

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 Sixth Ward Councilor Dave Palmer.

On roll call, the following were present:

Elliott, Thalman, Wilson, Scatterday, and Palmer

- 5

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

MAYOR'S REPORT

Mayor Elliott reported on the recent flooding events that occurred in Wards 4, 5 and 6, and thanked Public Works Director Rusty Jebbia and all the city crews who have been working diligently in the clean up. He also thanked Councilor Scatterday, who not only suffered flooding herself, but also helped lead a community-wide effort. We are actively looking at existing Federal grants that we may qualify for as a result of the frequency and intensity of our flooding. Ms. Scatterday is working on updating phone numbers for assistance and volunteering and these will be available soon. Special trash pick-up will continue this week. Please leave items on front curb or alleyways. Mud should be piled along the front curb and will be picked up by the Operations Department.

Mayor Elliott announced that Wheeling was ranked 61st in the nation for top cities to start a small business, 1st out of five West Virginia cities.

Mayor Elliott announced that the National Night Out is this evening, 6-8 p.m. at Wheeling Park's Ice Rink. The Wheeling Police Department, the Wheeling Fire Department and the Ohio County Sheriff's Office will take part in this event. Also, he announced that the Debbie Green Memorial 5K is this weekend and the Heritage Music BluesFest will be held next weekend.

Mayor Elliott presented a proclamation to representatives of Relay for Life, proclaiming Friday, August 11, 2017 as Relay for Life Day in the City of Wheeling.

Mayor Elliott reported that Council will be voting by voice today as the touchscreen is still disabled.

Mayor Elliott indicated that there are two resolutions on tonight's agenda in regard to the Downtown Facade Improvement Grant. He said that four businesses have taken advantage of the grants thus far.

UNFINISHED BUSINESS

USI INSURANCE SERVICES, LLC - EXCESS LIABILITY WORKERS COMPENSATION POLICY - FY 2017-2018

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$87,008.00 WITH USI INSURANCE SERVICES, LLC, OF VIRGINIA BEACH, VA, FOR EXCESS LIABILITY WORKERS' COMPENSATION POLICY (FY 2017 TO 2018), TO BE CHARGED TO CUSTODY ACCOUNT - WORKERS' COMPENSATION #2335830788.

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, Wilson, Scatterday, Palmer - 5

NOES: - 0

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

SAVAGE CONSTRUCTION - HILDRETH AVENUE WATERLINE PROJECT - CO #1

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$32,659.59 WITH SAVAGE CONSTRUCTION CO., OF WHEELING, WV, FOR HILDRETH AVENUE WATERLINE PROJECT, CHANGE ORDER NO. 1, TO BE CHARGED TO WATER - #400.1331.04.00.

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, Wilson, Scatterday, Palmer - 5

NOES: - 0

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

JAMES WHITE CONSTRUCTION - WATER SERVICE - WHG. HOSPITAL CONTINUOUS CARE FACILITY

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$21,450.00 WITH JAMES WHITE CONSTRUCTION, OF WEIRTON, WV, FOR 16" WATER SERVICE TO NEW WHEELING HOSPITAL CONTINUOUS CARE FACILITY, TO BE CHARGED TO WATER - #400.4013.09.0620.01.

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, Wilson, Scatterday, Palmer - 5

NOES: - 0

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

AGREEMENT - WHEELING-OHIO COUNTY BOARD OF HEALTH - FY 2017-2018

The following was then read:

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE WHEELING-OHIO COUNTY BOARD OF HEALTH FOR THE PROVISION OF HEALTH SERVICES AND THE USE OF PUBLIC HEALTH FACILITIES FOR FY 2017-2018, IN THE AMOUNT OF \$67,000.00, TO BE CHARGED TO COAL SEVERANCE ACCOUNT - #002.4412.50.2264 (\$25,000.00) AND GENERAL FUND-HEALTH DEPARTMENT- #001.4414.50.5138 (\$42,000.00).

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, Wilson, Scatterday, Palmer - 5

NOES: - 0

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

O'BRIEN'S RENT-ALL - OAKMONT FIRE HYDRANT RELOCATION (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$202,817.32 WITH O'BRIEN'S RENT-ALL, OF WHEELING, WV, FOR OAKMONT FIRE HYDRANT RELOCATION, TO BE CHARGED TO WATER - #400.1331.04.00.

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, Wilson, Scatterday, Palmer - 5

NOES: - 0

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

EDGCO, INC. - BUILDING DEMOLITION 2017

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$129,900.00 WITH EDGCO, INC., OF LANSING, OH, FOR BUILDING DEMOLITION 2017, TO BE CHARGED TO SALES TAX RCIP.

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

City Clerk Janice Jones read a list of addresses included in this ordinance. Mr. Wilson commented that he has checked out all of these addresses and although he is not always in favor of demolition, he agrees with this.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Wilson, Scatterday, Palmer - 5
NOES: - 0

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

EDGCO, INC. - ASBESTOS ABATEMENT 2017

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$8,895.00 WITH EDGCO, INC., OF LANSING, OH, FOR ASBESTOS ABATEMENT 2017, TO BE CHARGED TO SALES TAX RCIP.

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Wilson, Scatterday, Palmer - 5
NOES: - 0

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

BERRY, BIPPUS, CHISON & FOOSE - GENERAL LIABILITY INSURANCE - VARIOUS DEPARTMENTS 2017-2018

The following was then read:

AN ORDINANCE AUTHORIZING PAYMENT OF PREMIUMS FOR THE GENERAL LIABILITY, BLANKET, PROPERTY, FLEET, POLICE AND PUBLIC OFFICIALS, AND UNDERGROUND STORAGE TANKS INSURANCE POLICIES AND BONDS FOR THE PERIOD OF JULY 1, 2017 - JUNE 30, 2018, IN THE AMOUNT OF \$588,995.14 TO BERRY, BIPPUS, CHISON & FOOSE, INC., OF WHEELING, TO BE CHARGED TO GENERAL FUND, WATER DEPARTMENT AND WATER POLLUTION CONTROL DEPARTMENT.

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Wilson, Scatterday, Palmer - 5
NOES: - 0

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

Mr. Palmer moved, seconded by Ms. Scatterday, that the Wheeling Housing Authority Minutes, 5/10/17; CDBG Program Status Report, 6/30/17; HOME Program Status Report, 6/30/17; Wheeling-Ohio County Board of Health Minutes, 5/9/17; Planning Commission Minutes, 6/12/17; Planning Commission Report to Council, 7/12/17; and Financial Statement, 6/30/17; which were held over, be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Ms. Scatterday announced that Ward 4 Crime Watch will be held next Tuesday, August 8th at 7:00 p.m. at Temple Shalom. She reiterated Mayor Elliott's comments in regard to the recent flooding. She asked the public to remember that there is still help needed to assist those that were impacted, either physically or monetarily. She said that there is a Crisis Cleanup number that residents can call - 1-800-541-1854 if they need help. If you are willing to help, there is a location behind WesBanco Arena that is open daily between 8:30 a.m. and 2:00 p.m. where you can sign up to help.

Mr. Thalman thanked Ms. Scatterday and everyone involved in the clean up efforts. He announced that the Ward 1 meeting will be held next Thursday, August 11, 2017 at the Warwood Christian Church.

Mr. Wilson asked for a moment of silence in memory of the lives that were lost during the flood.

REPORT OF COMMITTEES

Mr. Thalman moved, seconded by Mr. Palmer, to dispense with the reading of the Finance Committee minutes of the July 18, 2017 meeting, and accept them as received. Motion carried. For the record, they are as follows:

FINANCE COMMITTEE REPORT - July 18, 2017

The Finance Committee of Wheeling City Council met on Tuesday, July 18, 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, Finance Director Seth McIntyre, City Clerk Janice Jones and the media.

The following matters were discussed:

Financial Statement - June 30, 2017

City Manager Robert Herron explained that this is the final budget analysis for this fiscal year. He reported that the General Fund Revenues for the year are \$33,789,000, which exceeds the budgeted estimated revenue. The expenditures were \$32,433,619. Mr. Herron said that the Budgeted Cash Carryover, after subtracting the encumbrances, is approximately \$992,000.00 and recommendations for the Cash Carryover will continue after this report. Mr. Palmer moved, seconded by Ms. Scatterday, to approve the Financial Statement for June 30, 2017. Motion carried.

General Fund Budget Revision No. 1

City Manager Herron commented that, in accordance with West Virginia Code, the unencumbered carry-over needs to be appropriated by City Council. As mentioned previously, the cash carryover is approximately \$992,000.00. Mr. Herron reviewed the Proposed General Fund Budget Revision No. 1, in the Operating Budget, both revenue and expenditures, for FY 2017-2018, He then reviewed the Sales Tax RCIP Budget and the recommendations for the cash carry-over (see attachments). The proposed appropriations for the cash carryover are as follows:

Medicare for employees hired prior to 1986 who can't retire	\$150,000.00
Beautification	50,000.00
Marketing budget to focus on recommendations by Retention Committee	10,000.00
Rainy Day Fund - new positions within the Police Department	200,000.00
New roofs @ 6 city-owned downtown buildings/2 facade upgrades	300,000.00
Tractor	35,000.00
Equipment Lifts (2)	7,200.00
Collapsible storage units - police materials	40,000.00
Fire Chief Car	34,000.00
Street Sweeper (1/3 annual payments)	50,000.00
In field Groomer	16,000.00
3 rd floor renovations - conference room	25,000.00

Demo Kirks @ Market St. (Estimate pending)	40,000.00
Demo rear @ 1429 Market St. (Estimate pending)	20,000.00
Total Cash Carryover	\$977,200.00

City Manager Herron also indicated that he is recommending a 2% or 2.5 % raise for city employees, not to be included in the carryover. This is estimated to be an annual cost of \$325,000.00. Following a question and answer period, Ms. Scatterday moved, seconded by Mr. Palmer, to forward this to Council. Motion carried.

There being no further business to come before the Committee, Mr. Palmer moved, seconded by Ms. Scatterday, to adjourn. Motion carried. Time: 5:12 p.m.

REPORT OF CITY MANAGER

City Manager Robert Herron commented that Item 9/1, regarding Privilege Tax, for For Profit Acute Care Hospitals, will require a public hearing which will be held at the August 15th City Council meeting and also Item 9/4, regarding Street Vendors, will also require a public hearing at the next Council meeting.

City Manager Robert Herron said that there was a website, operated by a company that was trying to sell water filters, that was very critical of our water treatment and our water supply. He asked Dave Nickerson., Water Superintendent, and Lori Siburt, chemist at the Water Treatment Plant, and Bob Smith from the WV Department of Health. They talked to Council about what we do from a water treatment perspective and how the City meets or exceeds all federal and state standards. Relevant to the critical website, it has since been removed. The Legal Department indicated that we could send a letter to the company telling them that they must register with the City before soliciting door to door.

REPORT OF OTHER OFFICERS

Mr. Thorngate moved, seconded by Mr. Palmer, that the Wheeling Housing Authority Minutes, 6/14/17; Board of Zoning Appeals Minutes, 6/15/17; and Human Rights Commission Minutes, 6/27/17; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

AMENDING CODIFIED ORDINANCES - ARTICLE 787 - PRIVILEGE TAX

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING THE CODIFIED ORDINANCES OF THE CITY OF WHEELING BY AMENDING AND REENACTING SECTIONS OF ARTICLE 787, PRIVILEGE TAX, TO PROVIDE FOR A FOR-PROFIT ACUTE HEALTHCARE HOSPITALS TAX LEVY CLASSIFICATION AND REQUIREMENTS TO EFFECTUATE SUCH CLASSIFICATION.

WHEELING SYMPHONY - JULY 4, 2017 FUNFEST FIREWORKS

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$40,000.00 WITH WHEELING SYMPHONY OF WHEELING, WV, FOR THE CITY'S SHARE OF JULY 4, 2017 FUNFEST FIREWORKS TO BE CHARGED TO #001.4412.20.2142 (\$30,000.00) AND #002.4412.50.2263 (\$10,000.00).

AMENDING ZONING ORDINANCE - ADULT ENTERTAINMENT FACILITIES AND ADULT ESTABLISHMENTS

The following was then read:

AN ORDINANCE AMENDING AND REENACTING THE ZONING ORDINANCE OF THE CITY OF WHEELING, WEST VIRGINIA WITH RESPECT TO ADULT ENTERTAINMENT FACILITIES AND ADULT ESTABLISHMENTS.

AMENDING CODIFIED ORDINANCES - CREATING ARTICLE 780 - STREET VENDORS

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING THE CODIFIED ORDINANCES OF THE CITY OF WHEELING BY REENACTING PART SEVEN - BUSINESS REGULATION AND TAXATION - ARTICLE 780, ENTITLED STREET VENDORS.

SAVAGE CONSTRUCTION CO. - CENTER MARKET SIDEWALKS

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$155,895.00 WITH SAVAGE CONSTRUCTION CO., OF WHEELING, WV, FOR CENTER MARKET SIDEWALKS, TO BE CHARGED TO SALES TAX RCIP.

FYDA FREIGHTLINER - ONE (1) 2018 FREIGHTLINER M2-106 (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$105,650.00 WITH FYDA FREIGHTLINER, OF CANONSBURG, PA, FOR THE PURCHASE OF ONE (1) 2018 FREIGHTLINER M2-106, PER BID SPECIFICATIONS, TO BE CHARGED TO WATER - #400.1341.05.00.

THOMAS AUTO CENTER - TWO (2) 2018 RAM TRUCKS (WPCD)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$118,876.00 WITH THOMAS AUTO CENTER OF ST. CLAIRSVILLE, OH, FOR THE PURCHASE OF TWO (2) 2018 - RAM TRUCKS, PER BID SPECIFICATIONS, TO BE CHARGED TO WATER POLLUTION CONTROL DIVISION - #401.1391.07.00.

RESOLUTION - DOWNTOWN FACADE IMPROVEMENT GRANT - VOSSEN REALTY, LLC.

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 GRANT FOR VOSSEN REALTY, LLC, LOCATED AT 1126-1128 MARKET STREET, IN THE AMOUNT OF \$15,000.00.

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

RESOLUTION - DOWNTOWN FACADE IMPROVEMENT GRANT - OGLEBAY
INSTITUTE FOR TOWNGATE THEATRE

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 GRANT FOR OGLEBAY INSTITUTE, TOWNGATE THEATRE, LOCATED AT 2118 MARKET STREET, IN THE AMOUNT OF \$11,000.00.

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

RESOLUTION - WV DEPARTMENT OF HIGHWAYS - SAFE COMMUNITY/DUI
ENFORCEMENT PROJECT GRANT

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO ACCEPT THE TERMS AND CONDITIONS OF THE CONTRACT RELATING TO THE SAFE COMMUNITY/DUI ENFORCEMENT PROJECT GRANT - #F18-HS-04-402, IN THE AMOUNT OF \$320,700.00.

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

RESOLUTION - GENERAL FUND BUDET REVISION NO. 1 - FY 2017-2018

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING DIRECTING THAT THE GENERAL FUND BE REVISED AS PER BUDGET REVISION #1.

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

RESOLUTION - APPROVING FY 2017 CDBG AND HOME INVESTMENT PARTNERSHIP
PROGRAMS - FILING OF FY 2017 ACTION PLAN TO HUD

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING APPROVING THE FISCAL YEAR 2017 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAMS, AND AUTHORIZING THE FILING OF THE FY 2017 ACTION PLAN WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).

Mr. Thalman moved, seconded by Ms. Scatterday, that the Resolution be adopted.
Mr. Thalman moved, seconded by Mr. Wilson, that the CDBG budget be amended by adding an additional \$2,000 to the Family Services Line Item, an additional \$3,000 to the Greater Wheeling Coalition for the Homeless, an additional \$5,000 to Augusta Levy and an additional \$2,500 to the Wheeling Park Commission and reducing the Personnel Services Line Item by \$12,500 to offset these changes. Ms. Scatterday recused herself for voting for the

Greater Wheeling Coalition for the Homeless as she serves on the Board. Mr. Palmer questioned the reduction of the Administrative Personnel Services line item to fund these increases. Mayor Elliott called for a vote on the amendment but noted his abstention on this particular amendment. Mr. Thalman, Ms. Scatterday and Mr. Wilson voted in favor of the amendment and Mr. Palmer voted no. There was not a majority of members of Council who were in favor of this amendment; therefore, the motion to amend was defeated.

A vote was then taken on the adoption of the Resolution. Motion carried. All in favor.

THOSE WISHING TO BE HEARD

Mr. Robert Baker, 109 Park View Lane, was present to discuss a road condition on Park View Lane that he believes is hazardous. Pictures of the situation were distributed via email.

He invited Council to come out and view the area personally.

There being no further business, Mr. Thalman moved, seconded by Mr. Palmer, to adjourn. Motion carried. Time: 1:00 p.m.

City Clerk

Mayor