

Council of the City of Wheeling met in Council Chambers, City-County Building, 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

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Mr. Thalman moved, seconded by Mr. Thorngate, that the minutes of the April 4, 2017 meeting be approved as received. Motion carried.

Mr. Thalman moved, seconded by Mr. Palmer, to suspend the regular order of business to conduct two public hearings. Motion carried.

**“Public Hearing - Amending Codified Ordinances - Traffic Code Article 363 Parking Meters To Amend Section 363.15 Concerning Handicap Parking Meters, Section 363.16 Concerning Parking Meter Rental and Section 363.99 Concerning Overtime and Improper Parking Fines and Penalties”**

Charles Ballouz, Windsor Manor and Margaret Brennan, 136 N. 19<sup>th</sup> St., both spoke at the public hearing and believe \$10.00 is too much of an increase from the current \$3.00 ticket. Susan Hagan, spoke and said that she doesn't have a problem with the increase; however, she is not in favor of parking in the parking garages as she believes they are mismanaged.

**“Public Hearing - Municipal Council Levy Estimate - FY 2017-2018”**

No one signed up to speak at this public hearing. Mr. Thalman moved, seconded by Mr. Palmer, to close the public hearings and resume the regular order of business. Motion carried

**MAYOR'S REPORT**

Mayor Glenn Elliott updated those present on actions taken by the West Virginia Legislature this session. Mayor Elliott indicated that our biggest goal this session was to increase the historic tax credit from 10% to 25% to be in line with Ohio, Pennsylvania and other bordering states; however, this bill did not pass but we hope to address it again in special session or next year. Another item that was of great concern was the Greyhound legislation, which was ultimately vetoed by Governor Justice. Mayor Elliott thanked City Manager Robert Herron, as well as Delegates Storch and Fluharty for their assistance on this bill.

Mayor Elliott commented that the Ohio County Solid Waste Authority is conducting their Annual Spring Clean-Up Event throughout the City this month. The locations remaining are Garden Park, Wheeling Middle School, and Wheeling Island Marina. Schedules are available at the door and on Facebook.

The Greater Wheeling Artist Studio Tour, presented by the Wheeling Arts & Cultural Commission will take place on April 29, 2017 from 11:00 a.m. to 5:00 p.m. Mayor Elliott said that local artists will open their studios to the public to share both process and product.

Mayor Elliott announced at the Fitzsimmons' Family Dog Park will host a “Yappy Hour” at Quaker Steak and Lube this Sunday from 2:00 to 5:00 p.m. He also announced that summer schedules for Recreation and Heritage Port will be available later this month, both online and printed copies.

He announced that the Wheeling Fire Department has started fire hydrant testing and will continue doing so for approximately 30 days. Some discoloration may occur.

Mayor Elliott also announced that the Facade Improvement Program is up and running. Applications will be available starting tomorrow morning in the Economic and Community Development Department.

Mayor Elliott presented a proclamation to the Wheeling Park High School SADD group, proclaiming the week of April 17 through April 22 as Wheeling Park High School SADD Week in the City of Wheeling.

### **UNFINISHED BUSINESS**

#### **AMENDING AND REENACTING CODIFIED ORDINANCES - ART. 363 - PARKING METERS - SECTIONS 363.15; 363.16; AND 363.99 (TABLED 4/4/17)**

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.

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

Mr. Palmer explained that the citizens' comments were taken into consideration during discussions about raising the fees. He said that this is the first step in the process to improve parking in the downtown area and throughout the city. Ms. Scatterday said that the public will be educated prior to full enactment of this ordinance. Mayor Elliott thanked the Finance Committee for bringing this to the forefront and acting on it.

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.

Ms. Scatterday recognized Councilor Imer and the previous administration for their work on this also.

#### **MUNICIPAL COUNCIL LEVY ESTIMATE - FY 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.

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

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.

Ms. Scatterday moved, seconded by Mr. Wilson, 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; that were held over, be approved as received. Motion carried.

### **REMARKS FROM MEMBERS OF COUNCIL**

Ms. Scatterday pointed out, that with high school proms being held throughout the Ohio Valley, the Wheeling Park High School SADD Club is having an event called "Tie One On," in which they tie a red ribbon on their antenna to remind everyone to be responsible and make wise decisions during this time. She also reminded the public of a Drug Take Back Day on April 29<sup>th</sup> at the Elm Grove Pharmacy and at Kroger. Ms. Scatterday said that she has tickets available for the Hall of Fame Dinner that will be held on June 3<sup>rd</sup> if anyone would like to purchase one.

Mr. Thalman passed along a thank you from Judy Stechly, a resident of River Hills, to City Staff and Administration for the way they have been maintaining the streets and other services during the past year at River Hills.

Mr. Palmer announced that there will be a Ward Six/Crime Watch Meeting tomorrow evening at 7:00 p.m. at the Elm Grove Civics.

### **REPORT OF CITY MANAGER**

City Manager Robert Herron said that demolition of the house, that was involved in the tragic fire that took the lives of three people, will be demolished tomorrow.

Also, Mr. Herron said that he, Mayor Elliott and Mr. Wilson met with the new management of the American Legion Post 89 and that they have agreed, in writing, to the stipulations contained in the agreement with the City.

Mr. Herron indicated that Lash Paving is continuing to do paving throughout the City and they are about one-half complete.

City Manager Herron announced that State Evaluation Board for Emergency Services gave the Wheeling Fire Department a 100% compliance award. He congratulated them on this prestigious accomplishment.

### **REPORT OF OTHER OFFICERS**

Mr. Wilson moved, seconded by Mr. Imer, that the Wheeling Housing Authority Minutes, 3/8/17; Historic Landmarks Commission Minutes, 3/2/17; CDBG Program Status Report, 3/31/17; HOME Program Status Report, 3/31/17; Wheeling Municipal Parking System Financial Report, 2/28/17; Robert C. Byrd Intermodal Transportation Center Financial Report, 2/28/17, Planning Commission Minutes, 3/13/17; Planning Commission Report to Council, 4/12/17; and Financial Statement, 3/31/17; be held over until the next meeting. Motion carried.

### **ORIGINAL PROPOSITIONS**

INSITUFORM TECHNOLOGIES, LLC - PHASE 4 - MOZART WATER LINE REHABILITATION

(WATER)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$201,725.00 WITH INSITUFORM TECHNOLOGIES, LLC., OF CHESTERFIELD, MO., FOR PHASE 4 - MOZART WATER MAIN REHABILITATION, TO BE CHARGED TO WATER - 400.1331.04.00.

INSITUFORM TECHNOLOGIES, LLC - PHASE 4 - MOZART WATER LINE REHABILITATION (CONTINGENCIES)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$46,140.00 WITH INSITUFORM TECHNOLOGIES, LLC., OF CHESTERFIELD, MO., FOR PHASE 4 - MOZART WATER MAIN REHABILITATION - CONTINGENCIES, TO BE CHARGED TO WATER - 400.1331.04.00.

RESOLUTION - AGREEMENT - AMERICAN LEGION POST 89 - 1419 JACOB STREET

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING ACCEPTING THE TERMS AND CONDITIONS AS CONTAINED IN AN AGREEMENT BETWEEN THE CITY OF WHEELING AND THE AMERICAN LEGION POST 89, LOCATED AT 1419 JACOB STREET TO ABATE SUCH CONDITIONS WHICH GAVE RISE TO RECOMMENDATIONS OF A PUBLIC NUISANCE DECLARATION.

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

At this time, Mayor Elliott took comments from those who signed up to speak about this subject prior to the vote.

Mr. James Martin thanked everyone involved in the decision. Mr. Charles Ballouz spoke in support of keeping the American Legion open. Mr. Richard Wallace spoke in support of the American Legion, specifically the new manager, James Martin.

Mr. Wilson said that he has seen, first hand, that Mr. Martin is doing and will continue to do a great job in managing the Legion. Ms. Scatterday encouraged the American Legion to be "good neighbors."

Mayor Elliott commented that this is not just a bar but an historical establishment. He commended the American Legion for their cooperation in this matter.

A vote on the motion was then taken. All in favor.

**THOSE WISHING TO BE HEARD**

Chuck Fair, 1290 National Road, congratulated Council and the Mayor for their efforts in regard to the Greyhound Legislation. He commented that he was opposed to the public comment portion of the meeting being excluded from the televising of the meetings.

Bill Orkoskey, resident of Henderson St., complained about a slip on his road in the Fulton area of the City.

Sam Schildkraut, Wheeling Inn, addressed Council about harassment by the press and other issues.

There being no further business, Mr. Thalman moved, seconded by Mr. Wilson, to adjourn. Motion carried. Time: 6:35 p.m.

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City Clerk

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Mayor