

October 5, 2021

Council of the City of Wheeling met, on the above date, at 12:00 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 September 21, 2021 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor Elliott introduces Rose Hart, Executive Director, she presents Council with information about Appalachian Outreach's mission.

Mayor Elliott appoints the following to the Entertainment Endowment Fund Ad-Hoc Committee: Dean Connors, Jermaine Lucious, Jon Banco, Crin Joy, Robert Felton, Shawn Fluharty, Lauren Baker, City Council designee (Ty Thorngate), CVB designee, GWSEA designee. Mr. Thalman, seconded by Mr. Thorngate, Councils' concurrence to the appointment. All in favor. Motion carries.

CLERK'S REPORT

Mr. Thalman, seconded by Mr. Thorngate, to suspend the regular order of business and allow public comment. Bria Vossen, property owner of 87/89 33rd St., spoke in favor of approving demolition as it is not economic feasibility to restore property. Mr. Thalman, seconded by Mr. Thorngate, to resume the regular order of business.

Clerk Delbert presented a Historic Landmarks Commission Report to Council for 87/89 33rd St. Mr. Thorngate, seconded by Mr. Sklavounakis, to approve the demolition permit. All in favor. Motion carried. All in favor. Motion carried.

Clerk Delbert presents Council with a Notice of Application to Operate a Private Club, Wheeling Coin, located at 2700 Chapline St. Application was forwarded to WV ABCA without comment.

UNFINISHED BUSINESS

Vacating and Abandoning 32nd St Right of way by lots 25 and 26- Quitclaim Deed

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING VACATING AND ABANDONING THE UNIMPROVED PORTION OF THE 32nd STREET RIGHT OF WAY ADJACENT TO LOTS 25 & 26 IN THE SPRIGG AND RITCHIE ADDITION TO THE CITY, ALSO IDENTIFIED AS TAX PARCELS W72-169 & W72-170, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH QUITCLAIM DEEDS TO IMPLEMENT THIS ABANDONMENT

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

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Youth Services Systems- 2021 EY- CDBG

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$10,560.00 WITH YOUTH SERVICE SYSTEMS, TO BE CHARGED TO CDBG 2021 EY PUBLIC SERVICES #1511-021-200

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

GrowOV- Healthiest Cities and Counties Challenge- Grant Reimbursement

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$40,677.97 WITH GROW OV OF WHEELING, WV, FOR REIMBURSEMENT OF HEALTHIEST CITIES AND COUNTIES CHALLENGE TO BE CHARGED TO CONSOLIDATED INVESTMENT FUND

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Seidler, Sklavounakis, Thorngate, Palmer - 6
NOES: -0
ABSTAIN: Ketchum -1

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

GWSEA- Entertainment Endowment Fund- Transfer

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO TRANSFER FUNDS IN THE AMOUNT OF \$250,000.00 TO GREATER WHEELING SPORTS AND ENTERTAINMENT AUTHORITY FOR ENTERTAINMENT ENDOWMENT FUND

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

OVADC- Economic Development- General Fund

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO TRANSFER FUNDS IN THE AMOUNT OF \$200,000.00 TO

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OHIO VALLEY AREA DEVELOPMENT CORPORATION
(OVADC) FOR ECONOMIC DEVELOPMENT PURPOSES TO
BE CHARGED TO GENERAL FUND 4975.50.5600

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, 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.

Mr. Sklavounakis moved, seconded by Mr. Thorngate, that Mayors Commission on Economic and Industrial Development Minutes 9/8/21 which were held over, be accepted as received. Motion carried

REMARKS FROM MEMBERS OF COUNCIL

Councilors provided update on information in their wards regarding clean ups and crime watch meetings.

REPORT OF COMMITTEES

Mr. Palmer, seconded by Mr. Thorngate, moved to accept the Development Committee Report 9/23/21 as received. For the record they are as follows:

DEVELOPMENT COMMITTEE REPORT
September 23 2021

The Development Committee of Wheeling City Council met on the above date at 5:00 p.m. Committee members present: Mayor Elliott, Vice Chair Thalman, and Member Thorngate. Others present: Councilors Sklavounakis and Palmer, City Manager Robert Herron, City Solicitor Rosemary Humway-Warmuth, Building and Planning Director Tom Connelly, Community Development Director Nancy Prager and City Clerk Brenda J. Delbert.

Changes to Accessory Structure Regulations:

Mayor Elliott turns the floor over to Mr. Connelly to give background information and history of zoning codes as it relates to accessory structures. Mr. Connelly states prior to the zoning code changes in 2002 accessory structures were allowable, as long as they met the square footage guidelines. In 2002 R1 districts were formed. A discussed ensued about concerns and how to move forward. Mr. Connelly sited concerns of parking and the possibly of changing characteristics of residential neighborhoods. If new accessory structures were allowed to be built today, they would still have to meet standard building codes. The Comprehensive Plan states Wheeling will invest in neighborhoods, and potential of zoning codes being reviewed and updated to allow more housing. Mayor Elliott strongly does not want zoning codes to inhibit development or investments, and wants the best economic use.

Allowing Non-Conforming Structures to be Rebuilt

Mayor Elliott would like to see a strong presumption that you can rebuild and redevelop a building as long as it does not interfere with health, safety, or wellness objectives. Board of Zoning Appeals is the current process to request variances for non-conforming structures. Legal department and Mr. Connelly will look at language in current code as it relates to loss of structure and rebuilding non-conforming use structures.

Mr. Thalman, seconded by Mr. Thorngate, moves to have City staff create steps to reduce regulations and ease the process of accessory structures and non-conforming use. All in favor. Motion carried.

Eliminating Parking Minimums for Commercial Property

Mr. Thorngate proposed to remove parking minimums for new commercial structures. He feels the current requirement will hurt small business and create unproductive land. Mr. Thalman, seconded by Mr. Thorngate, moved to forward to Council. All in favor. Motion carried.

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American Rescue Plan- Aid to Restaurants to Add, Expand, or Improve Outdoor Seating

The committee would like to propose a plan to use ARP funds to grant to aid restaurants to battle COVID-19 in creating and expanding outdoor dining options. Mr. Herron confirms this is an allowable expense. Ms. Prager states the program would be structured similar to the current façade. Mr. Thalman, seconded by Mr. Thorngate, moved to forward to Council. All in favor. Motion carried.

Sidewalk Replacements and/or Repairs

Mr. Thalman would like to improve walkability in the city, and proposes all problematic sidewalks to be repaired or replaced by end of year 2023. Mr. Herron states we can put a lien on personal property if the city does repairs, however the likelihood of collecting the monies is unlikely. If a levy was needed for the funds, it would have to go to ballot and pass by 60% of the voters. Ms. Prager confirms sidewalks are an ineligible CDBG expense. There is a consensus sidewalks need replaced and need to be a priority. However, there are concerns with timeline and expenses. Mr. Thalman, seconded by Mr. Thorngate, moved to forward to Council, to debate the manner in which sidewalks get accomplished. All in favor. Motion carried.

There being no further business to come before the Committee, Mr. Thalman moved, seconded by Mr. Thorngate, to adjourn. Time: 6:39 p.m.

REPORT OF CITY MANAGER

Mr. Herron gave updates on the design on Robrecht site and demolition of 19th and Jacob. Mr. Herron asked for an Executive Session to discuss property negotiations.

REPORT OF OTHER OFFICERS

Mr. Palmer, seconded by Mr. Seidler, moved to hold over: Hall of Fame Minutes 8/10/21, Greater Wheeling Sports and Entertainment Authority Minutes 8/18/21 until next meeting. Motion carried. All in favor.

ORIGINAL PROPOSITIONS

Savage Construction- Dog Park at Wheeling Park- Project Fund

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$58,794 WITH SAVAGE CONSTRUCTION, OF WHEELING, WV, FOR DOG PARK AT WHEELING PARK TO BE CHARGED TO PROJECT FUND

Digital Ally- Body Cameras and Equipment- Police Grant

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$18,268.00 WITH DIGITAL-ALLY OF LENEXA, KS, FOR BODY CAMERAS AND ACCESSORY EQUIPMENT TO BE CHARGED TO JAG GRANT DJ-BX- 0624 AND POLICE DEPARTMENT

Amending and Reenacting Article 1721- International Building Code

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ARTICLE 1721 OF THE CODIFIED ORDINANCES OF THE CITY OF WHEELING, ENTITLED INTERNATIONAL BUILDING CODE

Glessner Wharton & Andrews Insurance LLC- FY21-22- Insurance Payment- Project Fund

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$51,779.43 WITH GLESSNER WHARTON & ANDREWS INSURANCE LLC OF WHEELING, WV, FOR COMMERCIAL PROPERTY POLICY

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EFFECTIVE 9/16/21 TO 9/16/22 TO BE CHARGED TO THE OVMC TIF PORTION OF PROJECT FUND

Stephens Auto Center- 5 2022 Police Interceptor Utility AWD- Project Fund

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$187,575.00 WITH STEPHENS AUTO OF DANVILLE, WV, FOR FIVE FORD POLICE INTERCEPTOR UTILITY AWD VEHICLES TO BE CHARGED TO PROJECT FUND

BBR Drilling- Floral Drive Piling and Lagging Wall – City Service Fee

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$126,475 WITH BBR DRILLING COMPANY, OF BELMONT, OH, FOR FLORAL DRIVE PILING WALL TO BE CHARGED TO CITY SERVICE FEE

JT Sauer and Associates- Design and Construction Services/ Edgington Lane Park-Land and Water Conservation Grant

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$24,800 WITH JT SAUER AND ASSOCIATES, OF BURGETTSTOWN, PA, FOR DESIGN AND CONSTRUCTION DOCUMENT SERVICES FOR EDGINGTON LANE PARK TO BE CHARGED TO LAND AND WATER CONSERVATION GRANT

Resolution- American Rescue Plan-Outdoor Dining Program

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING TO AUTHORIZE, DIRECT, AND EMPOWER THE OFFICERS AND ADMINISTRATORS OF THE CITY TO EXECUTE ALL NECESSARY DOCUMENTS AND PROCEDURES TO PROVIDE FOR A PROGRAM UTILIZING IN PART, AMERICAN RESCUE PLAN FUNDS TO PROVIDE FINANCIAL ASSISTANCE TO AID RESTAURANTS IN ADDITIONS, EXPANSIONS, OR IMPROVEMENTS OF OUTDOOR SEATING PROGRAM

The Resolution was read by title. Mr. Thalman, 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

Julia Chaplin, spoke in displeasure with City Council, and proposed parking structure.

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Mr. Thalman, seconded by Mr. Thorngate, to exit regular order of business and conduct Executive Session to discuss Property Negotiations. Mayor Elliott recuses himself from discussions. Time: 12:27

Mr. Thalman, seconded by Mr. Thorngate, to resume regular order of business and exit Executive Session. Time: 1:00

Mr. Thalman confirms no decisions were made.

There being no further business, Mr. Thalman moved, seconded by Mr. Sklavounakis, to adjourn. Motion carried. Time 1:01 p.m.

City Clerk

Mayor