

## September 4, 2018

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 Fourth Ward Councilor Wendy Scatterday.

On roll call, the following were present:

Elliott, Thalman, Wilson, Scatterday, Thorngate and Palmer	-6
Absent: Imer	-1

Mr. Thalman moved, seconded by Mr. Thorngate, that the minutes of the August 21, 2018 meeting be approved as received. Motion carried.

### MAYORS REPORT

Mayor Elliott presented a proclamation to Martha Polinsky, Community Impact Coalition proclaiming September 14-16 2018 as “*West Virginia Day of Hope*”

### CLERKS REPPORT

City Clerk Brenda J. Delbert presented Council with a Notice of Applications to Operate a Private Club: The Windmill 470 Stone Blvd. and applicant Samantha Millhouse. Application was forwarded to ABCA without objection from Council.

### UNFINISHED BUSINESS

Ms. Scatterday moved, seconded by Mr. Wilson, that the, Wheeling Municipal Parking Financial Statement 6/30/18, Robert C. Byrd Intermodal Center Financial Statement 6/30/18, Planning Commission- Zoning Sub Committee Minutes 8/6/18, Planning Commission Minutes 7/9/18 Board of Zoning Appeals Minutes 6/21/18; which were held over, be accepted as received. Motion carried.

### REMARKS FROM MEMBERS OF COUNCIL

Mr. Thalman reminds about Ward 1 crime watch meeting at Warwood Christian Church on September 13, 2018; and invites all to attend.

Mr. Wilson reads a prepared statement in regards to lack of urgency and concerns to buildings on the 1400 block. Mr. Wilson recommends advertising on a national scale with a realtor since local interest isn't there.

Mr. Scatterday agrees with Mr. Wilsons statement and looks forward to a solution. Ms. Scatterday announces regular Ward 4 meeting is cancelled and encourages all to attend the 9/11 memorial on the scheduled day.

### REPORT OF COMMITTEES

Mr. Palmer, seconded by Mr. Thalman that the Finance Committee Report dated 8-21-18 be accepted as received. Motion carried. For the record they are as follows:

#### FINANCE COMMITTEE REPORT – AUGUST 21, 2018

The Finance Committee of Wheeling City Council met on Tuesday, August 21, 2018 at 5:40 p.m., in City Council Chambers. Committee Members present: Chair Chad Thalman, Vice-Chair Dave Palmer, and 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, City Clerk Brenda J. Delbert, Finance Director Seth McIntyre and media

The following matters were discussed:

**Financial Statement – July, 2018** City Manager Robert Herron gave brief review the July 2018 financial statement. Mr. Herron believes July was a strong start to the new fiscal year with a cash balance of 4.2 million. Last year after the first month we were at 4.8 million and the year before 4.1 million. Mr. Palmer moved, seconded by Ms. Scatterday, to accept the June Financial

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Statement as presented and forward it to Council. 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: 43 p.m.

Respectfully submitted,

/s/ Mr. Thalman, Chair

/s/ Dave Palmer, Vice-Chair

/s/ Ms. Scatterday, Member

Mr. Palmer, seconded by Mr. Thalman that the Development Committee Report dated 8-21-18 be accepted as received. Motion carried. For the record they are as follows:

**DEVELOPMENT COMMITTEE REPORT – AUGUST 21, 2018**

The Development Committee of Wheeling City Council met on Tuesday, August 21, 2018 at 4:45 p.m. in Council Chambers. Committee members present: Mayor Glenn Elliott, Vice Chair Wendy Scatterday, and Member Chad Thalman. Others present: Councilors Dave Palmer, Brian Wilson, Ty Thorngate and Ken Imer; City Manager Robert Herron, City Solicitor Rosemary Humway-Warmuth, Economic and Community Development Director Nancy Prager, Economic and Community Development Assistant Director Tom Connelly, City Clerk Brenda J. Delbert and media.

The following matters were discussed:

**LANE ABANDONMENT REQUEST – SWISHER INTERNATIONAL – MCCOLLOCH STREET BETWEEN 40<sup>TH</sup> & LANE 26**

Assistant ECD director Tom Connelly presents request from Swisher International, who has recently acquired the property on the left for storage. They are requesting we abandon any right to this right-of-way. Mr. Connelly informed legal department and all other agencies who would have a potential interest and no objections were received. No one from Swisher available to speak but City recommends a quitclaim deed and abandon any interest it may have with the described area. Ms. Scatterday moves, seconded by Mr. Thalman to approve this request and forward to council. Motion carried.

**DEVELOPMENT/REDEVELOPMENT SITE: 470 STONE BLVD (WINDMILL)**

Assistant ECD director Tom Connelly explains this site is within 1000 feet of a church, residence, playground, and an ABCA/LVT location. Business has been open for a little over a year without any alcohol sales. Dan Millhouse speaks in regards to business and intent, hours will remain the same, wants to add beer and wine for patrons but does not intend to add video lottery. Mr. Millhouse says there has been no complaints from neighbors and no issues at location. Mr. Connelly C-2 general commercial district and bar is a permitted use; Mr. Herron responds the staff recommendation is to approve the request. Mr. Thalman moved, seconded by Ms. Scatterday to approve this request. Motion carried.

**DEVELOPMENT/REDEVELOPMENT SITE: 1913 WARWOOD AVENUE**

Mayor Elliott recuses himself from discussion as he knows one of the owners. Vice Chair Scatterday leads the discussion. Assistant ECD director Tom Connelly explains this site is zoned C-1; bars are not permitted but restaurant with lounge is a permitted use, there is a Planning Commission meeting schedule for September 10<sup>th</sup> that will require a public hearing. There are no LVL within 1000 feet. Mr. Thalman has no objection and believes this would be a great addition to Warwood. Alex Coogan, 11 Maryland St, shows Council a conceptual drawing of diner. The intention is a family place to sit down and have a meal, will be applying for LVL but restaurant aspect is main focus. Bernard Lombard, 153 N. 17th St., Eric Marple, 105 and 107 14<sup>th</sup> St., Eric Menna 626 N. Front are present and speak on behalf of approving. Mr. Coogan estimates 6-8 months for completion after all zoning criteria is met and full construction can begin. Mr. Thalman moved, seconded by Ms. Scatterday to approve. Motion carried.

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**PROJECT UPDATE: 167 16<sup>TH</sup> STREET**

Andrew Yetter is present and provides Council with updates. Estimates September 30<sup>th</sup> for opening of Mugshots for coffee bar. Mr. Yetter would like to put his office in location as well. Mr. Herron comments on original proposal was restaurant and housing. Mr Herron does not think one office is inconsistent with original idea, provided primary use is food and housing. Grant Coleman will run, Mug Shots and also offer flatbreads on patio. Mr. Yetter believes housing will be ready December 2018.

**PROJECT UPDATE: 1069 MAIN STREET**

Mr. Sarrell and Bekka Kerelis are present and provide update on mixed use space of retail and living (former Toms Pizza building). Developers invite Council to an Open House on September 13<sup>th</sup> with friends of Wheeling. They are anticipating a completion of rebuild of stone front and roof garden.

**PROJECT UPDATE: 126 15<sup>th</sup> STREET**

Assistant ECD director Tom Connelly updates Council as this property was given back to the City. Property was transferred to Wilfred Spencer, but has since been given back. New RFP will have to be done.

Mr. Thalman moves, seconded by Ms. Scatterday to move into executive session to discuss property acquisition. Motion carried. Time 5:20pm.

Mr. Thalman moves, seconded by Ms. Scatterday to resume regular order of business. Motion carried. Time 5:40.

There being no further business to come before the Committee, Mr. Thalman moved, seconded by Ms. Scatterday, to adjourn. Time: 5:40 p.m.

Respectfully submitted:

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Chairman Glenn Elliott

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Vice Chair Wendy Scatterday

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Member Chad Thalman

**REPORT OF CITY MANAGER**

Michael Gallaway to Police Civil service and Andy Schreiber to Fire Civil Service. Ms. Scatterday moves, seconded by Mr. Thalman Councils concurrence in appointments.

Mr. Herron asks for two reads on the three paving contracts; this is the largest paving contract he has seen and would like to get started due to time of year.

**REPORT OF OTHER OFFICERS**

Mr. Thalman moved, seconded by Mr. Thorngate, that the, Wheeling Municipal Parking Financial Statement 7/31/18, Robert C. Byrd Financial Statement 7/31/18, BZA Minutes 7/19/18, Traffic Commission Minutes 8/16/18, Greater Wheeling Sports and Entertainment Authority Financial Statement 5/31/18, Greater Wheeling Sports and Entertainment Authority Financial Statement 7/31/18, Greater Wheeling Sports and Entertainment Authority Minutes 6/12/18, be held over until next meeting. Motion carried

**ORIGINAL PROPOSITIONS**

**VACATING AND ABANDONING A PORTION OF MCCOLLOCH ST- RIGHT OF WAY**

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING VACATING AND ABANDONING A PORTION OF MCCOLLOCH STREET RIGHT OF WAY FROM THE NORTH SIDE OF 40th STREET TO THE SOUTH SIDE OF

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LANE 26 WITHIN SQUARE 36 OF THE SPRIGG AND RITCHIE ADDITION TO THE CITY OF WHEELING AND AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH QUITCLAIM DEEDS TO IMPLEMENT THIS ABANDONMENT

WHEELING SYMPHONY- CITY'S PORTION OF FIREWORK DISPLAY- CITY MANAGER

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$40,000 WITH WHEELING SYMPHONY, OF WHEELING, WV, FOR CITY'S SHARE OF FIREWORK DISPLAY, \$30,000 TO BE CHARGED TO CITY MANAGER 001.4412.20.2142 AND \$10,000 CHARGED TO COAL SEVERANCE 022.4412.50.2263

CAST AND BAKER- STREET RESURFACING- SALES TAX RCIP AND OPERATIONS PAVING

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$732,343.25.00 WITH CAST AND BAKER CORPORATION, OF CANONSBURG, PA FOR STREET RESURFACING 2018, \$727,343.25 TO BE CHARGED TO SALES TAX -RCIP AND \$5,000 TO BE CHARGED TO OPERATIONS PAVING 4977.40.9880

Ms. Scatterday moved, seconded by Mr. Wilson for a second read.

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Wilson, Scatterday, Thorngate and Palmer -6  
NOES: -0

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

CAST AND BAKER- BIKE TRAIL RESURFACING- OPERATIONS PAVING

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$95,000 WITH CAST AND BAKER CORPORATION, OF CANONSBURG, PA FOR BIKE TRAIL RESURFACING, TO BE CHARGED TO OPERATIONS PAVING 4977.40.9880

Ms. Scatterday moved, seconded by Mr. Wilson for a second read.

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Wilson, Scatterday, Thorngate and Palmer -6  
NOES: -0

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

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CAST AND BAKER- STREET RESURFACING- CDBG

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$150,821.75 WITH CAST AND BAKER CORPORATION, OF CANONSBURG, PA FOR STREET RESURFACING 2018, TO BE CHARGED TO CDBG 1507.018.110

Ms. Scatterday moved, seconded by Mr. Wilson for a second read.

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Wilson, Scatterday, Thorngate and Palmer -6  
NOES: -0

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

ADOPTING TRAFFIC RULE 4684- HANDICAPPED PARKING ZONE 42 BILTMORE

The following was then read:

AN ORDINANCE OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE 4684- HANDICAPPED PARKING ZONE 42 BILTMORE

ADOPTING TRAFFIC RULE 4685- 3 WAY STOP SIGN ON BETTY STREET AND MCCLURG

The following was then read:

AN ORDINANCE OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE 4685- 3 WAY STOP SIGN ON BETTY STREET AND MCCLURG

ADOPTING TRAFFIC RULE 4686- NO PARKING ZONE JAYSON ST AND GLEN HOLLIN

The following was then read:

AN ORDINANCE OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE 4686- NO PARKING ZONE JAYSON ST AND GLEN HOLLIN

ADOPTING TRAFFIC RULE 4687- UNRESTRICTED PARKING 8<sup>TH</sup> ST

The following was then read:

AN ORDINANCE OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE 4687

BOB ROBINSON- 2018 CHEVY POLICE SWAT TRUCK- PUBLIC SAFETY AND SALES TAX RCIP

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$118,634.00 WITH BOB ROBINSON CHEVY OF TRIADELPHIA, WV, FOR 2018 CHEVY POLICE SWAT TRUCK \$50,000 TO BE CHARGED SALES TAX RCIP AND \$68,634 TO WHEELING STATE FORFEITURE ACCOUNT 2335830713

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WHITESIDE- 2019 CHEVY SILVERADO- WATER DEPARTMENT

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$37,782.00 WITH WHITESIDE OF ST. CLAIRSVILLE, OH, FOR 2019 CHEVY SILVERADO TRUCK TO BE CHARGED TO WATER DEPARTMENT 400.1128.05.00

JIM ROBINSON- 2018 TOYOTA TACOMA X2- WATER DEPARTMENT

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$62,786.00 WITH JIM ROBINSON TOYOTA OF TRIADELPHIA, WV, FOR TWO 2018 TOYOTA TACOMA 4x4 ¼ TON TRUCKS TO BE CHARGED TO WATER DEPARTMENT 400.1128.05.00

SERVICE SUPPLY- OWL COURT, OVERBROOK, GREGGSVILLE- PLAYGROUNDS

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$94,000.00 WITH SERVICE SUPPLY LTD (PLAYCRAFT SYSTEM) OF REYNOLDSBURG, OH, FOR OVERBROOK, OWL COURT, AND GREGGSVILLE PLAYGROUNDS TO BE CHARGED TO PLAYGROUNDS 4979.40-9002

RESOLUTION ADOPTING OFFICIAL CITY FLAG

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING ACCEPTING THE WHEELING 250 COMMITTEE DESIGN AS THE OFFICIAL FLAG OF WHEELING

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

RESOLUTION IDENTIFYING 470 STONE BLVD. AS A DEVELOPMENT OR REDEVELOPMENT SITE

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING IDENTIFYING 470 STONE BLVD DBA THE WINDMILL AS A DEVELOPMENT OR A REDEVELOPMENT SITE.

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

RESOLUTION IDENTIFYING 1913 WARWOOD AVE AS A DEVELOPMENT OR REDEVELOPMENT SITE

The following was then read:

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A RESOLUTION OF THE COUNCIL OF THE CITY OF  
WHEELING IDENTIFYING 1913 WARWOOD AVE AS A  
DEVELOPMENT OR A REDEVELOPMENT SITE

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

RESOLUTION ACCEPTING TERMS AND CONDITIONS OF THE HIGHWAY SAFETY  
GRANT PROGRAM

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF  
WHEELING TO ACCEPT THE TERMS AND CONDITIONS  
OF THE CONTRACT RELATING TO MAINTAIN THE  
REGION 4 HIGHWAY SAFETY PROGRAM IN THE  
NORTHERN PANHANDLE OF WEST VIRGINIA GRANT  
UP TO THE AMOUNT OF \$300,000.00.

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

**THOSE WISHING TO BE HEARD**

Wendy Elswick, speaks in regards to the original Ohio County Courthouse that was built  
in 1778/1779 is still standing in West Liberty, and she invites all to come see during an open  
house September 22 and 23, 2018.

There being no further business, Mr. Thalman moved, seconded by Ms. Scatterday, to  
adjourn. Motion carried. Time 12:31 p.m.

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City Clerk

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Mayor