

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 February 7, 2017 meeting be approved as received. Motion carried.

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

**“Public Hearing - On the Matter of Declaring the Ohio Valley Post 89 American Legion Home Corporation of Wheeling, West Virginia, Inc., Located at 1419 Jacob St. As a Public Nuisance.”**

City Solicitor Rose Humway-Warmuth explained the process for this public hearing. The City and the tenant/landowners of the Ohio Valley Post 89 American Legion Home Corporation of Wheeling, West Virginia, Inc., presented their positions. Testimony concerning the declaration of public nuisance and public comment was also accepted by members of Council. Council engaged those who spoke and testified with various questions. Council made no decision and took the matter under advisement. A Court Reporter was present and a transcript of the proceedings was made and is meant to be included herein and will be on file in the Office of the City Solicitor upon its completion.

Mr. Thalman moved, seconded by Mr. Thorngate, to conclude the public hearing and resume the regular order of business.

Mr. Thalman moved, seconded by Mr. Thorngate, to take a five minute break. Motion carried.

**MAYOR'S REPORT**

Mayor Elliott announced that the State of the City Event is next Tuesday, February 28, 2017 at Wheeling Island Casino and Racetrack, at 12:00 noon.

He updated those present about the West Virginia Municipal League Winter Conference that City Staff and Council just returned from this morning. He said that they were able to meet with the Governor's staff and also WVDOH officials in regard to the Downtown Streetscape Project. He indicated that this project should be moving forward late this year or early Spring of 2018. Interstate 70, on either side of the tunnel, is also a high priority on the WVDOH's projects. Mayor Elliott said that they were also able to meet with Senators Ferns, Weld and Maroni and Delegates Storch and Fluharty in regard to raising the Municipal Tax Credits from 10% to 25%.

He reminded those in attendance that the “Show of Hands” is being held tomorrow evening at the Artisan Center at 6:30 p.m.

Mayor Elliott then introduced Pete Holloway, who is the Chairman of Ad Hoc Committee on Regional Industrial Development who presented Council with their Final Report, “Attracting the Boom.” Mr. Holloway gave a synopsis of the report, which is available in the Office of the City Clerk. Mayor Elliott thanked Mr. Holloway and Joelle Connors for their work on this extensive report.

Mayor Elliott introduced Jason Smith, whom he would like to appoint the Board of Zoning Appeals. Mr. Thalman moved, seconded by Ms. Scatterday, Council's concurrence in

the appointment. Motion carried.

Mayor Elliott then presented City Manager Robert Herron a Certificate noting his 15 years as City Manager. He noted Mr. Herron's many achievements during the past 15 years. Members of Council thanked Mr. Herron for his leadership.

### **UNFINISHED BUSINESS**

Mr. Imer moved, seconded by Mr. Wilson, to lift the Resolution from the table. Motion carried.

#### RESOLUTION - DOWNTOWN FACADE IMPROVEMENT PROGRAM

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 PROGRAM.

Mr. Palmer offered an amendment to the Downtown Facade Improvement Program document which in effect would be that first choice be given to local contractors and professionals doing business in the City of Wheeling. Mayor Elliott explained the program and showed a slide that outlined the eligible area.

Mr. Palmer moved, seconded by Mr. Thalman, to approve the amendment as stated above. Motion carried.

Mr. Palmer then moved, seconded by Mr. Thalman, to adopt the Resolution. Motion carried.

#### ROBERT C. BYRD INTERMODAL TRANSPORTATION CENTER SHORTFALL - FY 2015

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$85,361.28 WITH THE ROBERT C. BYRD INTERMODAL TRANSPORTATION CENTER FOR THE INTERMODAL TRANSPORTATION CENTER SHORTFALL - FY 2015, TO BE CHARGED TO #001.4414.50.5134.

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.

#### ZONE CHANGE - VARIOUS PROPERTIES - I-2 TO D-2 AND EMO TO D-2 (DOWNTOWN MEDIUM DENSITY)

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF

WHEELING AMENDING THE ZONING DISTRICT  
CLASSIFICATION OF 1803 EOFF STREET FROM I-2  
GENERAL INDUSTRY to D-2 DOWNTOWN MEDIUM  
DENSITY AND 1516 MAIN STREET, 1527, 1529, 1535 & 1704  
MARKET STREET, 8, 50, & 52 16<sup>th</sup> STREET, 6 SOUTH  
STREET, 1533 MARKET STREET, 8-16<sup>th</sup> STREET FROM EMO  
EDUCATIONAL MEDICAL OFFICE TO D-2 DOWNTOWN  
MEDIUM DENSITY.

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.

AMENDING CODIFIED ORDINANCES - PART 13 - PLANNING & ZONING CODE,  
CHAPTER 3, ZONING ORDINANCE, ARTICLE 1339 - COMMERCIAL DISTRICTS

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING AMENDING PART THIRTEEN – PLANNING  
AND ZONING CODE, CHAPTER THREE – ZONING  
ORDINANCE – ARTICLE 1339 – COMMERCIAL DISTRICTS,  
SCHEDULE 5.A SCHEDULE OF DIMENSIONAL  
REQUIREMENTS ESTABLISHING A 0’ MAXIMUM  
SETBACK IN THE DOWNTOWN ZONING DISTRICTS (D-1,  
D-2, & D-3).

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.

ADOPTING TRAFFIC RULE NO. 4583 - HANDICAPPED PKG. - ALBERTA AVE.  
(BEHIND 51 DOROTHY AVE.)

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TR 4583.

The ordinance was read a second time by title. Mr. Thorngate 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.

ADOPTING TRAFFIC RULE NO. 4584 - HANDICAPPED PARKING - 3712 CHAPLINE ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4584.

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.

ADOPTING TRAFFIC RULE NO. 4585 - FIVE-WAY STOP INTERSECTION - 14<sup>TH</sup> ST.,  
WOOD ST., AND LIND ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4585.

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.

O'BRIEN'S RENT-ALL - MT. WOOD WATERLINE PROJECT - CO #1

The following was then read:

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.

EVOGOV - CITY WEBSITE DESIGN AND DEVELOPMENT

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO

ENTER INTO AN AGREEMENT WITH EVO STUDIOS, INC.,  
DBA EVOGOV, OF PARKER, CO, FOR WEBSITE DESIGN  
AND DEVELOPMENT IN AN AMOUNT NOT TO EXCEED  
\$33,000.00, TO BE CHARGED TO CITY MANAGER -  
#001.4412.50.5680.

Mr. Thorngate gave some background information on the Request for Proposal process and how and why EvoGov was chosen for the design and development of the website.

The ordinance was read a second time by title. Mr. Thalman moved, seconded by Mr. Thorngate, 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.Wilson, that the Human Rights Commission Minutes, 11/16/16; Wheeling Housing Authority Minutes, 12/14/16; Board of Zoning Appeals Minutes, 12/15/16; Traffic Commission Minutes, 1/12/17; Greater Wheeling Sports & Entertainment Authority Minutes, 11/22/16; Greater Wheeling Sports & Entertainment Authority Income Statement, 11/16 & 12/16; Wheeling Municipal Parking System Financial Report, 12/31/16; Robert C. Byrd Intermodal Transportation Center Financial Report, 12/31/16; and Historic Landmarks Commission Minutes, 12/1/16; that were held over, be accepted as received. Motion carried.

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

Mr. Thalman gave a brief update on the Finance Committee Meeting that was held prior to this evening's meeting. He commented that Council is considering raising the parking meter fines and other associated fines dealing with parking. Mr. Thalman thanked Mr. Wilson on the great job he is doing in his ward.

Ms. Scatterday explained that the reason she was not in attendance at the last Council meeting was that she was attending a CAFTA Conference in Washington, DC. She will have a report on it at a later date.

Mr. Wilson took offense of comments that were made earlier by residents of East Wheeling regarding their councilman's absence in the East Wheeling. He explained that he not only lives in the neighborhood now, but his family has always lived there. He also attends Crime Watch meetings and is constantly working to make East Wheeling a safer place to live.

#### **REPORT OF CITY MANAGER**

City Manager Robert Herron reported that the Ohio County Assessor's Office has given him Tax Increment Financing figures for 2018. The increment for 2018 is \$60,840,000.00. This increment provides additional flexibility in dealing with economic development infrastructure in downtown Wheeling. He also reported that the Main Street Storm Sewer Project is slated to begin this week. He indicated that the project is expected to last about 90 days and there maybe some traffic delays.

#### **REPORT OF OTHER OFFICERS**

Mr. Palmer moved, seconded by Mr. Thorngate, that the Planning Commission Minutes, 01/09/17; Board of Zoning Appeals Minutes, 01/19/17; CDBG Program Status Report, 01/31/17; HOME Program Status Report, 01/31/17; Traffic Commission Minutes, 02/09/17; and Financial Statement, 01/31/17; be held over until the next meeting. Motion carried.

#### **ORIGINAL PROPOSITIONS**

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS TO EXTEND THE SERVICES OF CT CONSULTANTS FOR TWELVE MONTHS TO CONTINUE PROVIDING FLOW MONITORING, DATA MANAGEMENT, EQUIPMENT OPERATIONS AND MAINTENANCE IN ACCORD WITH THE CITY'S PHASE II STATUS & PHASE III WASTEWATER SYSTEM IMPROVEMENTS.

ADOPTING TRAFFIC RULE NO. 4586 - HANDICAPPED PKG. ZONE - 807 WARWOOD AVE.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4586.

ADOPTING TRAFFIC RULE NO. 4587 - HANDICAPPED PKG. ZONE - 152 N. 20<sup>TH</sup> ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4587.

ADOPTING TRAFFIC RULE NO. 4588 - HANDICAPPED PKG. ZONE - 1300 MC COLLOCH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4588.

ADOPTING TRAFFIC RULE NO. 4589 - NO PARKING ZONE - S. SD. OF ZANE ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4589.

ADOPTING TRAFFIC RULE NO. 4590 -NO PARKING ZONE - N. SD. OF EDGINGTON LANE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4590.

ADOPTING TRAFFIC RULE NO. 4591 - 2 HR. PARKING METER ZONE - EOFF STREET (BY PADDEN'S).

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4591.

JAMES WHITE CONSTRUCTION - CO. #1 - IDABELLE AVENJE WATERLINE PROJECT

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$59,365.05 WITH JAMES WHITE CONSTRUCTION, OF WEIRTON, WV, FOR IDABELLE AVENUE WATERLINE PROJECT, CHANGE ORDER NO. 1, TO BE CHARGED TO WATER -  
#400 1331 04 00

**THOSE WISHING TO BE HEARD**

No one signed up to speak.

There being no further business, Ms. Scatterday moved, seconded by Mr. Palmer, to adjourn. Motion carried. Time: 8:30 p.m.

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City Clerk

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Mayor