

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

- 7

Mr. Thalman moved, seconded by Mr. Thorngate, that the minutes of the April 18, 2017 meeting be approved as received. Motion carried.

### **MAYOR'S REPORT**

Mayor Elliott updated Council and the public on legislative issues that will be addressed in special session. He indicated that Governor Justice is set to propose a tax reform bill this Thursday and that it will include increasing the historic tax credit from 10% to 24%.

He announced that the Amazing Raise is being held today and that the city has a recreation and parks fund should you wish to donate to it. He also announced that the Hall of Fame Board will hold a press conference tomorrow at 10:30 a.m. to announce the 2017 Hall of Fame Board Inductees, who will then be inducted into the Hall of Fame on June 3, 2017.

In regard to the Facade Improvement Program, we have received one full application and six more are in the process. Mayor Elliott said that he is encouraged to see local property owners taking advantage of this incentive.

He announced that Summer Events brochure will be delivered this week and will be available in the lobby of the City-County Building and the Visitors' Center. In addition, the summer schedule for recreation and Heritage Port will be available later this month, both online and printed copies.

Mayor Elliott announced that the deadline for applications for the Show of Hands event that will be held on May 24<sup>th</sup> is May 3<sup>rd</sup>.

Mayor Elliott reported that he will be absent from the May 16, 2017 City Council meeting as he will be attending a CEO's for Cities Conference in Greenville, SC. He indicated that Vice Mayor Thalman will be presiding over the May 16<sup>th</sup> meeting.

Mayor Elliott introduced Frank Calabrese, whom he would like to appoint to the Human Rights Commission. Following Mr. Calabrese's introduction, Mr. Thalman moved, seconded by Mr. Thorngate, Council's concurrence in the appointment. Mayor Elliott then introduced John Looney, whom he would like to appoint to the Wheeling Housing Authority. Following Mr. Looney's introduction, Ms. Scatterday moved, seconded by Mr. Thalman, Council's concurrence in the appointment. Mayor Elliott also announced that he would like to appoint Dan Grant, AIA, architect with M & G Architects, to the Facade Improvement Committee. Ms. Scatterday moved, seconded by Mr. Thalman, Council's concurrence in the appointment. Motion carried.

### **UNFINISHED BUSINESS**

#### **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.

The ordinance was read a second time by title. Mr. Wilson moved, seconded by Mr. Imer, 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.

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.

The ordinance was read a second time by title. Mr. Wilson moved, seconded by Mr. Imer, 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. Palmer, 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; which were held over, be approved as received. Motion carried.

**REMARKS FROM MEMBERS OF COUNCIL**

Ms. Scatterday commented that she, along with the Mayor, Vice Mayor and several Council members, will be attending a Leadercast simulcast event at the Vineyard Church on Friday. She thanked the City for their sponsorship in this event.

Ms. Scatterday has substance abuse information available for anyone who is interested following tonight's meeting. She also has information on Drug Take Back Days that will be forthcoming. In addition, she announced that Ward 4 will be hosting their ward meeting next Tuesday at Temple Shalom at 7:00 p.m.

Mr. Thorngate announced that Ward 5 will be holding their Crime Watch/Ward 5 meeting on May 18 at 7:00 p.m. at Christ United Methodist Church.

Mr. Palmer commented that he had attended the public hearing that was held by the Ohio County Health Department in regard to the proposed smoking ban. He is hopeful that the Board will take into account all of the public comment from residents who are opposed to this smoking ban.

**REPORT OF COMMITTEES**

Mr. Thalman moved, seconded by Mr. Palmer, that the reading of the Finance Committee Report of 4/18/17 be dispensed with and the minutes accepted as received. Motion carried. For the record, they are as follows:

### **FINANCE COMMITTEE REPORT - APRIL 18, 2017**

The Finance Committee of Wheeling City Council met on Tuesday, April 18, 2017 at 5:15 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 - March 31, 2017**

City Manager Robert Herron explained that, after three full quarters, our Revenues are at 77% of budget, about \$180,000.00 ahead of the same time last year. He noted that the B & O Revenue is about \$390,000.00 ahead of last year's figures. He pointed out property tax revenue is about equal to last year's figures; however, the hotel/motel revenue is about \$163,000.00 less than last year, which is mostly attributable to the slowing down of the gas and oil industry. Expenditures are at about 69% of budget. He noted that the General Fund Cash Balance at the end of March is \$3,445,000.00. There is still \$1,055,000.00 in the budget stabilization fund, making the cash position at the end of March at \$4,500,711.00. Mr. Herron indicated that April and May are typically big revenue months and we will have a better idea of what the cash carryover will be at that time. Ms. Scatterday moved, seconded by Mr. Palmer, to accept the March 31, 2017 Financial Statement and forward it to Council. Motion carried.

In another matter, Mr. Herron advised Council that he had met with our insurance brokers yesterday and they have indicated that there will be an approximate 26% increase to our health insurance premiums for next year, which translates into about \$1.4 million dollars. We had budgeted a 10% increase.

There being no further business to come before the Committee, Ms. Scatterday moved, seconded by Mr. Palmer, to adjourn. Motion carried. Time: 5:26 p.m.

### **REPORT OF CITY MANAGER**

City Manager Robert Herron said that the residency ordinance that is on tonight's agenda includes all employees, not just Police and Fire. If Council wants changes to this ordinance, then we will have to look into that. In response to a question from Mr. Palmer, City Manager Herron said that the 45 mile radius starts at the City offices, 1500 Chapline St. Mr. Palmer indicated that he believes that the ordinance should apply to all employees.

A discussion ensued about whether all employees should be required to live within the 45 mile radius. Mr. Herron pointed out that each department has policies on emergency response time that are already in place; however, he said that he would not have a problem if Council would want to amend the one before us this evening to limit it to Police and Fire.

Mr. Herron updated Council on the progress of the City's website. He said that the new website should be up and running in about 12 to 15 weeks.

Mr. Wilson asked Mr. Herron when the striping would be placed on the blacktop that was recently paved on Wood St., between 14<sup>th</sup> and 15<sup>th</sup> St. Mr. Herron said that he will get that information from the Operations Department and let him know.

Mr. Imer inquired about the status of the slippage on Henderson Street. Mr. Herron said that he would check with the Engineering Department as to the status of this project as it cannot be done internally and would have to be bid out.

Mr. Herron then explained Item 9/5 regarding amending the height requirements in Commercial Districts. He said that this amendment that the Planning Commission

recommended is that all buildings in the Commercial district be a minimum of three stories. Ms. Scatterday further explained that this amendment to the Zoning Ordinance came from the some initiatives that were in the Comp. Plan that the work group and the Planning Commission prioritized. She said that this is for new construction only and pointed out the boundary limits to those present.

### **REPORT OF OTHER OFFICERS**

Ms. Scatterday moved, seconded by Mr. Thorngate, that the Board of Zoning Appeals Minutes, 3/16/17; Human Rights Commission Minutes, 3/21/17; Greater Wheeling Sports & Entertainment Authority Minutes, 3/28/17; Greater Wheeling Sports & Entertainment Authority Income Statement, 3/31/17; Wheeling Municipal Parking System Financial Report, 3/31/17; Robert C. Byrd Intermodal Transportation Center Financial Report, 3/31/17; Traffic Commission Minutes, 4/13/17 and Wheeling Housing Authority Minutes, 3/8/17; be held over until the next meeting. Motion carried.

### **ORIGINAL PROPOSITIONS**

#### ADOPTING TRAFFIC RULE NO. 4592 - HANDICAPPED PARKING - 2805 JACOB ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4592.

#### ADOPTING TRAFFIC RULE NO. 4593 - NO PARKING - FIRE LANE ZONE - WELLS ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4593.

#### ADOPTING TRAFFIC RULE NO. 4594 - FOUR WAY STOP - HESS AVE. & N. 25<sup>TH</sup> ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4594.

#### ADOPTING TRAFFIC RULE NO. 4595 - HANDICAPPED PARKING - 5 HR. PKG. - N. SD. OF 16<sup>TH</sup> ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4595.

#### AMENDING CODIFIED ORDINANCES - ART. 1339, COMMERCIAL DISTRICTS, SCHEDULE 5.A

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 3 STORY MINIMUM BUILDING HEIGHT IN THE DOWNTOWN ZONING DISTRICTS (D-1, D-2, & D-3).

#### AMENDING CODIFIED ORDINANCES - ART. 1359.03 - SIGNS & OUTDOOR ADVERTISING STRUCTURES, DEFINITIONS

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING PART THIRTEEN – PLANNING AND ZONING CODE, CHAPTER THREE – ZONING ORDINANCE – ARTICLE 1359 – SIGNS AND OUTDOOR ADVERTISING STRUCTURES, 1359.03 DEFINITIONS.

AMENDING CODIFIED ORDINANCES - ART. 1373.07.J - PEDESTRIAN SAFETY

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING PART THIRTEEN – PLANNING AND ZONING CODE, CHAPTER THREE – ZONING ORDINANCE – ARTICLE 1373 – SITE PLAN REVIEW, 1373.07.J PEDESTRIAN SAFETY.

T, G, CUPP & SONS, INC. - NEW ROOF ON WATER TREATMENT PLANT CHEMICAL STORAGE BUILDING

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$17,803.00 WITH T. G. CUPP & SONS, INC., OF WHEELING, WV, FOR NEW ROOF ON WATER TREATMENT CHEMICAL STORAGE BUILDING, TO BE CHARGED TO WATER - 400.1304.03.00.

AMENDING CODIFIED ORDINANCES - ART. 149.17 RESIDENCY REQUIREMENTS

The following was then read:

AN ORDINANCE AMENDING AND MODIFYING ARTICLE 149 EMPLOYMENT PROVISIONS AT §149.17 - RESIDENCY REQUIREMENTS, TO INCREASE THE GEOGRAPHIC AREA WHEREIN ALL CITY OF WHEELING EMPLOYEES MUST HAVE A BONA-FIDE, DOMICILED RESIDENCE.

THOMAS GARAGE - THREE (3) 2017 - ½ TON - 2 WHEEL DRIVE TRUCKS (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$62,994.00 WITH THOMAS AUTO CENTER OF ST. CLAIRSVILLE, OH, FOR THE PURCHASE OF THREE (3) 2017 - ½ TON - 2 WHEEL DRIVE TRUCKS, PER BID SPECIFICATIONS, TO BE CHARGED TO WATER DISTRIBUTION - #400.1341.05.00.

RESOLUTION - APPROVING INVOICES - WATER TREATMENT PLANT PROJECT

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING APPROVING INVOICES RELATING TO THE CONSTRUCTION AND OTHER SERVICES FOR THE WATER TREATMENT PLANT PROJECT AND AUTHORIZING PAYMENT THEREOF.

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

**THOSE WISHING TO BE HEARD**

Charles Ballouz, 1143 Main Street, spoke about skateboarding at the Heritage Port.

David Holden, spoke to Council about when the hole on Vernon Avenue is going to be fixed. Mr. Herron said that the project should be started tomorrow or the next day.

Tom Luschak, Local 12 Union President, spoke in opposition to the Ohio County Board of Health's proposed smoking ban and pointed out the negative effect that it would have on the Police and Fire Pensions. Mayor Elliott informed Mr. Luschak that Council recently passed a Resolution requesting that the Ohio County Board of Health conduct an economic impact study on this matter.

Susan Hagan, 237 Elm Knoll Drive, believes that we should address current situations first, such as buildings falling down, before imposing building restrictions and requirements on new construction that is not even happening yet.

There being no further business, Mr. Thalman moved, seconded by Ms. Scatterday, to adjourn. Motion carried. Time: 12:50 p.m.

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City Clerk

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Mayor