

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 August 2, 2016 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor Elliott asked for a moment of silence to commemorate the passing of former Third Ward Councilor Robert "Herk" Henry. The current Third Ward Councilor, Brian Wilson, expressed his condolences and remarked on how helpful he was to him and all he came in contact with. Second Ward Councilor Ken Imer also expressed his gratitude to Councilor Henry for his friendship and mentorship over the past four years and he too expressed his condolences to Mr. Henry's family.

Mayor Elliott commented on the Blues Fest that took place and the Heritage Port this past weekend and congratulated Bruce Wheeler, the Blues Fest Coordinator, on another successful year.

Regarding the Resolution regarding encouraging Uber to come to Wheeling, Mayor Elliott said that he has reached out to Uber and encouraged citizens to download the UBER app in the hopes that this would be beneficial in encouraging UBER to come to Wheeling.

He also reported that the YWCA is hosting the Third Annual Over the Edge Event on Saturday, August 20. Mayor Elliott said that he would be going over and also Councilwoman Wendy Scatterday.

Mayor Elliott announced that there will be a seminar entitled, "Thriving Communities" on Thursday, August 18th at River City at 7:00 p.m. and encouraged people to attend.

Mayor Elliott announced that there are two Drug Forums that citizens could attend; one is taking place now at Wheeling Park White Palace and another one will be held on Thursday at the C-3 Church, conducted by the Attorney Generals of West Virginia and Ohio.

Regarding a meeting that was requested by the Human Rights Commission with City Council relevant to a proposed LGBT Ordinance, Mayor Elliott announced that the public work session will take place on September 1, 2016 at 12:00 noon in City Council Chambers. He said that at the present time there is no ordinance.

At this time, Mayor Elliott asked Councilor Scatterday to announce her new committee. Ms. Scatterday said that this is the Ad Hoc Committee on Community Volunteerism, which she has named "Wheel Help." She introduced the Debbie Wilkinson and Sarah Barickman, the Co-Chairs of the Committee, along with members Matthew Rafa, Adam Mick, Wilkes Kinney, Odaylah Zellous, Peggy Niebergall, Steve Burke, Patti Kota, Aaron Wilkinson, Jeanne Finstein, Carolyn Dillion, Lindsay McCormick, Dave Flatley, Mike Bizanovich, and Josh Wack. Ms. Barickman and Ms. Wilkinson both expressed enthusiasm about working on this committee. Ms. Scatterday also encouraged people to get online and take the survey that is on the website.

UNFINISHED BUSINESS

AMENDING CODIFIED ORDINANCES ART. 1521 & ADOPTING THAT PART OF THE STATE CODE ENTITLED NATIONAL FIRE CODES

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING ORDINANCE NO. 14009, AND ADOPTING THAT PART OF THE STATE FIRE CODE ENTITLED NATIONAL FIRE CODES, THE CURRENT EDITION ADOPTED BY THE STATE.

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: 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 SYMPHONY - JULY 4, 2016 FUNFEST FIREWORKS

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$40,000.00 WITH WHEELING SYMPHONY OF WHEELING, WV, FOR THE CITY'S SHARE OF JULY 4, 2016 FUNFEST FIREWORKS TO BE CHARGED TO #001.4412.20.2142 (\$30,000.00) AND #002.4412.50.2263 (\$10,000.00).

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. 4574 - HANDICAPPED PARKING - 2514 CHAPLINE ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4574.

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. 4575 - NO PARKING ZONE - WEST SD. OF MARKET ST. (HEALTH PLAN PROJECT)

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4575.

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.

MEMORANDUM OF UNDERSTANDING - HEALTH PLAN STREETSCAPING

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO, AND EXECUTE THE APPROPRIATE MEMORANDUM OF UNDERSTANDING (MOU) TO PROVIDE FOR FUNDING OF STREETSCAPING IMPROVEMENTS IN THE AMOUNT OF \$121,000.00, LOCATED WITHIN THE 1100 BLOCK OF MAIN AND MARKET STREETS IN THE CITY OF WHEELING AT OR NEAR THE DEVELOPMENT SITE FOR THE HEALTH PLAN OF THE UPPER OHIO VALLEY AND TO AUTHORIZE THE CITY MANAGER TO CARRY OUT THE INTENT OF THE MEMORANDUM OF UNDERSTANDING.

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.

O'BRIEN'S RENT-ALL - SOUTH ISLAND WATERLINE PROJECT

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$271,195.00 WITH O'BRIEN'S RENT-ALL. OF WHEELING, WV, FOR SOUTH ISLAND WATERLINE PROJECT, TO BE CHARGED TO WATER - #400.1331.04.00.

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: 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 RD. WATERLINE PROJECT

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$145,555.30 WITH O'BRIEN'S RENT-ALL, OF WHEELING, WV, FOR MT. WOOD RD. WATERLINE PROJECT, TO BE CHARGED TO WATER - #400.1331.04.00.

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: 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.

JAMES WHITE CONSTRUCTION - IDABELLE AVENUE WATERLINE PROJECT

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$230,871.00 WITH JAMES WHITE CONSTRUCTION, OF WEIRTON, WV, FOR IDABELLE AVENUE WATERLINE PROJECT, TO BE CHARGED TO WATER - #400.1331.04.00.

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: 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.

SAVAGE CONSTRUCTION - HILDRETH AVENUE WATERLINE PROJECT

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$84,558.00 WITH SAVAGE CONSTRUCTION CO., OF WHEELING, WV, FOR HILDRETH AVENUE WATERLINE PROJECT, TO BE CHARGED TO WATER - #400.1331.04.00.

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.

DEMOLITION LIENS - 79 ECONOMY STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING
FIXING THE ASSESSMENTS FOR THE COSTS OF RAZING A
DILAPIDATED STRUCTURE ON A CERTAIN PROPERTY IN THE
CITY HAVING AN ADDRESS OF 79 ECONOMY STREET,
WHEELING, WV, IN ACCORDANCE WITH APPLICABLE
SECTIONS OF THE WEST VIRGINIA CODE AND THE CODIFIED
ORDINANCES OF THE CITY OF WHEELING.

The ordinance was read a second time by title. Ms. Scatterday moved, seconded by Mr. Thalman, 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. Thalman moved, seconded by Ms. Scatterday, that the Human Rights Commission Minutes, 6/21/16 and the Traffic Commission Minutes, 7/14/16; which were held over, be approved as received. Motion carried.

REPORT OF COMMITTEES

DEVELOPMENT COMMITTEE REPORT - 8/02/16

Mayor Elliott gave a brief overview of the Development Committee Meeting which was held on August 2, 2016 and moved, seconded by Ms. Scatterday, to dispense with the reading of the minutes and accept them as received. Motion carried. For the record, the minutes are as follows:

The Development Committee of Wheeling City Council met on Tuesday, August 2, 2016 at 11:00 a.m. in Council Chambers. Committee members present: Mayor Glenn Elliott, Vice Chair Wendy Scatterday, and Member Chad Thalman. Others present: Councilors Imer, Thorngate; City Manager Robert Herron, City Solicitor Rosemary Humway-Warmuth, ECD Director Nancy Prager, Assistant ECD Director Tom Connelly, City Clerk Janice Jones.

The following matters were discussed:

Request for Development/Redevelopment Site for Property Located at 1 Community Street - Leslie Antonik

City Manager Robert Herron said that we have received a request for a Development/Redevelopment Site for property located at 1 Community Street from Leslie Antonik, owner of Ruttenbuck's at Dallas Pike. He explained that approximately one year ago

we received and approved a request from a company at this same location for a BBQ/Catering Business but it never materialized. This is the old Camelot Restaurant and it has been vacant for a while and this would be an opportunity to put it back on the books. Assistant Economic and Community Development Director Tom Connelly explained the map which contained the criteria for a Development/Redevelopment designation to the Development Committee. Mr. Connelly indicated that he has not received any opposition from surrounding properties concerning this request. Following a question and answer period, Mr. Thalman moved, seconded by Ms. Scatterday, to recommend the Request for Development/Redevelopment Site to City Council. Motion carried.

Home Rule Plan Amendment - Discussion

The proposed Home Rule Plan Amendment for what is commonly called the “Brunch Bill” was discussed. City Manager Robert Herron explained the process for a Home Rule Amendment. Frank O’Brien, Executive Director of the Convention and Visitor’s Bureau addressed concerns and needs of the business community and urged that the committee forward to Council the proposed ordinance for a Home Rule Amendment to provide for alcohol sales in restaurants, resorts, bars, etc. after 10:00 a.m. on Sundays. Discussion ensued and Mayor Elliott and Ms. Scatterday expressed support of the proposed ordinance, as does Mr. Thalman; however, he was a little concerned that the City is doing this before the voters of Ohio County have the opportunity to vote for it in November. Ms. Scatterday moved, seconded by Mr. Thalman, to forward the proposed ordinance to Council for final approval. Motion carried.

There being no further business to come before the Committee, Ms. Scatterday moved, seconded by Mr. Thalman, to adjourn. Time: 11:25 a.m.

FINANCE COMMITTEE REPORT - 8/9/16

Mr. Thalman gave a brief overview of the Finance Committee Meeting which was held on August 9, 2016 and moved, seconded by Mr. Palmer, to dispense with the reading of the minutes and accept them as received. Motion carried. He pointed out that two of the items that were contained in the Budget Revision, which was approved by the Committee and is on tonight’s agenda, was a 3% pay raise for all full-time employees, retroactive to July 1, 2016 and also approval of a new position pertaining to Strategic Services related to Municipal Park and Recreation Facility Planning and Beautification. For the record, the minutes are as follows:

The Finance Committee of Wheeling City Council met on Tuesday, August 9, 2016 at 5:00 p.m. in City Council Chambers. Committee Members present: Chair Chad Thalman, Vice Chair Dave Palmer, Member Wendy Scatterday. Others present: Mayor Glenn Elliott, 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:

Discussion on creating a Director of Strategic and Park Planning Position

City Manager Robert Herron said that there are significant upgrades that need to be done to the City’s Park System which requires some expertise as far as planning, safety, design, maintenance, etc. Mr. Herron said that he and Human Resources are working on developing a job description for this position. Ms. Scatterday commented that she is a strong proponent for this position. Mr. Palmer also agrees that this position is needed. It was agreed that the correct title for the position be determined by the City Manager and the Human Resources Director. Following some discussion, Ms. Scatterday moved, seconded by Mr. Palmer, to recommend that we move forward with filling this position. Motion carried.

General Fund Budget Revision #1 - FY 2016-2017

City Manager Robert Herron commented that there are some changes to the original handout that was presented at the July 19, 2016 Finance Committee meeting (please see attached). He said that the State has notified us that the unencumbered balance is approximately \$480,199.00, not the \$402,289.00 that we originally budgeted. Mr. Herron noted that the position that the Finance Committee just approved would come from the contingency line item. The only other change is

at the request of Mr. Wilson, that \$2,500.00 be appropriated for WV Flood Relief. This would reduce the contingency amount to \$574,341.00. Ms. Scatterday added that \$100.00 was also raised at the Swearing In Ceremony to go toward flood relief and would like to include this in the amount that we are giving. In response to a question from Mr. Thalman as to when the pay raise will take effect, Mr. Herron said he would like to wait until Council approves it formally at the next meeting; however, it would be retroactive to July 1, 2016. Following this discussion, Mr. Palmer moved, seconded by Ms. Scatterday, to forward this Budget Revision to City Council. Motion carried.

There being no further business to come before the Committee, Mr. Thalman moved, seconded by Ms. Scatterday, to adjourn. Time: 5:15 p.m.

REPORT OF CITY MANAGER

City Manager Robert Herron said that the West Virginia Housing Development Fund recently awarded low income housing tax credits to the LaBelle Green Housing Project and the Clay Elderly Housing Project.

Mr. Herron announced that there will be a public hearing on the Home Rule Plan Amendment at the September 6, 2016 City Council meeting and then it will be sent to the Home Rule Board for their approval. If they approve, it will be on for first reading at the October 4, 2016 City Council meeting.

REPORT OF OTHER OFFICERS

Mr Thalman moved, seconded by Ms.Scatterday, that the Planning Commission Minutes, 7/11/16; CDBG Program Status Report, 7/31/16; HOME Program Status Report, 7/31/16; Police Civil Service Commission Annual Report, FY 2015; Fire Civil Service Commission Annual Report, FY 2015; Municipal Civil Service Commission Annual Report, FY 2015; and Financial Statement, 7/31/16; be held over until the next meeting. Motion carried.

Ms. Scatterday reported that the Finance Department is going to notify Council when a new business opens in the City.

PETITIONS

City Clerk Janice Jones said that she has received a petition from residents of Glenwood Road requesting that Glenwood Road be repaired from the intersection of Glenwood Road and Custer Ave. to the intersection of Augustwood and Glenwood Road and all other areas that need repaired. This petition was signed by approximately 65 residents.

Mr.Thalman commented that, as this area is in his Ward, he is aware of this. He has spoken to City Manager Herron, the Mayor and other members of City Council. He assured the residents that it is on our "radar" and hopefully, will be taken care of by late this year or early next year.

ORIGINAL PROPOSITIONS

ORDINANCE AUTHORIZING SUBMISSION OF AN AMENDMENT TO THE CITY'S HOME RULE PLAN TO THE HOME RULE BOARD - REQUESTING APPROVAL OF ALCOHOLIC BEVERAGES BEGINNING AT 10:00 AM. ON SUNDAYS

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY OF WHEELING TO SUBMIT TO THE MUNICIPAL HOME RULE BOARD A PROPOSED AMENDMENT, ATTACHED HERETO AS EXHIBIT A, TO THE CITY OF WHEELING'S MUNICIPAL HOME RULE PLAN CONSISTENT WITH WEST VIRGINIA CODE § 8-1-5a, REQUESTING APPROVAL TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES BY CERTAIN ALCOHOL BEVERAGE CONTROL ADMINISTRATION CLASS "A" LICENSE HOLDERS BEGINNING AT 10:00 A.M. ON SUNDAYS.

RESOLUTION - DEVELOPMENT/REDEVELOPMENT SITE - 1 COMMUNITY STREET

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING IDENTIFYING 1 COMMUNITY STREET AS A DEVELOPMENT OR A REDEVELOPMENT SITE.

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

RESOLUTION - CREATE A POSITION - TO PROVIDE STRATEGIC SERVICES RELATED TO MUNICIPAL PARK AND RECREATION FACILITY PLANNING AND BEAUTIFICATION

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO CREATE A POSITION TO PROVIDE STRATEGIC SERVICES RELATED TO MUNICIPAL PARK AND RECREATION FACILITY PLANNING AND BEAUTIFICATION.

Ms. Scatterday moved to amend the Resolution, seconded by Mr. Thalman. Ms. Scatterday would like to broaden the wording in the body of the Resolution. A lengthy discussion ensued. In response to a question from Mr. Thalman to Mr. Herron, Mr. Herron said that it may be difficult to find a qualified candidate that fits all of the qualifications listed in the body of the Resolution but if it is Council's wish he would try to incorporate it into the job description. Mayor Elliott asked Ms. Scatterday if she would consider the addition of "and/or" in the body of the resolution which describes the duties. She indicated that she would. Mr. Wilson then moved, seconded by Mr. Thalman, to amend the amendment to add the words "and/or" to the body of the Resolution. A vote on that amendment then occurred. Mr. Palmer voted no. A vote was then made on the original motion by Ms. Scatterday, that was seconded by Mr. Thalman, Motion carried. Mr. Palmer voted no. Mr. Palmer expressed concern that the wording in the resolution was too broad and believes it should be left up to the City Manager and Human Resources Director.

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

RESOLUTION - GENERAL FUND BUDGET REVISION NO. 1

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. 1.

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

THOSE WISHING TO BE HEARD

Mr. William Parson, 1 Augustwood Rd., the author of the petition that was presented from the residents of Glenwood Road, spoke about the extreme hazardous conditions of Glenwood Road and reiterated remarks that were contained in the petition.

Chuck Fair, 1290 National Road, spoke to Council about beautifying the city, garbage and recycling. He believes that if we recycle, our landfills would last longer.

Lynette Chacalos, Stone & Shannon Road; Brian Beckett, 2602 Hazlett Ave.; David Wright, 231 Marwin Drive; Steve Shay, 880 Stone Church Rd.; Steve Shay Sr., 58 Walnut Ave.; Derrick Coleman, 161 Ridgecrest Rd., all addressed Council and made comments that were similar in like and kind concerning their opposition to any proposed LGBT legislation of any kind. Mayor Elliott and Mr. Thalman both told the speakers and those present that there is no ordinance whatsoever at this time. Mayor Elliott also reminded everyone that there is a public work session between City Council and the Human Rights Commission that is scheduled for

attend.

There being no further business, Mr. Thalman moved, seconded by Ms. Scatterday, to adjourn. Motion carried. Time: 7:15 p.m.

City Clerk

Mayor