

October 20, 2020

Council of the City of Wheeling met, on the above date, at 5:30 pm, in City Council Chambers with Mayor Elliott presiding.

On roll call, the following were present:

Present: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate, and Palmer - 7
Absent: -0

Mr. Thalman moved, seconded by Mr. Thorngate, that the minutes of October 6, 2020 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor Elliott talks about issuing CDBG funds and the possibility of revamping the process in the future to make more competitive amongst qualifying agencies. Mayor Elliott introduces Dr. Dinna Vargo for the Municipal Civil Service Commission. Mr. Thalman, seconded by Mr. Thorngate, to approve the appointment. All in favor. Motion carried. Mayor Elliott announces the following individuals for the Mayor's Advisory Commission: Erikka Storch, Kevin Duffin, David H. McKinley, Craig O'Leary, Barry Allen, Kayleen Fitzsimmons, Missy Ashmore. Mr. Thalman, seconded by Mr. Thorngate, to approve the appointments. All in favor. Motion carried.

UNFINISHED BUSINESS

Lexis Nexis- Online Officer Reporting System- CESF- BJA Grant

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$23,040.00 WITH LEXIS NEXIS, OF ALPHARETTA, GA, FOR DESK OFFICER REPORTING SYSTEM TO BE CHARGED TO CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING BJA-2020-218553

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, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7
NOES: - 0

Ohio County Board of Education- Annual Agreement- Garden Park

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 – 2020-2021 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, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7
NOES: - 0

Demolition Liens- Various properties

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING FIXING THE ASSESSMENTS FOR THE COSTS OF

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RAZING DILAPIDATED STRUCTURES ON CERTAIN PROPERTIES IN THE CITY IN ACCORDANCE WITH APPLICABLE SECTIONS OF THE WEST VIRGINIA CODE AND THE CODIFIED ORDINANCES OF THE CITY OF WHEELING.

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7
NOES: - 0

Play and Park Structures- Belle Isle Playground- CDBG

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$40,895.71 WITH PLAY AND PARK STRUCTURES, OF CHATTANOOGA, TN, FOR BELLE ISLAND PLAYGROUND TO BE CHARGED TO CDBG

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7
NOES: - 0

Northern Panhandle Conservation District- FY 2021-Operation & Maintenance Funds- Wheeling Creek Structures

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$16,500 WITH NORTHERN PANHANDLE CONSERVATION DISTRICT, OF MCMECHEN, WV, FOR THE PURCHASE OF FY 2021 OPERATION AND MAINTENANCE FUNDS FOR WHEELING CREEK STRUCTURE, \$15,000 TO BE CHARGED TO CAPITAL CONTRIBUTIONS 4414.50.5006 AND \$1,500 TO COAL SEVERANCE 002.4412.50.5001

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7
NOES: - 0

Glessner Wharton & Andrews Insurance LLC- FY 20-21- Insurance Payment- Project Fund

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$49,974.90 WITH GLESSNER WHARTON & ANDREWS INSURANCE LLC OF WHEELING, WV, FOR COMMERCIAL PROPERTY POLICY EFFECTIVE 8/15/20 TO 8/15/21 TO BE CHARGED TO PROJECT FUND

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

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moved that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7
NOES: - 0

Hunter Truck Sales- 2021 Peterbilt Model 520 w. Packer Body- Project Fund

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$227,930.00 WITH HUNTER TRUCK SALES, OF SMITHFIELD, PA, FOR 2021 PETERBILT MODEL 520 WITH REAR LOADER PACKER BODY TO BE CHARGED TO PROJECT FUND

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, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7
NOES: - 0

Altec Industries- 2020 Alec Bucket Truck-Project Fund

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$149,446.00 WITH ALTEC INDUSTRIES INC., OF ELKINS, WV, FOR 2020 ALTEC BUCKET TRUCK TO BE CHARGED TO PROJECT FUND

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, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7
NOES: - 0

Northern Panhandle HOME Consortium Agreement-First Time Home Buyer 2020 EY

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS FOR THE NORTHERN PANHANDLE HOME CONSORTIUM FIRST TIME HOMEBUYER PROGRAM IN THE AMOUNT NOT TO EXCEED \$321,835.00, AS PER HOUSING CONSORTIUM COOPERATION AGREEMENT, TO BE CHARGED TO 2020 EY FIRST TIME HOMEBUYER PROGRAM

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7
NOES: - 0

Grant Agreement US Department of HUD HOME Investment Partnership- 2020 EY

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING A GRANT AGREEMENT WITH THE UNITED STATES DEPARTMENT OF HOUSING AND

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URBAN DEVELOPMENT, IN THE AMOUNT OF \$321,835.00 FOR 2020 EY HOME INVESTMENT PARTNERSHIP PROGRAM.

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7
NOES: - 0

Grant Agreement US Department of HUD- CDBG- 2020 EY

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING A GRANT AGREEMENT WITH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, IN THE AMOUNT OF \$1,183,926.00 FOR COMMUNITY DEVELOPMENT BLOCK GRANT

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7
NOES: - 0

Mr. Thalman, seconded by Mr. Thorngate, to consolidate the reading of Ordinance 12-21 for CDBG funding. All in favor. Motion carried.

The following was then read:

AN ORDINANCE AUTHORIZING TO ENTER INTO AN AGREEMENT AND EXPEND THE 2020 EY CDBG FUNDS AS FOLLOWS: \$15,000.00 WITH EAST WHEELING POOL OPERATIONS, \$33,000.00 WITH NELSON JORDAN CENTER, \$10,000.00 WITH THE SOUP KITCHEN, \$25,000.00 WITH WHEELING HEALTH RIGHT, \$10,000.00 WITH CATHOLIC CHARITIES, \$5,000.00 WITH WHEELING HUMAN RIGHTS COMMISSION, \$5,000.00 WITH SEEING HAND ASSOCIATION, \$8,500.00 WITH GREATER WHEELING COALITION FOR THE HOMELESS, \$5,000.00 WITH FAMILY SERVICES OF THE UPPER OHIO VALLEY, \$4,500.00 WITH YMCA

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, Ketchum, Sklavounakis, Thorngate, Palmer - 6
NOES: Seidler - 1

Amending and Readopting Article 1765- Flood Damage Control

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ARTICLE 1765 - FLOOD DAMAGE CONTROL ESTABLISHING THAT A FLOODPLAIN EXISTS AND REQUIRING ALL CONTRACTORS, PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A PERMIT FOR

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DEVELOPMENT AND THE CONSTRUCTION, SUBSTANTIAL IMPROVEMENT, OR RELOCATION OF ANY BUILDING OR STRUCTURE; PROVIDING FOR CERTAIN MINIMUM STANDARDS FOR CONSTRUCTION WITHIN THE FLOODPLAIN AREA AND SETTING FORTH SPECIAL PROCEDURES FOR SUBMISSION AND APPROVAL OF PLANS; AND ESTABLISHING PENALTIES FOR ANY PERSON WHO FAILS TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7
NOES: - 0

Mr. Thorngate, seconded by Ms. Ketchum, that the BZA Minutes 7/16/20, Planning Commission Minutes 8/10/20, and Planning Commission Zoning Subcommittee Minutes 8/20/20 which were held over, be accepted as received. Motion carried. All in favor.

REPORT OF COMMITTEES

Mr. Sklavounakis, seconded by Mr. Seidler, moved to accept the Public Works Committee Minutes 10/6/20 as received. Motion carried. All in favor. For the record they are as follows:

PUBLIC WORKS COMMITTEE October 6, 2020

The Public Works Committee of Wheeling City Council met on the above date at 11:30 a.m. in City Council Chambers. Committee members present: Chair Sklavounakis, Vice Chair Seidler, and Member Thorngate. Others present: Mayor Elliott, Councilors Thalman, Palmer, and Ketchum, City Manager Robert Herron, Public Works Director Rusty Jebbia, Mike Chiazza WPCD, City Solicitor Humway-Warmuth, and City Clerk Brenda J. Delbert.

The following matters were discussed:

Discussion on Ordinance: Fats, Oils, and Grease (FOG) Control Program

Mr. Herron introduces Mike Chiazza, FOG Coordinator. Mr. Chiazza gives an overview of the FOG Control Program. There are a lot of restaurants that do not have proper grease traps. The City has paid approximately 1.6 million to Robinson Pipe Cleaning. Cannot determine if all expenses are related to grease. Mr. Chiazza estimates some of the smaller traps would cost approximately \$150 plus installation, while larger ones could be in the \$10,000 range. The EPA recommends installation of proper traps; however, they do not enforce it. This ordinance would allow the city to track and grease traps in restaurants pro activity not only when there is a blockage or problem within the system. A discussion ensues and Mr. Sklavounakis asks committee members to vote no, due to COVID-19. Mr. Sklavounakis believes in the program, however wants to wait until there is more certainty amongst the restaurant industry. Mr. Sklavounakis, seconded by Mr. Seidler, moves to forward to Council. The results on the vote is as follows: AYES: Thorngate; NOES: Sklavounakis, Seidler. Motion failed, will not proceed to Council.

There being no further business to come before the Committee, Mr. Seidler, moved to adjourn. Time: 11:54 p.m.

REPORT OF CITY MANAGER

Mr. Herron announces the Firefighter Memorial Service will be on October 29, 2020 at 2:00 p.m. at Heritage Port. Mr. Herron comments on Original Propositions number three and six as they relate to Streetscape project. Number 6 involves relocating Nailers Way and creating an intersection at 16th and Main St. Mr. Herron asks for two reads for both paving Original Propositions due to the

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fact the contractor is ready to work and want to take advantage of getting streets paved this year.

REPORT OF OTHER OFFICERS

Mr. Seidler, seconded by Mr. Sklavounakis, moved to hold over: Financial Statements 9/2020; Hall of Fame Committee Minutes 9/8/20; Historic Landmarks Commission Minutes 9/3/20 until the following meeting. Motion carried all in favor.

ORIGINAL PROPOSITIONS

NLS Paving- Street Resurfacing 2020-Sales Tax RCIP

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$722,652.75 WITH NLS PAVING, OF ST. CLAIRSVILLE, OH FOR STREET RESURFACING 2020, TO BE CHARGED TO SALES TAX RCIP

Mr. Thalman, seconded by Mr. Thorngate, for a second read. All in favor. Motion carried

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, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7
NOES: - 0

NLS Paving- Street Resurfacing- CDBG & Sales Tax RCIP

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$164,333.50 WITH NLS PAVING, OF ST. CLAIRSVILLE, OH FOR STREET RESURFACING 2020, \$150,000 TO BE CHARGED TO CDBG AND \$14,333.50 TO SALES TAX RCIP

Mr. Thalman, seconded by Mr. Thorngate, for a second read. All in favor. Motion carried

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, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7
NOES: - 0

Authorizing the issuance of the Combined Waterworks and Sewerage System Bond Anticipation Note in an amount not to exceed \$8,000,000 to Finance Renewal and Replacement of Water System Assets in Downtown Wheeling

The following was then read:

AN ORDINANCE AUTHORIZING THE DESIGN, ACQUISITION AND CONSTRUCTION OF IMPROVEMENTS AND EXTENSIONS TO THE WATERWORKS PORTION OF THE EXISTING PUBLIC COMBINED WATERWORKS AND SEWERAGE SYSTEM OF THE SYSTEM AND TEMPORARILY FINANCING OF THE COST THEREOF, NOT OTHERWISE PROVIDED, AND PAYING COSTS OF ISSUANCE AND RELATED COSTS, THROUGH THE ISSUANCE OF THE COMBINED WATERWORKS AND SEWERAGE SYSTEM BOND ANTICIPATION NOTES, SERIES 2020 OF THE CITY OF WHEELING IN THE AGGREGATE PRINCIPAL AMOUNT OF

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NOT MORE THAN \$8,000,000; PROVIDING FOR THE RIGHTS AND REMEDIES OF, AND THE SECURITY FOR, THE REGISTERED OWNER OF SUCH NOTES; AUTHORIZING THE EXECUTION AND DELIVERY OF A TAX CERTIFICATE, REQUEST FOR PROPOSALS, AND OTHER DOCUMENTS; AUTHORIZING THE SALE AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH NOTES AND ADOPTING OTHER PROVISIONS RELATING THERETO.

McKinley and Associates- Centre Wheeling Garage Renovations- TIF 2018

The following was then read:

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH MCKINLEY ARCHITECTURE ENGINEERING TO PROVIDE ENGINEERING SERVICES FOR CENTRE WHEELING MUNICIPAL PARKING GARAGE RENOVATIONS AND FURTHER AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$325,000 TO BE CHARGED TO THE TIF PROJECT FUND 2018

Stephens Auto Center- 7 2021 Dodge Charger Police Sedans- Police Vehicles

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$216,297.00 WITH STEPHENS AUTO OF DANVILLE, WV, FOR SEVEN DODGE CHARGER POLICE PACKAGE SEDANS TO BE CHARGED TO POLICE VEHICLES

Environmental Standards- Site Assessment & UST Removal- Project Fund

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ENVIRONMENTAL STANDARDS FOR PHASE II ENVIRONMENTAL SITE ASSESSMENT AND UNDERGROUND STORAGE TANKS REMOVAL LOT 9 AND FURTHER AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$93,600 TO BE CHARGED TO PROJECT FUND

Resolution- Façade Grant- Three Sons LLC- 948-950 Main St.

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 THREE SONS, LLC, 948-950 MAIN ST, IN AN AMOUNT NOT TO EXCEED \$15,000

The Resolution was read by title. Ms. Ketchum, seconded by Mr. Thalman, moved that the Resolution be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7
NOES: - 0

Resolution- Façade Grant- Sarah's on Main- 2122 Main St.

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 SARAH LYDICK, 2122 MAIN ST, IN AN AMOUNT NOT TO EXCEED \$5,241.85

The Resolution was read by title. Ms. Ketchum, seconded by Mr. Thalman, moved that the Resolution be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7
NOES: - 0

Resolution- Approving Budget Revision FY 2020-2121

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING ACCEPTING THE REVISION OF THE GENERAL FUND BUDGET

The Resolution was read by title. Mr. Palmer, seconded by Mr. Thorngate, moved that the Resolution be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7
NOES: - 0

THOSE WISHING TO BE HEARD

Wendy Scatterday, Edgewood St., spoke in regard to the need to update the zoning code as outline in the 2014 Comprehensive Plan.

Christina Amie, Ontario St., spoke in regard to social media accounts.

There being no further business, Mr. Thalman moved, seconded by Mr. Thorngate, to adjourn. Motion carried. Time 6:18 p.m.

City Clerk

Mayor