

Wheeling, West Virginia
August 15, 2017

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 August 1, 2017 meeting be approved as received. Motion carried.

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

“Public Hearing - Amending Codified Ordinances - Art. 787 - Privilege Tax - For-Profit Acute Care Hospitals”

“Public Hearing - Amending Codified Ordinances - Creating Art 780 - Street Vendors”

As there was no one who wished to speak at either of the public hearings, Mr. Thalman moved, seconded by Mr. Thorngate, to conclude the public hearings and resume the regular order of business. Motion carried.

MAYOR’S REPORT

Mayor Elliott updated the public on the flood relief efforts and again thanked the city crews who worked overtime cleaning up neighborhoods and assisting property owners. Governor Justice is requesting a federal disaster declaration for 12 WV counties affected by the recent flooding. Also, thanks to Lou Vargo for working with the City, State and Federal officials to make the case for disaster relief and to Councilwoman Scatterday for helping to coordinate efforts to make the case that the two flooding events were a “continuous event.”

Relevant to events that are taking place this week-end, Mayor Elliott announced that the YWCA Over the Edge Media Day will take place on Friday and he and Delegate Fluharty will have a rematch again this year; Walk Like MADD will be held on Saturday, as well as the Mountaineer Brewfest at Heritage Port.

Mayor Elliott announced that the next City Council meeting, Tuesday, September 5, 2017, will be held at Madison Elementary School on Wheeling Island at 12:00 noon. This meeting will be the 4th of 6 meetings this calendar year at local schools. He asked that the public enter from the N. Broadway St. Side of the building.

Mayor Elliott reported that the Police Department is accepting applications for entry-level officers. The applications are available in the Human Resources Department from 9:00 a.m. to 4:30 p.m. daily until August 25.

He also announced that the Ad Hoc Committee on Recycling will be meeting again soon. He said members are researching our current program, model cities and potential options moving forward.

Mayor Elliott thanked members of MOVE (Marchers Ohio Valley Empowered) for organizing a vigil in response to the recent events of Charlottesville. He said a lot has been said to condemn the violence - nothing to add to that. Also, you don’t get to choose our history. It’s there. It’s how you treat it that matters.

UNFINISHED BUSINESS

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.

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.

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).

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

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.

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, 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 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.

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

Minor modifications by Councilor Scatterday and City Manager Herron, which were not substantive, were requested to be integrated into the ordinance. A motion to amend was made by Ms. Scatterday and seconded by Mr. Thalman, and unanimously approved by Council.

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.

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.

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.

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.

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, 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.

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.

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, 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, 6/14/17; Board of Zoning Appeals Minutes, 6/15/17; and Human Rights Commission Minutes, 6/27/17; be accepted as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Palmer announced that a Public Safety Committee Meeting is scheduled for Tuesday, August 22 at 4:00 p.m. to further discuss and receive public comment on the proposed Non-Owner Occupied Property Registration Program.

Mr. Wilson announced that the Public Works Committee will meet on September 5, 2017 at 10:30 a.m. at Madison Elementary School, to discuss Phase III of Water Pollution Control Division's long term control plan and various sewer upgrades.

Mr. Thorngate announced that tomorrow there will be a "Walk with your Councilman" beginning across from the Howard Long Wellness Center and walking a mile toward Elm Grove. He also announced that the city will be launching a photography contest for our new website. The submissions are due by September 8th and winners will be announced in mid-September.

Ms. Scatterday said that last week was the Ward 4 Neighborhood Crime Watch meeting and she wanted to relay to the City Administration and City crews their appreciation for all their efforts during the recent flooding in the Woodsdale area. She also announced that if anyone would like to donate to the flood victims, you can do so through the Community

Foundation of the Ohio Valley. Ms. Scatterday reiterated Mayor Elliott's announcement about the "Walk Like MADD event" and the "Bike Like MADD," that will take place this Saturday.

REPORT OF COMMITTEES

Mr. Palmer moved, seconded by Mr. Wilson, to dispense with the reading of the Public Safety Committee Minutes, 8/1/17 and accept them as received. Motion carried. For the record, they are as follows:

PUBLIC SAFETY COMMITTEE REPORT - AUGUST 1, 2017

The Public Safety Committee of Wheeling City Council met on Tuesday, August 1, 2017 at 11:00 a.m., in City Council Chambers. Committee Members present: Chair Dave Palmer and Member Brian Wilson. Others present: City Manager Robert Herron, Mayor Glenn Elliott, Vice-Mayor Chad Thalman, Councilor Wendy Scatterday, Police Chief Sean Schwertfeger, 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 matters were discussed:

Fireworks Ordinance and Enforcement

Chairman Palmer asked that Police Chief Sean Schwertfeger and Fire Chief Larry Helms comment on this matter. Both Police Chief Schwertfeger and Fire Chief Helms said that they have a hard time enforcing the city's ordinance against discharging fireworks because West Virginia leaders legalized the sale of items such as Roman candles, bottle rockets, etc., last year. Chief Helms agreed with Chief Schwertfeger that once they became legal to purchase and use in West Virginia last year, their efforts to curtail them became more challenging. He suggested that we do a "media blitz" next year to educate the public and set some guidelines for their use. A lengthy discussion ensued as to what we could do on a local basis to limit the sale of fireworks in the city. No action was taken on this matter.

Non-Owner Occupied Property Registration Program

Prior to today's meeting, Mr. Palmer distributed a packet of information to committee members, other members of Council and the Administration for their review. He commented that the goal of this program is to protect landlords, tenants and citizens within the City. He said that he would like to include vacant lots in this program also. He commented that he worked with the Economic Development Department and the Fire Department to come up with this draft. General Guidelines for Rental Property Inspections will be handed out to registrants. There will be no fee to register. This is just a draft to start a conversation with Council and the public. Mr. Palmer would like to set up another meeting to receive input from property owners. Mr. Palmer explained that the registration document will contain contact information for the property owner and if the property owner does not live in the city, a designee to act on their behalf will be listed. Following some discussion by the rest of Council, Mr. Wilson moved, seconded by Chairman Palmer, to move forward and hold a separate meeting to receive public input on this matter. Motion carried. Mr. Palmer said that the documents will be available in the City Clerk's Office or on the City website.

There being no further business to come before the Committee, Mr. Palmer moved, seconded by Mr. Wilson, to adjourn. Time: 12:45 p.m.

REPORT OF CITY MANAGER

City Manager Robert Herron also announced that applications for Probationary Police Officer will be ongoing through August 25. The process includes physical agility, written test and background check.

Mr. Herron said that Police and Fire Pension Oversight Board will providing annual reports, as required by State Code, and he will forward them to Council as soon as he receives them.

REPORT OF OTHER OFFICERS

Ms. Scatterday moved, seconded by Mr Wilson, that the Wheeling Municipal Parking System Financial Statement, 6/30/17; Robert C. Byrd Intermodal Transportation Center Financial Statement, 6/30/17; CDBG Program Status Report, 7/31/17; HOME Program Status Report, 7/31/17; and Financial Statement, 7/31/17; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

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. Thorngate, that the Resolution be adopted. Motion carried.

THOSE WISHING TO BE HEARD

Mr. Owens Brown, President of the local NAACP, spoke to Council about the need for a Citizens Police Review Board.

Mr. Darryl Clausell, also representing the local NAACP, read a Resolution they adopted in support of a Citizens Police Review Board.

Mr. Frank Calabrese, 36 Arlington Drive, also spoke in support of a Citizen Police Review Board.

Ms. Gabrielle Chapman, Inaugural Director of the CARE Coalition of Charleston, WV, spoke to Council and said that her organization's goal is to create better community relations between citizens and police and to work on police reform.

There being no further business, Mr. Thalman moved, seconded by Mr. Palmer, to adjourn. Motion carried. Time: 6:15 p.m.

City Clerk

Mayor