

April 6, 2021

Council of the City of Wheeling met, on the above date, at 5:30 pm, at 1500 Chapline St. 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 March 16, 2021 meeting be approved as received. Motion carried.

Mr. Palmer moved, seconded by Mr. Thorngate to suspend the regular order of business and conduct public hearings: Water, Sewer, and Rubbish Increase, and Amending and Reenacting Part 13-Planning and Zoning Code. Jack McArdle, Lynn Walton, John Wojchowski, Charles Ballouz, Tim Dolan, Mike Trabert all speak in opposition of the water and sewer rate increases. Wendy Scatterday and Karen Kangisser speak in favor of the Part 13 amendment.

MAYOR'S REPORT

Mayor Elliott updates on progress at several ongoing projects including: Police and Fire Headquarters, Wheeling Pitt Lofts, Parking Structure, and OVMC. Mayor Elliott presented a Proclamation to the Human Rights Commission declaring April 2021 "Fair Housing Month" in the City of Wheeling.

CLERK'S REPORT

City Clerk Delbert presents a Notice of Application to Operate a Private Club: Ellie and Jacks located at 1201 Chapline; applicant: Laura Graves and Phillip Kendall. Application was forwarded to WVABCA without comment.

UNFINISHED BUSINESS

Amending and Reenacting Part 13-Planning and Zoning Code

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING PART THIRTEEN PLANNING AND ZONING CODE, CHAPTER THREE – ARTICLES: 1327- DEFINITIONS, ARTICLE 1343- INDUSTRIAL DISTRICTS; 1371- SPECIAL PERMITS AND 1373-USSES AND ACTIONS SUBJECT TO SITE PLAN APPROVAL, ALL OF WHICH CONCERN MINERAL AND EXTRACTIVE INDUSTRIES, LAND DISTURBANCES, ETC.

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

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

Water Rate Increase Ordinance

The following was then read:

AN ORDINANCE ESTABLISHING AND FIXING WATER RATES, FEES AND CHARGES OF THE CITY OF WHEELING, WEST VIRGINIA

April 6, 2021

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Sklavounakis, Thorngate, Palmer -5
NOES: Seidler, Ketchum - 2

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

Sewer Project and Rate Increase Ordinance

The following was then read:

AN ORDINANCE FOR THE DESIGN, ACQUISITION, CONSTRUCTION AND EQUIPPING OF IMPROVEMENTS TO THE WATER POLLUTION CONTROL DIVISION'S WASTEWATER SYSTEM AND ESTABLISHING AND FIXING RATES, FEES, AND CHARGES THE CITY OF WHEELING'S WATER POLLUTION CONTROL DIVISION WILL CHARGE ITS CITIZENS AND ITS CUSTOMERS LOCATED OUTSIDE OF ITS CORPORATE LIMITS, FOR THE COLLECTION AND TREATMENT OF SANITARY SEWAGE.

The ordinance was read a second time by title. Mr. Seidler, seconded by Mr. Sklavounakis, 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

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

Garbage, Rubbish, and Designated Recyclable- Rate Increase

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING SECTION 925.06 OF THE CODIFIED ORDINANCES OF THE CITY OF WHEELING, ENTITLES RATES, BY INCREASING GARBAGE, RUBBISH AND DESIGNATED RECYCLABLE MATERIAL COLLECTION RATE FROM FOURTEEN DOLLARS AND FIFTY CENTS TO SIXTEEN DOLLARS AND SEVENTY-FOUR CENTS

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

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

Ms. Ketchum moved, seconded by Mr. Thorngate, Wheeling Housing Authority Minutes 2/10/21, City of Wheeling Financial Statement 2/21, Hall of Fame 2/9/21, Historic Landmarks Commission 2/4/21 which were held over, be accepted as received. Motion carried.

April 6, 2021

REPORT OF COMMITTEES

Mr. Thalman moved, seconded by Mr. Sklavounakis, to accept as received Rules Committee Minutes 2/25/21, Rules Committee Minutes 3/16/21, Finance Committee Minutes 3/16/21, Public Safety Committee Minutes 3/18/21. Motion carried. All in favor. For the record they are as follows:

RULES COMMITTEE REPORT
February 25, 2021

The Rules Committee of Wheeling City Council met on the above date at 5:00 p.m. in Council Chambers. Committee members present: Chair Thalman, Vice Chair Sklavounakis, Member Palmer. Others present: City Manager Robert Herron, Assistant City Manager Bill Lanham, City Solicitor Rosemary Humway-Warmuth, Building and Planning Director Tom Connelly.

The following matters were discussed:
Discussion on Land Disturbance Ordinance Proposal

Chairman Thalman called the meeting to order and recognized Vice Chair Sklavounakis. Mr. Sklavounakis provided background information on the proposed amendment to city code, which included adding #7 to section §1373.03, that will require a Site Plan Review by the Planning Commission prior to any land being disturbed for grading, scraping, excavating, filling of land, or clearing of vegetation – other than personal residential use. Mr. Herron questioned if it would also include timbering. Mr. Connelly and Ms. Humway-Warmuth advised that was intended to be covered under “clearing of vegetation”, but that the specific term of “timbering” will be added for clarification purposes.

Mr. Sklavounakis continued to discuss the addition of “extractive industry” to the I-2 General Industry zoning district as a Special Use Permit (§1343.04.c.6) and the accompanying definition (§1327), standards, and requirements. Mr. Sklavounakis advised the purpose was to allow those interested in pursuing such endeavors known areas of the city where it was allowed, and also provided protection to the city’s residential zones from the secondary effects of the industry. A discussion ensued. In response to a question from Member Palmer, the text will be changed to allow any appropriate color chain link vinyl fence (black or green) that does not rust. In action on the matter, the Rules Committee voted unanimously to recommend approval to City Council. Ms. Humway-Warmuth advised that as this is an amendment to the Zoning Ordinance, a public hearing is necessary prior to final action being taken. With no other business, the meeting adjourned at 5:25 p.m.

RULES COMMITTEE REPORT
March 16, 2021

The Rules Committee of Wheeling City Council met on the above date at 5:00 p.m. in Council Chambers. Committee members present: Chair Thalman, Vice Chair Sklavounakis, Member Palmer. Others present: Mayor Elliott, Councilors Seidler, Ketchum, Thorngate, City Manager Robert Herron, Assistant City Manager Bill Lanham, City Solicitor Rosemary Humway-Warmuth, City Clerk Brenda J. Delbert.

The following matters were discussed:
Discussion on Amending Article 1775: Administration and Enforcement

Chair Thalman calls the meeting to order and turns the floor over to Ms. Ketchum. She explains the idea for enhanced penalties is for repeat property violation offenders. The enhanced penalty can be imposed by the Municipal Court Judge. The intent is to include similar citations for similar properties (proposed changes attached). Mr. Sklavounakis, seconded by Mr. Palmer to forward Ordinance to Council.

There being no further business to come before the Committee, Mr. Sklavounakis moved, seconded by Mr. Palmer, to adjourn. Time: 5:14 p.m.

April 6, 2021

FINANCE COMMITTEE REPORT
March 16, 2021

The Finance Committee of Wheeling City Council met on the above date at 5:15 p.m. Committee Members present: Chair Palmer, Vice-Chair Thorngate, and Member Thalman. Others present: Mayor Glenn Elliott, Councilor Seidler, Councilor Ketchum, Councilor Sklavounakis, City Manager Robert Herron, City Clerk Brenda J. Delbert, City Solicitor Rose Humway-Warmuth, Finance Director Seth McIntyre.

The following matters were discussed:
Financial Statement February 2021:

Mr. Herron reviewed the February 2021 financial statement. Mr. Herron states we are 66% through the fiscal year. There are some Revenue line items that are behind due to COVID-19: Retail and services are down while contracting is up. We are ahead of LY however the reports do not reflect results of COVID yet. Mr. Thalman, seconded by Mr. Thorngate, to accept the February 2021 Financial Statement as presented and forward it to Council. All in favor. Motion carried.

There being no further business to come before the Committee, Mr. Thalman moved, seconded by Mr. Thorngate to adjourn. Motion carried. Time: 5:21 p.m.

PUBLIC SAFETY COMMITTEE
March 18, 2021

The Public Safety Committee of Wheeling City Council met virtually on the above date at 5:00 p.m. Committee members present: Chair Seidler, Vice Chair Palmer, and Member Ketchum. Others present: Councilors Thalman, and Sklavounakis, City Manager Herron, Police Chief Schwertfeger, City Solicitor Rose Humway-Warmuth, and City Clerk Brenda J. Delbert.

The following matters were discussed:
Assigned Vehicle Program:

Chief Schwertfeger presented the request to implement an Assigned Vehicle Program (AVP). Chief goes over the positive changes this program would bring including: better recruitment and retention, increased visibility, increased emergency response, reduced maintenance cost, and longer service warranty life. Chief Schwertfeger estimated 79% of officers live in the city. With AVP there will be higher visibility in neighborhoods and equipment is our most valuable tool. Chief has indicated he is unaware of any city who has implemented the AVP program to reverse the decision Chief Schwertfeger estimates we would need to purchase 25-30 cars at about \$50,000 per car for a total of \$1.3 million. Mr. Seidler inquires outside of initial startup costs what would the financial impact be, including but not limited to insurance. Mr. Palmer, seconded by Ms. Ketchum, to forward to Finance Committee for further review.

Special Purpose Vehicle / All-Terrain Vehicles:

Chief Schwertfeger states the Police have some safety concerns but mainly need some guidance on enforcement issues. He does not have a recommendation one way or another. He believes Parkersburg and Weirton have adopted the State Law. Joe Corey, 147 Center Ave, spoke in favor of the city adopting the state law. There are requirements listed to make legal including, state inspection, registration, insurance, and safety measures. Mark Black, 5 Vernon Ave., spoke in favor of the city adopting the state code. A discussion ensued about public education on what is covered in state language and what is allowable under code. Mr. Palmer, seconded by Ms. Ketchum, moved to forward to City Council to adopt State of WV codes and parameters. City Solicitor will prepare Ordinance.

There being no further business to come before the Committee, Mr. Palmer, seconded by Ms. Ketchum, moved to adjourn. Time: 6:20 p.m.

April 6, 2021

REPORT OF CITY MANAGER

Mr. Herron appoints Betsy Sweeny to Historic Landmarks Commission. Mr. Thalman, seconded by Mr. Thorngate council's concurrence in appointment.

REPORT OF OTHER OFFICERS

Mr. Thalman, seconded by Mr. Palmer, moved to holdover the following until the next meeting: Traffic Commission Minutes 2/11/21.

ORIGINAL PROPOSITIONS

Tri State Ford- Ford F-350 with Snow Plow- WPCD

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$45,550 WITH TRI STATE FORD, OF EAST LIVERPOOL, OH FOR 2022 FORD F-350 REGULAR CAB EQUIPPED WITH SNOW PLOW TO BE CHARGED TO WATER POLLUTION CONTROL 401.1114.0500

James White Construction- Glenwood Rd Slip Repair- WPCD

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$35,000 WITH JAMES WHITE CONSTRUCTION CO, OF WEIRTON, WV FOR 115 GLENWOOD RD SLIP REPAIR, TO BE CHARGED TO WPCD 401.4001.02.0720.02

Stephens Auto Center- Dodge Pickup Trucks- Water

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$45,534 WITH STEPHENS AUTO CENTER, OF DANVILLE, WV FOR TWO 2021 DODGE RAM PICKUP TRUCKS TO BE CHARGED TO WATER DISTRIBUTION 400.1128.05.00

Traffic Rule 4765- No Parking Section of N. 19th St

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4765 TO ESTABLISH A NO PARKING ZONE ON THE SOUTH SIDE OF N. 19TH ST AT THE SOUTHWEST CORNER OF N. 19TH ST, IN THE CITY OF WHEELING, AND EXTENDING IN A EASTERNLY DIRECTION ON 19TH ST FOR 142 FEET FROM THE HOURS OF 10:30 AM TO 2:30 PM

Traffic Rule 4766- Pedestrian only Right of Way- Lane 16- Northwood Health Systems

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4766 TO ESTABLISH A PEDESTRIAN ONLY RIGHT OF WAY ON A PORTION OF LANE 16, IN THE CITY OF WHEELING

Amending and Reenacting Article 1775 Entitled Administration and Enforcement

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ARTICLE 1775 ENTITLED ADMINISTRATION AND ENFORCEMENT

April 6, 2021

Creating and Enacting Article 356 of the Traffic Code

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING, WEST VIRGINIA, CREATING AND ENACTING ARTICLE 356 OF THE TRAFFIC CODE ENTITLED STREET LEGAL SPECIAL PURPOSE VEHICLES

Street Rename- Maple Lane in Elm Grove Section to Lydia Lane

The following was then read:

AN ORDINANCE CHANGING THE NAME OF A STREET IN THE ELM GROVE SECTION OF WHEELING, IN ORDER TO ELIMINATE DUPLICATE ROAD NAMES AND POTENTIAL CONFUSION OF VARIOUS DELIVERY CARRIERS AND EMERGENCY SERVICES PROVIDED BY WHEELING-OHIO COUNTY 911 CENTER SO THAT MAPLE LANE WILL BECOME LYDIA LANE

Municipal Council Levy Estimate - Fiscal Year 2020-2021

The following was then read:

AN ORDINANCE OF THE MUNICIPAL COUNCIL LEVY ESTIMATE, PRESCRIBED BY THE WEST VIRGINIA STATE AUDITOR, KNOWN AS THE ANNUAL APPROPRIATION FOR FISCAL YEAR 2021-2022 BUDGET FOR WHEELING MUNICIPALITY, OHIO COUNTY.

Vacating and Abandoning- Portion of Southerly Line Lane 26-Quitclaim Deed

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING VACATING AND ABANDONING A PORTION OF McCOLLOCH STREET RIGHT OF WAY FROM THE SOUTHERLY LINE OF LANE 26 NORTH A DISTANCE OF 100' WITHIN SQUARE 44 OF THE SPRIGG AND RITCHIE ADDITION TO THE CITY OF WHEELING AND AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH QUITCLAIM DEEDS TO IMPLEMENT THIS ABANDONMENT

Wheeling Area Chamber- City of Lights Program- Coal Severance

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$17,500.00 WITH WHEELING AREA CHAMBER OF COMMERCE, OF WHEELING, WV, FOR CITY OF LIGHTS PROGRAM. TO BE CHARGED TO COAL SEVERANCE 002.4412.50.2262

THOSE WISHING TO BE HEARD

Josh Riffle, 66 Economy St., speaks in opposition of code enforcement officers.

Mr. Palmer, seconded by Mr. Thorngate, to exit regular order of business and enter executive session. All in favor. Motion carried. 6:41 p.m.

Mr. Thalman, seconded by Mr. Thorngate, to exit executive session and resume regular order of business. All in favor. Motion carried. 7:10 p.m. Mayor Elliott confirms no decisions were made

April 6, 2021

There being no further business, Mr. Thalman moved, seconded by Mr. Thorngate, to adjourn. Motion carried. Time 7:10 p.m.

City Clerk

Mayor