

Council of the City of Wheeling met in Council Chambers, City-County Building, on the above date, with Vice-Mayor Chad Thalman presiding.

The invocation was offered by Second Ward Councilor Ken Imer.

On roll call, the following were present:

Thalman, Imer, Wilson, Scatterday, Thorngate and Palmer

- 6

Mayor Elliott was absent.

Mr. Palmer moved, seconded by Mr. Thorngate, that the minutes of the May 2, 2017 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Vice Mayor Thalman announced that Mayor Elliott was in Greenville, SC for a CEOs for Cities Conference and he will be conducting the meeting.

Vice Mayor Thalman introduced Julie Davis and Matt Rafa, of Grow Warwood Pride, a group of volunteers who are active in the Warwood Area. They told those present about all their accomplishments and invited anyone who is interested to come to one of their meetings, which are held on the 4th Wednesday of the month at the Corpus Christi cafeteria. Mr. Rafa also encouraged the public to come to the Farmers Market, which will begin on June 1 and continue every Tuesday from 4:00 until 7:00 until October. It will be held in Garden Park.

Vice Mayor Thalman then introduced Ken Peralta, of Grow Ohio Valley, who talked about their new venture which is a year round Farmers and Natural Foods Market which will be located at the Intermodal Center.

Vice Mayor Thalman announced that the Police Department Law Enforcement Memorial is Wednesday, May 17, at 5:30 p.m. at Heritage Port. Judge Bailey is the featured speaker.

He said that the 2017 Ohio Valley Summer Event Guide and Wheeling Recreation Summer Programming brochure are both available in the City-County Building and throughout the community. Also, the Show of Hands is next Wednesday, May 24, at 5:30 at the Artisan Center.

City offices will be closed on Memorial Day, and the sanitation/recycling schedule will be delayed by one day all week.

Also, the City of Wheeling free summer events start the week of May 29 with the first Waterfront Wednesday concert, movie night and the Chili Cook-off.

Vice Mayor Thalman indicated that City Council will be discussing the possibility of raising sewer rates in the near future. He also said that the City may begin "chalking" tires as a way to see if people are feeding the meters.

In regard to recreational improvements, Mr. Thalman announced that the new tennis courts in Warwood are completed. This was a \$300,000.00 project and they are located behind the Water Treatment Plant. Council also allocated \$35,000.00 for trail improvements, which are being worked on currently. He said that he is hopeful that the Dog Park will be finished by the fall.

Vice Mayor Thalman indicated that a \$143,000.00 Playground Improvement Project is on tonight's agenda. The playgrounds that are included in this project are as follows: 26th Street Playground; Grandview/Vineyard Hills Playground; Wilson Playground; and Jensen Playground. He indicated that another \$250,000.00 has been set aside for additional improvements.

He then introduced Parks and Strategic Planning Director Jesse Mestrovic, who spoke about a new program whereas an individual or group can sponsor a playground or equipment at various sponsorship levels.

Vice Mayor Thalman presented a proclamation to Tyler Hall proclaiming June 2, 2017 as Pride Day in the City of Wheeling.

He also presented a proclamation to the Wheeling Police Department proclaiming May 14 through May 20 as National Police Week in the City of Wheeling.

UNFINISHED BUSINESS

ADOPTING TRAFFIC RULE NO. 4592 - HANDICAPPED PARKING - 2805 JACOB ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4592.

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: Thalman, Imer, Wilson, Scatterday, Thorngate, 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 NO. 4593 - NO PARKING - FIRE LANE ZONE - WELLS ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4593.

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

The vote on the motion resulted as follows:

AYES: Thalman, Imer, Wilson, Scatterday, Thorngate, Palmer - 6

NOES: - 0

ADOPTING TRAFFIC RULE NO. 4594 - FOUR WAY STOP - HESS AVE. & N. 25TH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4594.

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

The vote on the motion resulted as follows:

AYES: Thalman, Imer, Wilson, Scatterday, Thorngate, Palmer - 6

NOES: - 0

ADOPTING TRAFFIC RULE NO. 4595 - HANDICAPPED PARKING - 5 HR. PKG. - N. SD. OF 16TH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4595.

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: Thalman, Imer, Wilson, Scatterday, Thorngate, Palmer - 6

NOES: - 0

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

AMENDING CODIFIED ORDINANCES - ART. 1339, COMMERCIAL DISTRICTS,
SCHEDULE 5.A

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 3 STORY
MINIMUM BUILDING HEIGHT IN THE DOWNTOWN ZONING
DISTRICTS (D-1, D-2, & D-3).

Ms. Scatterday explained that this ordinance was sent to Council from the Planning Commission. She further explained that this amendment to the Zoning Ordinance came from the some initiatives that were in the 2014 Comp. Plan that the work group and the Planning Commission prioritized. She reiterated that this is for new construction only and also reiterated that the Zoning Ordinance has not been updated for decades. Ms. Scatterday explained form based zoning to Council and those present. Vice Mayor Thalman indicated that Mayor Glenn Elliott is working on some incentives for builders to off-set the cost of the three story building and asked that this ordinance be tabled. Mr. Thorngate moved, seconded by Mr. Palmer, to table this ordinance. Motion carried.

AMENDING CODIFIED ORDINANCES - ART. 1359.03 - SIGNS & OUTDOOR
ADVERTISING STRUCTURES, DEFINITIONS

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING AMENDING AND REENACTING PART
THIRTEEN – PLANNING AND ZONING CODE, CHAPTER
THREE – ZONING ORDINANCE – ARTICLE 1359 – SIGNS
AND OUTDOOR ADVERTISING STRUCTURES, 1359.03
DEFINITIONS.

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

Ms. Scatterday said that this is part one of an amendment to Article 1359 and further amendments will be forthcoming as soon as the State resolves some legal issues.

The vote on the motion resulted as follows:

AYES: Thalman, Imer, Wilson, Scatterday, Thorngate, Palmer - 6

NOES: - 0

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

declared the ordinance adopted.

AMENDING CODIFIED ORDINANCES - ART. 1373.07.J - PEDESTRIAN SAFETY

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING PART THIRTEEN – PLANNING AND ZONING CODE, CHAPTER THREE – ZONING ORDINANCE – ARTICLE 1373 – SITE PLAN REVIEW, 1373.07.J PEDESTRIAN SAFETY.

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: Thalman, Imer, Wilson, Scatterday, Thorngate, Palmer - 6
NOES: - 0

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

T, G, CUPP & SONS, INC. - NEW ROOF ON WATER TREATMENT PLANT CHEMICAL STORAGE BUILDING

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$17,803.00 WITH T. G. CUPP & SONS, INC., OF WHEELING, WV, FOR NEW ROOF ON WATER TREATMENT CHEMICAL STORAGE BUILDING, TO BE CHARGED TO WATER - 400.1304.03.00.

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: Thalman, Imer, Wilson, Scatterday, Thorngate, Palmer - 6
NOES: - 0

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

AMENDING CODIFIED ORDINANCES - ART. 149.17 RESIDENCY REQUIREMENTS

The following was then read:

AN ORDINANCE AMENDING AND MODIFYING ARTICLE 149 EMPLOYMENT PROVISIONS AT §149.17 - RESIDENCY REQUIREMENTS, TO INCREASE THE GEOGRAPHIC AREA WHEREIN ALL CITY OF WHEELING EMPLOYEES MUST HAVE A BONA-FIDE, DOMICILED RESIDENCE.

Mr. Palmer moved, to table the ordinance. Vice Mayor Thalman then offered an amendment that would only include the Police and Fire Departments to adhere to this requirement. City Manager Herron indicated that he had talked with Department Heads and they were in agreement that it should only be a requirement for safety forces. As there was a motion to table this prior to Vice Mayor Thalman's motion to amend, Mr. Palmer withdrew his motion to table. Vice Mayor Thalman then moved, seconded by Ms. Scatterday, the amendment as stated above. Mr. Palmer expressed concern about other employees who need to respond in a timely manner. A vote was taken on the amendment offered by Vice Mayor Thalman and

seconded by Ms. Scatterday, and the motion passed. Mr. Palmer voted no. Mr. Palmer then moved, seconded by Mr. Thorngate, to table this ordinance. Motion carried.

THOMAS GARAGE - THREE (3) 2017 - ½ TON - 2 WHEEL DRIVE TRUCKS (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$62,994.00 WITH THOMAS AUTO CENTER OF ST. CLAIRSVILLE, OH, FOR THE PURCHASE OF THREE (3) 2017 - ½ TON - 2 WHEEL DRIVE TRUCKS, PER BID SPECIFICATIONS, TO BE CHARGED TO WATER DISTRIBUTION - #400.1341.05.00.

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: Thalman, Imer, Wilson, Scatterday, Thorngate, Palmer - 6

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. Thorngate, that the Board of Zoning Appeals Minutes, 3/16/17; Human Rights Commission Minutes, 3/21/17; Greater Wheeling Sports & Entertainment Authority Minutes, 3/28/17; Greater Wheeling Sports & Entertainment Authority Income Statement, 3/31/17; Wheeling Municipal Parking System Financial Report, 3/31/17; Robert C. Byrd Intermodal Transportation Center Financial Report, 3/31/17; Traffic Commission Minutes, 4/13/17 and Wheeling Housing Authority Minutes, 3/8/17; which were held over, be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Palmer announced that there will be a Ward Six meeting tomorrow night at 7:00 p.m. at the Elm Grove Civics.

Mr. Thorngate also announced his Ward Five meeting will be held on Thursday evening at 7:00 p.m. at Christ United Methodist Church.

Ms. Scatterday announced that the Hall of Fame dinner is Saturday, June 3, at WesBanco Arena. There will be nine inductees this year. Tickets are still available. She again announced that she has brochures in regard to substance abuse available at the end of the evening. She also announced a partnership with Ohio County Emergency Management, Wheeling-Ohio County Health Department, The Ohio County Commission and the City of Wheeling, to host a in-house training event for first responders, local hospitals, etc., to be held at the Highlands Conference Center.

REPORT OF COMMITTEES

Mr. Palmer moved, seconded by Ms. Scatterday, that the reading of the minutes of the Development Committee meeting be dispensed with and accepted as received. Motion carried. For the record, they are as follows:

DEVELOPMENT COMMITTEE REPORT - MAY 2, 2017

The Development Committee of Wheeling City Council met on Tuesday, May 2, 2017 at 11:15 a.m. in Council Chambers. Committee members present: Mayor Glenn Elliott, Vice Chair Wendy Scatterday, and Member Chad Thalman. Others present: Councilors Dave Palmer, Ty Thorngate, Brian Wilson and Ken Imer; City Manager Robert Herron, and City Clerk Janice Jones.

The following matters were discussed:

Executive Session to Discuss Property Acquisition

Mr. Thalman moved, seconded by Mr. Thorngate, to conduct an executive session to discuss property acquisition. Motion carried. Time: 11:15 a.m.

Mr. Thalman moved, seconded by Ms. Scatterday, to conclude the executive session. Motion carried. Time 11:59 a.m.

Mayor Elliott announced that there was no action taken in executive session.

There being no further business to come before the Committee, Mr. Thalman moved, seconded by Ms. Scatterday, to adjourn. Time: 12:00 p.m.

REPORT OF CITY MANAGER

City Manager Robert Herron explained the Resolution - Memorandum of Understanding between the City, the OVADC and Alecto, that is on this evening's agenda, under Original Propositions, to those present. He said that this lays the framework for the city's participation in that transaction. It basically does three things: (1) transfers the parking structure to the Ohio Valley Area Development Corporation and sets forth the general terms of the lease between the OVADC and Alecto. The lease will still need to be negotiated and ordinances will have to be approved by Council. He said that the key component moving forward is the creation of a tax increment financing district which basically encompasses the OVMC campus as well as the parking structure. The important part about this is that, currently the majority of those buildings that exist at OVMC are not subject to property tax. Therefore, when Alecto purchases those properties, as they are a for profit entity, they will be subject to property taxes, which creates an increment automatically. He indicated that the increment could be significant, somewhere in the 29 or 30 million dollar range. That increment would be sufficient to permit the City to issue a \$5 million dollar tax increment financing bond which would be utilized to pay the City \$2 million for the parking structure, \$1.5 million for renovations to that structure and approximately \$1.5 million for improvements at the hospital, which could include demolition of the old nurses residence. Mr. Herron stressed that every item in this agreement would be subject to an ordinance by City Council as we move forward over the next several months. Also, the T.I.F. Plan and Project will require State approval as well as a public hearing.

REPORT OF OTHER OFFICERS

Mr. Thorngate moved, seconded by Mr. Palmer, that the CDBG Program Status Report, 4/30/17; HOME Program Status Report, 4/30/17; Financial Statement, 4/30/17; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

AGREEMENT - PURCHASE OF PROPERTY AT 80 S. FRONT STREET

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE ANY NECESSARY AGREEMENTS WITH B & T ENTERPRISES, LLC., AS SELLER OF 80 SOUTH FRONT STREET, WHEELING, WV, FOR THE PURCHASE OF REAL PROPERTY AT A PURCHASE PRICE OF \$91,000.00, LESS THE OFFSET OF ANY OPTION DEPOSITS TO BE APPLIED TO THE PURCHASE AMOUNT AT CLOSING.

Mr. Imer and Mr. Wilson are very supportive of this purchase as it is a natural green space.

MTS RECREATION - WHEELING PLAYGROUNDS - SPRING 2017 (CDBG)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$143,022.46 WITH

MTS RECREATION, OF ASHLAND, VA, FOR WHEELING
PLAYGROUNDS - SPRING 2017, TO BE CHARGED TO
CDBG 2016 EY RECREATION IMPROVEMENTS #1509-016-
115.

RESOLUTION - MEMORANDUM OF UNDERSTANDING - OHIO VALLEY ADC, INC.
ALECTO HEALTHCARE SERVICES OHIO VALLEY, LLC, AND ALECTO HEALTHCARE
SERVICES WHEELING, LLC.

The following was then read:

MEMORANDUM OF UNDERSTANDING
BY AND BETWEEN
THE CITY OF WHEELING,
OHIO VALLEY ADC, INC.
AND
ALECTO HEALTHCARE SERVICES OHIO VALLEY, LLC, AND
ALECTO HEALTHCARE SERVICES WHEELING, LLC.

A Resolution of the Council of the City of Wheeling authorizing the City Manager to enter into a Memorandum of Understanding, by and between the City of Wheeling, Ohio Valley ADC, Inc., and Alecto Healthcare Services Ohio Valley, LLC, and Alecto Healthcare Services Wheeling, LLC., which engages in the business of delivering acute healthcare services to the public. The purpose of the agreement is fully set out in the Memorandum of Understanding, which is attached and incorporated hereto. The Memorandum of Understanding was created with the intention to promote job retention within the community, capital improvements of significant amount, and economic and community development.

Ms. Scatterday moved, seconded by Mr. Thorngate, to suspend the regular order of business to allow public comment on this matter prior to the vote. Motion carried.

Jerry Jacobs, an Elm Grove resident, addressed Council with questions and concerns about the Memorandum of Understanding.

Attorney David Croft, 17 Bethany Pike, author of the Memorandum of Understanding, addressed one of the concerns of Mr. Jacob's as to whether Alecto will actually pay the City \$2 million for the parking garage and he indicated that they will. The renovation of the structure will come from a portion of the \$5 million bond issue. As to the demolition of the nurses residence, the burden for this cost would be with Alecto, as owner of the property, not the City. He encouraged the City to move forward with this matter.

Ms. Scatterday moved, seconded by Mr. Palmer, to return to the regular order of business.

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

THOSE WISHING TO BE HEARD

Chuck Fair, 1290 National Road, addressed Council and asked them to support the non-smoking ban for Ohio County.

Frank Calabrese, Arlington Drive, spoke in regard to the amendment to the Residency Requirements. He is opposed to any requirement.

Alex Coogan, Maryland Street, believes the amendment to establish a 3-story minimum for new buildings in the downtown area, would be very harmful for businesses.

There being no further business, Mr. Thorngate moved, seconded by Mr. Palmer, to adjourn. Motion carried. Time: 6:55 p.m.

City Clerk

Mayor