

Wheeling, West Virginia
June 6, 2017

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 May 16, 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 - Lease of Portion of Robert C. Byrd Intermodal Transportation Center -
Grow Ohio Valley”**

Ken Peralta, Grow Ohio Valley, talked about the benefits to the entire community this market would bring, and also increase the property value in the area.

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

MAYOR’S REPORT

Mayor Elliott announced that the next two Council meetings have been changed to Wednesday, June 21 at 5:30 p.m. because of West Virginia Day falling on Tuesday, June 20th and on Wednesday, July 5 at 12:00 p.m. due to July 4th falling on the first Tuesday.

Mayor Elliott said that he talked to a representative from the Governor’s Office and they indicated to him that the Greyhound Breeder’s Fund will probably not be discussed in the special session and also that the versions of the Historic Tax Credit have been approved by both the House and Senate.

The mayor gave a recap of the past weekend in Wheeling. Pride in Wheeling Day organized by Orrick as very successful. They had approximately 85 volunteers help with painting a mural at Wilson Playground, Disc golf installation and cleanup at Wheeling Island Marina and painting of benches in the Woodsdale area. In addition, the Wheeling Feeling Chili Cook-off took place on Saturday and was a huge success and the Wheeling Hall of Fame Induction Ceremony took place on Saturday with nine new members being inducted.

Mayor Elliott announced that Summer Events are beginning: Toe-tapping Tuesdays at Wheeling Park Amphitheater; Waterfront Wednesdays at Heritage Port, and Friday Movie Night at Heritage Port. In addition to these events, Center Market StrEAT Festival will be held this Saturday from 12:00 noon to 11:00 p.m. Good food and music all day long. Next weekend the Wheeling Arts & Culture Festival will take place on June 16 and 17, 2017.

Mayor Elliott updated Council and the public about the Facade Improvement Program. He said that we have received two completed applications and have received six other requests for applications. On the agenda today, the Facade Improvement Committee is recommending funding of improvements to the Fort Henry Club, LLC.

As an update on the Dog Park, Mayor Elliott said that grass has been planted, fencing and mulch work have been completed.

Doug Wayt and representatives from the Ohio Valley Trail Partners addressed Council and talked about improvements they had made on the trails and presented the City with a check to help maintain the trails.

Mayor Elliott asked for Council’s concurrence in the reappointments of Reverend Ralph Dunkin, Steve Novotney and Diana Bell to the Human Rights Commission. Ms.

Scatterday moved, seconded by Mr. Palmer, Council's concurrence in the reappointments. Motion carried. He then introduced Karen Kangisser, whom he would like to appoint to the Human Rights Commission. Ms. Kangisser was present and told Council that it would be an honor to serve. Ms. Scatterday moved, seconded by Mr. Palmer, Council's concurrence in the appointment. Motion carried. Mayor Elliott asked for Council's concurrence in the appointment of Derrick McKee to the OVRTA Board. Mr. Wilson moved, seconded by Mr. Palmer, Council's concurrence in the appointment. Motion carried.

UNFINISHED BUSINESS

AMENDING CODIFIED ORDINANCES - ART. 1339, COMMERCIAL DISTRICTS, SCHEDULE 5.A (tabled from 5/16/17)

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 moved, seconded by Mr. Thalman, to table this ordinance. Motion carried.

Mayor Elliott has received some opposition to this ordinance from developers and is working on incentives to offset the costs of building a second or third floor.

AMENDING CODIFIED ORDINANCES - ART. 149.17 RESIDENCY REQUIREMENTS (tabled 5/16/17)

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. Thalman moved, seconded by Ms. Scatterday, to lift this ordinance off the table. Motion carried. Mr. Palmer then made a motion to amend the ordinance to offer residents of the City of Wheeling or Ohio County an incentive of two extra days per year for maintaining their residency in the City and/or County for 12 years. Mr. Imer seconded the motion. City Manager Robert Herron said that the Fire Chief and Police Chief were a little concerned about the overtime that may be accrued and financial impact on their budgets should these incentive days be added. Mr. Palmer included in his amendment that the City Manager would have the authority to adjust this should it become too cumbersome.

Mr. Palmer then moved, seconded by Mr. Imer, to amend this ordinance as stated above.

A question and answer period ensued. City Manager Herron stressed that the issue of overtime and loss of productivity is critical to this amendment, especially to the police, fire and operations departments. Mr. Herron suggested the possibility of exploring other types of incentives that wouldn't impact productivity or overtime.

At this time, Mayor Elliott asked if Mr. Palmer was willing to withdraw his motion and he indicated that he would as long as some types of incentives were explored further. Mr. Imer withdrew his second also. There was then a motion by Mr. Palmer, seconded by Ms. Scatterday, to return this motion to the table. Motion carried.

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.

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

Mr. Imer and Mr. Wilson are very supportive of this purchase as it is a natural green space adjacent to the Ft. Henry Bridge.

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.

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.

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.

City Manager Robert Herron asked if the Residency Requirement Ordinance could be acted upon this evening and the ordinance could be amended with some types of incentives at a later date. Mayor Elliott asked if Mr. Palmer would have any objection if Council moved forward with this tonight. After some deliberation, Mr. Palmer agreed. Mr. Thalman then moved, seconded by Ms. Scatterday, to lift the ordinance from the table. Motion carried. Mayor Elliott asked the Clerk to read the ordinance.

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.

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 - 6

NOES: Palmer - 1

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

Mr. Palmer moved, seconded by Mr. Imer, that the CDBG Program Status Report, 4/30/17; HOME Program Status Report, 4/30/17; Financial Statement, 4/30/17; that were held over be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Thalman announced that there is a Farmers Market at Garden Park this evening from 4:00 to 7:00 p.m. and every Tuesday until October. In addition, he announced that there will be a Ward 1/Crime Watch meeting this Thursday at 7:00 p.m.

Ms. Scatterday announced that there will be a Ward 4 meeting next Tuesday, June 13 at 7:00 p.m. at Temple Shalom. She also reminded Council of a work session on Form Based Zoning that will take place next Monday at 3:30 in Council Chambers.

She extended thanks to various sponsors who participated in the Table Top Event on Drug Abuse that was held recently.

Mr. Wilson thanked the Administration for their quick responses to various issues he has presented to them in the past few weeks.

REPORT OF COMMITTEES

Mr. Thalman moved seconded by Mr. Palmer, that the reading of the Finance Committee Minutes of 5/16/17 be dispensed with and accepted as received. For the record, they are as follows:

FINANCE COMMITTEE REPORT - MAY 16, 2017

The Finance Committee of Wheeling City Council met on Tuesday, May 16, 2017 at 5:15 p.m. in City Council Chambers. Committee Members present: Chair Chad Thalman, Vice Chair Dave Palmer, Member Wendy Scatterday. Others present: Councilors Ken Imer, Brian Wilson and Ty Thorngate; City Manager Robert Herron, City Solicitor Rose Humway-Warmuth, City Clerk Janice Jones and the media.

The following matters were discussed:

Financial Statement - April 30, 2017

City Manager Robert Herron explained that, as we are at 83% through the budget year, our Revenues are at 88% and our expenditures are at 78%. He noted that the B & O Revenue is \$9,632,00.00, about \$300,000.00 ahead of what was budgeted. He reported that the General Fund Cash Balance at the end of April is \$3,763,000.00. There is still \$1,239,000.00 in the budget stabilization fund, approximately \$300,000.00 ahead of last year's figures for the same time period. Mr. Herron pointed out that he and Finance Director Seth McIntyre are developing a fairly significant budget revision, which would be the final one for this fiscal year. He said that this budget revision will address the police and fire pension issues that were contained in the recent actuarial report. In response to a question from Vice Mayor Thalman about the total contribution to the police and fire pensions, Mr. Herron indicated that the police pension contribution is budgeted at \$1,900,000.00 with an additional \$430,000.00 being added and the Fire Pension is budgeted at \$3,100,000.00 with \$241,000.00 being added. Ms. Scatterday moved, seconded by Mr. Palmer, to accept the April 30, 2017 Financial Statement and forward it to Council. Motion carried.

In response to a question from Ms. Scatterday, Mr. Herron then explained the budget revision process.

There being no further business to come before the Committee, Ms. Scatterday moved, seconded by Mr. Palmer, to adjourn. Motion carried. Time: 5:27 p.m.

REPORT OF CITY MANAGER

Relevant to the increase in parking fines, City Manager Herron said that the new fines will be effective July 1, 2017. Mr. Herron said that public relations work is being done to alert the public of these new fines. He explained that meter personnel are also being trained to chalk tires on overtime meters..

Mr. Herron said that several of our council members have received complaints from landlords who were unaware that they were supposed to pay B & O taxes. A public relations campaign on this is also in the works.

City Manager Herron said that the Alecto/OVMC transaction took place June 1, 2017 and they are currently working on their Tax Increment District and Application. He anticipates that this application will be forthcoming, either the next Council meeting or the 1st one in July. It will require a public hearing and ordinances by City Council.

REPORT OF OTHER OFFICERS

Ms Scatterday moved, seconded by Mr. Imer, that the Wheeling-Ohio County Board of Health Minutes, 1/10/17, 3/14/17 & 4/11/17; Wheeling Housing Authority Minutes, 4/12/17; Human Rights Commission Minutes, 4/18/17; Wheeling Traffic Commission Minutes, 5/11/17; Wheeling Parking System Financial Report - 4/30/17; and Robert C. Byrd Intermodal Transportation Center Financial Report, 4/30/17; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

ADOPTING TRAFFIC RULE NO. 4596 - HANDICAPPED PARKING - 12 MARYLAND ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4596.

ADOPTING TRAFFIC RULE NO. 4597 - 30 MIN. PARKING METER ZONE - WEST SD. OF MAIN ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4597.

ADOPTING TRAFFIC RULE NO. 4598 - UNRESTRICTED PARKING - SOUTH SD. OF 15TH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4598.

ADOPTING TRAFFIC RULE NO. 4599 - NO PARKING FIRE LANE ZONE - CLIFTON AVE.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4599.

ADOPTING TRAFFIC RULE NO. 4600 - UNRESTRICTED PARKING - EAST & WEST SDS. OF MAIN ST. BETWEEN 22ND AND 24TH STS.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4600.

ADOPTING TRAFFIC RULE NO. 4601 - ONE HOUR PARKING ZONE - 2231 MAIN ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4601.

ADOPTING TRAFFIC RULE NO. 4602 - ONE HOUR PARKING METER ZONE - NORTH
SD. OF 14TH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4602.

RESOLUTION - LEASE OF A PORTION OF INTERMODAL CENTER - GROW OHIO
VALLEY

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF
WHEELING AUTHORIZING THE CITY MANAGER TO
EXECUTE A LEASE WITH GROW OHIO VALLEY, FOR A
PORTION OF THE ROBERT C. BYRD INTERMODAL
TRANSPORTATION CENTER, LOCATED IN THE 1400-1600
BLOCK OF MAIN STREET.

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

RESOLUTION - DOWNTOWN FACADE IMPROVEMENT GRANT - FORT HENRY CLUB,
LLC

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 GRANT FOR FORT HENRY CLUB,
LLC, IN THE AMOUNT OF \$15,000.00.

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

RESOLUTION - APPROVING INVOICES - WATER TREATMENT PLAN 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 Mr. Palmer, that the Resolution be adopted. Motion carried.

RESOLUTION - GENERAL FUND BUDGET REVISION NO. 3

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF
WHEELING DIRECTING THAT THE GENERAL FUND
BUDGET BE REVISED AS PER BUDGET REVISION NO. 3.

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

There being no further business, Mr. Thalman moved, seconded by Mr. Palmer, to
adjourn. Motion carried. Time: 1:00 p.m.

City Clerk

Mayor