

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. Palmer, that the minutes of the October 4, 2016 meeting be approved as received. Motion carried. Mayor Elliott noted that he had abstained from voting on the last item on the agenda which was a Resolution regarding a contribution to the Friends of Wheeling Preservation Loan Guarantee Fund and would like that to be included in the minutes. Mayor Elliott serves on the board for the Friends of Wheeling and he abstained due to a possible conflict of interest.

MAYOR'S REPORT

Mayor Elliott updated Council on the Ad Hoc Committees. He commented that the Industrial Development Committee will meet October 28 at 8:00 a.m. in Council Chambers. He also noted that the Affordable Housing and Retention Ad Hoc Committees met last week at Orrick.

Mayor Elliott reported that he toured the Boury Lofts Building last week and was very impressed with the progress so far. He believes the first two floors will be ready by the end of the year and that the other floors will be ready in the first quarter of 2017. He believes this will greatly expand the housing opportunity in downtown Wheeling.

Mayor Elliott welcomed Fire Chief Larry Helms back to work full time and thanked Assistant Fire Chief Ed Geisel for filling in for Chief Larry Helms while he was on sick leave.

The mayor updated Council on the Parks and Strategic Planning Commission. He said applicants have been narrowed down and they are in the process of scheduling further interviews. Mayor Elliott also announced that the 3rd season of a "Show of Hands" will take place on November 30, 2016.

Mayor Elliott welcomed Boy Scout Troop Six from Vance Presbyterian Church to this evening's meeting. Mayor Elliott introduced the following Community Development Block Grant sub-recipients, who in turn gave a brief description of their organization and how they will be utilizing the funds that they receive from CDBG: Karen Haught, Seeing Hand Association; Andrea Staron, Catholic Charities of West Virginia; Lisa Badia, Homeless Coalition; Kathy Brown, Wheeling Health Right; Ken Peralta, Grow Ohio Valley; and Kristen Cox, Junior League of Wheeling.

In regard to the "Brunch Bill" Ordinance that will be voted on tonight, the following people spoke in support of the passage of the "Brunch Bill": Carrie Thomas, The Alpha; Susan Hagan, on behalf of Later Alligator and The 19th Hole; Frank O'Brien, Wheeling Convention and Visitors Bureau; Kim Florence, Wheeling Island Casino Racetrack and Resort; and Erikka Storch, Wheeling Area Chamber of Commerce.

CLERK'S REPORT

City Clerk Janice Jones presented Council with a Zone Change Request for property located adjacent to Wood Street (former LaBelle Nail Plant). The present zone is I-1 Light Industrial and the proposed zone is C-2 General Commercial. The proposed use is for multi-family/residential townhouses. The applicant is Ronald Musser. Ms. Scatterday moved, seconded by Mr. Wilson, to forward this zone change request to the Planning Commission. Motion carried

UNFINISHED BUSINESS

FIRST TIME HOMEBUYER PROGRAM - NORTHERN PANHANDLE HOME CONSORTIUM 2016

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS FOR THE NORTHERN PANHANDLE HOME CONSORTIUM FIRST TIME HOMEBUYER PROGRAM IN THE AMOUNT OF \$241,678.00, AS PER HOUSING CONSORTIUM COOPERATION AGREEMENT, TO BE CHARGED TO 2016 EY FIRST TIME HOMEBUYER PROGRAM.

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.

WHEELING POLICE DEPARTMENT

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$15,000.00 WITH WHEELING POLICE DEPARTMENT, TO BE CHARGED TO CDBG 2016 EY PUBLIC SERVICES #1511-016-165.

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.

WHEELING HUMAN RIGHTS COMMISSION

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$5,000.00 WITH WHEELING HUMAN RIGHTS COMMISSION, TO BE CHARGED TO CDBG 2016 EY PUBLIC SERVICES #1511-016-160.

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.

SEEING HAND ASSOCIATION

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$2,500.00 WITH SEEING HAND ASSOCIATION, TO BE CHARGED TO CDBG 2016 EY PUBLIC SERVICES #1511-016-180.

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

GREATER WHEELING COALITION FOR THE HOMELESS

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$4,500.00 WITH GREATER WHEELING COALITION FOR THE HOMELESS, TO BE CHARGED TO CDBG 2016 EY PUBLIC SERVICES #1511-016-130.

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

WHEELING HEALTH RIGHT

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$20,000.00 WITH WHEELING HEALTH RIGHT, TO BE CHARGED TO CDBG 2016 FY PUBLIC SERVICES #1511-016-150.

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

EAST WHEELING POOL OPERATIONS

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$15,000.00 WITH EAST WHEELING POOL OPERATIONS, TO BE CHARGED TO CDBG 2016 EY PUBLIC SERVICES #1511-016-190.

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

CATHOLIC CHARITIES

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$4,000.00 WITH CATHOLIC CHARITIES, TO BE CHARGED TO CDBG 2016 EY PUBLIC SERVICES #1511-016-115.

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

NELSON JORDAN CENTER

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$33,000.00 WITH NELSON JORDAN CENTER, TO BE CHARGED TO CDBG 2016 EY PUBLIC SERVICES #1511-016-170.

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

URBAN DESIGN VENTURES, LLC - PROFESSIONAL SERVICES FOR CDBG/HOME PROGRAMS

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT (SECOND YEAR OF A THREE YEAR AGREEMENT) WITH URBAN DESIGN VENTURES, LLC, OF HOMESTEAD, PA, FOR PROFESSIONAL SERVICES FOR THE CDBG/HOME PROGRAMS IN AN AMOUNT NOT TO EXCEED \$12,500.00, TO BE CHARGED TO COMMUNITY DEVELOPMENT BLOCK GRANT 2016 EY GENERAL ADMIN. - CONSULTING SERVICES - #1501-016-180.

The ordinance was read a second time by title. Mr. Thalman moved, seconded by Ms. Scatterday, 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 AND REENACTING CHAPTER 5, ARTICLE 521 - LIQUOR CONTROL, SECT. 521.07(a), SECT. 521.09(a) (5) AND SECT. 521.99

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING CHAPTER FIVE - GENERAL OFFENSES CODE, ARTICLE 521 - LIQUOR CONTROL, SECTIONS 521.07 (a) - ACTS PROHIBITED BY NONINTOXICATING BEER LICENSEE, 521.09 (a) (5) - ACTS PROHIBITED BY PRIVATE CLUB LICENSEES AND 521.99 - PENALTY, PURSUANT TO MUNICIPAL HOME RULE AUTHORITY.

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

Mayor Elliott pointed out that this is the “Brunch Bill” and the Legislature granted municipalities the right to move forward with this, under municipal home rule authority. Some cities, such as Charleston, Morgantown, Clarksburg, and Lewisburg have also moved forward with this for their municipalities. Should the ordinance pass, the effective date would be October 23. In response to a question from Mayor Elliott, City Solicitor Rosemary Humway-Warmuth indicated that Oglebay Park would be included in this ordinance.

Ms. Scatterday urged Council members to vote in favor of this ordinance as it would be beneficial to businesses and tourism in our city.

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.

DOAN FORD - SEVEN (7) 2017 SUV POLICE UTILITY VEHICLES

The following was then read

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT AND EXECUTE THE APPROPRIATE AGREEMENT TO EXPEND FUNDS IN THE AMOUNT OF \$271,798.00 WITH DOAN FORD, OF BELMONT, OH, FOR THE LEASE-PURCHASE OF SEVEN (7) 2017 SUV POLICE UTILITY VEHICLES, PER BID SPECIFICATIONS, TO BE FINANCED WITH UNITED BANK, WHEELING, WV, TO BE CHARGED TO - POLICE VEHICLES - 2016-17 - #001.4976.40.9100.

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.

Mr. Palmer moved, seconded by Ms. Scatterday,, that the Wheeling Housing Authority Minutes, 8/10/16, be held over until the next meeting. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Thalman had received complaints from some residents in Warwood about several dead trees that were on City property. He thanked Public Works Director Rusty Jebbia for acting on his request to look at the dead trees and removing them.

Ms. Scatterday that the Volunteerism Committee is launching the City-wide Wheel Help Clean Up Event on November 12, 2016. More information and sign up is available at several places on line.

Mr. Palmer encouraged people to take pride in their neighborhoods and help clean up.

REPORT OF COMMITTEES

Mr. Thalman moved, seconded by Mr. Palmer, to dispense with the reading of the Finance Committee minutes for 10/04/16 and accept them as received. Motion carried. He then gave a brief review of the meeting. For the record, the minutes are as follows:

FINANCE COMMITTEE REPORT - OCTOBER 4, 2016

The Finance Committee of Wheeling City Council met on Tuesday, October 4, 2016 at 11:15 a.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, City Solicitor Rosemary Humway-Warmuth; Finance Director Seth McIntyre, City Clerk Janice Jones and the media.

The following matters were discussed:

Financial Statement - August 31, 2016

City Manager Robert Herron reported that the General Fund Balance at the end of August, 2016 is \$3,089,000. Mr. Herron also reported that revenues for August, 2016 are at approximately 18%, a little ahead of where we were for the same period last year and that expenditures for August are \$200,000.00 less for the same time period as last year. Following some discussion, Member Scatterday moved, seconded by Member Palmer, to accept the August 31, 2016 Financial Statement as presented. Motion carried.

Discussion of penalties associated with over-time parking at meters

A discussion in regard to recommendations made by the parking committee appointed by the

former Council ensued. The Finance Committee members believe that the current \$3 parking fine does little to deter the local work force from parking at meters all day. They would like to decongest downtown street parking so shoppers and business clients may easily visit the City. They believe that stronger fines may encourage people to park at existing garages or lots on a long term basis. City Manager Robert Herron provided the committee with comparisons of fines from other cities throughout the state. A discussion on chalking tires also took place. Several business owners, along with Centre Market Manager Kurt Zende, support an increase in fines to influence turnover. Following this discussion, the committee agreed to have further discussion on this matter and revisit it at a later date.

In another matter, Mr. Palmer inquired about the recent Police and Fire Pension Actuarial Reports. Mr. Herron indicated that the latest reports were a five-year review and, based on new assumptions, the funds will need approximately \$600,000.00 additional funding.

There being no further business to come before the Committee, Mr. Palmer moved, seconded by Ms. Scatterday, to adjourn. Time: 11:47 a.m.

REPORT OF CITY MANAGER

Mr. Herron reported that the Schenk Bridge Project is officially completed. He pointed out that the project was funded by \$800,000 from the WV Division of Highways and about \$219,000 from CDBG funds. It is an important connection as it serves the industrial park.

In response to some suggestions from City Council, Mr. Herron said that there will be a Community Time at the East Wheeling Sports Complex this Friday, October 21 from 4:00 p.m. to 6:00 p.m. for any child who wishes to play there. It will also be available on Saturday, October 22, from 1:30 p.m. to 3:00 p.m. He said they are also looking at future dates that this facility can be made available to the neighborhood. Ms. Scatterday thanked the Administration and staff for coordinating these times.

REPORT OF OTHER OFFICERS

Mr. Imer moved, seconded by Ms. Scatterday, tat the Wheeling Human Rights Commission Minutes, 8/16/16; Wheeling Municipal Parking System Financial Report, 8/31/16; Robert C. Byrd Intermodal Transportation Center Financial Report, 8/31/16; CDBG Program Status Report, 9/30/16; HOME Program Status Report, 9/30/16; and Financial Statement, 9/30/16; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

WHEELING AREA CHAMBER OF COMMERCE - 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 2016 CITY OF LIGHTS FESTIVAL TO BE CHARGED TO COAL SEVERANCE 002.4412.50.2262.

JAMES WHITE CONSTRUCTION - FLYNN AVENUE REPLACEMENT LINE

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$146,700.00 WITH JAMES WHITE CONSTRUCTION, OF WEIRTON, WV, FOR FLYNN AVENUE REPLACEMENT LINE, TO BE CHARGED TO WATER POLLUTION CONTROL DIVISION - #401.1361.02.00 (COLLECTIONS SYSTEM GRAVITY SEWERS).

WILSON, KOZICKI, & GWYNN - AUDIT - FY 2015-2016

The following was then read:

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH WILSON, KOZICKI, & GWYNN, OF WHEELING, WV, FOR SERVICES RENDERED IN CONNECTION WITH AN AUDIT OF THE CITY OF WHEELING FOR THE PERIOD JULY 1, 2015 THROUGH JUNE 30, 2016, IN THE AMOUNT OF \$60,000.00, PER YEAR.

RESOLUTION - APPROVING INVOICES FOR THE WATER TREATMENT PLANT PROJECT

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING APPROVING INVOICES RELATING TO THE CONSTRUCTION AND OTHER SERVICES FOR THE WATER TREATMENT PLANT PROJECT AND AUTHORIZING PAYMENT THEREOF.

Mr. Thalman moved, seconded by Ms.Scatterday, that the Resolution be adopted. Ms. Scatterday asked Mr. Herron if this invoice would close out the project and Mr. Herron noted that we are getting close to the end but there may be some invoices yet to come. A vote was then taken on the motion and the motion carried.

Mr. Thalman inquired about the Flynn Avenue Line Replacement Project. Mr. Herron indicated that this sanitary sewer project was moved up on the priority list to accommodate Wheeling Hospital's \$26,000,000 Continuous Care Facility Project. Mr. Herron said that there will be a reimbursement resolution to come from a future bond issue.

THOSE WISHING TO BE HEARD

Mr. Chuck Fair, 1290 National Road, addressed Council, and offered suggestions about decorating buildings with historical murals throughout the downtown area. He believes this would bring visitors here and encourage entrepreneurs to open shops and restaurants.

Mr. Schultz, WODA Group, signed up to speak but was not present when called.

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

City Clerk

Mayor