

November 7, 2023

Council of the City of Wheeling met, on the above date, at 5:30 pm, at 1500 Chapline Street Wheeling, WV with Mayor Elliott presiding.

On roll call, the following were present:

Present: Elliott, Ketchum, Palmer, Seidler, Sklavounakis, Thalman, Thorngate -7
Absent: -0

Mr. Thalman moved, seconded by Mr. Thorngate, that the minutes of October 17, 2023 meeting be accepted as received. All in favor. Motion Carried.

Ms. Ketchum moved, seconded by Mr. Palmer to exit regular business to conduct a public hearing on Brownfield Clean Up Grant. All in favor. Motion Carried. Ms. Betsy Sweeny and Mr. Ron Scott both of Wheeling, spoke in support of the grant and that the funding is needed for the Clay School project. Ms. Ketchum moved, seconded by Mr. Palmer to exit the public hearing and resume regular business. All in favor. Motion Carried.

Mr. Seidler moved, seconded by Mr. Sklavounakis to exit regular business to conduct a public hearing on the Centre Market Lease for an amendment to the lease with Jessica Clark McDowell and The Market Café. All in favor. Motion Carried. No one signed up to speak on the matter. Mr. Seidler moved, seconded by Mr. Sklavounakis to exit the public hearing and resume regular business. All in favor. Motion Carried.

MAYOR'S REPORT

Mayor Elliott remarked on upcoming events being held in the city, next Wednesday November 15th starting at 5:30pm is the Winter on the Plaza event being held at the Plaza on Market. The United States Capitol Christmas tree will be stopping at Wheeling Park on its journey to the capitol. Residents are encouraged to come see the tree, Thursday November 9th that hails from WV Monongahela National Forest. Mayor Elliott introduced candidate Anna Fonner to be appointed to the Arts and Cultural Commission for a term of six years ending June 30, 2029. Mr. Thalman moved; Mr. Thorngate seconded to approve the appointment. All in favor. Motion Carried.

UNFINISHED BUSINESS

Amending and Reenacting Article 533 entitled Camping on Public Property

The following was then read by title:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ARTICLE 533 ENTITLED GENERAL OFFENSES CODE TO CREATE SECTION 533.18 ENTITLED PROHIBITED CAMPING ON PUBLIC PROPERTY

The ordinance was read a second time by title. Mr. Sklavounakis seconded by Mr. Seidler moved that the ordinance be amended. Mr. Sklavounakis moved, seconded by Mr. Seidler to approve the amendments as presented on the floor. All in favor. Motion Carried.

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

The vote on the motion resulted as follows:

AYES: Seidler, Sklavounakis, Thorngate, Palmer, Thalman -5
NOES: Elliott, Ketchum -2

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

Electronic Fire Extinguisher- Training Equipment- Fire Prevention and Safety Grant

The following was then read by title:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$50,592.22 WITH WITMER PUBLIC SAFETY GROUP OF COATESVILLE, PA 19320 FOR THE PURCHASE OF FIRE EXTINGUISHER TRAINING EQUIPMENT TO BE CHARGED TO FIRE PREVENTION AND SAFETY AFG GRANT

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The ordinance was read a second time by title. Ms. Ketchum moved, seconded by Mr. Palmer that the ordinance be adopted. All in favor. Motion carried.

The vote on the motion resulted as follows:

AYES: Elliott, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer, Thalman -7
NOES: -0

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

Transfer of funds OVADC-CWDF and Regular RCIP

The following was then read by title:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO TRANSFER FUNDS IN THE AMOUNT OF \$175,000.00 TO OHIO VALLEY AREA DEVELOPMENT CORPORATION (OVADC) FOR ECONOMIC DEVELOPMENT PURPOSES TO BE CHARGED AS FOLLOWS \$122,000.00 TO CENTRE WHEELING DEVELOPMENT FUND AND \$53,000.00 TO REGULAR RCIP

The ordinance was read a second time by title. Mr. Seidler moved, seconded by Mr. Sklavounakis that the ordinance be adopted. All in favor. Motion carried.

The vote on the motion resulted as follows:

AYES: Elliott, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer, Thalman -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 Mr. Thorngate to accept Hall of Fame Board Minutes from September 12,2023, and Traffic Commission Minutes from September 14,2023 which were held over, as received. All in favor. Motion Carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Thalman asked for update on downtown Splash Pad, City Manager states work will begin between the months of February to April with completion time by mid-May 2024. Mr. Thalman asked for yellow line painting to be completed on Mt. Wood Road.

Mr. Palmer asked for Junior Avenue to yellow line painting to be completed.

Mr. Sklavounakis remarked on the work and dedication regarding the ordinance prohibiting public camping, thanking all of council, specifically Mr. Seidler for his efforts. Mr. Sklavounakis cited legislation from the Grant Pass lawsuit in regards to the prohibited camping ordinance.

Ms. Ketchum congratulated Tipping point, Wheeling Heritage, Ron Scott and others for the community engagement session regarding the Clay School Project. Ms. Ketchum thanked Parks and Recreation Director Rochelle Barry for updates being done to Pulaski playground in South Wheeling. Ms. Ketchum congratulated Laughlin Memorial Chapel on the groundbreaking of their new playground.

REPORT OF COMMITTEES

Ms. Ketchum moved, seconded by Mr. Palmer to accept the Finance Committee Minutes from October 17, 2023 as received. All in favor. Motion Carried.

REPORT OF CITY MANAGER

Mr. Herron informed leaf pick up will begin as the new leaf equipment arrives. The 23rd Street Sewer project is in progress, working up from the river, will cause some disruption in traffic around Centre Market. Mr. Herron remarked on the amendments to the lease in Centre Market for the Market Café, noting this helps the business expand and extend hours to 7am-7pm seven days a week. Mayor Elliott asked for update on Tunnel Greene Bridge painting project, City manager informed traffic plan was approved from DOH end of February or March of 2024 work should begin. Ms. Ketchum thanked City Manager Herron and Assistant City Manager William Lanham for their assistance and flexibility in helping small businesses downtown, being affected by the street scape project.

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REPORT OF OTHER OFFICERS

Mr. Seidler moved, seconded by Mr. Sklavounakis to hold over the Municipal Building Commission minutes from October 16th and 19th, 2023 and OVRTA Minutes from October 25th, 2023. All in favor. Motion Carried.

ORIGINAL PROPOSITIONS

Traffic Rule- Anthoni Avenue- Stop Sign

The following was read by title:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING TO CREATE A 3-WAY STOP INTERSECTION AT THE TOP OF ANTHONI AVENUE

Miller Pipeline LLC-Retire Services-Water Department

The following was read by title:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$199,580.70 WITH MILLER PIPELINE LLC, OF INDIANAPOLIS, IN FOR RETIRING 307 SERVICES THROUGHOUT THE CITY TO BE CHARGED TO WATER 400.1128.03.00

Tracom-Springdale Manhole Replacement- Water Pollution Control

The following was read by title:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$15,730.00 WITH TRACOM, OF JASPER, GA FOR SPRINGDALE MANHOLE REPLACEMENT TO BE CHARGED TO WATER POLLUTION CONTROL DIVISION 401.4001.02.0720.02

PDK Construction Inc.- Glenhite Avenue Guardrail-City Service Fee

The following was read by title:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$22,047.00 WITH PDK CONSTRUCTION INC., OF POMEROY, OH FOR GLENHITE AVENUE GUARDRAIL PROJECT TO BE CHARGED TO CITY SERVICE FEE

Hunter Truck Sales & Service Inc. -Dump Truck- Water Pollution Control Division

The following was read by title:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$256,305.00 WITH HUNTER TRUCK SALES & SERVICE INC., OF SMITHFIELD, PA FOR HEAVY DUTY DUMP TRUCK TO BE CHARGED TO WATER POLLUTION CONTROL DIVISION 401.1391.07.00

Street Name Mozart-Lucinda Lane

The following was read by title:

AN ORDINANCE CHANGING THE NAME OF A STREET IN THE MOZART SECTION OF WHEELING, IN ORDER TO ELIMINATE DUPLICATE ROAD NAMES AND POTENTIAL CONFUSION OF VARIOUS DELIVERY CARRIERS AND EMERGENCY SERVICES PROVIDED BY WHEELING-OHIO COUNTY 911 CENTER SO THAT THE UNNAMED ROAD BETWEEN MAPLEWOOD AVE AND ESTHER AVENUE WILL BECOME LUCINDA LANE.

Reclaim Company LLC- Center Wheeling Garage- TIF

The following was read by title:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$1,638,000.00 WITH RECLAIM COMPANY LLC OF

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FAIRMONT, WV FOR DECOMMISSIONING AND DEMOLITION PROJECT OF CENTER WHEELING PARKING GARAGE TO BE CHARGED TO TIF

Ohio-West Virginia Excavating- Baseball Infield Rehabilitation Project-ARPA

The following was read by title:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$321,625.00 WITH OHIO-WEST VIRGINIA EXCAVATING, OF POWHATAN POINT, OH FOR BASEBALL INFIELD REHABILITATION PROJECT TO BE CHARGED TO ARPA

Traffic Rule- No Parking zone 2085 National Road

The following was read by title:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING CREATING A NO PARKING ZONE AT 2085 NATIONAL ROAD FOR A DISTANCE OF 30 FEET.

Traffic Rule- No parking Zone- 626 Market Street

The following was read by title:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING CREATING NO PARKING ZONE AT 626 MARKET STREET FOR A DISTANCE OF 70 FEET

Traffic Rule- two-hour meter installation- 1114 Chapline Street

The following was read by title:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING TO ADD A TWO-HOUR PARKING METER ZONE IN FRONT OF 1114 CHAPLINE STREET

Atlantic Emergency Solutions-Ambulance-General Fund

The following was read by title:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$366,503.00 WITH ATLANTIC EMERGENCY SOLUTIONS OF MANASSAS, VA FOR A 2026 FORD F-450 TYPE 1 AMBULANCE TO BE CHARGED TO GENERAL FUND

Amending and Reenacting Article 1721 entitled: International Building Code

The following was read by title:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ARTICLE 1721 OF THE CODIFIED ORDINANCES OF THE CITY OF WHEELING, ENTITLED INTERNATIONAL BUILDING CODE **CREATING 1721.03 FEE SCHEDULE**

Resolution- Centre Market Lease-Market Café

The following was read by title:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE LEASE WITH JESSICA CLARK-MCDOWELL, FOR A PORTION OF THE CENTRE MARKET PROPERTY LOCATED AT 2200 BLOCK OF MARKET STREET

The resolution was read by title Mr. Thalman, seconded by Mr. Thorngate, moved that the resolution be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Seidler, Ketchum, Thorngate, Palmer, Sklavounakis, Thalman -7
NOES: -0

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

Resolution-Fire Pension

The following was read by title:

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A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING PURSUANT TO WV CODE §8-22-27A(D) TO INTERVENE ON BEHALF OF THE INDIVIDUAL BENEFICIARIES REGARDING CERTAIN PENSION PAYMENTS AT ISSUE AND PROVIDING THAT GOING FORWARD MONTHLY PENSION PAYMENTS SHALL BE ADJUSTED BY THE FIRE PENSION FUND, TO THE CORRECT AMOUNT AS DETERMINED BY THE AUDIT AS DETAILED HEREIN

The resolution was read by title Mr. Thalman, seconded by Ms. Ketchum, moved that the resolution be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Seidler, Ketchum, Thorngate, Sklavounakis, Thalman	-6
NOES:	-0
ABSTAIN: Palmer	-1

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

Resolution-Upper Floor Incentive Program Grant- LSRG LLC

The following was read by title:

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 UPPER FLOOR INCENTIVE PROGRAM GRANT FOR, LSRG LLC.,

The resolution was read by title. Mr. Seidler moved, seconded by Mr. Sklavounakis, moved that the resolution be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Seidler, Ketchum, Thorngate, Palmer, Sklavounakis, Thalman	-7
NOES:	-0

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

The resolution was read by title Mr. Thalman, seconded by Ms. Ketchum, moved that the resolution be adopted.

THOSE WISHING TO BE HEARD

George Smoulder of Wheeling WV spoke in opposition to the prohibited camping ordinance.
Vincent Camastro of Wheeling WV spoke in opposition to the prohibited camping ordinance.
David T. Miller of Wheeling, WV spoke in opposition to the prohibited camping ordinance.
Timothy Harriman of Wheeling, WV spoke in opposition to the prohibited camping ordinance.
Vincent DeGeorge of Wheeling, WV spoke in opposition to the prohibited camping ordinance.
Kate Marshall of Wheeling, WV spoke in opposition to the prohibited camping ordinance.

There being no further business to discuss Mr. Thalman moved, seconded by Mr. Thorngate to adjourn. Time 6:28 pm

City Clerk

Mayor