

April 19, 2022

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, Ketchum, Sklavounakis, Thorngate - 5
Absent: Seidler, Palmer - 2

Mr. Thalman, seconded by Mr. Thorngate, that the minutes of April 5, 2022 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor Elliott reminded the public the ARPA Survey will close on April 30, 2022, and encouraged citizens and nonprofits to reach out to City Clerk for assistance or fill out the survey. Mayor Elliott addressed the recent zoning amendments sent to Planning Commission. He indicates they have recommended to address the amendments with the developing of new Comprehensive Plan scheduled for 2024. Mayor Elliott would like to see the process started soon.

CLERK'S REPORT

Clerk Delbert presented Historic Landmarks Report to Council in regard to Demolition Review at 3530 Eoff St. Mr. Thorngate, seconded my Mr. Thalman, moved to accept Historic Landmarks decision to table granting the demolition permit. All in favor. Motion carried.

UNFINISHED BUSINESS

Bearcom- Equipment for Police Cruisers- Sales Tax RCIP

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$17,230.06 WITH BEARCOM OF DALLAS, TX, FOR EQUIPMENT TO OUTFIT POLICE VEHICLES TO BE CHARGED TO SALES TAX RCIP

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Ketchum, Sklavounakis, Thorngate -5
NOES: -0

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

Digital Ally- In Car Cameras for Police Cruisers- Sales Tax RCIP

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$20,275.00 WITH DIGITAL-ALLY OF LENEXA, KS, FOR DASH CAMERAS AND EQUIPMENT FOR POLICE CRUISERS TO BE CHARGES TO SALES TAX RCIP

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Ketchum, Sklavounakis, Thorngate -5
NOES: -0

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

April 19, 2022

Lashley Tractor Sales- 2 Kubota Zero Turn Tractors- Regular RCIP

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$40,797 WITH LASHLEY TRACTOR SALES, OF ST. CLAIRSVILLE, OH FOR TWO KUBOTA ZERO TURN TRACTOR TO BE CHARGED TO REGULAR RCIP

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Ketchum, Sklavounakis, Thorngate -5
NOES: -0

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

Cast and Baker- Paving- 2022 Street Resurfacing Contract

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$610,681.25 WITH CAST AND BAKER OF CANONSBURG PA, OH FOR STREET RESURFACING 2022, TO BE CHARGED TO GENERAL FUND

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 -5
NOES: -0

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

Brownfield Revolving Loan Fund- WV DEP

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING AND APPROVING THE REMEDIATION PROJECT AND THE FINANCING OF A PORTION OF THE COST THEREOF THROUGH A LOAN, EVIDENCED BY A PROMISSORY NOTE MADE PAYABLE TO THE WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$192,010; APPROVING, RATIFYING AND CONFIRMING A FUNDING AGREEMENT BY AND BETWEEN THE CITY OF WHEELING AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION RELATED TO SUCH PROMISSORY NOTE; AUTHORIZING A PLEDGE OF THE RESTRICTED CAPITAL IMPROVEMENT PROJECT FUND REVENUES IN AN AMOUNT NOT TO EXCEED \$192,010, TO PROVIDE SECURITY FOR SUCH PROMISSORY NOTE; AUTHORIZING REIMBURSEMENT OF CAPITAL EXPENDITURES PREVIOUSLY SPENT; AUTHORIZING EXECUTION AND DELIVERY OF ALL DOCUMENTS RELATING TO SUCH PROJECT AND SUCH PROMISSORY NOTE; AND MAKING OTHER PROVISIONS AS TO THE PROMISSORY NOTE AND LOAN

April 19, 2022

Mr. Thalman, seconded by Ms. Ketchum, moved to table for third reading and public hearing. All in favor. Motion carried.

Traffic Rule- 15 Minute Parking Warwood Ave- Ohio Valley Child Learning Center

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING 15-MINUTE PARKING ZONE BETWEEN THE HOURS OF 8 AM TO 6 PM, MONDAY THROUGH FRIDAY, ON THE EAST SIDE OF WARWOOD AVENUE BEGINNING AT 1610 WARWOOD AVE ON THE EAST SIDE AND EXTENDING IN A NORTHERNLY DIRECTION FOR A DISTANCE OF 72 FEET

The ordinance was read a second time by title. Mr. Thalman, seconded by Mr. Thorngate, moved to change the proposed time to 7am-9am and 4pm to 6pm.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Ketchum, Sklavounakis, Thorngate -5
NOES: -0

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

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 -5
NOES: -0

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

Amending and Reenacting Article 157 Entitled Parks and Recreation Commission

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ARTICLE 157 ENTITLED RECREATION COMMISSION

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Ketchum, Sklavounakis, Thorngate -5
NOES: -0

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

Municipal Council Levy Estimate - Fiscal Year 2022-2023

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 2022-2023 BUDGET FOR WHEELING MUNICIPALITY, OHIO COUNTY

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, Ketchum, Sklavounakis, Thorngate -5

April 19, 2022

NOES: -0

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

Indeeco- Heater and Remote-Control Panel- Water

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$19,474.50 WITH INDEECO, OF ST. LOUIS, MO FOR HEATER KEY AND REMOTE-CONTROL PANEL TO BE CHARGED TO WATER TREATMENT PLANT

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Ketchum, Sklavounakis, Thorngate -5

NOES: -0

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

DES- City Council Chambers Upgrades- Regular RCIP

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$48,791.67 WITH DAGOSTINO ELECTRONIC SERVICES, OF PITTSBURGH, PA FOR CITY COUNCIL CHAMBERS UPGRADES TO BE CHARGED TO REGULAR RCIP

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, Ketchum, Sklavounakis, Thorngate -5

NOES: -0

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

Ohio-West Virginia Excavating- Warwood Dog Park- Project Fund

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$165,495.00 WITH OHIO-WEST VIRGINIA EXCAVATING COMPANY OF POWHATAN POINT, OH, FOR WARWOOD DOG PARK TO BE CHARGED TO PROJECT FUND

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, Thorngate -4

NOES: Sklavounakis -1

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

April 19, 2022

ERB Electric Company- Police Structured Cabling and Surveillance Equipment- CSF

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$312,960.00 WITH ERB ELECTRIC COMPANY OF WHEELING, WV, FOR POLICE DEPARTMENT STRUCTURED CABLING, SURVEILLANCE EQUIPMENT, AND ACCESS CONTROL SYSTEM TO BE CHARGED TO CITY SERVICE FEE

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Ketchum, Sklavounakis, Thorngate -5
NOES: -0

OVADC- Economic Development- General Fund

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO TRANSFER FUNDS IN THE AMOUNT OF \$225,000.00 TO OHIO VALLEY AREA DEVELOPMENT CORPORATION (OVADC) FOR ECONOMIC DEVELOPMENT PURPOSES TO BE CHARGED TO GENERAL FUND

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Ketchum, Thorngate -4
NOES: Sklavounakis -1

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

Precision Safe Sidewalks- Pilot Sidewalk Assessment Program- Regular RCIP

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO TRANSFER FUNDS IN THE AMOUNT OF \$19,985.00 TO PRECISION SAFE SIDEWALKS, LLC FOR PILOT SIDEWALK ASSESSMENT PROGRAM TO BE CHARGED TO REGULAR RCIP

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 -4
NOES: Sklavounakis -1

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 the following: BZA Minutes 12/16/21; Human Rights Commission Minutes 2/15/22, which were held over be accepted as received.

REMARKS FROM MEMBERS OF COUNCIL

Various Council members invited and reminded public to attend Crime Watch meeting. Mr. Seidler announced additional spring clean up dates. Ms. Ketchum announced sidewalk sale in South Wheeling. Ms. Ketchum asks for anyone interested in Parks and Recreation Commission to reach out for appointments.

April 19, 2022

REPORT OF COMMITTEES

Mr. Thalman, seconded by Ms. Ketchum, moved that the Public Safety Committee Minutes 4/12/22 were approved. All in favor. Motion carried. For the record they are as follows:

PUBLIC SAFETY COMMITTEE

April 12, 2022

The Public Safety Committee of Wheeling City Council met on the above date at 12:00 p.m. in City Council Chambers. Committee members present: Chair Seidler, Vice Chair Palmer, and Member Ketchum. Others present: City Manager Herron, Building and Planning Director Tom Connelly, Fire Chief Blazier, Deputy Police Chief Noice, City Solicitor Rose Humway-Warmuth, and City Clerk Brenda J. Delbert.

The following matters were discussed:

Discussion on Fireworks Sunset Amendment:

Mr. Palmer would like to remove the sunset clause from Ordinance 15560, which amended and reenacted Article 1535 entitled Fireworks. The original changes were made in June 15, 2021 with a sunset occurring October 1, 2021. Mr. Palmer presents statistics that man hours were reduced amongst the Police Department and Fire Departments. Mr. Palmer, seconded by Mr. Seidler, moved to the sunset clause and forward to Council. Motion carried. All in favor. A discussion ensued surround state laws allowing sales. Mr. Palmer suggests to change license fee schedule in the city to curb the amount of vendors for selling prohibited products. Mr. Herron states the fees are set by the Itinerant Vendors Code. To increase the fee Article 733 would need to be amended. Mr. Herron suggested the potential to use Home Rule amendment to apply to Fireworks. Mr. Herron indicated the Article 733: Itinerant Vendors applied to other sellers, not exclusively to fireworks, but any "tent" vendor. Mr. Palmer, seconded by Ms. Ketchum, moved to increase fee \$2,000 and forward to Council. Motion carried. All in favor.

Discussion on Abandoned and Dilapidated Structures:

Mr. Seidler presents request from Police, Fire, and Building and Planning Departments to have a collaborative list of structured needing demolished. Mr. Seidler would like a formal cooperative review process to be implemented. He is requesting list to be completed by mid-May. Mr. Seidler asks for full utilization of Article 1775 for enhanced penalty and for finds to be assessed daily in accordance with the law. Mr. Seidler, seconded by Mr. Palmer, moved to forward to Finance Committee to allocate \$1,000,000.00 to building demolition and utilize the lien process. Ms. Ketchum asks for the Historic Landmarks Commission be informed. All in favor. Motion carried. A discussion ensued about prior "Red X Program." The structures on Raze and Repair list were clearly marked with "X" and owner contact information, so someone interested in purchasing can contact owner before demolition or purchase land. Ms. Ketchum suggests options to continue while maintaining visual integrity. Staff is directed to create a plan and possible implementation to revive the program. Mr. Seidler asks for Municipal Court to be live streamed, and asks City Solicitor to explore legal ramifications.

There being no further business to come before the Committee, Mr. Seidler, seconded by Ms. Ketchum, moved to adjourn. Time: 12:43 p.m.

REPORT OF CITY MANAGER

Mr. Herron acknowledged his recommendation to declare 949 Main St. as a Public Nuisance regarding Original Proposition number ten. Mr. Herron announced Warwood Fire Station would receive a new engine. The Fire Headquarters financing proposals were opened and Community Bank offered 3.31% and 3.14% draw over life.

REPORT OF OTHER OFFICERS

Ms. Ketchum, seconded by Mr. Sklavounakis, moved to hold over the following: Arts and Cultural Commission Minutes 1/11/22; 2/8/22; 3/8/22; Hall of Fame Minutes 3/8/22; Planning Commission Minutes 2/14/22; Wheeling Housing Authority Minutes 3/9/22; Historic Landmarks Commission 3/3/22 until the following meeting. Motion carried all in favor.

April 19, 2022

ORIGINAL PROPOSITIONS

Amending and reenacting Article 169- Human Rights Commission

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ARTICLE 169 OF THE CODIFIED ORDINANCES OF THE CITY OF WHEELING, ENTITLED HUMAN RIGHTS COMMISSION

Amending and reenacting Article 1535- Fireworks

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ARTICLE 1535 OF THE CODIFIED ORDINANCES OF THE CITY OF WHEELING, ENTITLED FIREWORKS

Tristate Ford- 2022 Ford Truck Cab and Chassis- Water Distribution

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$43,352 WITH TRI STATE FORD, OF EAST LIVERPOOL, OH FOR 2022 FORD SINGLE REAR WHEEL TRUCK CAB AND CHASSIS TO BE CHARGED TO WATER DISTRIBUTION 400.1128.05.00

Tristate Ford- Utility Service Body- Water Distribution

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$45,772 WITH TRI STATE FORD, OF EAST LIVERPOOL, OH FOR 2022 UTILITY SERVICE BODY EQUIPPED WITH CRANE AND POWER INVERTER TO BE CHARGED TO WATER DISTRIBUTION 400.1128.05.00

Indoff- Furniture for Wheeling Police Headquarters- City Service Fee

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$274,388.67 WITH INDOFF, OF WHEELING, WV FOR FURNITURE FOR POLICE HEADQUARTERS AND TAKE ANY AND ALL NECESSARY ACTION TO EXECUTE SAID CONTRACTS/AGREEMENTS TO BE CHARGED TO CITY SERVICE FEE

SHI International- Network Infrastructure- Police Department

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$44,169.18 WITH SHI INTERNATIONAL, OF SOMERSET, NJ FOR NETWORKING INFRASTRUCTURE FOR POLICE HEADQUARTERS TO BE CHARGED TO CITY SERVICE FEE AND TO BE REIMBURSED BY FY 2022 COPS TECHNOLOGY PROGRAM, "WHEELING LAW ENFORCEMENT TECHNOLOGY PROGRAM"

Mansuetto- Roof Replacement Wesbanco Arena- Arena RCIP

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$25,388 WITH MANSUETTO ROOFING AND SHEET METAL, OF MARTINS FERRY, OH FOR ROOF REPLACEMENT AT WESBANCO ARENA TO BE CHARGED TO ARENA RCIP

April 19, 2022

Transfer of Funds to Wesbanco Arena- Supplanting Funds for Permanent Ice Replacement

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO TRANSFER FUNDS IN THE AMOUNT OF \$415,000.00 FROM ARENA RCIP AND \$335,000 FROM THE PROJECT ACCOUNT TO SUPPLEMENT THE \$1,000,000 IN THE WESBANCO ARENA ICE REPLACEMENT FUND FOR THE PERMANENT REPLACEMENT OF THE ICE SYSTEM AT WESBANCO ARENA

Resolution- Standard Allowance- American Rescue Plan

The following was then read:

A RESOLUTION EXERCISING THE STANDARD ALLOWANCE PROVISIONS OF THE CORONA VIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS, A PART OF THE AMERICAN RESCUE PLAN

The resolution was read by title. Mr. Thorngate, seconded by Mr. Thalman, moved that the resolutions be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Ketchum, Sklavounakis, Thorngate -5
NOES: -0

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

Resolution- Accepting the Recommendation of the City Manager regarding Public Nuisance- 949 Main St aka The Wheeling Inn

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER THAT CONDITIONS REGARDING PROPERTY LOCATED AT 949 MAIN STREET, WHEELING, WV 26003 PRESENTS A PUBLIC NUISANCE FINDING THAT JUST CAUSE EXISTS TO ABATE SUCH NUISANCE AND THAT A HEARING SHALL BE HELD IN ACCORD WITH THE PROVISIONS OF ARTICLE 549- NUISANCES- OF THE CODIFIED ORDINANCES OF THE CITY OF WHEELING

Mayor Elliott asked for a motion to exit regular order of business to allow citizens who signed up to speak under "Those Wishing to be Heard" speak before a vote took place. Mr. Thalman, seconded Mr. Thorngate, to exit regular business. All in favor. Motion carried.

Doug Carl and Sumner Riddick spoke in favor of declaring Wheeling Inn a Public Nuisance.

Anand Patel, Laurewce Pelly, Nic Cochran, and Kate Marshall spoke in opposition of declaring Wheeling Inn as a Public Nuisance.

Mr. Thalman, seconded by Mr. Thorngate, moved to resume regular order of business.

Mr. Thorngate, seconded by Mr. Thalman, moved to table the Resolution. Mayor Elliott recused himself from the vote, as he has a personal relationship with the business owner, and does not believe he can remain unbiased. All in favor. Motion carried.

Resolution- Approving Budget Revision No. 5

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING ACCEPTING THE GENERAL FUND BUDGET REVISION NUMBER 5

April 19, 2022

The resolution was read by title. Mr. Thorngate, seconded by Mr. Thalman, moved that the resolutions be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Ketchum, Sklavounakis, Thorngate	-5
NOES:	-0

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

THOSE WISHING TO BE HEARD

Carlee Ditmar, Julia Chaplin, Judi Meyer, and Tim Bishop all spoke in opposition of City Council voting for conversion therapy.

There being no further business, Mr. Thalman moved, seconded by Mr. Thorngate, to adjourn. Motion carried. Time 6:34 p.m.

City Clerk

Mayor

DRAFT