

Wheeling, West Virginia  
September 5, 2017

Council of the City of Wheeling met at Madison Elementary 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

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Mr. Thalman moved, seconded by Mr. Thorngate, that the minutes of the August 15, 2017 meeting be approved as received. Motion carried.

### **MAYOR'S REPORT**

Mayor Elliott thanked Principal Andrea Trio for hosting today's City Council meeting. Principal Trio introduced four fifth graders who were participating in today's Council meeting. Angel Calissie, one of the fifth graders, assisted Mayor Elliott with the meeting.

Mayor Elliott recognized City Clerk Janice Jones, who recently announced her intention to retire at the end of the year. He thanked her for her 32 years of service to the City.

Next Monday, September 11, 2017, Mayor Elliott announced that there will be a September 11<sup>th</sup> Ceremony at Temple Shalom at 7:00 p.m., with Rabbi Lief and Reverend Darrell Cummings presiding. Police Chief Schwertfeger and Fire Chief Helms will also be participating.

Effective on August 22, Uber Service started in Wheeling, according to Mayor Elliott. Councilor Ty Thorngate became the first Uber passenger.

Due to the Labor Day holiday, trash pick-up will be delayed by one day all week.

Mayor Elliott announced that on September 16, there will be a Hazardous Waste Collection at the City of Wheeling Operations Center in Clator, provided by the Ohio County Solid Waste Authority.

He announced that the Warwood Tennis Court Opening took place on August 25<sup>th</sup> and has been well received by Warwood residents. Mayor Elliott said that we anticipate four replacement playgrounds to be installed this month. They are Jenson, 26<sup>th</sup> Street, Grandview and Wilson. Future playgrounds that will be refurbished are Mozart, Patterson, Bridge Park and Garden Park.

Upcoming Events: Saturday - Make Wishes Come True 5k Run & Walk, 8:30 a.m. at the Heritage Port; Sunday - WV Panhandle Pumpers Society Fire Muster at Heritage Port from 9:00 a.m. to 3:00 p.m.; Next week-end - Sternwheel Festival at Heritage Port.

Mayor Elliott presented a proclamation to Martha Polinsky, proclaiming Sunday September 17, 2017 at a "West Virginia Day of Hope" in the City of Wheeling.

### **CLERK'S REPORT**

#### **NOTICE OF APPLICATION TO OPERATE A PRIVATE CLUB - DOWN ON MAIN ST. 422 MAIN ST.**

City Clerk Janice Jones presented Council with a Notice of Application to Operate a Private Club for Down on Main Street, located at 422 Main St. The applicant is Patrick Carney.

#### **NOTICE OF APPLICATION TO OPERATE A PRIVATE CLUB - GUMBY'S, LLC., DBA GENO'S - 2085 NATIONAL ROAD**

City Clerk Jones presented Council with a Notice of Application to Operate a

Private Club for Gumby's LLC, dba Geno's, located at 2085 National Rd. The applicant is John Prather.

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

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

Ms. Scatterday remarked that September is not only a month of hope but one of recovery and prevention. Several events that will be taking place this month are as follows: Wheeling Park High School on Thursday, September 7, there will be a panel discussion for parents and students at the Beneke Theatre sponsored by the Impact Coalition; On Saturday, September 9<sup>th</sup> at the Wheeling YWCA at 11:00 a.m., a young man will share his message of hope; Following next week, the WV Attorney General is hosting an all day symposium at WJU at the Troy Theatre; and then on Saturday, September 16<sup>th</sup>, there will be a special mass at St. Matthew's Episcopal Church.

In addition, Ms. Scatterday announced that the Ward 4 meeting will take place next Tuesday, September 12 at Temple Shalom at 7:00 p.m.

Vice Mayor Thalman announced that there will be a Warwood Crime Watch and Ward 1 meeting next Thursday, September 14 at 7:00 p.m. at the Warwood Christian Church.

Mr. Imer thanked Principal Andrea Trio for allowing us to have our City Council meeting here today.

Mr. Wilson announced that the Ward 3 meeting will take place on Monday, September 11 at 4:00 p.m. in the rear of the Homeless Coalition on 15<sup>th</sup> Street.

### **REPORT OF COMMITTEES**

Ms. Scatterday moved, seconded by Mr. Thalman, to dispense with the reading of the minutes for the Development Committee Meeting of 8/15/17 and accept them as received. Motion carried. For the record they are as follows:

#### **DEVELOPMENT COMMITTEE REPORT - AUGUST 15, 2017**

The Development Committee of Wheeling City Council met on Tuesday, August 15, 2017 at 4:30 p.m. in Council Chambers. Committee members present: Mayor Glenn Elliott, Vice Chair Wendy Scatterday, and Member Chad Thalman. Others present: Councilors Dave Palmer, Ty Thorngate, Brian Wilson and Ken Imer; City Manager Robert Herron, City Solicitor Rosemary Humway-Warmuth, Economic and Community Development Director Nancy Prager, Asst. Economic and Community Development Director Tom Connelly, City Clerk Janice Jones and media.

The following matters were discussed:

#### **Property Transfers Project Status Updates:**

The following property owners gave updates on the status of their projects:

Andrew Yetter - 1517 Wood Street and 167 - 16<sup>th</sup> Street - Assistant ECD Director Tom Connelly explained that this property was transferred August 2016 with an 18 month turnaround time. Mr. Yetter said that they started with some improvements, such as painting, windows, gutters, fascia, etc., just the last couple of months as he was busy with projects elsewhere. He said the reason for the delay was that they were waiting for an asbestos report on the back portion of the building. He said that he just received the report today and will have to deal with some asbestos removal. Mr. Yetter said that he is about 30% into the project. He indicated that he recently received a letter of intent from someone interested in putting in a brewery/restaurant at this location and he hopes to have this completed by June of 2018. Mr. Yetter said that they still have some landscaping to do with the parking lot and indicated that the parking plan with Enterprise is working well for both of them. In response to a question from Mr. Thalman, Mr. Yetter indicated that Enterprise is renting 8 or 10 spots in the parking lot out of the 26 or so that

are available but are currently using more; however, he said that when the restaurant opens, they will have specific parking for each. Mayor Elliott asked Mr. Yetter if the letter of intent was signed and Mr. Yetter indicated that it had been.

In response to a question from Mayor Elliott as to when they would expect concrete plans for the restaurant, Mr. Yetter said that he would expect plans to be developed in the next three to six weeks.

Sarel Venter and Rebekah Karelis - 1069 Main Street - This property was transferred in June, 2016. Mr. Venter reported on the progress of his project. He said that their initial project was rehabilitation of the back portion and restoration of the first floor; however, he indicated that he had run into some unexpected structural problems with the entire building but is working through them. As far as the time frame as to when it will be finished, he said that it will probably be longer than initially thought but will still be done in the time frame they were originally given.

Wilfred Spencer -126 15<sup>th</sup> St. - This property was transferred in October, 2016. Mr. Spencer updated the committee on the progress of his project. As with the other projects, unforeseen structural and roof issues have slowed the project down somewhat. He hopes to complete the project in the next three months or so. The project will be a single-family, two-bedroom home.

### **Request for Redevelopment Area at 2085 National Road by Scott Peklinsky, Gumby's, LLC.**

Mr. Peklinsky spoke on behalf of Gumby's, LLC. Their request is to operate this location as one of their Geno's café. Since it is within 1000 feet of another video lottery location, the request for redevelopment is needed. Mr. Peklinsky indicated that they will be required to have a liquor license, however, they will only serve beer at this location. In response to a question from the committee, City Manager Robert Herron said that the administration recommends approval of this request. Following a short discussion, Mr. Thalman moved, seconded by Ms. Scatterday, to approve this request and forward it to Council. Motion carried.

There being no further business to come before the Committee, Mr. Thalman moved, seconded by Ms. Scatterday, to adjourn. Time: 5:22 p.m.

Mr. Thalman moved, seconded by Mr. Palmer, to dispense with the reading of the minutes of the Finance Committee meeting of 8/15/17 and accept them as received. Motion carried.

For the record, they are as follows:

### **FINANCE COMMITTEE REPORT - AUGUST 15, 2017**

The Finance Committee of Wheeling City Council met on Tuesday, August 15, 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, Finance Director Seth McIntyre, City Solicitor Rosemary Humway-Warmuth, City Clerk Janice Jones and the media.

The following matters were discussed:

#### **Financial Statement - July 31, 2017**

City Manager Robert Herron reported that we are beginning the new fiscal year on a strong note. He reported that the General Fund Balance at the end of July, 2017 is \$3,246,000.00, compared to last year's balance of \$3,100,000.00. Mr. Herron said that expenses are 6% of budget and revenues are over 12%, approximately 166,000.00 ahead for the same time period as last year. Mr. Herron indicated that B & O Revenue has increased, approximately \$530,000.00 ahead of last year's figures.

Following a brief discussion, Member Palmer moved, seconded by Ms. Scatterday, to approve the Financial Statement for July 31, 2017. Motion carried.

There being no further business to come before the Committee, Ms. Scatterday moved, seconded by Mr. Palmer, to adjourn. Motion carried. Time: 5:22 p.m.

Mr. Palmer moved, seconded by Mr. Imer, to dispense with the reading of the minutes of the Public Safety Committee meeting of 8/22/17 and accept them as received. Motion

carried. For the record, they are as follows:

## **PUBLIC SAFETY COMMITTEE REPORT - AUGUST 22, 2017**

The Public Safety Committee of Wheeling City Council met on Tuesday, August 22, 2017 at 4:00 p.m., 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, 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 matter was discussed:

### **Non-Owner Occupied Property Registration Program**

Chairman Dave Palmer explained that the purpose of this meeting is to discuss and receive public input on the proposed Non-Owner Occupied Property Registration Program. He commented that if this proposed ordinance would go forward, there would be another public hearing on it then. He indicated that copies of the draft are available and stressed that the guidelines contained in that draft are simply “guidelines” and nothing more.

The following people spoke at the public hearing:

Bob Ingram, Bill Clatterbuck, Joseph McGinley, Bob Kennen, Beth Hinebaugh, Alex Coogan, Bill Valput, and Paul McMann, all spoke in opposition to the proposed registration program, believing that it will be an undue burden on landlords and that it would be a “bureaucratic mess” to deal with. Several of the landlords who spoke said that the information that is requested from this program is already available in the Ohio County Tax Offices; however, Mr. Palmer responded that it is not available if they do not pay their taxes.

Susan Hagan spoke in favor of the proposed program, as well as Reverend Ralph Dunkin, who read a letter from the Wheeling Human Rights Commission in support of this proposed program.

Ray Carney, a resident of North Wheeling, had no problem with the registration other than the fact that he believes there are methods already in place to address these issues. He also pointed out that the “guidelines” contained in the proposed registration are rather “vague.”

Following some discussion, Mr. Palmer indicated that the Committee would take into account the comments made by those speaking this evening before any definitive action is taken. He also said that it would require final approval from the entire City Council. Mr. Palmer thanked everyone for coming out and offering their input.

There being no further business to come before the Committee, Mr. Imer moved, seconded by Mr. Wilson, to adjourn. Time: 4:57 p.m.

## **REPORT OF CITY MANAGER**

City Manager Robert Herron reported, as a follow up from the last City Council meeting, 67 individuals signed up to take the Civil Service Test for the Probationary Police Officer Position. The good news is that six of them are currently certified police officers. He believes the expansion of the residency requirements played a big part in the recruitment of more individuals to sign up for the test.

Mr. Herron introduced Parks and Strategic Planning Director Jesse Metrovic, who in turn introduced his intern, Bo Walker, a student at West Liberty University, who will be helping him with G.I.S. mapping of playgrounds. Mr. Herron said that our new website will contain different layers of G.I.S. mapping that will be available.

Mr. Herron introduced Janet Rice, an employee of the Finance Department and recognized her on her 45<sup>th</sup> Anniversary of employment with the City of Wheeling.

## **REPORT OF OTHER OFFICERS**

Mr. Thorngate moved, seconded by Mr. Palmer, that the Planning Commission

Minutes, 7/10/17; Human Rights Commission Minutes, 7/18/17; Wheeling Housing Authority Minutes, 7/12/17; Wheeling Traffic Commission Minutes, 8/10/17; Wheeling Municipal Parking System Financial Statement, 7/31/17; Robert C. Byrd Intermodal Transportation Center Financial Statement, 7/31/17; and Planning Commission Annual Report, FY 2016-2017. Motion carried.

### **ORIGINAL PROPOSITIONS**

#### **PREISER SCIENTIFIC - LABORATORY EQUIPMENT - WATER TREATMENT PLANT**

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$48,869.00 WITH PREISER SCIENTIFIC, OF ST. ALBANS, WV, FOR THE PURCHASE LABORATORY EQUIPMENT FOR WATER TREATMENT PLANT, TO BE CHARGED TO WATER TREATMENT - 400.4012.03.0620.02.

#### **WHEELING AREA CHAMBER OF COMMERCE - 2017 CITY OF LIGHTS FESTIVAL**

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$17,500.00 WITH THE WHEELING AREA CHAMBER OF COMMERCE FOR SUPPORT OF THE 2017 CITY OF LIGHTS FESTIVAL TO BE CHARGED TO COAL SEVERANCE 002.4412.50.2262.

#### **CUNNINGHAM RECREATION - PATTERSON, MOZART, BRIDGE ST. PLAYGROUNDS**

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$89,941.75 WITH CUNNINGHAM RECREATION, OF CHARLOTTE, NC., FOR PATTERSON, MOZART AND BRIDGE PARK PLAYGROUNDS, TO BE CHARGED TO PLAYGROUNDS - #001.4979.40.9002.

#### **ADOPTING TRAFFIC RULE NO. 4609 - HANDICAPPED PKG. 833 GRANDVIEW ST.**

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4609.

#### **ADOPTING TRAFFIC RULE NO. 4610 - ONE HR. PKG. METER ZONE - E. & W. SDS. OF CHAPLINE ST.**

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4610.

#### **ADOPTING TRAFFIC RULE NO. 4611 - NO PKG. ZONE - EAST SD. OF SOUTH ST.**

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4611.

#### **ADOPTING TRAFFIC RULE NO. 4612 - NON-RESTRICTIVE INTERSECTION - HEISKELL AVE. & PINE AVE.**

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4612.

ADOPTING TRAFFIC RULE NO. 4613 - STOP INTERSECTION AT HEISKELL AVE. &  
MAPLE AVE.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4613.

ADOPTING TRAFFIC RULE NO. 4614 - NO PKG. ZONE - N. SD. OF MAPLE AVE.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4614.

ADOPTING TRAFFIC RULE NO. 4615 - NO PKG. ZONE - S. SD. OF ARCADIA

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4615.

ADOPTING TRAFFIC RULE NO. 4616 - COMMERCIAL LOAD. ZONE - W. SD. OF  
MARKET ST. (CENTER MARKET).

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4616.

ADOPTING TRAFFIC RULE NO. 4617 - 2 HR. HANDICAPPED PKG. ZONE - W. SD. OF  
MARKET ST. (CENTER MARKET)

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE 4617.

ADOPTING TRAFFIC RULE NO. 4618 - COMMERCIAL LOAD. ZONE & HANDICAPPED  
PKG. ZONE - W. SD. OF MARKET ST. - SOUTHBOUND - CENTER MARKET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4618.

ADOPTING TRAFFIC RULE NO. 4619 - 2 HR. HANDICAPPED PKG. ZONE - W. SD. OF  
MARKET ST. SOUTHBOUND - CENTER MARKET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4619.

ADOPTING TRAFFIC RULE NO. 4620 - 2 HR. HANDICAPPED PKG. ZONE - E. SD. OF  
MARKET ST, NORTHBOUND - CENTER MARKET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4620.

ADOPTING TRAFFIC RULE NO. 4621 - COMMERCIAL LOAD. ZONE & HANDICAPPED  
PKG. ZONE - E. SD. OF MARKET ST. NORTHBOUND - CENTER MARKET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4621.

ADOPTING TRAFFIC RULE NO. 4622 - 2 HR.HANDICAPPED PKG. ZONE - E. SD. OF  
MARKET ST. NORTHBOUND - CENTER MARKET.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4622.

ADOPTING TRAFFIC RULE NO. 4623 - COMMERCIAL LOADING ZONE - E. SD. OF  
MARKET ST. NORTHBOUND - CENTER MARKET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4623.

RESOLUTION - MEMORANDUM OF UNDERSTANDING - REGIONAL ECONOMIC  
DEVELOPMENT PARTNERSHIP

The following was then read:

MEMORANDUM OF UNDERSTANDING BY AND BETWEEN  
THE CITY OF WHEELING, OHO VALLEY ADC, INC., AND  
THE REGIONAL ECONOMIC DEVELOPMENT PARTNERSHIP  
(RED).

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

City Manager Robert Herron explained the various, much needed, improvements  
that will take place at WesBanco Arena as a result of the Memorandum of Understanding.

RESOLUTION - REDEVELOPMENT SITE - 2085 NATIONAL ROAD

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
WHEELING IDENTIFYING 2085 NATIONAL ROAD AS A  
DEVELOPMENT OR REDEVELOPMENT SITE.

Mr. Palmer moved, seconded by Mr. Thorngate, that the Resolution be adopted.  
Motion carried.

RESOLUTION - DOWNTOWN FACADE IMPROVEMENT GRANT - FIBOW REALTY, LLC  
- 1507 MAIN ST.

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 FIBOW REALTY  
LLC,, LOCATED AT 1507 MAIN STREET (FLAT IRON  
BUILDING), IN THE AMOUNT OF \$12,700.00.

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

RESOLUTION - AGREEMENT - WV DIVISION OF JUSTICE - PREVENTION RESOURCE  
OFFICER PROGRAM GRANT

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING  
TO ACCEPT THE TERMS AND CONDITIONS OF THE  
CONTRACT WITH THE WV DIVISION OF JUSTICE AND  
COMMUNITY SERVICES FOR THE FY 2017-18 PREVENTION  
RESOURCE OFFICER PROGRAM GRANT.

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

RESOLUTION - REDEVELOPMENT DISTRICT NO. 2 AND PARKING GARAGE PROJECT  
NO. 1

The following was then read:

A RESOLUTION REGARDING A PUBLIC HEARING FOR THE  
CITY OF WHEELING PROPOSED REDEVELOPMENT  
DISTRICT NO. 2 AND PARKING GARAGE PROJECT NO. 1.

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

**THOSE WISHING TO BE HEARD**

Mr. Chuck Fair spoke to Council, first about the importance of education, and second, to introduce his new book, This Bridge Tells No Tales, and ask for Council's support and possible endorsement of it.

John Wheeler, 57 Economy Street, spoke to Council about a letter he received in regard to a proposed Lane Abandonment off of G.C. & P.Road, and also voiced his concern about a turn-around area on Economy Street.

There being no further business, Mr. Thalman moved, seconded by Mr. Palmer, to adjourn. Motion carried. Time: 12:36 p.m.

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City Clerk

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Mayor