50.2264

TRAFFIC RULE 4724- HANDICAPPED PARKING S. FRONT ST

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4724

TRAFFIC RULE 4725 HANDICAPPED PARKING MARKET ST

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4725

TRAFFIC RULE 4726 NO PARKING ZONE ALUM AVE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4726

TRAFFIC RULE 4728 HANDICAPPED PARKING ON ALUM AVE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4728

HUNTER TRUCK SALES- COMBINATION SEWER CLEANER- WPCD

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$491,531.00 WITH HUNTER TRUCK SALES OF SMITHFIELD, PA, FOR 2020 VACTOR COMBINATION SEWER CLEANER MOUNTED ON A 2020 PETERBILT MODEL 348 CAB AND CHASSIS TO BE CHARGED TO WATER POLLUTION CONTROL DIVISION 401.113.15.01

FINLEY- DARLEY HERCULES PORTABLE PUMP- FIRE DEPARTMENT

The following was then read:

**August 20, 2019**

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$20,408.00 WITH FINLEY FIRE EQUIPMENT OF MCCONNELSVILLE, OH, FOR DARLEY HERCULES ULTRA HIGH PERFORMANCE PORTABLE PUMP TO BE CHARGED TO FIRE DEPARTMENT

RESOLUTION SWN LEASE BOGGS HILL AND CLEARVIEW PARCELS

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO EXECUTE OIL AND GAS LEASE WITH SWN PRODUCTION COMPANY LLC., FOR A SMALL PORTION OF MUNICIPALLY OWNER REAL PROPERTY

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

RESOLUTION CELL TOWER LEASE EXTENSION- GRANDVIEW MANOR SITE

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE EXTENSION WITH AMERICAN TOWER LLC., THE GRANDVIEW MANOR CELL TOWER SITE

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

RESOLUTION HIGHWAY SAFETY GRANT

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO ACCEPT THE TERMS AND CONDITIONS OF THE CONTRACT RELATING TO MAINTAIN THE REGION 4 HIGHWAY SAFETY PROGRAM IN THE NORTHERN PANHANDLE OF WEST VIRGINIA GRANT UP TO THE AMOUNT OF \$211,180.00

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

RESOLUTION AGREEMENT WITH DATA MAX

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO EXECUTE DATA MAX AGREEMENT

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

**THOSE WISHING TO BE HEARD**

Robert Dorisio, 7 Laurel Ave, speaks in opposition of the zone change.

David Croft, counsel for the bank, speaks in favor of zone change and clients have made adjustments to plans for the sake of residence.

Karen Berger, Jen Muscar, Sarah Koegler, Flânerie Muscar, and Randall Geese all speak in opposition to zone change at 1154 National Road.

There being no further business, Mr. Thalman moved, seconded by Mr. Thorngate, to adjourn. Motion carried. Time 6:45 p.m.