

September 18, 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, Imer, Wilson, Scatterday, Thorngate, and Palmer	-7
Absent:	-0

Mr. Thalman moved, seconded by Mr. Thorngate, that the minutes of the September 4, 2018 meeting be approved as received. Motion carried.

PUBLIC HEARING

Mr. Thalman moved, seconded by Ms. Scatterday to suspend the regular order of business to conduct a public hearing; Community Development Block Grant (CDBG) and Home Investment partnership program (HOME). No one signed up to speak at the public hearing. Mr. Thalman moved, seconded by Ms. Scatterday to resume regular order of business.

MAYORS REPORT

Mayor Elliott invites Jesse Mestrovic, Director of Parks and Strategic Planning, to speak on the Ordinance for new playgrounds. The three playgrounds on the agenda, if passed tonight, will be installed in 8-10 weeks. The current equipment has already been removed due to unsafe conditions.

Tom Haluscak, President of IAFF local 12, declares the firefighter's endorsement for the public safety building, and thanks Council for their hard work and honesty with their persistent questions.

UNFINISHED BUSINESS

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 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

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Wilson, Scatterday, Thorngate and 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- 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

September 18, 2018

TO CITY MANAGER 001.4412.20.2142 AND \$10,000
CHARGED TO COAL SEVERANCE 022.4412.50.2263

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Wilson, Scatterday, Thorngate and Palmer -7
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

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Wilson, Scatterday, Thorngate and Palmer -7
NOES: -0

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

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

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Wilson, Scatterday, Thorngate and Palmer -7
NOES: -0

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

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

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

September 18, 2018

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Wilson, Scatterday, Thorngate and Palmer -7
NOES: -0

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

ADOPTING TRAFFIC RULE 4687- UNRESTRICTED PARKING 8TH ST

The following was then read:

AN ORDINANCE OF THE CITY OF WHEELING ADOPTING
TRAFFIC RULE 4687

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Wilson, Scatterday, Thorngate and Palmer -7
NOES: -0

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

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

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Wilson, Scatterday, Thorngate and Palmer -7
NOES: -0

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

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

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Wilson, Scatterday, Thorngate and Palmer -7
NOES: -0

September 18, 2018

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

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

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Wilson, Scatterday, Thorngate and Palmer -7
NOES: -0

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

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

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

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Wilson, Scatterday, Thorngate and 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. Wilson, 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; which were held over, be accepted as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Ms. Scatterday invites all to attend a film screening at Wheeling Jesuit University on September 22, 2018 at 1:00 pm. The film is called *Recovery Boys*. Mr. Palmer invites all to attend Ward 6 Crime Watch meeting on September 19, 2018 at Elm Grove Civics.

September 18, 2018

REPORT OF OTHER OFFICERS

Mr. Imer moved, seconded by Ms. Scatterday, that the Wheeling-Ohio County Board of Health Minutes 7/10/18, Building Codes Board of Appeals Minutes 6/29/18, Historic Landmarks Commission Minutes 7/5/18, Wheeling Housing Authority Minutes 7/11/18, Planning Commission Minutes 8/18/18, City of Wheeling Financial Statement August 2018, be held over until next meeting. Motion carried

ORIGINAL PROPOSITIONS

APPROVING AND ADOPTING THE 2018 REPLACEMENT PAGES TO THE CODIFIED ORDINANCE

The following was then read:

WALTERS CONSTRUCTION- MURAL AT KOSSUTH PARK- BEAUTIFICATION

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$26,330.00 WITH WALTERS CONSTRUCTION INC. OF WHEELING WV, FOR NEW MURAL STRUCTURE AT KOSSUTH PARK TO BE CHARGED TO BEAUTIFICATION 4412.50.5680

DIGITAL-ALLY- POLICE DASH CAMS- SALES TAX RCIP

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$23,175.00 WITH DIGITAL-ALLY OF KANSAS CITY, MO, FOR DASH CAMERAS AND EQUIPMENT FOR THE 2019 POLICE CRUISERS TO BE CHARGES TO SALES TAX RCIP

RESOLUTION- ACKNOWLEDGING CURRENT COMPLIANCE WITH STATUTORY BIDDING REQUIREMENTS

The following was then read:

RESOLUTION ACKNOWLEDGING THE CITY OF WHEELING'S CURRENT COMPLIANCE WITH THE STATUTORY BIDDING REQUIREMENTS CONCERNING GOVERNMENT CONSTRUCTION PROJECTS AND INCORPORATING THEREIN THE ABILITY FOR THE CITY TO CONSIDER VARIOUS OTHER FACTORS WHEN AWARDING SUCH CONTRACTS.

WHEREAS, the City of Wheeling is required by law to award certain contracts to the lowest and the most qualified and responsible bidder and, as such, has an affirmative duty to determine which bid is not only the lowest, but also the most qualified and responsible; and

WHEREAS, the City of Wheeling, based upon its experience and its consideration of other objective evidence, has determined that quality workmanship, efficient operation, safety, and timely completion of projects are not necessarily insured by awarding a service, construction, repair or renovation project simply to the lowest bidder and

WHEREAS, the City of Wheeling, based upon its experience and its consideration of other objective evidence, has determined that the following factors, while not exhaustive, are valuable considerations in determining the most qualified and responsible bid; and

WHEREAS, the "best/responsible bid" will preserve administrative resources by insuring that only qualified contractors and sub-contractors are awarded contract on certain City of Wheeling public works construction projects:

September 18, 2018

1. Whether the bidder's workforce is drawn mainly from area residents who historically look to the State of West Virginia, Ohio County for employment.
2. Experience of the bidder's workforce and/or staff.
3. Continuity of the bidder's workforce and or staff.
4. The bidder's participation in a bona fide apprenticeship and/or training program.
5. Length of participation by bidder in a bona fide apprenticeship and/or training program.
6. The number of years the bidder has been in the construction or service business.
7. The bidder's familiarity with the project.
8. The bidder's record on similar projects.
9. Whether the generally experience cost overturn.
10. Bidder's record for complying with completion deadlines.
11. Bidder's bonding record (if required).
12. Bidder's compliance with Workers' Compensation laws.
13. Bidder's compliance with Unemployment Compensation Laws.
14. Bidder's compliance with the Fair Labor Standards Act.
15. Bidder's compliance with fringe benefit contributions requirements.
16. Bidder's compliance with continuing educational requirements of the particular trade or profession.
17. Bidder's compliance with peer review requirements, if any.

NOW THEREFORE, in order to comply with its obligation to award construction and service contracts to not only the lowest but the most responsible and qualified bidder, and to ensure, to the greatest extent possible, quality workmanship, efficient operation, safety, and the timely completion of service, construction of service, construction, repair, and renovation projects in the State of West Virginia, Ohio County, it is hereby RESOLVED by the City of Wheeling.

1. On any service, construction, repair or renovation project which has an estimated cost of over the statutorily obligated amount, the City of Wheeling will, in determining the lowest and most qualified and responsible bidder, consider all of the factors listed above to any submitted bid.
2. All bid invitations and specifications for service, construction, repair and renovation work in the State of West Virginia, Ohio County, shall advise prospective bidders of all of the factors that will be considered by the City of Wheeling. The bid invitation and specification shall contain a provision substantially conforming to the document which is attached to this resolution as Exhibit A and incorporated by reference herein. The City of Wheeling reserves the right to modify this document at any time.
3. All bid forms and application for service and/or construction projects for the City of Wheeling shall be modified to enable a bidder to provide evidence to the City of Wheeling of the existence of the various factors that will be considered by the City of Wheeling in determining the lowest and most qualified and responsible bid.
4. The City of Wheeling reserves the right to modify the above described list of factors for consideration by adding to or detracting from said list.
5. If this resolution or any part thereof shall conflict with the conditions of the issuance or award of any governmental contract, state or federal, the provisions of this resolution so in conflict shall be considered null and void in relation to said governmental contract,
6. If this resolution or any part thereof shall conflict with any applicable statute or regulation, the provisions of this resolution so in conflict shall be considered null and void where appropriate.

Mayor Elliott moved, seconded by Ms. Scatterday to correct a typo in the resolution.
Motion carried

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

September 18, 2018

THOSE WISHING TO BE HEARD

No one signed up to speak.

There being no further business, Mr. Thalman moved, seconded by Ms. Scatterday, to adjourn. Motion carried. Time 5:55 p.m.

City Clerk

Mayor