

Council of the City of Wheeling met at The Linsly School, on the above date, with Mayor Glenn Elliott presiding.

The invocation was offered by Second Ward Councilor Ken Imer.

On roll call, the following were present:

Elliott, Thalman, Imer, Wilson, Thorngate and Palmer

- 6

Mr. Thalman moved, seconded by Mr. Thorngate, that the minutes of the January 17, 2017 meeting be approved as received. Motion carried.

### **MAYOR'S REPORT**

Mayor Elliott thanked Linsly for hosting the Council meeting today. He announced that the State of the City Event will be held on February 28<sup>th</sup> at Wheeling Island Racetrack and Casino at 12:00 noon.

As an update on the Ad Hoc Committees of City Council, Mayor Elliott said that the Regional Industrial Development Committee will be giving their report at the February 21, 2017 City Council meeting. The other two committees, Retention and Affordable Housing Committees will be giving their reports at the following meeting.

Mayor Elliott reported that the Development Committee met last Friday and approved an Option Agreement on 1107 and 1109 Main Street with Domokur Architects. This will be forwarded to Council so that Council, as a whole, can vote on the matter. He stated that, due to the properties being located near the Health Plan site, it's a great economic development opportunity.

Mayor Elliott introduced Jeremy Morris and requested Council's concurrence in his appointment to the Wheeling Traffic Commission. Mr. Imer moved, seconded by Mr. Wilson, Council's concurrence. Motion carried.

Mayor Elliott introduced Christopher Rouhier and requested Council's concurrence in his appointment to the Historic Landmarks Commission. Mr. Thalman moved, seconded by Mr. Wilson, Council's concurrence. Motion carried.

Mayor Elliott introduced Linsly's Head Prefect, Daniella Troung, who will assist him in conducting the meeting today.

### **UNFINISHED BUSINESS**

There was no unfinished business.

### **HELD OVER:**

Mr. Palmer moved, seconded by Mr. Thorngate, that the Wheeling Housing Authority Minutes, 11/09/16; CDBG Program Status Report, 12/31/16; HOME Program Status Report, 12/31/16; Wheeling Municipal Parking System Financial Report, 11/30/16; Robert C. Byrd Intermodal Transportation Center Financial Report, 11/30/16; Wheeling-Ohio County Board of Health Minutes, 11/15/16; Planning Commission Minutes, 11/14/16; Planning Commission Report to Council, 1/11/17; and Financial Statement, 12/31/16; which were held over, be approved as received. Motion carried.

### **REPORT OF COMMITTEES**

Mr. Wilson moved, seconded by Mr. Palmer, to dispense with the reading of the minutes of the Public Works Committee meeting of 1/13/17 and accept them as received.

Motion carried. For the record, the minutes are as follows:

### **PUBLIC WORKS COMMITTEE REPORT - JANUARY 13, 2017**

The Public Works Committee of Wheeling City Council met on Friday, January 13, 2017 at 12:00 p.m. in City Council Chambers. Committee Members present: Chair Brian Wilson, Vice Chair Wendy Scatterday, Member Dave Palmer. Others present: Mayor Glenn Elliott, and Vice Mayor Chad Thalman; City Manager Robert Herron, Public Works Director Rusty Jebbia, City Clerk Janice Jones and the media.

The following matters were discussed:

#### **City's Recycling Program**

Chair Brian Wilson said that this meeting was called to start a dialogue about revamping the City's Recycling Program. Mr. Wilson asked Public Works Director Rusty Jebbia to give an overview of the City's current Recycling Program. Mr. Jebbia indicated that the current program collects papers and aluminum cans. He said that one truck, staffed by two part-time employees gathers residents' items on a biweekly basis and transports them to a company in Ohio. Mr. Jebbia told the Committee that when the program first started in 1993, they collected nearly 3,000 tons of recyclables each year, but he said that this total has dwindled to less than 400 tons. Mr. Jebbia said that the City is mandated by the State of West Virginia to have a recycling program. Scott Ludolph, of Scrappy Pappy's Recycling presented a proposal to the Committee offering his company's services to strengthen the city's environmental efforts by expanding Wheeling's limited coverage of acceptable recyclables. The Committee talked about various ways to revamp the current program but also talked about the possibility of expanding it, and if so, would then open it up to other vendors who may wish to submit proposals. No decision was made and it will be addressed again in the near future.

There being no further business to come before the Committee, Mr. Palmer moved, seconded by Ms. Scatterday to adjourn. Time: 12:52 p.m.

Mr. Thalman moved, seconded by Mr. Palmer, to dispense with the reading of the minutes of the Finance Committee meeting of 1/17/17 and accept them as received. Motion carried. For the record, the minutes are as follows:

### **FINANCE COMMITTEE REPORT - JANUARY 17, 2017**

The Finance Committee of Wheeling City Council met on Tuesday, January 17, 2017 at 5:00 p.m. in City Council Chambers. Committee Members present: Chair Chad Thalman, Vice Chair Dave Palmer, Member Wendy Scatterday. Others present: Mayor Glenn Elliott, Councilors Ken Imer, Brian Wilson and Ty Thorngate; City Manager Robert Herron, Finance Director Seth McIntyre, City Clerk Janice Jones and the media.

The following matters were discussed:

#### **Financial Statement - December 31, 2016**

City Manager Robert Herron explained that this financial statement represents the mid-way portion of the Fiscal Year Budget. Revenues are at 52% of budget and about \$482,000 ahead of the same time last year and expenses are at 46% and about \$150,000 less than the same time last year. He noted that the General Fund Cash Balance at the end of December is \$3,073,000. There is still \$1,055,000.00 in the budget stabilization fund. He pointed out; however, the cash balance would be reduced by about \$216,000 when the Bus Levy and the Park Commission "pass thru" are made. Another item that will lower that cash balance is approximately \$300,000 for paving, which is under contract but has not been paid for yet. Therefore, realistically, the General Fund Balance, after everything is taken into consideration is approximately \$2,500,000, compared to last year at this time of \$2,100,000, and the Budget Stabilization Fund would be approximately \$1,000,000. Following some discussion about revenue and expenses that have impacted the budget and also about the impact that a smoking ban at Wheeling Island Casino could possibly have on the budget, Member Palmer moved, seconded by Member Scatterday, to

accept the December 31, 2016 Financial Statement as presented. Motion carried.

There being no further business to come before the Committee, Ms. Scatterday moved, seconded by Mr. Palmer, to adjourn. Time: 5:10 p.m.

Mr. Thalman moved, seconded by Mr. Palmer, to dispense with the reading of the minutes of the Development Committee meeting of 01/20/17 and accept them as received. Motion carried. For the record, the minutes are as follows:

### **DEVELOPMENT COMMITTEE REPORT - JANUARY 20, 2017**

The Development Committee of Wheeling City Council met on Friday, January 20, 2017 at 4:00 p.m. in Council Chambers. Committee members present: Mayor Glenn Elliott, Vice Chair Wendy Scatterday, and Member Chad Thalman. Others present: City Manager Robert Herron, Councilman Brian Wilson, ECD Director Nancy Prager, and City Clerk Janice Jones.

The following matters were discussed:

#### **Discussion of Façade Improvement Program**

Mayor Glenn Elliott presented a draft of a Façade Improvement Program he had prepared for the Committee's discussion purposes. The draft was based in part on a similar program implemented in Greenville, South Carolina, but it also incorporated concepts from the City of Wheeling's former Downtown Wheeling Façade Rehabilitation Loan. The Committee thoroughly reviewed the "draft" and offered the following changes:

In regard to the Scope of the Program, Councilman Wilson was recognized and suggested that it should be open to any area that adopts design review standards and there are only two areas at this time, which include Chapline Row and one block beyond 23<sup>rd</sup> St. Ms. Scatterday did not agree and suggested that Council should focus on the Downtown Wheeling Business District as a starting point. Following a lengthy discussion, Mr. Thalman moved, seconded by Mayor Elliott, to amend the Scope of the Program to include any area that has adopted design review standards. Motion carried. Ms. Scatterday voted no.

In regard to the Façade Improvement Committee, Ms. Scatterday moved, seconded by Mr. Thalman, to amend the committee to include a staff member from Economic and Community Development Department, a staff member from the Engineering Department, a designee from WNHAC, a licensed architect having an office in Wheeling and having practiced for at least five years, and the Chair of the Historic Landmarks Commission (or his or her designee from the Commission). Motion carried.

As for the Maximum Allowable Award, Mayor Elliott's initial draft provided a maximum amount is \$10,000.00. Ms. Scatterday suggested that the maximum amount should be increased to \$15,000.00, with applicants eligible for a 50% reimbursement up to \$7,500.00 and then any additional expenses up to \$15,000.00 would be reimbursed at 20%. Ms. Scatterday moved, seconded by Mr. Thalman, to amend the maximum award as stated above. Motion carried.

In regard to Multiple Buildings/Parcels, the Committee concurred that the City Solicitor should review the paragraph in the draft to ensure that the program gives the Committee discretion to ensure that no one can take advantage of the program or that no one is unfairly denied by virtue of a technical reading of the rule.

Under Eligible Expenses, Eligible Improvements, Ms. Scatterday suggested that expenses incurred with respect to lighting, landscaping, irrigation, streetscape, exterior wall lighting, decorative post lighting, should be deleted from the scope of the program. Ms. Scatterday moved, seconded by Mr. Thalman, to amend the language in this paragraph as stated above. Motion carried.

Ms. Scatterday proposed an amendment providing that until such time as the City of Wheeling adopts mandatory design review guidelines for its Downtown business district, the program shall include the following requirement:

Any assistance awards provided hereunder require compliance with the United States Secretary of the Interior's Standards for Rehabilitation.

Ms. Scatterday so moved, seconded by Mr. Thalman, the above amendment. Motion carried.

For the Applicability section, the Committee concurred that the City Solicitor should revise this section to reference future standards which have yet to be considered by Council, including, but not necessarily limited to, the City's existing sign standards. An amendment was offered by Ms. Scatterday to strike the landscaping section. Ms. Scatterday so moved, seconded by Mr. Thalman. Motion carried.

For the Eligible Expenditures section, Ms. Scatterday proposed adding an additional bullet point as follows: "All design and specification work in creating construction documents shall be prepared by a licensed design professional of the architectural or engineering discipline as defined by WV Code." Ms. Scatterday so moved, seconded by Mr. Thalman, the above amendment. Motion carried.

For the Application Process section, Ms. Scatterday proposed adding the following bullet point: "Within 30 days of the issuance of an award under the FIP, the applicant shall provide the committee with contractor's qualification statement for each contractor, etc." Ms. Scatterday moved, seconded by Mr. Thalman, the above amendment. Motion carried.

For the Reimbursement Process section, Ms. Scatterday, at the request of the City Manager, moved that for the issuance of checks, the draft should delete "Economic and Community Development Department" at the end of that paragraph. Ms. Scatterday so moved, seconded by Mr. Thalman, the above amendment. Motion carried.

Following this, Ms. Scatterday moved, seconded by Mr. Thalman, that the Façade Improvement Program be approved with the amendments. Motion carried.

There being no further business to come before the Committee, Mr. Thalman moved, seconded by Ms. Scatterday, to adjourn. Time: 5:20 p.m.

Mr. Thalman moved, seconded by Mr. Palmer, to dispense with the reading of the minutes of the Development Committee meeting of 2/03/17 and accept them as received. Motion carried. For the record, the minutes are as follows:

### **DEVELOPMENT COMMITTEE REPORT - FEBRUARY 3, 2017**

The Development Committee of Wheeling City Council met on Friday, February 3, 2017 at 12:00 p.m. in Council Chambers. Committee members present: Mayor Glenn Elliott, Vice Chair Wendy Scatterday, and Member Chad Thalman. Others present: Councilor Dave Palmer, City Manager Robert Herron, City Solicitor Rose Humway-Warmuth, ECD Director Nancy Prager, and City Clerk Janice Jones.

The following matters were discussed:

#### **Option Agreement - 1107 & 1109 Main Street**

Mayor Glenn Elliott explained that these buildings were purchased in March 2016 as the city acquired additional property within the 1100 block to prepare for The Health Plan site. Both were vacant at the time. Initially, the City thought of demolishing the buildings but interest in the buildings changed that plan. Mayor Elliott asked City Manager Robert Herron to elaborate on this matter. Mr. Herron said that Domokur Architects, Akron, Ohio, has shown interest in developing the properties. He said that they would like to enter into a 60 day option agreement as they will spend significant money on architectural designs and marketing studies to find out what purpose these buildings may serve. He said that Domokur would prefer to maintain control of the properties while it edges closer to a final decision. Mr. Herron said that, after the 60 days, if the firm ultimately proposes a project, the submission would go before the Development Committee again and then to Council. He said that the firm's initial plans are to develop first floor retail in each of the two story buildings. Should a proposal be submitted, the standard reversionary clause would be included in the agreement.

Following this, Ms. Scatterday moved, seconded by Mr. Thalman, to forward the Option Agreement to Council. Motion carried.

There being no further business to come before the Committee, Mr. Thalman moved, seconded by Ms. Scatterday, to adjourn. Time: 12:15 p.m.

## **REPORT OF CITY MANAGER**

City Manager Robert Herron updated Council on the recent Police Civil Service Exam He indicated that there were 89 applicants, 55 took the exam, and 22 passed.

Mr. Herron pointed out that there is an amended agenda today which includes a Resolution, listed as Item 9/12, which sets a public hearing to declare The American Legion - Post 89, located at 1419 Jacob Street, as a public nuisance. Mr. Herron provided City Council with the Police Chief's recommendation and information. He also concurs with that recommendation and respectfully asks that Council pass the Resolution setting the public hearing for February 21, 2017 at 5:30 p.m. Packets of information will be delivered to The American Legion this afternoon.

## **REPORT OF OTHER OFFICERS**

Mr. Thalman moved, seconded by Mr. Thorngate, that the Human Rights Commission Minutes, 11/16/16; Wheeling Housing Authority Minutes, 12/14/16; Board of Zoning Appeals Minutes, 12/15/16; Traffic Commission Minutes, 1/12/17; Greater Wheeling Sports & Entertainment Authority Minutes, 11/22/16; Greater Wheeling Sports & Entertainment Authority Income Statement, 11/16 and 12/16; Wheeling Municipal Parking System Financial Report, 12/31/16; Robert C. Byrd Intermodal Transportation Center Financial Report, 12/31/16; and Historic Landmarks Commission Minutes, 2/1/16; be held over until the next meeting. Motion carried.

## **ORIGINAL PROPOSITIONS**

### **ROBERT C. BYRD INTERMODAL TRANSPORTATION CENTER SHORTFALL - FY 2015**

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$85,361.28 WITH THE ROBERT C. BYRD INTERMODAL TRANSPORTATION CENTER FOR THE INTERMODAL TRANSPORTATION CENTER SHORTFALL - FY 2015, TO BE CHARGED TO #001.4414.50.5134.

### **ZONE CHANGE - VARIOUS PROPERTIES - I-2 TO D-2 AND E-M-O TO D-2 (DOWNTOWN MEDIUM DENSITY)**

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING THE ZONING DISTRICT CLASSIFICATION OF 1803 EOFF STREET FROM I-2 GENERAL INDUSTRY to D-2 DOWNTOWN MEDIUM DENSITY AND 1516 MAIN STREET, 1527, 1529, 1535 & 1704 MARKET STREET, 8, 50, & 52 16<sup>th</sup> STREET, 6 SOUTH STREET, 1533 MARKET STREET, 8-16<sup>th</sup> STREET FROM EMO EDUCATIONAL MEDICAL OFFICE TO D-2 DOWNTOWN MEDIUM DENSITY.

### **AMENDING CODIFIED ORDINANCES - PART 13, PLANNING & ZONING CODE, CHAPTER 3, ZONING ORDINANCE, ARTICLE 1339 - COMMERCIAL DISTRICTS**

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING PART THIRTEEN – PLANNING AND ZONING CODE, CHAPTER THREE – ZONING ORDINANCE – ARTICLE 1339 – COMMERCIAL DISTRICTS, SCHEDULE 5.A SCHEDULE OF DIMENSIONAL REQUIREMENTS ESTABLISHING A 0' MAXIMUM SETBACK IN THE

DOWNTOWN ZONING DISTRICTS (D-1, D-2, & D-3).

ADOPTING TRAFFIC RULE 4583 - HANDICAPPED PKG. ALBERTA AVE. (BEHIND 51 DOROTHY AVENUE)

The following was then read:

TRAFFIC RULE NO. 4583 - TO ESTABLISH A HANDICAPPED PARKING ZONE ON THE EAST SIDE OF ALBERTA AVE., DIRECTLY BEHIND 51 DOROTHY AVENUE, IN THE CITY OF WHEELING, AND EXTENDING ON ALBERTA AVE. FOR A DISTANCE OF 22 FEET. THIS RULE IS SUBJECT TO A TWO YEAR LIMITATION AND MUST BE RENEWED AT THAT TIME.

ADOPTING TRAFFIC RULE 4584 - HANDICAPPED PKG. - 3712 CHAPLINE ST.

The following was then read:

TRAFFIC RULE NO. 4584 - TO ESTABLISH A HANDICAPPED PARKING ZONE ON THE EAST SIDE OF CHAPLINE ST., DIRECTLY IN FRONT OF 3712 CHAPLINE STREET, IN THE CITY OF WHEELING, AND EXTENDING ON CHAPLINE STREET FOR A DISTANCE OF 22 FEET. THIS RULE IS SUBJECT TO A TWO YEAR LIMITATION AND MUST BE RENEWED AT THAT TIME.

ADOPTING TRAFFIC RULE 4585 - 5 WAY STOP INTERSECTION - 14<sup>TH</sup> ST., WOOD ST., LIND ST.

The following was then read:

TRAFFIC RULE NO. 4585 - AN ORDINANCE AMENDING THE TRAFFIC CONTROL MAP OF THE CITY OF WHEELING DESIGNATING THE INTERSECTION OF 14<sup>TH</sup> STREET, LIND STREET AND WOOD STREET AS A FIVE WAY STOP INTERSECTION, STOPPING TRAFFIC MOVING IN ALL DIRECTIONS AT THIS INTERSECTION.

O'BRIEN'S RENT-ALL - MT. WOOD WATERLINE PROJECT - CO #1

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$16,679.13 WITH O'BRIEN'S RENT-ALL, OF WHEELING, WV, FOR MT. WOOD RD. WATERLINE PROJECT, CHANGE ORDER NO. 1, TO BE CHARGED TO WATER - #400.1331.04.00.

EVOGOV - CITY WEBSITE DESIGN AND DEVELOPMENT

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH EVO STUDIOS, INC., DBA EVOGOV, OF PARKER, CO, FOR WEBSITE DESIGN AND DEVELOPMENT IN AN AMOUNT NOT TO EXCEED \$33,000.00, TO BE CHARGED TO CITY MANAGER - #001.4412.50.5680.

RESOLUTION - GOVERNOR'S COMMUNITY PARTNERSHIP GRANT AGREEMENT - ELM RUN DRAINAGE WAY

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO RECEIVE \$5,000.00 FROM THE GOVERNOR'S COMMUNITY PARTICIPATION PROGRAM TO DREDGE THE ELM RUN DRAINAGE WAY - PROJECT NO. 07LEDA0603N.

Mr. Thalman moved, seconded by Mr. Thorngate, that the Resolution be adopted.  
Motion carried.

RESOLUTION - OPTION AGREEMENTS 1107 & 1109 MAIN ST. - DOMOKUR ARCHITECTS

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO EXECUTE OPTION AGREEMENTS WITH DOMOKUR ARCHITECTS CONCERNING 1107 AND 1109 MAIN STREET FOR FUTURE TRANSFER AND REDEVELOPMENT.

Mr. Imer moved, seconded by Mr. Wilson, that the Resolution be adopted. Motion carried.

RESOLUTION - DOWNTOWN FACADE IMPROVEMENT PROGRAM

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 FACADE IMPROVEMENT PROGRAM.

Mr. Thalman moved, seconded by Mr. Thorngate, that the Resolution be tabled in order to make some amendments. Motion carried.

RESOLUTION - SETTING HEARING REGARDING PUBLIC NUISANCE - AMERICAN LEGION - POST 89 - 1419 JACOB STREET

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 THE AMERICAN LEGION POST 89, LOCATED AT 1419 JACOB STREET, PRESENT 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.

Mr. Thalman moved, seconded by Mr. Wilson, that the Resolution be adopted.  
Motion carried.

Mr. Herron said that a public hearing is required prior to adoption of an actual declaration of a public nuisance. Mr. Herron noted that the public nuisance ordinance has been enacted three times.

**THOSE WISHING TO BE HEARD**

No one signed up to speak.

There being no further business, Mr. Thalman moved, seconded by Mr. Imer, to adjourn. Motion carried. Time: 12:35 p.m.