

## November 2, 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, Palmer - 7  
Absent: - 0

Mr. Thorngate moved, seconded by Mr. Palmer, that the minutes of October 19, 2021 meeting be approved as received. Motion carried.

Mr. Palmer moved, seconded by Mr. Thalman to suspend the regular order of business and conduct a public hearing on Bond Ordinance for Center Wheeling Parking Garage Project and Market Street Parking Garage Project. Julia Chaplin spoke against the bond citing over spending. Mr. Palmer moved, seconded by Mr. Thalman, to resume regular order of business. Motion carried. All in favor.

### MAYOR'S REPORT

Mayor Elliott introduced Sean O'Leary with Ohio River Valley Institute whom gave a presentation on an Economic Impact study he plans to begin.

Mayor Elliott presents a Proclamation to Youth Services Systems proclaiming November 5, 2021 as *Sleep Out Day* in the City of Wheeling.

### UNFINISHED BUSINESS

#### Savage Construction- Nailer's Way Extension- Project Fund

The following was the read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$400,585.00 WITH SAVAGE CONSTRUCTION, OF WHEELING, WV FOR NAILER'S WAY EXTENSION PROJECT, TO BE CHARGED TO PROJECT FUND

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.

#### Bond Consideration Centre Wheeling Parking Garage Project

The following was the read:

AN ORDINANCE AUTHORIZING AND APPROVING THE DEMOLITION, DESIGN, ACQUISITION, CONSTRUCTION, IMPROVEMENT, FURNISHING AND EQUIPPING OF REAL PROPERTY TO BE ACQUIRED FROM OHIO VALLEY ADC, INC. BY THE CITY OF WHEELING MUNICIPAL BUILDING COMMISSION (THE "BUILDING COMMISSION") LOCATED AT 2200 CHAPLINE STREET, WHEELING, WEST VIRGINIA, FOR USE AS A PARKING GARAGE (THE "CENTER WHEELING PARKING GARAGE PROJECT") BY THE CITY AND THE ISSUANCE BY THE BUILDING COMMISSION OF ITS LEASE REVENUE BONDS, IN ONE OR MORE SERIES, IN

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AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,000,000 (THE "BONDS"), TO FINANCE THE COSTS THEREOF, THE PAYMENT OF CAPITALIZED INTEREST ON THE BONDS, THE FUNDING OF A DEBT SERVICE RESERVE FUND FOR THE BONDS, IF REQUIRED, AND THE PAYMENT OF COSTS OF ISSUANCE OF THE BONDS AND RELATED COSTS; AUTHORIZING THE LEASING OF THE PROPERTY OF THE PARKING GARAGE TOGETHER WITH ALL BUILDINGS, IMPROVEMENTS, FIXTURES, EQUIPMENT, RIGHTS OF WAY AND APPURTENANCES ASSOCIATED THEREWITH BY THE CITY FROM THE BUILDING COMMISSION PURSUANT TO A LEASE AGREEMENT TO BE EXECUTED AND DELIVERED BY THE MAYOR OF THE CITY; AUTHORIZING THE EXECUTION AND DELIVERED OF A CREDIT LINE DEED OF TRUST, SECURITY AGREEMENT AND FIXTURE FILING BY THE CITY AND THE BUILDING COMMISSION IN FAVOR OF THE PURCHASER OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY BY THE MAYOR OF THE CITY OF A BOND PURCHASE AGREEMENT AMONG THE CITY, THE BUILDING COMMISSION AND THE PURCHASER OF THE BONDS; AND AUTHORIZING OTHER NECESSARY ACTIONS IN CONNECTION WITH THE FOREGOING.

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.

Bond Consideration Market Street Parking Garage Project

The following was then read:

AN ORDINANCE AUTHORIZING AND APPROVING THE DEMOLITION, DESIGN, ACQUISITION, CONSTRUCTION, IMPROVEMENT, FURNISHING AND EQUIPPING OF REAL PROPERTY TO BE ACQUIRED FROM OHIO VALLEY ADC, INC. BY THE CITY OF WHEELING MUNICIPAL BUILDING COMMISSION (THE "BUILDING COMMISSION") LOCATED AT 1104 AND 1114 MARKET STREET, WHEELING, WEST VIRGINIA, FOR USE AS A PARKING GARAGE (THE "MARKET STREET PARKING GARAGE PROJECT") BY THE CITY AND THE ISSUANCE BY THE BUILDING COMMISSION OF ITS LEASE REVENUE BONDS, IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$19,500,000 (THE "BONDS"), TO FINANCE THE COSTS THEREOF, THE PAYMENT OF CAPITALIZED INTEREST ON THE BONDS, THE FUNDING OF A DEBT SERVICE RESERVE FUND FOR THE BONDS, IF REQUIRED, AND THE PAYMENT OF COSTS OF ISSUANCE OF THE BONDS AND RELATED COSTS; AUTHORIZING THE LEASING OF THE PROPERTY OF THE PROPOSED PARKING GARAGE TOGETHER WITH ALL BUILDINGS, IMPROVEMENTS, FIXTURES, EQUIPMENT, RIGHTS OF WAY AND APPURTENANCES ASSOCIATED THEREWITH BY THE CITY FROM THE BUILDING COMMISSION PURSUANT TO A LEASE

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AGREEMENT TO BE EXECUTED AND DELIVERED BY THE MAYOR OF THE CITY; AUTHORIZING THE EXECUTION AND DELIVERED OF A CREDIT LINE DEED OF TRUST, SECURITY AGREEMENT AND FIXTURE FILING BY THE CITY AND THE BUILDING COMMISSION IN FAVOR OF THE PURCHASER OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY BY THE MAYOR OF THE CITY OF A BOND PURCHASE AGREEMENT AMONG THE CITY, THE BUILDING COMMISSION AND THE PURCHASER OF THE BONDS; AND AUTHORIZING OTHER NECESSARY ACTIONS IN CONNECTION WITH THE FOREGOING.

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.

Robinson Chevrolet- 2022 Silverado- RCIP

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$30,950 WITH BOB ROBINSON, OF TRIADELPHIA, WV FOR 2022 CHEVROLET SILVERADO TO BE CHARGED TO RCIP

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

Agreement-ProChamps and GovPilot- Building and Planning

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AGREEMENTS BETWEEN THE CITY OF WHEELING AND PROPERTY REGISTRATION CHAMPIONS, LLC DBA "PROCHAMPS"; AND PROPERTY PILOT, LLC DBA "GOVPILOT" FOR PROFESSIONAL SERVICES TO ASSIST THE BUILDING AND PLANNING DEPARTMENT.

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

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the ordinance adopted.

Ms. Ketchum moved, seconded by Mr. Thorngate, that the Human Rights Commission Minutes 8/17/21, September 2021 Financial Statement which were held over, be accepted as received. All in favor. Motion carried.

**REMARKS FROM MEMBERS OF COUNCIL**

Mr. Sklavounakis expresses concerns with parking garage, but agrees Wheeling Pitt building needs brought back to life. Mr. Herron addresses financing concerns stating there will be a certificated bank commitment before bond closings.

**REPORT OF COMMITTEES**

Mr. Thalman, seconded by Mr. Sklavounakis, moved to accept the Rules Committee Minutes 10/19/21 and Finance Committee Minutes 10/19/21 as received. For the record they are as follows:

**RULES COMMITTEE REPORT**  
October 19, 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: Councilors Seidler and Ketchum, 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 550: Public Nuisances - Premises Used for Illegal Activity

Chair Thalman calls the meeting to order and turns the floor over to Mr. Sklavounakis. He explains the proposed change would require the city to notice the landowner before court action is filed. Ms. Humway-Warmuth indicated this is already the best practice and common procedure. She agreed with the changes and the proposed change would codify the procedure. Mr. Sklavounakis, seconded by Mr. Palmer to forward Ordinance to Council. Motion carried. All in favor.

There being no further business to come before the Committee, Mr. Sklavounakis moved, seconded by Mr. Palmer, to adjourn. Time: 5:05 p.m.

**FINANCE COMMITTEE REPORT**  
October 19, 2021

The Finance Committee of Wheeling City Council met on the above date at 5:15 p.m. Committee Members present: Chair Palmer and Member Thalman. Others present: Councilors Seidler, Ketchum, and Sklavounakis, City Manager Robert Herron, City Clerk Brenda J. Delbert, and Finance Director Seth McIntyre

The following matters were discussed:

September 2021 Financial Statement:

Mr. Herron reviewed the financial statement for September 2021. Cash balance is 2.5 million. Expenditures are 26% for the year and Revenues are 28%. B&O, Bed Tax, and Sales Tax are all up from last year. Mr. Thalman, seconded by Mr. Palmer, to approve the Financial Statement as presented and forward to Council. All in favor. Motion carried

Budget Revision 2021-2022 FY:

Mr. Herron explained the majority of the budget revision was related to the Entertainment Endowment fund approved by City Council for transfer to Greater Wheeling Sports and Entertainment Services. There is also a truck lift purchased for Vehicle Maintenance. See revision attached. Mr. Thalman, seconded by Mr. Palmer, to approve the Financial Statement as presented and forward to Council. All in favor. Motion carried.

COVID-19 Vaccine Employee Incentive:

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Mr. Herron reported roughly 70% of city employees have received the COVID-19 vaccine. Mr. Palmer would like to offer incentive to all employees who have received the recommended dosage of vaccine by November 30, 2021 in the amount of \$500. Mr. Thalman, seconded by Mr. Palmer, to approve the Financial Statement as presented and forward to Council. All in favor. Motion carried.

Audit Proposal Scoring:

Finance Director Seth McIntyre presents the committee with an audit proposal score sheet summary (attached) and explains that Perry and Associates had scored the highest. Mr. McIntyre explains there was an RFP for auditors for City accounts. Two bids were received. Perry and Associates were the lowest bidder and offered CPAs to perform audits. Mr. Thalman, seconded by Mr. Palmer, to approve the Financial Statement as presented and forward to Council. All in favor. Motion carried.

There being no further business to come before the Committee, Mr. Thalman moved, seconded by Mr. Palmer to adjourn. Motion carried. Time: 5:28 p.m.

### **REPORT OF CITY MANAGER**

City Manager Herron confirmed parking garage bids will be open on November 18, 2021 at 2:00 pm. Mr. Herron states on October 19<sup>th</sup> City Council passed an Ordinance for purchase of police vehicles and the Ordinance incorrectly states to be charged to project fund, however, it should be charged to general funds, annual vehicles. Mr. Herron asks for two reads for Perry and Associates to meet State Auditor deadlines. Mr. Herron asks for an executive session for property acquisition.

### **REPORT OF OTHER OFFICERS**

Ms. Ketchum, seconded by Mr. Seidler, moved to hold over: Planning Commission Annual Report, Planning Commission Minutes 9/13/21, Planning Commission Report to Council: 50 Virginia St, and Greater Wheeling Sports and Entertainment Authority Minutes 9/28/21 until next meeting. Motion carried. All in favor.

### **ORIGINAL PROPOSITIONS**

#### Amending and Reenacting Article 550- Public Nuisances- Premises Used for Illegal Activity

The following was then read:

AN ORDINANCE TO AMEND AND REENACT ARTICLE 550 OF THE CODIFIED ORDINANCE OF THE CITY OF WHEELING ENTITLED PUBLIC NUISANCES - PREMISES USED FOR ILLEGAL ACTIVITY

#### Perry and Associates- Audit Services- Various Departments

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AND TO EXPEND FUNDS IN THE AMOUNT OF \$38,000.00 WITH PERRY & ASSOCIATES OF WHEELING, WV, FOR AUDIT SERVICES FOR THE FISCAL YEAR ENDED JUNE 30, 2021, TO BE CHARGED AS FOLLOWS: GENERAL FUND - \$12,920; WATER DEPARTMENT - \$8,360.00; WATER POLLUTION CONTROL DIVISION - \$8,360.00; COMMUNITY DEVELOPMENT BLOCK GRANT - \$5,320.00; AND MUNICIPAL PARKING SYSTEM - \$3,040.00

Mr. Seidler moved, seconded by Mr. Palmer, for a second reading of the Ordinance. All in favor. Motion carried.

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AND TO EXPEND FUNDS IN THE AMOUNT OF \$38,000.00 WITH PERRY & ASSOCIATES

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OF WHEELING, WV, FOR AUDIT SERVICES FOR THE FISCAL YEAR ENDED JUNE 30, 2021, TO BE CHARGED AS FOLLOWS: GENERAL FUND - \$12,920; WATER DEPARTMENT - \$8,360.00; WATER POLLUTION CONTROL DIVISION - \$8,360.00; COMMUNITY DEVELOPMENT BLOCK GRANT - \$5,320.00; AND MUNICIPAL PARKING SYSTEM - \$3,040.00

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

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 WITH WHEELING AREA CHAMBER OF COMMERCE FOR CITY OF LIGHTS PROGRAM TO BE CHARGED TO COAL SEVERANCE

Resolution- Outdoor Dining Program- 338 National Road- MFD III Inc.

The following was then read:

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 AN OUTDOOR DINING GRANT FOR, MFD III INC, 338 NATIONAL RD., IN THE AMOUNT OF \$20,000

The Resolution was read by title. Mr. Seidler, 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- Outdoor Dining Program- 808 National Road- TBR, Inc

The following was then read:

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 AN OUTDOOR DINING GRANT FOR, TBR, INC, 808 NATIONAL RD., IN THE AMOUNT OF \$20,000

The Resolution was read by title. Mr. Thorngate, seconded by Mr. Sklavounakis, 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

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Resolution- Employee Vaccine Incentive- ARP Funds

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING TO AUTHORIZE THE CITY MANAGER TO ALLOCATE AMERICAN RESCUE PLAN FUNDS FOR EMPLOYEE COVID-19 VACCINE INCENTIVES

The Resolution was read by title. Mr. Palmer, 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

**THOSE WISHING TO BE HEARD**

Julia Chaplin, spoke in displeasure with City Council, and over spending.

Lane Turturice esq. spoke on behalf of Donegal Township, he is their legal counsel, and is having issues with the water resale contract. Mr. Turturice states the township has voted not to pay their water bill.

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: 12:48

Mr. Thorngate, seconded by Mr. Sklavounakis, to resume regular order of business and exit Executive Session. Time: 1:04

Mr. Thalman confirms no decisions were made.

There being no further business, Mr. Thorngate moved, seconded by Mr. Seidler, to adjourn. Motion carried. Time 1:04 p.m.

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City Clerk

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Mayor