

Council of the City of Wheeling met at Wheeling Park High 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, Scatterday, Thorngate and Palmer

- 7

Mr. Thalman moved, seconded by Mr. Thorngate, that the minutes of the March 21, 2017 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor Elliott expressed appreciation to Ohio County Superintendent Kim Miller and Wheeling Park High School Principal Amy Minch for graciously allowing Council to conduct their meeting here today. This is the third such meeting held outside our normal location. The next one is scheduled for September at Madison Elementary.

Mayor Elliott commented that he spent considerable time in Charleston over the week-end at the Legislature dealing with bills that could have a great economic impact on the City of Wheeling. He is hoping that the Governor will veto the Greyhound Racing Bill that passed in the House and the Senate. The other bill that was of interest is the Historic Tax Credit Bill which would raise the tax credit from 10% to 25%.

Mayor Elliott updated Council and the public on the status of American Legion Post 89. He said that he, Vice Mayor Thalman and Councilor Wilson met with the new management team and discussed conditions by which they could continue operations. No decision was made but is expected during the April 18th meeting.

Mayor Elliott presented proclamations for the Mayor's Day of Recognition to the following people: Linda Vidoni, Senior Corps Representative; Samantha Amberg-Dougherty, Alex Barry (Grow OV), Americorps Vista, WV Promise Representatives; Sara Carpenter and Lyce Shrodes, Youth Services System Representatives and Shelley Phillips, WV Extension Services, Representative. He then asked Councilor Scatterday, as a former graduate of Wheeling Park High School, to read and present the proclamations and recognitions to the Wheeling Park High School Speech and Debate Team, the Wheeling Park Patriot Cheerleaders and the Wheeling Park Girls Swim Team. Mayor Elliott also proclaimed the month of April as Fair Housing Month in the City of Wheeling.

At this time, Mayor Elliott introduced Derrick McKee, Co-Chair of the Ad Hoc Committee on Retention, who presented the final report on their findings to Council and those present. A copy of the entire report is available in the City Clerk's Office and on the City's website. Mayor Elliott thanked the Committee for the report and said that he would like to convene for a public work session to take questions on the report from Council members.

UNFINISHED BUSINESS

EDGCO, INC. - DEMOLITION & ABATEMENT - WATER FILTRATION BLDG (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$170,980.00 WITH EDGCO, INC., OF LANSING, OH, FOR DEMOLITION AND ABATEMENT OF WATER FILTRATION BUILDING, TO BE CHARGED TO WATER - 400.1304.02.00.

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

Mr. Wilson commented that he thinks the demolition of this building is premature. He would like to explore another use of this building. He indicated that he will be voting no. In response to Mayor Elliott's question to the City Manager, Mr. Herron said that, prior to building the new plant, an estimate to update the old building was done in 2004 and, at that time, improvements to it were estimated at about \$770,000.00. Mr. Herron said that there have not been improvements made since that time and it is in bad condition. In addition, he said that they cannot permit public access to the building due to security reasons, that being too close in proximity to the filtration system. Although Ms. Scatterday agrees with Mr. Wilson, she believes, unfortunately, that there is no other alternative as this building has sat in disrepair for so many years.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Scatterday, Thorngate, Palmer - 6
NOES: Wilson - 1

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

AGREEMENT - WVDOT - DIVISION OF HWYS. - STREETScape PROJECT

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE MAYOR AND CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS, REGARDING IMPLEMENTATION AND FUNDING OF MODIFICATIONS ALONG CERTAIN ROADWAYS, WITHIN THE CITY OF WHEELING, IN OHIO COUNTY.

The ordinance was read a second time by title. Mr. Thalman moved, seconded by Ms. Scatterday, that the ordinance be adopted. Mayor Elliott asked Mr. Herron to explain the project. Mr. Herron explained that this is an \$8.7 million dollar streetscape project along Main and Market Streets, between 10th and 16th Streets, which consists of handicap accessibility, reconstructing sidewalks, resurfacing pavement, removing and reinstalling street lighting and street signals, etc. Mayor Elliott added that the City has also asked the Division of Highways to conduct a study to assess the feasibility of making Main and Market Streets two way.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Wilson, Scatterday, Thorngate, Palmer - 7
NOES: - 0

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

AMENDING AND REENACTING CODIFIED ORDINANCES - ART. 363 - PARKING METERS SECTIONS 363.15; 363.16 & 363.99

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING PART THREE - TRAFFIC CODE, ARTICLE 363 - PARKING METERS, TO AMEND SECTION 363.15 - CONCERNING HANDICAP METERS, SECTION 363.16 - CONCERNING PARKING METER RENTAL, AND SECTION 363.99 - CONCERNING

OVERTIME AND IMPROPER PARKING FINES AND PENALTIES.

Mr. Palmer moved, seconded by Mr. Thorngate, that this ordinance be tabled. Motion carried.

At this time, Mayor Elliott asked that Student Council President Luke Knollinger read the items that were held over. Mr. Palmer moved, seconded by Ms. Scatterday, that the Human Rights Commission Minutes - 1/17/17; Wheeling Housing Authority Minutes - 1/18/17; Historic Landmarks Commission Minutes - 2/2/17; Planning Commission Minutes - 2/13/17; Board of Zoning Appeals Minutes - 2/16/17; CDBG Program Status Report - 2/28/17; HOME Program Status Report - 2/28/17; Financial Statement - 2/28/17 which were held over be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Thorngate commented that he graduated from Wheeling Park High School and talked about his experiences. He encouraged students that any goal is attainable if you work hard and stay focused. He also thanked Ms. Miller and Ms. Minch for allowing us to conduct our council meeting here today. Mr. Palmer said that he too is a proud graduate of WPHS.

Mr. Thalman also encouraged students to get involved in their community. He thanked Student Council President, Luke Knollinger, for assisting with today's meeting. Ms. Scatterday, also a graduate of WPHS, announced that the Ward 4 meeting will be held on April 11, 2017 at 7:00 p.m., at Vance Church. Ms. Scatterday also announced that Martha Polinsky, Project Coordinator, with IMPACT Coalition, is present and will be handing out information about the RX Take Back Day and a meeting at WVNCC on May 9, about overdose training.

Mr. Wilson also thanked the WPHS staff for hosting today's meeting. He is a 2008 graduate of WPHS and is the youngest member of Council. He also encouraged students to get involved and stay involved. Mr. Imer thanked the Wheeling Park High School staff for allowing us to conduct our council meeting here today.

REPORT OF COMMITTEES

Mr. Thalman moved, seconded by Ms. Scatterday to dispense with the reading of the minutes and accept them as received. Motion carried. For the record, they are as follows:

FINANCE COMMITTEE REPORT - 3/21/17

The Finance Committee of Wheeling City Council met on Tuesday, March 21, 2017 at 4:45 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, City Solicitor Rose Humway-Warmuth, Finance Director Seth McIntyre, City Clerk Janice Jones and the media.

The following matters were discussed:

Financial Statement - February 28, 2017

City Manager Robert Herron explained that Revenues are at 69% of budget, about \$569,000.00 ahead of the same time last year. He noted that the B & O Revenue is about \$365,000.00 ahead of last year's figures. He pointed out some line items that were slightly down from last year, most of which were attributed to the slowing down of the gas and oil industry. Expenditures are at about 60% of budget, if you take into account various encumbrances that this financial statement does not reflect. He noted that the General Fund Cash Balance at the end of February is \$3,659,000.00. There is still \$1,055,000.00 in the budget stabilization fund, making the cash position at the end of February at \$4,714,000.00, which is about \$1,070,000.00 ahead of where we were for the same time period last year. Mr. Palmer pointed out for future reference that the Video Lottery line item is down and we need to keep any eye on it as it could significantly impact the budget. Ms. Scatterday asked Mr. Herron if he could provide an assessment on pay equity so that we can have a comparative analysis to look at for the future and she would also like a list of interdepartmental purchasing of supplies. Following a short discussion, Mr. Palmer moved, seconded by Ms. Scatterday, to accept the February 28, 2017 Financial Statement and forward it

to Council. Motion carried.

There being no further business to come before the Committee, Ms. Scatterday moved, seconded by Mr. Palmer, to adjourn. Motion carried. Time: 4:55 p.m.

Mr. Imer moved, seconded by Mr. Thorngate, to dispense with the reading of the minutes and accept them as received. Motion carried. Mr. Thalman asked City Manager Herron for an update on the residency requirement ordinance. Mr. Herron indicated that the City Solicitor was still researching this with other municipalities, but his recommendation is that this only apply to safety forces. As far as the 45 minute/mile recommendation, it is still being researched.

For the record, they are as follows:

RULES COMMITTEE REPORT - 3/21/17

The Rules Committee of Wheeling City Council met on Tuesday, March 21, 2017 at 5:00 p.m. in City Council Chambers. Committee members present: Chair Ken Imer, Vice Chair Ty Thorngate, Member Chad Thalman. Others present: Mayor Glenn Elliott; Councilors Wendy Scatterday, Brian Wilson and Dave Palmer; City Manager Robert Herron, City Solicitor Rosemary Humway-Warmuth, Finance Director Seth McIntyre, and Clerk Janice Jones.

The following matter was discussed:

Residency Requirements

City Manager Robert Herron explained that it has come to his attention that the hiring of safety forces has been extremely limited due to our current residency requirements. He explained that about five years ago, the residency requirements were enlarged to include a portion of Marshall County to the south and Brooke County to the north; however, there have been numerous qualified applicants that either live in Pennsylvania or Ohio that have expressed interest in applying but for the residency requirements. After discussions with the Police Chief, Fire Chief, and Public Works Department, Mr. Herron is recommending that the restriction of being a West Virginia resident be lifted and that the response time of 45 minutes for travel to work be added, not just for safety forces but for all city employees. Mr. Herron indicated that a map would be developed with the 45 minute response time outlined. Following a short discussion, Mr. Thalman moved, seconded by Mr. Thorngate, to forward this to Council. Motion carried.

There being no further business to come before the Committee, Mr. Thalman moved, seconded by Mr. Thorngate, to adjourn. Time: 5:15 p.m.

Mr. Palmer moved, seconded by Mr. Wilson, that the reading of the minutes be dispensed with and the minutes accepted as received. Motion carried. For the record, they are as follows:

PUBLIC SAFETY COMMITTEE REPORT - 3/28/17

The Public Safety Committee of Wheeling City Council met on Tuesday, March 28, 2017 at 12:00 noon, in City Council Chambers. Committee Members present: Chair Dave Palmer, Vice Chair Ken Imer and Member Brian Wilson. Others present: City Manager Robert Herron, Mayor Glenn Elliott, Vice-Mayor Chad Thalman, Fire Chief Larry Helms, City Solicitor Rosemary Humway-Warmuth, Economic and Community Development Director Nancy Prager, City Clerk Janice Jones and the media.

The following matter was discussed:

Rental Inspection Program

The Public Safety Committee met to discuss a proposed Rental Inspection Program. Topics of discussion revolved around the process and requirements, matters of concern, local need for such program, inspections versus rental occupancy permit or both, the potential number of affected rental units, personnel for inspection, including Fire Department, Inspection Department, Legal Department, as well as Finance Department regarding B & O implications, etc. The City of Morgantown's Rental Inspection Program Ordinance /document was provided as a basis for

creating a similar type program. A question and answer period ensued with ECD Director Nancy Prager and Fire Chief Larry Helms. Further discussion of this program will be scheduled for a later date.

There being no further business to come before the Committee, Mr. Imer moved, seconded by Mr. Wilson, to adjourn. Time: 12:38 p.m

REPORT OF CITY MANAGER

City Manager Robert Herron commented that Item 9/1, Municipal Council Levy Estimate, is part of the budget process for FY 2017-2018. The Municipal levy generates funds for the general fund, OVRTA Levy, Wheeling Park Commission, and the WesBanco Arena General Obligation Bonds. In regard to the Item 2/2 relevant to parking meter fines, Mr. Herron said that a public hearing will be held on April 18, 2017 at 5:30 p.m. in City Council Chambers.

REPORT OF OTHER OFFICERS

Luke Knollinger also assisted with this portion of the agenda. Mr. Thalman moved, seconded by Mr. Thorngates. Scatterday, that the Municipal Civil Service Commission Annual Report - 2016; Fire Civil Service Commission Annual Report - 2016; Police Civil Service Commission Annual Report - 2016; Greater Wheeling Sports & Entertainment Authority Minutes - 1/31/17; Greater Wheeling Sports & Entertainment Authority Income Statement - 2/28/17; and Human Rights Commission Minutes - 2/21/17, be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

MUNICIPAL COUNCIL LEVY ESTIMATE - FISCAL YEAR 2017-2018

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 2017-2018 BUDGET FOR WHEELING MUNICIPALITY, OHIO COUNTY.

RESOLUTION - WHEELING-OHIO COUNTY HEALTH DEPARTMENT - REQUEST BY CITY OF WHEELING TO HAVE A STUDY CONDUCTED ON ECONOMIC IMPACT OF SMOKING BAN

The following was then read:

WHEREAS, the Wheeling-Ohio County Health Department (WOCHD) is responsible for directing, supervising and carrying out matters relating to the public health of Ohio County; and

WHEREAS, on November 10, 2015, (WOCHD) approved the Wheeling Ohio County Clean Air Regulation regulating smoking in most public places in the City of Wheeling and Ohio County, such regulation becoming effective on March 1, 2016; and

WHEREAS, the Wheeling Ohio County Clean Air Regulation exempted (1) areas of gaming and entertainment establishments licensed by the West Virginia Lottery Commission and/or the West Virginia Racing Commission and (2) free-standing limited video lottery rooms (collectively, the "Exempted Areas"); and

WHEREAS, the WOCHD has indicated through its Position Statement dated January 10, 2017 that it has a goal to make the City of Wheeling and Ohio County 100% smoke-free and that it intends to act towards that goal in calendar year 2017.

NOW, THEREFORE, be it resolved that the City Council of the City of Wheeling hereby requests that the WOCHD conduct (or have conducted) a study estimating the economic impact that such extending its smoking ban to all Exempted Areas would have on the businesses in both the City of Wheeling and in Ohio County;

AND BE IT FURTHER RESOLVED, that the City Council of the City of Wheeling hereby requests that any application of the smoking ban to any of the Exempted Areas be delayed or adjusted in such a way so as to minimize the negative economic impact on those business that have Exempted Areas.

Mr. Palmer moved, seconded by Mr. Thalman, that the Resolution be adopted.

Ms. Scatterday voiced her opposition to the Resolution as she believes a study would put an unnecessary financial burden on the Health Department. Mr. Palmer respectfully disagreed as he was the one who initiated the Resolution. He feels strongly that it would have a great economic impact on many businesses in the City.

A vote was taken on the Resolution and the motion passed. Ms. Scatterday voted no.

Mr. Knollinger thanked City Council for the opportunity to help conduct today's meeting and thanked Council for the great job they are doing.

THOSE WISHING TO BE HEARD

No one signed up to speak.

There being no further business, Mr. Thalman moved, seconded by Mr. Palmer, to adjourn. Motion carried. Time: 1:20 p.m.

City Clerk

Mayor