

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 Pastor John Wright.

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 September 6, 2016 meeting be approved as received. Motion carried.

### **MAYOR'S REPORT**

Mayor Glenn Elliott reported that all four of the Ad Hoc Committees will be meeting soon. The Volunteerism Committee will meet this evening, Industrial Development will meet Thursday at 8:00 a.m., Affordable Housing will meet on Monday at 1:00 p.m. and Retention Committee will meet next Wednesday at 7:30 at River City.

Mayor Elliott announced another meeting that will be held next Wednesday at River City at 6:00 p.m. called "Thriving Community Institute" presented by Jim Rokakis.

Mayor Elliott updated those present on a recent trip that he and WNHAC Executive Director Jake Dougherty took to Greenville, SC to meet with various city officials there to see how they have revitalized their downtown.

The Mayor thanked the city staff for setting up Facebook Pages for all Six Wards in the City. He noted that it gives the public the ability to see what's going on in their wards and also voice any concerns that they may have to their councilperson.

Mayor Elliott updated Council on the status of the new position for Director of Parks and Strategic Planning. He indicated that applications have been received and interviews will be forthcoming. Mayor Elliott welcomed Boy Scout Troop 5 from St. Michael's Church who were present at this evening's meeting. He also welcomed back Fire Chief Larry Helms who was injured in a very bad motorcycle accident and who was in attendance this evening.

Mayor Elliott presented a proclamation to Helen Altmeyer, a representative from the U. S. Attorney's Office, noting that the week of September 19 through September 23, is Heroin and Opioid Awareness Week in the City of Wheeling.

Mayor Elliott asked for Council's concurrence in the appointment of Alan Duvall to the Traffic Commission. Mr. Palmer moved, seconded by Ms. Scatterday, Council's concurrence in the appointment. Motion carried. Mr. Duvall was present and introduced himself to Council.

### **UNFINISHED BUSINESS**

#### AMENDING CODIFIED ORDINANCES - ARTICLE 1721 - ADOPTING INTERNATIONAL BUILDING CODE 2015

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ORDINANCE 14515 AND ADOPTING THAT PART OF THE STATE BUILDING CODE ENTITLED INTERNATIONAL BUILDING CODE, 2015.

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.

AMENDING CODIFIED ORDINANCES - ARTICLE 1723 - INTERNATIONAL EXISTING BUILDING CODE 2015

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ORDINANCE 14516 AND ADOPTING THAT PART OF THE STATE BUILDING CODE ENTITLED INTERNATIONAL EXISTING BUILDING CODE, 2015.

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.

AMENDING CODIFIED ORDINANCES - ARTICLE 1724 - ADOPTING INTERNATIONAL FUEL GAS CODE 2015

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ORDINANCE 14517 AND ADOPTING THAT PART OF THE STATE BUILDING CODE ENTITLED INTERNATIONAL FUEL GAS CODE, 2015.

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.

AMENDING CODIFIED ORDINANCES - ARTICLE 1725 - ADOPTING INTERNATIONAL MECHANICAL CODE 2015

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING AMENDING AND REENACTING ORDINANCE  
14518 AND ADOPTING THAT PART OF THE STATE BUILDING  
CODE ENTITLED INTERNATIONAL MECHANICAL CODE,  
2015.

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.

AMENDING CODIFIED ORDINANCES - ARTICLE 1726 - ADOPTING AMERICAN  
NATIONAL STANDARDS FOR ACCESSIBILITY 2009/AMENDMENTS

The following was then read:

AN ORDINANCE AMENDING AND REENACTING PART 17  
OF THE CODIFIED ORDINANCES OF THE CITY OF  
WHEELING BY REENACTING ARTICLE 1726 THERETO  
ENTITLED AMERICAN NATIONAL STANDARDS FOR  
ACCESSIBILITY, USABLE BUILDINGS AND FACILITIES  
2009/ICC/ANSI A117.1.

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.

AMENDING CODIFIED ORDINANCES - ARTICLE 1729 - ADOPTING INTERNATIONAL  
PLUMBING CODE 2015

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING AMENDING AND REENACTING ORDINANCE  
14520 AND ADOPTING THAT PART OF THE STATE  
BUILDING CODE ENTITLED INTERNATIONAL PLUMBING  
CODE, 2015.

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.

AMENDING CODIFIED ORDINANCES - ARTICLE 1731 - INTERNATIONAL

RESIDENTIAL CODE 2015

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ORDINANCE 14521 AND ADOPTING THAT PART OF THE STATE BUILDING CODE ENTITLED INTERNATIONAL RESIDENTIAL CODE, 2015.

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.

AMENDING CODIFIED ORDINANCES - ARTICLE 1733 - ADOPTING NATIONAL ELECTRIC CODE 2014

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ORDINANCE NO. 14522 OF THE CITY OF WHEELING BY AMENDING AND REENACTING SECTION 1733.01 OF ARTICLE 1733, NATIONAL ELECTRIC CODE, 2014.

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.

AMENDING CODIFIED ORDINANCES - ARTICLE 1735 - ADOPTING INTERNATIONAL ENERGY CONSERVATION CODE 2009/AMENDMENTS

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ORDINANCE 14523 AND ADOPTING THAT PART OF THE STATE BUILDING CODE ENTITLED INTERNATIONAL ENERGY CONSERVATION CODE, 2009, AND ANSI/ASHRAE/IESNA STANDARD 90.1 - 2007 ENERGY STANDARD FOR BUILDINGS EXCEPT LOW RISE RESIDENTIAL BUILDINGS.

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

NOES: - 0

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

Ms. Scatterday pointed out that there is a more current edition of the International Energy Conservation Code; however, the State of West Virginia has not adopted that edition yet..

AMENDING CODIFIED ORDINANCES - ARTICLE 1771 - ADOPTING INTERNATIONAL PROPERTY MAINTENANCE CODE 2015

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ORDINANCE 14524 AND ADOPTING THAT PART OF THE STATE BUILDING CODE ENTITLED INTERNATIONAL PROPERTY MAINTENANCE CODE, 2015 AND ADOPTING WV. CODE §87-4-6 AND §87-4-7.

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.

EDGCO, INC. - MAIN STREET STORM SEWER

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$753,505.00 WITH EDGCO, INC., OF LANSING, OH, FOR MAIN STREET STORM SEWER, TO BE CHARGED TO T.I.F. - PROJECT PLAN 3.

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

Mayor Elliott pointed out that this project is in conjunction with the Health Plan Project.

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.

OPTION AGREEMENTS - 1431 MARKET STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO EXECUTE CERTAIN OPTION AGREEMENTS FOR

PURCHASE OF REAL PROPERTY LOCATED AT 1431 MARKET STREET, IN THE CITY OF WHEELING AND FURTHER AUTHORIZING THE CITY MANAGER TO COORDINATE THE EXECUTION OF SUCH AGREEMENT AND SUCH DEED AND OTHER DOCUMENTS TO EFFECTUATE THE CONVEYANCE INTENDED WITHIN SAID OPTION AGREEMENT.

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:

Mayor Elliott explained that this is the fourth building in the 1400 block that the City has acquired and added to the other three, it gives us a more marketable area.

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.

Mr. Thorngate moved, seconded by Ms. Scatterday, that the Wheeling Municipal Parking System Financial Report, 7/31/16; Robert C. Byrd Intermodal Transportation Center Financial Report, 7/31/16; Human Rights Commission Minutes, 7/19/16; Greater Wheeling Sports & Entertainment Authority Minutes, 4/26/16; Greater Wheeling Sports & Entertainment Authority Income Statement, 5/31/16 & 7/31/16, that were held over be approved as received. Motion carried.

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

Mr. Thalman also welcomed Troop 5 to tonight's meeting and commented that he graduated from St. Michael's also. He reported that the City, along with "Grow Wheeling Pride" installed a gazebo at Garden Park and this Saturday, beginning at 9:00 a.m., the committee on volunteerism, Wheel Help, will be painting the fence around Garden Park.

Mr. Thorngate announced that Ward Five will be conducting Ward Five/Crime Watch meetings on the first Thursdays of the month at 7:00 at Christ United Methodist Church on National Road. The first meeting is scheduled for November 3<sup>rd</sup>.

Mr. Palmer commented that, due to a prior commitment at work, he will have to leave prior to "Those Wishing to Be Heard." He announced that the Elm Grove Crime Watch meeting will be tomorrow evening at 7:00 p.m. at the Elm Grove Civics. Mr. Palmer asked that the City Manager and City Solicitor look at crafting a "Fireworks" Ordinance, similar to the City of Fairmont's, limiting the discharge of fireworks to a certain number of days. Relevant to a newspaper article following the Affordable Housing Ad Hoc Committee meeting, Mr. Palmer commented that he was very upset to read the remarks that were made by the committee about the City's Inspection Department. He believes that they were untrue and unfounded.

Ms. Scatterday concurred with Mr. Palmer's remarks about the Inspection Department. She said that often the people that complain are not knowledgeable enough about the building and structural requirements and probably should seek professional assistance. Relevant to the drug epidemic in the area, she assured the public that we are continually working on this problem. She expressed her appreciation to the Police and Fire Departments who are also working aggressively on this problem.

Ms. Scatterday reported on the Public Works Committee meeting that occurred last week. She said that our consultant reviewed in detail, including the historical development of the sewer system, a proposed third phase of the Long Term Control Plan which is needed to get the City in compliance with State and Federal environmental regulations. The Committee Report will be included on the October 4, 2016 agenda.

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

Appeals Minutes, 8/18/16; Traffic Commission Minutes, 9/8/16; Wheeling Housing Authority Minutes, 7/13/16; CDBG Program Status Report 8/31/16; HOME Program Status Report, 8/31/16; Finance Committee Report, 8/31/16; be held over until the next meeting. Motion carried.

### ORIGINAL PROPOSITIONS

#### ADOPTING TRAFFIC RULE NO. 4576 - HANDICAPPED PARKING ZONE - 3524 WOOD ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4576.

#### ADOPTING TRAFFIC RULE NO. 4577 - NO PARKING FIRE LANE ZONE - GAEWOOD AVE.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4577.

#### AMENDING CODIFIED ORDINANCES - ARTICLE 1761 SWIMMING POOLS AND ADOPTING INTERNATIONAL SWIMMING POOL AND SPA CODE, 2015.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ARTICLE 1761 SWIMMING POOLS, OF THE CODIFIED ORDINANCES, AND ADOPTING AND INCORPORATING THAT PART OF THE STATE BUILDING CODE ENTITLED INTERNATIONAL SWIMMING POOL AND SPA CODE, 2015.

#### AMENDING CODIFIED ORDINANCES - ARTICLE 1745 - FIRE ZONES

The following was then read

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING PART SEVENTEEN - BUILDING AND HOUSING CODES, ARTICLE 1745, ENTITLED FIRE ZONES AND ADOPTING THAT PART OF THE STATE FIRE COMMISSION'S LEGISLATIVE RULE CONCERNING CERTIFICATION, CONTINUING EDUCATION AND VARIOUS OTHER PROVISIONS FOR MUNICIPAL, COUNTY AND OTHER PUBLIC SECTOR BUILDING CODE OFFICERS, INSPECTORS AND PLANNERS AS REQUIRED BY THE STATE OF WEST VIRGINIA.

#### RESOLUTION - WV DIVISION OF MOTOR VEHICLES SAFE COMMUNITY/DUI ENFORCEMENT GRANT

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO ACCEPT THE TERMS AND CONDITIONS OF THE CONTRACT RELATING TO THE SAFE COMMUNITY/DUI ENFORCEMENT PROJECT GRANT - #F17-HS-04 IN THE AMOUNT OF \$493,680.00.

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

## THOSE WISHING TO BE HEARD

Tom Hoffman, Jr., 39 Lawson Avenue, Triadelphia, WV, appeared before Council to request that the Mayor sign a letter in opposition to the Trans-Pacific Partnership Act. He believes it would be very detrimental to businesses in the United States.

Karen Shipley, 106 Mulberry Ave., Moundsville, WV, also spoke against the Trans-Pacific Partnership Act. She believes it is an unfair trade agreement. She urged Council and the Mayor to sign the letter to Senators Joe Manchin and Shelly Moore-Capito in opposition to the TPP Act. Mayor Elliott said that they could talk further after the meeting.

Pastor John Wright, 20 Beehaven Drive, spoke in regard to the LGBT ordinance. He encouraged Council to get as much public input as possible and questioned the need for an specific ordinance. Mayor Elliott assured Pastor Wright that there will be an opportunity for public input prior to adoption of any ordinance.

David Miller, spoke in support of LGBT legislation by the City. He appreciates that the City is working on this ordinance.

Susan Hagan, 237 Elm Knoll Drive, spoke in support of the LGBT legislation. She believes that this ordinance protects basic human rights that everybody deserves.

There being no further business, Mr. Thalman moved, seconded by Mr. Palmer, to adjourn. Motion carried. Time: 6:30 p.m.

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City Clerk

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Mayor