

Council of the City of Wheeling met in Council Chambers, City-County Building on the above date with Mayor Andy McKenzie presiding.

The invocation was offered by Vice-Mayor Eugene Fahey.

On roll call, the following were present:

McKenzie, Delbrugge, Seals, Henry, Atkinson, Fahey

-
6

Mr. Tiu was absent.

Mr. Seals moved, seconded by Mr. Henry, that the minutes of the March 15, 2011 meeting be approved as received.

Mr. Seals moved, seconded by Mr. Henry, to suspend the regular order of business to conduct a public hearing. Motion carried.

**“PUBLIC HEARING - REPROGRAMMING 2010 COMMUNITY DEVELOPMENT
BLOCK GRANT ACTION PLAN”**

City Manager Herron said that this public hearing is on the reprogramming of \$447,072.52 in CDBG funds. Of that amount \$125,072.88 would be added to the existing curb and walk line item (Virginia Street Curb & Sidewalk Project) within the 2010 Action Plan (budget). A proposed new line item within the 2010 Action Plan is for the acquisition of a new pumper truck for use by the Wheeling Fire Department in the amount of \$322,000.00

Mr. Herron announced that the public hearing which is scheduled for April 19, 2011 will be on next year's CDBG Grant and will include recommendations for funds to public service agencies.

Mayor Andy McKenzie asked if there was anyone present who wished to speak at this public hearing. There being no one present to speak at this public hearing, Mr. Seals moved, seconded by Mr. Henry, to conclude the public hearing. Motion carried.

MAYOR'S REPORT

Mayor McKenzie reiterated his remarks of appreciation to Council for their attendance at the last City Council meeting which was held at Wheeling Park High School. He said he would like to do it again in the future at either Linsly and/or Wheeling Central.

He also commented on the success of various events that were held at the Capitol Music Hall two week-ends ago on Friday, Saturday and Sunday.

Mayor McKenzie also encouraged everyone to attend the Hall of Fame Dinner that will be held on April 16, 2011.

A proclamation recognizing April as Fair Housing Month was ready by Mayor McKenzie and presented to Economic and Community Development Director Nancy Prager.

CLERK'S REPORT

City Clerk Janice Jones presented Council with a Zone Change Request for property located at 47 Mil Acres Drive. The present zone is EMO and the proposed zone is I-1. The proposed use is for storage units. The applicant is Rick Robrecht. Mr. Seals moved, seconded by Mr. To forward this to the Planning Commission. Motion carried.

UNFINISHED BUSINESS

HILL INTERNATIONAL TRUCKS - 2012 RECYCLING TRUCK

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$98,855.99 WITH HILL INTERNATIONAL TRUCKS, LLC, OF WHEELING, WV, FOR ONE (1) 2012 RECYCLE TRUCK, PER BID SPECIFICATIONS, TO BE CHARGED TO CONSOLIDATED INVESTMENT FUND.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Atkinson, Fahey - 6

NOES: - 0

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

HIDDEN TRAILS ATV & CYCLES - TWO (2) MOTORCYCLES (POLICE)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$46,398.00 WITH HIDDEN TRAILS ATV & CYCLES, LLC, OF BELLE, WV, FOR THE PURCHASE OF TWO (2) 2011 MOTORCYCLES, PER BID SPECIFICATIONS, FOR POLICE DEPARTMENT, TO BE CHARGED TO HIGHWAY SAFETY GRANT NO. F11HS04 - 154.

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

Police Chief Robert Matheny explained that this grant was a result of a pilot project in West Virginia. These motorcycles, with three wheels, are a fairly new type of vehicle in law enforcement.

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Atkinson, Fahey - 6

NOES: - 0

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

Mr. Fahey moved, seconded by Mr. Seals, that the Wheeling-Ohio County Board of Health Minutes, 12/14/10; Wheeling Historic Landmarks Commission Minutes, 12/09/10; Wheeling Housing Authority Minutes, 01/19/11; Greater Wheeling Sports & Entertainment Authority Minutes, 01/31/11; Greater Wheeling Sports & Entertainment Authority Income Statement, 01/31/11; Wheeling Municipal Parking System Financial Statement, 01/31/11; Robert C. Byrd Intermodal Transportation Center Financial Statement, 01/31/11; CDBG Building Demolition Status Report, 03/09/11; CDBG Program Status Report, 2/28/11; HOME Program Status Report, 2/28/11; HPRP Program Status Report, 2/28/11; and Financial Statement, 2/28/11; which were held over, be approved as received. Motion carried.

REPORT OF COMMITTEES

FINANCE COMMITTEE REPORT - MARCH 14, 2011

The Finance Committee of Wheeling City Council met on Monday, March 14, 2011 at 4:00 p.m. in the Office of the City Manager. Committee Members present: Chair Vernon Seal, Vice Chair Gene Fahey and Member James Tiu. Others present: Mayor Andy McKenzie, Councilors Gloria Delbrugge, Don Atkinson and Robert Henry; City Manager Robert Herron, Finance Director Michael Klug, ECDD Director Nancy Prager, Clerk Janice Jones and the media.

The following matters were discussed:

Approval of General Fund Budget - FY 2011-2012

City Manager Robert Herron indicated that a budget work session was held prior to today's meeting to discuss the proposed budget and that, if approved by the Finance Committee, will be on Council's agenda tomorrow evening in the form of a Resolution. Following a question and answer period, Mr. Fahey moved, seconded by Mr. Tiu, to recommend approval of the General Fund Budget for FY 2011-2012. Motion carried.

The Committee moved acceptance of this portion of the report. Motion carried.

Adoption of Coal Severance Budget - FY 2011-2012

City Manager Herron explained that the Coal Severance Budget is basically the same as last year. Mr. Fahey moved, seconded by Mr. Tiu, to recommend approval of the Coal Severance Fund Budget for FY 2011-2012. Motion carried.

The Committee moved acceptance of this portion of the report. Motion carried.

Financial Statement - February 28, 2011

City Manager Robert Herron explained that revenues are at 73% of budget, compared to 69% for the same time period last year. He noted that B & O revenue is a little ahead of last year's figures. He said that the budget is right on schedule. Mr. Seals requested that a written explanation be provided by Mike Klug to each Council Member in regard to the 27 pay periods that will occur in this year's proposed budget. Following this discussion, Mr. Fahey moved, seconded by Mr. Tiu, to accept the February 28, 2011 Financial Statement as presented. Motion carried.

The Committee moved acceptance of this portion of the report. Motion carried.

Other Items for Discussion

Mr. Herron explained that there will be a CDBG Budget Work Session prior to the City Council meeting at Wheeling Park High School. The work session will begin at 11:30 a.m. followed by Council at 12:00 noon. Mr. Herron reviewed the Administration's recommendations for reprogramming of CDBG funds. A public hearing on this reprogramming is April 5, 2011. He also reviewed in detail the proposed CDBG budget (attached) which will be the topic of discussion at tomorrow's work session. Because of recent legislation related to mixed martial arts, Mr. Tiu suggested that another \$5,000.00 should be channeled from the \$14,000 allotment for the Grand View Pool staffing to the Nelson Jordan Center to update that facility as a practice structure for mixed martial arts. He believes a better local practice area will entice revenue-generating events at the Wheeling Island Racetrack Gaming Center and Wesbanco Arena. Mr. Seals was opposed to this. Mr. Fahey also added that enough money has been funneled over the past year to the Nelson Jordan Center for the roof and also heating, ventilation and cooling repairs. Mr. Herron commented that further discussion may take place at the work session tomorrow.

There being no further business to come before the Committee, Mr. Fahey moved, seconded by Mr. Seals, to adjourn. Motion carried. Time: 4:25 p.m.

The Committee moved approval of the entire report. Motion carried.

DEVELOPMENT COMMITTEE REPORT - MARCH 14, 2011

The Development Committee of Wheeling City Council met on Monday, March 14, 2011 at 4:30 p.m. in the Office of the City Manager. Committee members present: Mayor Andy McKenzie, Vice Chair Gloria Delbrugge, Member Gene Fahey; Others present: Councilors Don Atkinson, Robert Henry and Vernon Seals; City Manager Robert Herron, Finance Director Michael Klug, City Solicitor Rose Humway-Warmuth, ECD Director Nancy Prager, Assistant ECD Director Tom Connelly, City Clerk Janice Jones and the media.

The following matters were discussed:

Request for Redevelopment Area - 1300 McColloch Street

City Manager Robert Herron explained that a request was received from Melissa Burdyn, Alex Coogan and Levi Pelikan that property located at 1300 McColloch Street be designated as a redevelopment area. Assistant ECD Director Tom Connelly explained that the location is zoned C-1 Neighborhood Commercial. The proposed use as a “Restaurant with Lounge” is permitted in the C-1 zone as a Special Permit Use and is subject to review by the Planning Commission at a public hearing. Alex Coogan was present and indicated that they do not own the property but wanted to get this taken care of before they purchase it. He also indicated that he had a petition with 25 signatures of residents in the area who were not opposed to this request. Mr. Seals pointed out that the petition did not contain addresses. Mr. Seals was not in favor of the request. Mr. Herron explained that the “redevelopment request” gives people the opportunity for an appeal process to discuss individual projects. Mr. Fahey noted that it has been a bar for years and was concerned that if it isn’t approved, the building may go into disrepair. Mr. Herron said that there will be a lot of opportunity for public input on this matter as it will have to go to the Planning Commission for a special use permit and public hearing. Mr. Fahey moved, seconded by Mrs. Delbrugge, to approve the request for redevelopment at 1300 McColloch Street. Motion carried.

The Committee moved acceptance of this portion of the report. Motion carried.

Executive Session to Discuss Property Acquisition

Mr. Fahey moved, seconded by Mrs. Delbrugge, to suspend the regular order of business to conduct an executive session to discuss property acquisition. Motion carried. Time: 4:50 p.m.

Mr. Fahey moved, seconded by Mrs. Delbrugge, to resume the regular order of business. Motion carried. Time: 5:25 p.m.

There being no further business to come before the Committee, Mrs. Delbrugge moved, seconded by Mr. Fahey, to adjourn. Time: 5:25 p.m.

The Committee moved acceptance of the entire report. Motion carried.

Mr. Seals and Mr. Henry voiced their opposition to the Resolution that is on tonight’s agenda which would declare 1300 McColloch Street a redevelopment site. They both received numerous phone calls from residents in that area who are opposed to a bar in that area. Mr. Fahey said that he was not for or against the redevelopment site but would like to forward it to the Planning Commission for a public hearing to give the residents in that area a chance to speak on this issue.

REPORT OF CITY MANAGER

City Manager Robert Herron commented that the ordinance with Capitol Doors for garage doors at the Sanitation/Recycling Garages is a confirming ordinance and is part of our energy saving project.

Finance Director Michael Klug clarified a question from Mr. Seals about the change of the scope of work in the Community Participation Grant for the Holy Family Child Care Center.

Mr. Fahey inquired about the used fire trucks that are parked at the Elm Grove Fire Station. Mr. Herron said that this location is the Fire Department maintenance facility. Chief Larry Helms added that two of them will be disassembled for parts and moved soon.

Mr. Herron reported that the Clator Sanitary Sewer Separation Project has begun. He reported that the staging area for that project is directly across from the Operations Center. The staging area for the Alice Avenue Sewer Separation Project is in Elm Grove near the Dairy Queen.

Mr. Seals inquired about the status of the demolition of the Police Shooting Range on Wheeling Island. Mr. Herron said he has been exploring all options to move the process forward but the presence of lead has been making demolition more difficult.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Seals, that the Wheeling Traffic Commission Minutes, 3/10/11; Greater Wheeling Sports and Entertainment Authority Minutes, 2/28/11; Greater Wheeling Sports and Entertainment Authority Income Statement, 2/28/11; Greater Wheeling Sports and Entertainment Authority Audit Report - FY 2010-2011; Wheeling Human Rights Commission Minutes, 2/23/11; Fire Department Annual Report - FY 2010-2011; be held over until the next meeting. Motion carried.

Mr. Seals requested that the Audit Report for the Greater Wheeling Sports and Entertainment Authority be given to every Council member.

ORIGINAL PROPOSITIONS

WALTER DRANE CO. - ADOPTING 2011 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING APPROVING AND ADOPTING THE 2011 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE CITY OF WHEELING.

KARRAS PAINTING, LLC - CENTER MARKET UPPER EXTERIOR PAINTING

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$33,320.00 WITH KARRAS PAINTING, LLC, OF WHEELING, WV, FOR CENTER MARKET UPPER EXTERIOR PAINTING, TO BE CHARGED TO CENTER MARKET PAINTING - #4975-40-9076.

WALTERS CONSTRUCTION, INC. - 4TH & MAIN STREETS SIDEWALKS & CURBS (CDBG)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$23,727.00 WITH WALTERS CONSTRUCTION, INC., OF WHEELING, WV, FOR 4TH & MAIN STREETS SIDEWALKS AND CURBS, TO BE CHARGED TO CDBG - 2010-11 CURBS AND SIDEWALKS - #1507-010-220.

CAPITAL DOORS, INC. - REMOVE & REPLACE GARAGE DOORS - SANITATION/RECYCLING GARAGES

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$37,013.00 WITH

CAPITAL DOORS, INC., OF FAIRMONT, WV, TO REMOVE AND REPLACE GARAGE DOORS AT THE SANITATION/RECYCLING GARAGES, TO BE CHARGED TO SANITATION - #001.4800.20.3256 (\$32,013.00) AND #001.4800.30.3124 (\$5,000.00).

ADOPTING TRAFFIC RULE NO. 4319 - HANDICAPPED PARKING - 419 WARWOOD AVENUE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4319.

ADOPTING TRAFFIC RULE NO. 4320 - HANDICAPPED PARKING - 2126 MARSHALL AVENUE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4320.

ADOPTING TRAFFIC RULE NO. 4321 - HANDICAPPED PARKING - N. SIDE OF 38TH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4321.

ADOPTING TRAFFIC RULE NO. 4322 - UNRESTRICTED PARKING - WEST SIDE OF BISHOP ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4322.

ADOPTING TRAFFIC RULE NO. 4323 - UNRESTRICTED PARKING - WEST SIDE OF N. YORK ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4323.

ADOPTING TRAFFIC RULE NO. 4324 - 30 MINUTE PARKING - EAST SIDE OF N. YORK ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4324.

MUNICIPAL COUNCIL LEVY ESTIMATE - FY 2011-2012

The following was then read:

AN ORDINANCE OF THE MUNICIPAL COUNCIL LEVY ESTIMATE PRESCRIBED BY THE TAX COMMISSIONER OF THE STATE OF WEST VIRGINIA KNOWN AS THE ANNUAL APPROPRIATION FOR BUDGET FISCAL YEAR 2011-2012 WHEELING MUNICIPALITY, OHIO COUNTY.

PFUND SUPERIOR SALES CO. - 2011 FORD E-450 AMBULANCE (FIRE)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$119,332.00 WITH PFUND SUPERIOR SALES, OF LOWER BURRELL, PA, FOR 2011 FORD E-450 AMBULANCE FOR THE FIRE DEPARTMENT, TO BE CHARGED TO CERF - #2335830747 (\$99,000.00) AND FIRE DEPARTMENT - #001.4706.10.1921 (\$20,332.00).

RESOLUTION - 2009 COMMUNITY PARTICIPATION GRANT - HOLY FAMILY CHILD CARE CENTER - CHANGE OF SCOPE

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO SUBMIT AND ACCEPT A CHANGE IN SCOPE OF WORK TO THE 2009 COMMUNITY PARTICIPATION GRANT FOR HOLY FAMILY CHILD CARE AND DEVELOPMENT CENTER TO INCLUDE UPDATES AND IMPROVEMENTS TO THE FACILITY.

Mr. Seals moved, seconded by Mr. Henry, that the Resolution be adopted.
Motion carried.

RESOLUTION - 2011 COMMUNITY PARTICIPATION GRANT - CAPITOL THEATRE RENOVATIONS

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO RECEIVE \$15,000.00 FROM THE FISCAL YEAR 2011 COMMUNITY PARTICIPATION GRANT PROGRAM FOR THE CAPITOL THEATER RENOVATIONS - PROJECT NO. 11LEDA0089.

Mr. Seals moved, seconded by Mr. Henry, that the Resolution be adopted.
Motion carried.

RESOLUTION - 2011 COMMUNITY PARTICIPATION GRANT - INNER CITY RECREATION PROJECTS

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO RECEIVE \$7,000.00 FROM THE FISCAL YEAR 2011 COMMUNITY PARTICIPATION GRANT PROGRAM FOR THE INNER CITY RECREATION PROJECTS - PROJECT NO. 11LEDA0088.

Mr. Seals moved, seconded by Mr. Henry, that the Resolution be adopted.
Motion carried.

RESOLUTION - 2011 COMMUNITY PARTICIPATION GRANT - NORTH THIRD STREET BALLFIELD

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO RECEIVE \$1,000.00 FROM THE FISCAL YEAR 2011 COMMUNITY PARTICIPATION GRANT PROGRAM FOR THE NORTH THIRD STREET BALLFIELD - PROJECT NO.

11LEDA0090.

Mrs. Delbrugge moved, seconded by Mr. Seals, that the Resolution be adopted.
Motion carried.

RESOLUTION - 2011 COMMUNITY PARTICIPATION GRANT - NORTH THIRD STREET BALLFIELD

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO RECEIVE \$27,000.00 FROM THE FISCAL YEAR 2011 COMMUNITY PARTICIPATION GRANT PROGRAM FOR THE NORTH THIRD STREET BALLFIELD - PROJECT NO. 11LEDA0708.

Mrs. Delbrugge moved, seconded by Mr. Seals, that the Resolution be adopted.
Motion carried.

RESOLUTION - AUTHORIZING PAYMENT OF INVOICES - WATERWORKS PORTION OF COMBINED WATERWORKS & SEWERAGE SYSTEM - SERIES 2006 A BONDS - VARIOUS CONTRACTORS(WATER)

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING APPROVING INVOICES RELATING TO THE ACQUISITION AND CONSTRUCTION OF CERTAIN ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE WATERWORKS PORTION OF THE EXISTING COMBINED WATERWORKS AND SEWERAGE SYSTEM OF THE CITY AND AUTHORIZING PAYMENT THEREOF.

Mr. Seals moved, seconded by Mr. Henry, that the Resolution be adopted.
Motion carried.

RESOLUTION - IDENTIFYING 1300 MCCOLLOCH STREET AS REDEVELOPMENT SITE

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING IDENTIFYING 1300 MC COLLOCH STREET, FORMERLY KNOWN AS THE GETAWAY CLUB,. AS A DEVELOPMENT OR A REDEVELOPMENT SITE.

Mr. Fahey moved, seconded by Mr. Atkinson, that the Resolution be adopted.
Motion carried. Mr. Seals and Mr. Henry voted no.

THOSE WISHING TO BE HEARD

Charles Ballouz, Windsor Manor, addressed Council in regard to empty storefronts in the downtown area.

There being no further business, Mr. Henry moved, seconded by Mr. Seals, to adjourn. Motion carried. Time: 7:40 p.m.

City Clerk

Mayor

AGENDA

Wheeling, West Virginia

DATE: April 19, 2011

CONVENED: _____

ADJOURNED: _____

INVOCATION:

ROLL CALL: Taken and _____ members responded.

READING OF THE MINUTES - April 5, 2011

“PUBLIC HEARING - MUNICIPAL COUNCIL LEVY ESTIMATE FY - 2011-2012”

“PUBLIC HEARING - FY 2011 ACTION PLAN - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND THE HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM”

“PUBLIC HEARING - LEASE AGREEMENT - PATRICK S. CARROLL - PICKLEBALL COURT”

MAYOR’S REPORT

1. CLERK’S REPORT

2. UNFINISHED BUSINESS

1. Walter Drane Co. - Adopting 2011 Replacement Pages to the Codified Ordinances
2. Karras Painting, LLC - Center Market Upper Exterior Painting
3. Walters Construction, Inc. - 4th & Main Streets Sidewalks & Curbs (CDBG)
4. Capital Doors, Inc. - Remove & Replace Garage Doors - Sanitation/Recycling Garages
5. Adopting Traffic Rule No. 4319 - Handicapped Parking - 419 Warwood Avenue
6. Adopting Traffic Rule No. 4320 - Handicapped Parking - 2126 Marshall Avenue
7. Adopting Traffic Rule No. 4321 - Handicapped Parking - N. side of 38th St.
8. Adopting Traffic Rule No. 4322 - Unrestricted Parking - West Side of Bishop St.
9. Adopting Traffic Rule No. 4323 - Unrestricted Parking - West Side of N. York St.
10. Adopting Traffic Rule No. 4324 - 30 Minute Parking - East Side of N. York St.
11. Municipal Council Levy Estimate - FY 2011-2012
12. Pfund Superior Sales Co. - 2011 Ford E-450 Ambulance (**Fire**)

HELD OVER: Wheeling Traffic Commission Minutes - 03/10/11; Greater Wheeling Sports & Entertainment Authority Minutes - 02/28/11; Greater Wheeling Sports & Entertainment Authority Income Statement - 02/28/11; Greater Wheeling Sports & Entertainment Authority Audit Report - FY 2010-2011 (**Available For review in the Clerk’s Office**); Wheeling Human Rights Commission Minutes - 02/23/11; Fire Department Annual Report - FY 2010-2011.

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

1. Development Committee Minutes - 4/14/11 (**to be distributed**)

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Wheeling Housing Authority - 02/09/11
2. Planning Commission Minutes - 02/14/11
3. Planning Commission Report - 4/13/11
4. Wheeling Municipal Parking System Financial Statement - 02/28/11
5. Robert C. Byrd Intermodal Transportation Center Financial Statement - 02/28/11
6. CDBG Program Status Report - 03/31/11
7. HOME Program Status Report - 03/31/11
8. HPRP Program Status Report - 03/31/11
9. Financial Statement - 03/31/11

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. First Security Leasing, Inc. - City-wide Energy Savings Project
2. Resolution - Reprogramming CDBG Funds - Amending 2010 Action Plan
3. Resolution - Authorizing Participation in the Northern Panhandle Home Consortium - FY 2011-12
4. Resolution - Lease Agreement - Patrick S. Carroll - Pickleball Court
5. Resolution - Identifying 680 National Road as a Redevelopment Site
6. Resolution - Authorizing City’s Optional Redemption Provision - Series 2008 T.I.F. Bonds

10. THOSE WISHING TO BE HEARD

Council of the City of Wheeling met in Council Chambers, City-County Building on the above date with Mayor Andy McKenzie presiding.

The invocation was offered by Vice-Mayor Eugene Fahey. A moment of silence was observed in recognition of the passing of long time news reporter Mark Davis.

On roll call, the following were present:

McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

Mr. Seals moved, seconded by Mr. Henry, that the minutes of the April 4, 2011 meeting be approved as received.

Mr. Seals moved, seconded by Mr. Henry, to suspend the regular order of business to conduct a public hearing. Motion carried.

“PUBLIC HEARING - MUNICIPAL COUNCIL LEVY ESTIMATE FY - 2011-2012”

City Manager Robert Herron explained that this is necessary as part of the budget process. As no one signed up to speak at this public hearing, Mr. Seals moved, seconded by Mr. Henry to conclude the public hearing. Motion carried.

Mr. Seals moved, seconded by Mr. Henry, to suspend the regular order of business to conduct a second public hearing. Motion carried.

“PUBLIC HEARING - FY 2011 ACTION PLAN - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND THE HOME INVESTMENT PARTNERSHIP PROGRAM (HOME)”

Mr. Herron said that this is the annual public hearing for the Community Development Block Grant Program. The total amount of the budget is subject to amendment at the federal level. As no one signed up to speak at this public hearing Mr. Seals moved, seconded by Mr. Henry, to adjourn the second public hearing. Motion carried.

Mr. Seals moved, seconded by Mr. Henry, to suspend the regular order of business to conduct a third public hearing. Motion carried.

“PUBLIC HEARING - LEASE AGREEMENT - PATRICK S. CARROLL - PICKLEBALL COURT”

Mr. Herron said that Mr. Carroll has been working on this project for about a year.

As no one signed up to speak at this public hearing Mr. Seals moved, seconded by Mr. Henry, to adjourn the second public hearing. Motion carried. Mr. Seals moved, seconded by Mr. Henry, to resume to regular order of business. Motion carried.

MAYOR’S REPORT

Mayor McKenzie commented on the success of the Hall of Fame Dinner that was held this past week-end and other events that occurred over the week-end that brought people into downtown Wheeling.

UNFINISHED BUSINESS

WALTER DRANE CO. - ADOPTING 2011 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING APPROVING AND ADOPTING THE 2011
REPLACEMENT PAGES TO THE CODIFIED ORDINANCES
OF THE CITY OF WHEELING.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

KARRAS PAINTING, LLC - CENTER MARKET UPPER EXTERIOR PAINTING

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO
EXPEND FUNDS IN THE AMOUNT OF \$33,320.00 WITH
KARRAS PAINTING, LLC, OF WHEELING, WV, FOR
CENTER MARKET UPPER EXTERIOR PAINTING, TO BE
CHARGED TO CENTER MARKET PAINTING - #4975-40-
9076.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

WALTERS CONSTRUCTION, INC. - 4TH & MAIN STREETS SIDEWALKS & CURBS
(CDBG)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO
EXPEND FUNDS IN THE AMOUNT OF \$23,727.00 WITH
WALTERS CONSTRUCTION, INC., OF WHEELING, WV,
FOR 4TH & MAIN STREETS SIDEWALKS AND CURBS, TO
BE CHARGED TO CDBG - 2010-11 CURBS AND
SIDEWALKS - #1507-010-220.

The ordinance was read a second time by title. Mrs. Delbrugge moved, seconded by Mr.
Seals, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

CAPITAL DOORS, INC. - REMOVE & REPLACE GARAGE DOORS -

SANITATION/RECYCLING GARAGES

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$37,013.00 WITH CAPITAL DOORS, INC., OF FAIRMONT, WV, TO REMOVE AND REPLACE GARAGE DOORS AT THE SANITATION/RECYCLING GARAGES, TO BE CHARGED TO SANITATION - #001.4800.20.3256 (\$32,013.00) AND #001.4800.30.3124 (\$5,000.00).

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4319 - HANDICAPPED PARKING - 419 WARWOOD AVENUE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4319.

The ordinance was read a second time by title. Mrs. Delbrugge moved, seconded by Mr. Seals, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4320 - HANDICAPPED PARKING - 2126 MARSHALL AVENUE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4320.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4321 - HANDICAPPED PARKING - N. SIDE OF 38TH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4321.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4322 - UNRESTRICTED PARKING - WEST SIDE OF BISHOP ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4322.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4323 - UNRESTRICTED PARKING - WEST SIDE OF N. YORK ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4323.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4324 - 30 MINUTE PARKING - EAST SIDE OF N. YORK ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4324.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7
NOES: - 0

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

MUNICIPAL COUNCIL LEVY ESTIMATE - FY 2011-2012

The following was then read:

AN ORDINANCE OF THE MUNICIPAL COUNCIL LEVY ESTIMATE PRESCRIBED BY THE TAX COMMISSIONER OF THE STATE OF WEST VIRGINIA KNOWN AS THE ANNUAL APPROPRIATION FOR BUDGET FISCAL YEAR 2011-2012 WHEELING MUNICIPALITY, OHIO COUNTY.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7
NOES: - 0

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

PFUND SUPERIOR SALES CO. - 2011 FORD E-450 AMBULANCE (FIRE)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$119,332.00 WITH PFUND SUPERIOR SALES, OF LOWER BURRELL, PA, FOR 2011 FORD E-450 AMBULANCE FOR THE FIRE DEPARTMENT, TO BE CHARGED TO CERF - #2335830747 (\$99,000.00) AND FIRE DEPARTMENT - #001.4706.10.1921 (\$20,332.00).

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7
NOES: - 0

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

Mr. Fahey moved, seconded by Mr. Seals, that the Wheeling Traffic Commission Minutes, 3/10/11; Greater Wheeling Sports and Entertainment Authority Minutes, 2/28/11; Greater Wheeling Sports and Entertainment Authority Income Statement, 2/28/11; Greater Wheeling Sports and Entertainment Authority Audit Report - FY 2010-2011; Wheeling Human Rights Commission Minutes, 2/23/11; Fire Department Annual Report - FY 2010-2011; which were held over, be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Seals reminded the Administration about six street lights that are out on the east and west side of Main Street starting around 13th Street and going south. In response to an

inquiry by Mr. Seals as to when the Virginia Street Sidewalk Project will begin, Mr. Herron said that the project was just put out to bid today so it will be soon.

Mr. Atkinson also commented on the success of the Hall of Fame Dinner and expressed his gratitude to the Hall of Fame Committee for their efforts in making this such a successful event.

Mr. Fahey complimented Police Chief Matheny on the Citizens Assistance Program. He also complimented Mr. Pat Carroll on making his idea of establishing a Pickleball Court become a reality. He also complimented Mr. Atkinson and the Hall of Fame Board for their efforts. In another matter, Mr. Fahey vehemently expressed his concern about the local newspaper publishing anonymous letters in their paper.

REPORT OF COMMITTEES

DEVELOPMENT COMMITTEE REPORT - APRIL 14, 2011

The Development Committee of Wheeling City Council met on Thursday, April 14, 2011 at 12:00 p.m. in the Office of the City Manager. Committee members present: Mayor Andy McKenzie, Vice Chair Gloria Delbrugge, Member Gene Fahey; Others present: Councilors Don Atkinson, Robert Henry and Vernon Seals; City Manager Robert Herron, Finance Director Michael Klug, City Solicitor Rose Humway-Warmuth, ECD Director Nancy Prager, Assistant ECD Director Tom Connelly, City Clerk Janice Jones and the media.

Others present: Attorney Gary Sacco and Frank Carolla, Carolla Ventures, dba Perkins

The following matters were discussed:

Request for Redevelopment Area - 680 National Road

City Manager Robert Herron explained that a request was received from Frank Carolla, Carolla Ventures, Inc., dba Perkins that his property located at 680 National Road be designated as a redevelopment area for the purpose of installing limited video lottery machines. Mr. Carolla was in attendance and explained that he would like to construct a building addition which would be approximately 15ft. x 25 ft. with a door from the existing restaurant into the addition for 5 video lottery machines. Mrs. Delbrugge was concerned that the family atmosphere of the restaurant might be affected. Mr. Carolla said that he has had a lot of requests from his patrons in regard to this. Assistant ECD Director Tom Connelly reviewed the staff report and explained that the location is zoned C-2 General Commercial and, as such, the proposed use as a café with video lottery and alcohol sales would be permitted if the location is designated as a redevelopment site by City Council. Following a question and answer period, Mr. Fahey moved, seconded by Mrs. Delbrugge, to approve the request for redevelopment of 680 National Road. Motion carried.

The Committee moved acceptance of this portion of the report. Motion carried.

Tax Increment Financing for Downtown Wheeling

City Manager Herron explained that, in order to move ahead with the 1100 block demolition, it would be advantageous for us to pay off the bond debt one year early. To accomplish this, it is necessary to give the bond holders thirty days notice. Mr. Herron is requesting that the Committee consider a Resolution to authorize this action. Mr. Fahey moved, seconded by Mrs. Delbrugge, to authorize a Resolution to pay off the bond debt one year early. Motion carried. Mayor McKenzie commended the Administration for their fiscal management and their ability to be able to do this.

The Committee moved acceptance of this portion of the report. Motion carried.

Mr. Herron added that Councilman James Tiu provided a memo to members of Council regarding his thoughts about the 1100 block of Main and Market Streets.

Executive Session to Discuss Property Acquisition

Mr. Fahey moved, seconded by Mrs. Delbrugge, to suspend the regular order of business to conduct an executive session to discuss property acquisition. Motion carried. Time: 12:15 p.m.

Mr. Fahey moved, seconded by Mrs. Delbrugge, to resume the regular order of business. Motion carried. Time: 1:10 p.m.

There being no further business to come before the Committee, Mrs. Delbrugge moved, seconded by Mr. Fahey, to adjourn. Time: 1:10 p.m.

The Committee moved approval of the entire report. Motion carried.

REPORT OF CITY MANAGER

In regard to the TIF loan that was mentioned in the Development Committee Report, Mr. Herron pointed out that the savings for paying it off was about 25 percent.

Mr. Herron asked that Item 1, under Original Propositions, with Security Leasing be read a second time this evening due to time constraints.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Seals, that the Wheeling Housing Authority Minutes - 02/09/11; Planning Commission Minutes - 02/14/11; Planning Commission Report - 4/13/11; Wheeling Municipal Parking System Financial Statement - 02/28/11; Robert C. Byrd Intermodal Transportation Center Financial Statement - 02/28/11; CDBG Program Status Report - 03/31/11; HOME Program Status Report - 03/31/11; HPRP Program Status Report - 03/31/11; Financial Statement - 03/31/11; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

FIRST SECURITY LEASING, INC. - CITY-WIDE ENERGY SAVINGS PROJECT

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$28,762.44 WITH FIRST SECURITY LEASING, OF LITTLE ROCK, AR, FOR CITY-WIDE ENERGY SAVINGS PROJECT, PAYMENT 1 OF 30, TO BE CHARGED TO GENERAL GOVERNMENT - ENERGY SAVING PROJECT LEASE PAYMENT - #001.4977.40.9089.

Mr. Seals moved, seconded by Mr. Henry, that this ordinance be read for a second time this evening. Motion carried.

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$28,762.44 WITH FIRST SECURITY LEASING, OF LITTLE ROCK, AR, FOR CITY-WIDE ENERGY SAVINGS PROJECT, PAYMENT 1 OF 30, TO BE CHARGED TO GENERAL GOVERNMENT - ENERGY SAVING PROJECT LEASE PAYMENT - #001.4977.40.9089.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

RESOLUTION - REPROGRAMMING CDBG FUNDS - AMENDING 2010 ACTION PLAN

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING TO DELETE A TOTAL AMOUNT OF \$447,072.88 IN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FROM VARIOUS LINE ITEMS FOUND WITHIN THE CDBG PROGRAM'S 2008, 2009, AND 2010 FISCAL YEARS AND TO REPROGRAM THOSE FUNDS FOR THE ACQUISITION OF A PUMPER TRUCK FOR THE CITY'S FIRE DEPARTMENT AND FOR CURB AND WALK RECONSTRUCTION.

Mr. Seals moved, seconded by Mr. Henry, that the Resolution be adopted.
Motion carried.

RESOLUTION - AUTHORIZING PARTICIPATION IN THE NORTHERN PANHANDLE HOME CONSORTIUM - FY 2011-12

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING PARTICIPATION IN THE NORTHERN PANHANDLE HOME CONSORTIUM FOR THE PERIOD OF JULY 1, 2011 TO JUNE 30, 2012.

Mr. Seals moved, seconded by Mr. Henry, that the Resolution be adopted.
Motion carried.

RESOLUTION - LEASE AGREEMENT - PATRICK S. CARROLL - PICKLEBALL COURT

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE WITH PATRICK S. CARROLL, DBA PAT'S PICKLEBALL COURT, FOR A SMALL PORTION OF THE PATTERSON RECREATIONAL FIELDS PROPERTY, MORE PARTICULARLY LOCATED IN THE AREA NOW OCCUPIED BY THE TENNIS COURTS, IN THE ELM GROVE AREA OF THE CITY OF WHEELING.

Mr. Seals moved, seconded by Mr. Henry, that the Resolution be adopted.
Motion carried.

RESOLUTION - IDENTIFYING 680 NATIONAL ROAD AS A REDEVELOPMENT SITE

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING IDENTIFYING 680 NATIONAL ROAD AS A DEVELOPMENT OR A REDEVELOPMENT SITE.

Mr. Tiu moved, seconded by Mr. Fahey, that the Resolution be adopted. Motion carried. Mr. Seals and Mr. Henry voted no.

RESOLUTION - AUTHORIZING CITY'S OPTIONAL REDEMPTION PROVISION - SERIES 2008 T.I.F. BONDS

The following was then read:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXERCISE THE CITY'S OPTIONAL REDEMPTION PROVISION FOR THE SERIES 2008 TAX INCREMENT FINANCING (T.I.F.) BONDS.

Mr. Seals moved, seconded by Mr. Henry, that the Resolution be adopted.

Motion carried.

THOSE WISHING TO BE HEARD

Mr. Bill O’Leary appeared before Council to comment about security in the City-County Building. Mayor McKenzie said that this has been an on-going concern and is being addressed.

Mr. Tiu commended Mr. Carroll for his initiative in establishing the Pickleball concept in Wheeling.

There being no further business, Mr. Henry moved, seconded by Mr. Seals, to adjourn. Motion carried. Time: 7:40 p.m.

City Clerk

Mayor

AGENDA

Wheeling, West Virginia
DATE: May 3, 2011

CONVENED: _____

ADJOURNED: _____

INVOCATION:

ROLL CALL: Taken and _____ members responded.

READING OF THE MINUTES - April 19, 2011

MAYOR'S REPORT

1. CLERK'S REPORT

2. UNFINISHED BUSINESS

HELD OVER: Wheeling Housing Authority - 02/09/11; Planning Commission Minutes - 02/14/11; Planning Commission Report - 4/13/11; Wheeling Municipal Parking System Financial Statement - 02/28/11; Robert C. Byrd Intermodal Transportation Center Financial Statement - 02/28/11; CDBG Program Status Report - 03/31/11; HOME Program Status Report - 03/31/11; HPRP Program Status Report - 03/31/11; Financial Statement - 03/31/11.

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

1. Finance Committee Minutes - 4/18/11

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Board of Zoning Appeals Minutes - 03/17/11
2. Wheeling Municipal Parking System Financial Statement - 03/31/11
3. Robert C. Byrd Intermodal Transportation Center Financial Statement - 03/31/11
4. Wheeling Human Rights Commission Minutes - 03/23/11

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Designating Depositories - Calendar Year 2011
2. Bobcat - 2011 Compact Track Loader (**WPCD**)
3. AGX, Inc. - 1100 Block Asbestos Inspections
4. Zone Change - Hampton Inn - R1A to C-2
5. Zone Change - WVNCC - D-2 to EMO
6. Zone Change - 2 Greenlawn Lane - R-1C to EMO
7. Resolution - General Fund Budget Revision No. 3 - FY 2010-2011
8. Resolution - Authorizing Payment of Invoices - Wastewater Project - Series 2010B (**WPCD**)
9. Resolution - Approving FY 2011 CDBG & HOME Programs & Authorizing Filing FY 2011 Annual Action Plan

10. THOSE WISHING TO BE HEARD

Doug Wayt - Ohio Valley Trail Partners

Council of the City of Wheeling met in Council Chambers, City-County Building on the above date with Mayor Andy McKenzie presiding.

The invocation was offered by President Pro-Tempore Vernon Seals.

On roll call, the following were present:

McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson

- 6

Mr. Fahey was absent.

Mr. Seals moved, seconded by Mr. Henry, that the minutes of the April 19, 2011 meeting be approved as received.

Mr. Seals moved, seconded by Mr. Henry, that the Wheeling Housing Authority Minutes - 02/09/11; Planning Commission Minutes - 02/14/11; Planning Commission Report - 4/13/11; Wheeling Municipal Parking System Financial Statement - 02/28/11; Robert C. Byrd Intermodal Transportation Center Financial Statement - 02/28/11; CDBG Program Status Report - 03/31/11; HOME Program Status Report - 03/31/11; HPRP Program Status Report - 03/31/11; Financial Statement - 03/31/11; which were held over, be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Seals gave a verbal report of the Finance Committee meeting that was held prior to tonight's Council meeting. He reported that the Finance Committee approved Coal Severance Budget Revision No. 2 in the amount of \$30,000.00. This will be used for the scales for the Police Department, truck repair and fireworks for the West Virginia Day celebration.

Mr. Atkinson commented on recent events that took place last week end at Centre Market, such as the Pooch Parade. He said that it was very well attended.

Mr. Tiu commented that there have been several slips in his area and commended the Administration, Public Works Department and Police Department for their efforts.

REPORT OF COMMITTEES

FINANCE COMMITTEE REPORT - APRIL 18, 2011

The Finance Committee of Wheeling City Council met on Monday, April 18, 2011 at 4:00 p.m. in the Office of the City Manager. Committee Members present: Chair Vernon Seal, Vice Chair Gene Fahey and Member James Tiu. Others present: Councilors Gloria Delbrugge, Don Atkinson and Robert Henry; City Manager Robert Herron, Finance Director Michael Klug, Clerk Janice Jones and the media.

The following matters were discussed:

Financial Statement - March 31, 2011

City Manager Robert Herron explained that revenues are at 82% of budget, approximately \$1.2 million ahead of where we were last year.. He noted that delinquent B & O revenue is a little ahead of last year's figures while regular B & O is a little behind. He indicated that April is typically a very strong revenue month. Following some discussion of various line items, Mr. Tiu moved, seconded by Mr. Fahey, to accept the March 31, 2011 Financial Statement as presented. Motion carried.

The Committee moved acceptance of this portion of the report. Motion carried.

General Fund Budget Revision No. 3

City Manager Herron outlined the line items that are contained in the budget revision. They are as follows:

City Manager for Promotional Expenses, offset from contingencies; Market House for Utilities Expenses, offset from contingencies; Police for Supplemental Pension and Grant Expenses, offset from Video Lottery and Federal Grants; Fire for Supplemental Pension, offset from Video Lottery; and Streets and Transportation for Energy Project Lease Payment #1, offset by Contingencies. The total amount of the revision is \$468,716.00. Mr. Tiu moved, seconded by Mr. Fahey, to accept General Fund Budget Revision #3 as presented. Motion carried.

The Committee moved acceptance of this portion of the report. Motion carried.

There being no further business to come before the Committee, Mr. Fahey moved, seconded by Mr. Seals, to adjourn. Motion carried. Time: 4:10 p.m.

The Committee moved acceptance of the entire report. Motion carried.

REPORT OF CITY MANAGER

City Manager Robert Herron recognized three officers within the Fire Department. They are as follows: Captain Ray McKenzie, Thirty Years of Service; Lieutenant Phil Saseen, Thirty-Five Years of Service; and Captain Tim Campbell, Thirty-Five Years Service. Mayor McKenzie also expressed his appreciation to them for their many years of service and dedication.

City Manager Robert Herron asked for Council's concurrence in the reappointment of Arch Riley, Jr. to the Wheeling Planning Commission. Mr. Riley's new term will expire on June 30, 2013. Mr. Seals moved, seconded by Mr. Henry, Council's concurrence in the reappointment. Motion carried.

REPORT OF OTHER OFFICERS

Mr. Seals moved, seconded by Mr. Henry, that the Board of Zoning Appeals Minutes, 03/17/11; Wheeling Municipal Parking System Financial Statement, 03/31/11; Robert C. Byrd Intermodal Transportation Center Financial Statement, 3/31/11; and Wheeling Human Rights Commission Minutes, 3/23/11; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

DESIGNATING DEPOSITORIES - 2011

The following was then read:

AN ORDINANCE DESIGNATING BRANCH BANKING AND TRUST COMPANY (BB & T), UNITED NATIONAL BANK, PROGRESSIVE BANK, N.A., WHEELING, WESBANCO BANK WHEELING, J. P. MORGAN CHASE AND COMPANY, AND MAIN STREET BANK WHEELING, AS BANKS WITHIN THE CITY WHICH SHALL BE CITY DEPOSITORIES FOR CALENDAR YEAR 2011, AND AUTHORIZING AN AGREEMENT BETWEEN THE CITY AND EACH SUCH DEPOSITORY WHICH SHALL FIX ALL TERMS AND CONDITIONS OF THE DEPOSIT OF PUBLIC MONEY, IN ACCORDANCE WITH ARTICLE 185 OF THE CODIFIED ORDINANCES OF THE CITY OF WHEELING.

BOBCAT - 2011 COMPACT TRACK LOADER (WPCD)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$51,326.88 WITH BOBCAT, OF PITTSBURGH, PA, FOR 2011 COMPACT TRACK LOADER, TO BE CHARGED TO WATER POLLUTION CONTROL DIVISION - #4001.04.0301.01.

AGX, INC. - 1100 BLOCK ASBESTOS INSPECTIONS

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$8,460.00 WITH AGX, INC., OF WEXFORD, PA, FOR 1100 BLOCK ASBESTOS INSPECTIONS (CITY-OWNED BUILDINGS ONLY), TO BE CHARGED TO T.I.F. EXCESS ACCOUNT.

ZONE CHANGE - HAMPTON INN - R1A TO C-2

The following was then read:

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF LOT #1 OF PARCEL #3 AS SHOWN ON THE PLAT OF LOOP'S SUBDIVISION FROM R-1A SINGLE FAMILY RESIDENTIAL, LOW DENSITY TO C-2 GENERAL COMMERCIAL.

ZONE CHANGE - WVNCC - D-2 TO EMO

The following was then read:

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF 1533 MARKET STREET, 8-16th STREET AND 6 SOUTH STREET FROM D-2 DOWNTOWN MEDIUM DENSITY TO EMO EDUCATIONAL MEDICAL OFFICE.

ZONE CHANGE - 2 GREENLAWN LANE - R1C TO EMO

The following was then read:

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF 2 GREENLAWN LANE FROM R-1C SINGLE FAMILY HIGH DENSITY TO EMO EDUCATIONAL MEDICAL OFFICE.

RESOLUTION - GENERAL FUND BUDGET REVISION NO. 3 - FY 2010-2011

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. BR1180.01.03.

Mr. Seals moved, seconded by Mr. Henry, that the Resolution be adopted.
Motion carried.

RESOLUTION - AUTHORIZING PAYMENT OF INVOICES - WASTEWATER PROJECT - SERIES 2010B (WPCD)

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 WASTEWATER PROJECT AND AUTHORIZING PAYMENT THEREOF.

Mr. Seals moved, seconded by Mr. Henry, that the Resolution be adopted.

Motion carried.

RESOLUTION - APPROVING FY 2011-CDBG & HOME PROGRAMS & AUTHORIZING FILING FY 2011 ANNUAL ACTION PLAN

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING APPROVING THE FISCAL YEAR 2011 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAMS, AND AUTHORIZING THE FILING OF THE FY 2011 ANNUAL ACTION PLAN WITH THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).

Mr. Seals moved, seconded by Mr. Henry, that the Resolution be adopted.

Motion carried.

Mr. Herron indicated that the total amount is subject to change by the U. S. Department of Housing and Urban Development.

RESOLUTION - COAL SEVERANCE BUDGET REVISION NO. 2 - FY 2010-2011

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING DIRECTING THAT THE COAL SEVERANCE BUDGET BE REVISED AS PER BUDGET REVISION NO. BR1180.02.02.

Mr. Seals moved, seconded by Mr. Henry, that the Resolution be adopted.

Motion carried.

THOSE WISHING TO BE HEARD

Doug Wayt, 1408 Flynn Avenue, spoke on behalf of the Ohio Valley Trail Partners. He reported that the Wheeling Heritage Trail Bicycle Tour will take place on Sunday, May 29, 2011. Mr. Wayt urged the City to contact the WV Department of Highways in regard to leaving the Aetnaville Bridge intact. He said that bicyclists utilize that bridge to get across to Ohio.

There being no further business, Mr. Henry moved, seconded by Mr. Seals, to adjourn. Motion carried. Time: 7:20 p.m.

City Clerk

Mayor

AGENDA

Wheeling, West Virginia

DATE: May 17, 2011

CONVENED: _____

ADJOURNED: _____

INVOCATION:

ROLL CALL: Taken and _____ members responded.

READING OF THE MINUTES - May 3, 2011

MAYOR'S REPORT

1. CLERK'S REPORT

1. Notice of Application to Operate a Private Club - Mangani's Bar and Grill- 1200 Market St.
2. Notice of Application to Operate a Private Club - Perkins Restaurant & Bakery - 680 National Road

2. UNFINISHED BUSINESS

1. Designating Depositories - Calendar Year 2011
2. Bobcat - 2011 Compact Track Loader (**WPCD**)
3. AGX, Inc. - 1100 Block Asbestos Inspections
4. Zone Change - Hampton Inn - R1A to C-2
5. Zone Change - WVNCC - D-2 to EMO
6. Zone Change - 2 Greenlawn Lane - R-1C to EMO

HELD OVER: Board of Zoning Appeals Minutes - 03/17/11; Wheeling Municipal Parking System Financial Statement - 03/31/11; Robert C. Byrd Intermodal Transportation Center Financial Statement - 03/31/11; Wheeling Human Rights Commission Minutes - 03/23/11.

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

1. Finance Committee Report - 05/03/11

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Planning Commission Minutes -
2. Planning Commission Report -
3. Historic Landmarks Commission Minutes
4. Wheeling Housing Authority Minutes - 03/09/11
5. Wheeling-Ohio County Board of Health Minutes - 03/08/11
6. Wheeling Arts Commission Minutes - 02/08/11 & 03/08/11
7. Wheeling Traffic Commission Minutes - 04/14/11
8. CDBG Program Status Report - 04/30/11
9. HOME Program Status Report - 04/30/11
10. HPRP Program Status Report - 04/30/11
11. Financial Statement - 04/30/11

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. D & M Painting Corporation - Oakmont Tank Painting
2. Ace Truck Equipment Co. - Aluminum Utility Service Body (**Water**)
3. Ace Truck Equipment Co. - Aluminum Utility Service Body (**Water**)
4. Savage Construction Co. - Virginia Street Sidewalks and Curbs (**CDBG**)
5. Adopting Traffic Rule No. 4325 - Handicapped Parking - 36th & Wood Sts.
6. Adopting Traffic Rule No. 4326 - 2 Hr. Handicapped Parking/Commercial Loading Zone - 22nd & Market St. (East)
7. Adopting Traffic Rule No. 4327 - 2 Hr. Handicapped Parking - 22nd & Market St. (West)
8. Adopting Traffic Rule No. 4328 - 2 Hr. Handicapped Parking - 23rd & Market St. (East)
9. Authorizing Eminent Domain - Remaining Parcels in the East Wheeling Recreational Complex Area
10. Resolution - Authorizing Payment of Invoices - Wastewater Project - Series 2010B (**WPCD**)

10. THOSE WISHING TO BE HEARD

Council of the City of Wheeling met in Council Chambers, City-County Building on the above date with Mayor Andy McKenzie presiding.

The invocation was offered by Vice-Mayor Eugene Fahey.

On roll call, the following were present:

McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

Mr. Seals moved, seconded by Mr. Henry, that the minutes of the May 3, 2011 meeting be approved as received.

MAYOR'S REPORT

Mayor McKenzie asked for Council's concurrence in the reappointment of Gloria Delbrugge to the Wheeling-Ohio County Health Department. Mr. Seals moved, seconded by Mr. Henry, Council's concurrence in the reappointment. Motion carried.

Mayor McKenzie thanked Police Chief Robert Matheny for his Neighborhood Assistance Program. He said the public response has been very positive. He also expressed his gratitude to Fire Chief Larry Helms for giving Governor Tomblin a tour of the fire stations and equipment.

He also reported that the Media Lunch was successful and commented that a luncheon with the Clergy will be held on May 23, 2010. In addition, Mayor McKenzie reported that he has been meeting with a group of real estate agents to discuss the wants and needs for housing in the area.

Various events that will be taking place according to Mayor McKenzie are the Lobster Fest at Centre Market, the Ogden Race and the Bicycle Tour, all of which will take place over Memorial Day week-end.

CLERK'S REPORT

Notice of Application to Operate a Private Club - Mangani's Bar & Grill - 1200 Market Street

City Clerk Janice Jones presented Council with a Notice of Application to Operate a Private Club for Mangani's Bar & Grill, located at 1200 Market Street. The applicant is Daniel McFarland.

Notice of Application to Operate a Private Club - Perkins Restaurant & Bakery - 680 National Road.

City Clerk Jones presented Council with a Notice of Application to Operate a Private Club for Perkins Restaurant & Bakery. The applicant is Frank Carolla.

UNFINISHED BUSINESS

DESIGNATING DEPOSITORIES - 2011

The following was then read:

AN ORDINANCE DESIGNATING BRANCH BANKING AND TRUST COMPANY (BB & T), UNITED NATIONAL BANK, PROGRESSIVE BANK, N.A., WHEELING, WESBANCO BANK WHEELING, J. P. MORGAN CHASE AND COMPANY, AND MAIN STREET BANK WHEELING, AS BANKS WITHIN THE CITY WHICH SHALL BE CITY DEPOSITORIES FOR CALENDAR YEAR 2011, AND AUTHORIZING AN AGREEMENT BETWEEN THE CITY AND EACH SUCH

DEPOSITORY WHICH SHALL FIX ALL TERMS AND
CONDITIONS OF THE DEPOSIT OF PUBLIC MONEY, IN
ACCORDANCE WITH ARTICLE 185 OF THE CODIFIED
ORDINANCES OF THE CITY OF WHEELING.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

BOBCAT - 2011 COMPACT TRACK LOADER (WPCD)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO
EXPEND FUNDS IN THE AMOUNT OF \$51,326.88 WITH
BOBCAT, OF PITTSBURGH, PA, FOR 2011 COMPACT
TRACK LOADER, TO BE CHARGED TO WATER
POLLUTION CONTROL DIVISION - #4001.04.0301.01.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

AGX, INC. - 1100 BLOCK ASBESTOS INSPECTIONS

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO
EXPEND FUNDS IN THE AMOUNT OF \$8,460.00 WITH AGX,
INC., OF WEXFORD, PA, FOR 1100 BLOCK ASBESTOS
INSPECTIONS (CITY-OWNED BUILDINGS ONLY), TO BE
CHARGED TO T.I.F. EXCESS ACCOUNT.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

ZONE CHANGE - HAMPTON INN - R1A TO C-2

The following was then read:

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF LOT #1 OF PARCEL #3 AS SHOWN ON THE PLAT OF LOOP'S SUBDIVISION FROM R-1A SINGLE FAMILY RESIDENTIAL, LOW DENSITY TO C-2 GENERAL COMMERCIAL.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

ZONE CHANGE - WVNCC - D-2 TO EMO

The following was then read:

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF 1533 MARKET STREET, 8-16th STREET AND 6 SOUTH STREET FROM D-2 DOWNTOWN MEDIUM DENSITY TO EMO EDUCATIONAL MEDICAL OFFICE.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

ZONE CHANGE - 2 GREENLAWN LANE - R1C TO EMO

The following was then read:

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF 2 GREENLAWN LANE FROM R-1C SINGLE FAMILY HIGH DENSITY TO EMO EDUCATIONAL MEDICAL OFFICE.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

Mr. Fahey moved, seconded by Mr. Seals, that the Board of Zoning Appeals Minutes, 03/17/11; Wheeling Municipal Parking System Financial Statement, 03/31/11; Robert C. Byrd Intermodal Transportation Center Financial Statement, 3/31/11; and Wheeling Human

Rights Commission Minutes, 3/23/11; which were held over, be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Atkinson commended the Administration for their prompt response on Friday to some flooding in the Dimmeydale section of Wheeling. Mr. Atkinson also thanked the Fire Department for assisting in an emergency situation on Howard Hill on Saturday evening due to the bad weather.

Mrs. Delbrugge reported that on Saturday, May 21, 2010, the Second 2011 Great Strides Walk for Cystic Fibrosis will take place at the Heritage Port at 11:00 a.m., with registration beginning at 10:00 at Wesbanco Arena.

Mr. Seals inquired about the trees at the 10th Street Garage and near the 7-Eleven Store. In response to a question from Mr. Seals in regard to a variance for 1300 McColloch Street, Mr. Seals wanted to know if the residents in that area were notified. Mr. Herron said that they were notified by mail, posting and legal ad that appeared in the paper.

Mr. Fahey announced that, in conjunction with the On Trac Program, Hospitality Training will be offered during 2011 for all who are involved in the hospitality industry. He said that the purpose of this training is to engage the hospitality industry to demonstrate that front line employee values to the economic development of Wheeling are crucial. There is no charge for the training.

Mr. Tiu also expressed his gratitude to Mr. Jebbia and the Public Works Department for their assistance over the week-end with weather-related clean-up. He asked if the Administration could look into dredging the creeks in the area below Edgewood Street. Mr. Tiu also praised the Police Department for their efforts in the on-going criminal investigation of the recent murder that took place on National Rd. In Woodsdale.

REPORT OF COMMITTEES

FINANCE COMMITTEE REPORT - MAY 3, 2011

The Finance Committee of Wheeling City Council met on Tuesday, May 3, 2011 at 6:30 p.m. in the Office of the City Manager. Committee Members present: Chair Vernon Seals and Member James Tiu. Others present: Mayor Andy McKenzie, Councilors Gloria Delbrugge, Don Atkinson and Robert Henry; City Manager Robert Herron, Finance Director Michael Klug, Clerk Janice Jones and the media.

The following matters were discussed:

Coal Severance Budget Revision No. 2 - FY 2010-2012

City Manager Robert Herron explained the \$30,000.00 budget revision is the remaining revenue in the Coal Severance Fund. He is proposing that it be used for the scales for the Police Department, truck repairs and fireworks associated with the West Virginia Day celebration. Mr. Herron asked, if this budget revision is approved at this meeting, that it be included in an amended agenda for this evening's City Council meeting. Mr. Tiu moved, seconded by Mr. Seals, to approve the Coal Severance Budget Revision No. 2 and to include it on an amended agenda for tonight's City Council meeting. Motion carried.

There being no further business to come before the Committee, Mr. Tiu moved, seconded by Mr. Seals, to adjourn. Motion carried. Time: 6:35 p.m.

REPORT OF CITY MANAGER

City Manager Robert Herron reported that the Operations Department will be honored at the Annual Chamber of Commerce Dinner tomorrow evening for their snow removing efforts during this past winter. Mr. Herron also explained that on the amended agenda this evening is a Resolution for a Community Participation Grant for the North Third Street Ballfield that will change the scope of work of the project to include the N. 24th Street Ballfield and the Garden Park Project. He said that most of the work on the North Third Street Ballfield

has been completed.

He also reported that the truck scales for the Police Department have arrived and training is taking place. Once the training is complete and the weight limit signage is posted, they will begin using the scales to monitor overweight trucks.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Seals, that the Planning Commission Minutes - 4/11/11; Planning Commission Report - 5/10/11; Historic Landmarks Commission Minutes - 3/3/11; Wheeling Housing Authority Minutes - 03/09/11; Wheeling-Ohio County Board of Health Minutes - 03/08/11; Wheeling Arts Commission Minutes - 02/08/11 & 03/08/11; Wheeling Traffic Commission Minutes - 04/14/11; CDBG Program Status Report - 04/30/11; HOME Program Status Report - 04/30/11; HPRP Program Status Report - 04/30/11; Financial Statement - 04/30/11 ; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

D & M PAINTING CORPORATION - OAKMONT TANK PAINTING

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$74,420.00 WITH D & M PAINTING CORPORATION, OF WASHINGTON, PA, FOR OAKMONT TANK PAINTING, TO BE CHARGED TO WATER DEPARTMENT - MAINTENANCE & TANK PAINTING FUND - #1128-0100.

ACE TRUCK EQUIPMENT CO. - ALUMINUM UTILITY SERVICE BODY (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$15,760.00 WITH ACE TRUCK EQUIPMENT CO., OF ZANESVILLE, OH, FOR ALUMINUM UTILITY SERVICE BODY, PER SPECIFICATIONS, TO BE CHARGED TO WATER DEPARTMENT - #4013.04.0665.13.

ACE TRUCK EQUIPMENT CO. - ALUMINUM UTILITY SERVICE BODY (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$22,931.00 WITH ACE TRUCK EQUIPMENT CO., OF ZANESVILLE, OH, FOR ALUMINUM UTILITY SERVICE BODY, PER SPECIFICATIONS, TO BE CHARGED TO WATER DEPARTMENT - #4013.04.0665.13.

SAVAGE CONSTRUCTION CO. - VIRGINIA STREET SIDEWALKS AND CURBS (CDBG)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$245,245.00 WITH SAVAGE CONSTRUCTION CO., OF WHEELING, WV, FOR VIRGINIA STREET SIDEWALKS AND CURBS, TO BE CHARGED TO CDBG - 2010-11 CURBS AND SIDEWALKS - #1507-010-220.

ADOPTING TRAFFIC RULE NO. 4325 - HANDICAPPED PARKING - 36TH & WOOD STS.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4325.

ADOPTING TRAFFIC RULE NO. 4326 - 2 HR. HANDICAPPED PARKING/COMMERCIAL
LOADING ZONE - 22ND & MARKET ST. (EAST)

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4326.

ADOPTING TRAFFIC RULE NO. 4327 - 2 HR. HANDICAPPED PARKING - 22ND &
MARKET ST. (WEST)

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4327.

ADOPTING TRAFFIC RULE NO. 4328 - 2 HR. HANDICAPPED PARKING - 23RD &
MARKET ST. (EAST)

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4328.

Mr. Fahey requested, for the reasons of transparency, full disclosure, and public importance, that the next ordinance be read in its entirety with the exception of legal descriptions.

Mr. Tiu commented that he would abstain from voting on this ordinance due to a conflict of interest.

AUTHORIZING EMINENT DOMAIN - REMAINING PARCELS IN THE EAST WHEELING
RECREATIONAL COMPLEX AREA

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING AUTHORIZING AND DIRECTING THE CITY
MANAGER TO ACQUIRE THROUGH THE EXERCISE OF
THE POWER OF EMINENT DOMAIN A FEE SIMPLE
INTEREST IN FOUR (4) PARCELS OF PROPERTY AND
IMPROVEMENTS LOCATED THEREON IN THE CITY OF
WHEELING TO BE USED IN CONJUNCTION WITH OTHER
PROPERTIES PREVIOUSLY ACQUIRED FOR A PUBLIC
RECREATIONAL FACILITY, BEING KNOWN BY THE
STREET ADDRESSES AS FOLLOWS: □ 132-15TH STREET
OWNED BY JAMES AND PATRICIA TIU; □ 136-15TH
STREET OWNED BY JEROME POYNTON; □ 138-15TH
STREET OWNED BY HELEN ADELSON; AND □ 146-15TH
STREET WHICH PARCEL HAS A DEED OF TRUST
EXECUTED BY DAVID COLEMAN AS DEBTOR WHICH
DEBT HAD NOT BEEN SATISFIED PRIOR TO THE MOST
RECENT EXECUTION OF A DEED PURPORTING TO
CONVEY THE PARCEL TO JEROME POYNTON AND
HELEN ADELSON; AND TO PAY AS A LUMP SUM
REPRESENTING THE FOUR (4) PARCELS OF ONE
HUNDRED THIRTY FOUR THOUSAND TWO HUNDRED
DOLLARS (\$134,200.00) INTO THE CIRCUIT COURT OF
OHIO COUNTY, TO BE PAID FROM THE CITY'S FUND

WITHIN THE OHIO VALLEY AREA DEVELOPMENT
CORPORATION.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WHEELING:

Section 1. The City Manager is hereby authorized and directed to acquire through the exercise of the power of eminent domain for use as a public recreational facility the following parcels situate in the City of Wheeling, Ohio County, West Virginia, and being more particularly bounded and described as follows:

PARCEL 1:

All that part or portion of Lot Numbered Eighteen (No. 18) in the Addition to the City of Wheeling laid out by William W. Shriver, being the property commonly known by the street address of **132-15th Street**, bounded and described as follows:

Being the same property conveyed by Deed made the 22nd day of July, 2003, by and between Houston A. Lewis, aka H.A. Louis, single, Party of the First Part, and James F. Tiu and Patricia M. Tiu, his wife, Parties of the Second Part, and recorded in the Office of the Clerk of the County Commission of Ohio County, West Virginia, in Deed Book 744 at Page 71.

PARCEL 2:

The western 20 feet of Lot No. 21, on the south side of Fifteenth Street, between Wood and McColloch Streets, of the Addition to the City of Wheeling, Ohio County, West Virginia, being the property commonly known by the street address of **136-15th Street**, as laid out by William W. Shriver, commencing at the northwest corner of said Lot on Fifteenth Street, and thence running south the full length of the said Lot to an alley, thence east 20 feet; thence north the full length of said Lot to Fifteenth Street, thence 20 feet west to the place of beginning.

Being the same property conveyed by deed made the 16th day of May, 2007, by and between Keith Eugene Lucas, single, Grantor, and Jerome Vincent Poynton, Grantee, and recorded in the Office of the Clerk of the County Commission of Ohio County, West Virginia in Deed Book 777 at Page 1.

PARCEL 3:

The 20 feet of Lot No. 21 on the south side of 15th Street, between Wood and McColloch Streets, of the addition to the City of Wheeling, Ohio County, West Virginia, being the property commonly known by the street address of **138-15th Street**, as laid out by William W. Shriver, commencing at a point 20 feet west of the northeast corner of said Lot, on 15th Street, running south the full length of the said Lot, to an alley, thence west 20 feet thence north the full length of said Lot to 15th Street, thence 20 feet east to the place of beginning.

Being the same property conveyed by deed made the 24th day of May, 2006, by and between Theodore D. Walters and Edith Barbara Walters, his wife, Parties of the First Part, Grantors and Helen Oliver Adelson, Grantee, and recorded in Deed Book 769 at Page 5.

PARCEL 4:

All that part of the Lot Numbered twenty-four (24) of the W. W. Shriver's Addition to the City of Wheeling, being the property commonly known by the street address of **146-15th Street**, bounded and described as follows, viz: beginning at the northeast corner of said Lot thence with the south line of Fifteenth Street, twenty (20) feet; thence southerly and parallel with the east boundary line of said Lot, one hundred twenty (120) feet to Sycamore Alley in the rear of said lot; thence east on the line of said alley, twenty (20) feet to the southeast corner of said Lot; thence northerly by the east line of said Lot to the

place of beginning, together with all the buildings and improvements thereon and the appurtenances belonging thereto.

Being the same property conveyed by Deed made the 25th day of April, 2011, by and between David R. Coleman, divorced and not remarried, Party of the First Part, and Jerome Vincent Poynton and Helen Oliver Adelson, two unmarried individuals, Parties of the Second Part, and recorded in the Office of the Clerk of the Commission of Ohio County, West Virginia, in Deed Book 821 at Page 22.

On August 14, 2004 Coleman signed a trust deed (“the Deed of Trust”) conveying his interest in certain real property located at 146-15th Street, Wheeling, West Virginia, to David Pill, trustee, to secure repayment of a loan made by the National Bank of Kansas City to Coleman. Mortgage Electronic Registration Systems, Inc. (“MERS”) is the beneficiary of the Deed of Trust as nominee of the original lender and its successors and assigns. The Deed of Trust is of record in the Office of the Clerk of the County Commission of Ohio County, West Virginia, in Deed of Trust Book 1246 at Page 1.

In October, 2010, the City of Wheeling announced its intention to exercise its eminent domain powers to condemn the Coleman property for the purpose of developing a public recreation area. Because the Deed of Trust encumbered the Coleman property, the City entered into negotiations to obtain a release of the Deed of Trust and thereby to obtain clear title to the Coleman property. BAC Home Loans Servicing, L.P. (“BAC”), the entity charged with servicing the underlying loan secured by the Deed of Trust, negotiated with the City and Coleman, through counsel, on behalf of the current note holder. The parties agreed that the Deed of Trust would be released and the underlying promissory note discharged upon and in return for payment of an agreed upon amount; provided, however, that Coleman consented to the agreement and reached a separate agreement with the City with respect to vacating the premises.

Coleman, through counsel, and the City reached an agreement, however just prior to closing, Coleman reneged. Coleman then engaged in discussions with third parties for the sale of the Coleman Property to those third parties, however there has been no Release of the Underlying Deed of Trust supported by consideration, the secured obligation was not satisfied and Coleman remains an interested party and Debtor pursuant to the Deed of Trust with regard to this parcel.

Section 2. The City Manager is hereby authorized and directed to pay One Hundred Thirty Four Thousand Two Hundred Dollars (\$134,200.00) into the Circuit Court of Ohio County, West Virginia, as the City’s estimate of the fair market value of the interests to be acquired as further delineated more particularly as follows:

<input type="checkbox"/> 132 - 15 th Street Parcel	\$45,000.00
<input type="checkbox"/> 136 - 15 th Street Parcel	\$24,700.00
<input type="checkbox"/> 138 - 15 th Street Parcel	\$31,500.00
<input type="checkbox"/> 146 - 15 th Street Parcel	\$33,000.00

The above amounts represent the City of Wheeling’s estimate of the fair market value of the four (4) properties, together with all and singular, the buildings and improvements situate thereon and the hereditaments and appurtenances thereunto belonging which the City wishes to acquire through the exercise of eminent domain, totaling the sum of One Hundred Thirty Four Thousand Two Hundred Dollars (\$134,200.00) to be paid from the City fund within the Ohio Valley Area Development Corporation.

Section 3. This ordinance shall be effective from and after the date of its adoption.

RESOLUTION - AUTHORIZING PAYMENT OF INVOICES - WASTEWATER PROJECT - SERIES 2010B (WPCD)

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 WASTEWATER PROJECT AND AUTHORIZING PAYMENT THEREOF.

Mr. Seals moved, seconded by Mr. Henry, that the Resolution be adopted.

Motion carried.

RESOLUTION - COMMUNITY PARTICIPATION GRANT - NORTH THIRD STREET BALLFIELD, GARDEN PARK PROJECT AND N. 24TH STREET BALLFIELD

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO RECEIVE \$27,000.00 FROM THE FISCAL YEAR 2011 COMMUNITY PARTICIPATION GRANT PROGRAM FOR THE NORTH THIRD STREET BALLFIELD - PROJECT NO. 11LEDA0708.

Mrs. Delbrugge moved, seconded by Mr. Seals, that the Resolution be adopted.

Motion carried.

THOSE WISHING TO BE HEARD

Grace Norton, 427 Hazlett Avenue, spoke to Council about the East Wheeling Recreational Complex. She is opposed to this as she believes it makes no sense and believes it is a waste of money.

There being no further business, Mr. Henry moved, seconded by Mr. Seals, to adjourn. Motion carried. Time: 7:40 p.m.

City Clerk

Mayor

AGENDA

Wheeling, West Virginia

DATE: June 7, 2011

CONVENED: _____

ADJOURNED: _____

INVOCATION:

ROLL CALL: Taken and _____ members responded.

READING OF THE MINUTES - May 17, 2011

MAYOR'S REPORT

1. CLERK'S REPORT

1. Notice of Application to Operate a Private Club - Geno's on the Lane - 97 Edgington Lane

2. UNFINISHED BUSINESS

1. D & M Painting Corporation - Oakmont Tank Painting
2. Ace Truck Equipment Co. - Aluminum Utility Service Body (**Water**)
3. Ace Truck Equipment Co. - Aluminum Utility Service Body (**Water**)
4. Savage Construction Co. - Virginia Street Sidewalks and Curbs (**CDBG**)
5. Adopting Traffic Rule No. 4325 - Handicapped Parking - 36th & Wood Sts.
6. Adopting Traffic Rule No. 4326 - 2 Hr. Handicapped Parking/Commercial Loading Zone - 22nd & Market St. (East)
7. Adopting Traffic Rule No. 4327 - 2 Hr. Handicapped Parking - 22nd & Market St. (West)
8. Adopting Traffic Rule No. 4328 - 2 Hr. Handicapped Parking - 23rd & Market St. (East)
9. Authorizing Eminent Domain - Remaining Parcels in the East Wheeling Recreational Complex Area

HELD OVER: Planning Commission Minutes - 04/11/11; Planning Commission Report - 05/10/11; Historic Landmarks Commission Minutes - 03/03/11; Wheeling Housing Authority Minutes - 03/09/11; Wheeling-Ohio County Board of Health Minutes - 03/08/11; Wheeling Arts Commission Minutes - 02/08/11 & 03/08/11; Wheeling Traffic Commission Minutes - 04/14/11; CDBG Program Status Report - 04/30/11; HOME Program Status Report - 04/30/11; HPRP Program Status Report - 04/30/11; Financial Statement - 04/30/11

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

1. Rules Committee Report - 05/16/11
2. Finance Committee Report - 05/16/11

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Wheeling Housing Authority Minutes - 04/13/11
2. Board of Zoning Appeals Minutes - 04/21/11
3. Wheeling Human Rights Commission Minutes - 04/27/11
4. Greater Wheeling Sports & Entertainment Authority Minutes - 04/30/11
5. Greater Wheeling Sports & Entertainment Authority Financial Statement - 04/30/11
6. Wheeling Traffic Commission Minutes - 05/12/11
7. Wheeling Municipal Parking System Financial Statement - 04/30/11
8. Robert C. Byrd Intermodal Transportation Center Financial Statement - 04/30/11

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Amending Codified Ordinances - §303.99 - Penalty, of Article 303 - Enforcement, Impounding and Penalty.
2. Amending Codified Ordinances - §501.99 - Penalty, of Article 501- Administration & Law Enforcement
3. Amending Codified Ordinances - §507.99 - Penalty of Article 507 - Dogs & Cats
4. Amending Codified Ordinances - §521.06 - Intoxication or Drinking in Public Places; Illegal Possession.
5. Amending Codified Ordinances - §545.13 - Sale or Transfer of Concealable Weapons
6. Amending Codified Ordinances - §1327.02 - Definitions, of Zoning Ordinance

7. Amending Codified Ordinances - §1331.11(k) Accessory Buildings and Uses, of Zoning Ord.
8. Amending Codified Ordinances - §1335.11(k) Accessory Buildings and Uses, of Zoning Ord.
9. Amending Codified Ordinances - §1339.05(a) D-1 Downtown High Density, of Zoning Ord.
10. Amending Codified Ordinances - §1718.06(2)(ii), (iii), (iv), (v), and (vi) Registration
Generally - Art. 1718 Vacant Structure Code
11. PVS Technologies - Ferric Chloride **(Water)**
12. Bonded Chemicals, Inc. - Hydrofluosilicic Acid **(Water)**
13. Norit Americas, Inc. - Powdered Activated Carbon **(Water)**
14. Greer Lime Co. - Lime **(Water)**
15. Carus Corporation - Phosphate Liquid Corrosion Inhibitor **(Water)**
16. Univar - Potassium Permanganate **(Water)**
17. Sal Chemical - Cationic Polymer **(Water)**
18. Jones Chemical, Inc. - Liquid Chlorine **(Water)**
19. BBR Drilling Co., Inc. - Emergency Repair of Fairview Terrace Retaining Wall
20. Adopting Traffic Rule No. 4329 - No Parking Fire Lane - North & South Sides of N. 24th St.
21. Adopting Traffic Rule No. 4330 - Handicapped Parking - 2 Jayson Drive
22. Adopting Traffic Rule No. 4331 - No Parking Zone - 10th & Main Street
23. Adopting Traffic Rule No. 4332 - Two Hr. Parking Meter Zone 14th St. & Main St.
24. Adopting Traffic Rule No. 4333 - No Parking School Bus Zone - West Side of Broadway St.
25. Agreement - Wheeling Ohio County Health Department - FY 2011-2012
26. Resolution - Governor's Community Participation Grant - Agreement - N. 3rd St. Ballfield,
Garden Park Project, N. 24th St. Ballfield
27. Resolution - Governor's Community Participation Grant - Sesquicentennial Celebration
28. Resolution - General Fund Budget Revision No. 4 - FY 2010-2011

10. THOSE WISHING TO BE HEARD

Council of the City of Wheeling met in Council Chambers, City-County Building on the above date with Mayor Andy McKenzie presiding.

The invocation was offered by Vice-Mayor Eugene Fahey.

On roll call, the following were present:

McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

Mr. Seals moved, seconded by Mr. Henry, that the minutes of the June 7, 2011 meeting be approved as received.

Mr. Seals moved, seconded by Mr. Henry, to suspend the regular order of business to conduct four public hearings. Motion carried.

PUBLIC HEARINGS

City Manager Robert Herron explained that the first two public hearings deal with the removal of potential jail time for many offenses. Monetary fines and costs will be imposed as penalties; however, there are several exceptions in the General Offenses Code amendment which could still require imprisonment. The third public hearing, dealing with Dogs and Cats, increase the fines to \$100, \$200, and \$300, respectively. The final public hearing regarding Vacant Structure Code, is amending the ordinance to increase the fees.

Mayor McKenzie noted that no one signed up to speak at the public hearings.

AMENDING AND REENACTING PART THREE - TRAFFIC CODE, CHAPTER ONE
ADMINISTRATION; ARTICLE 303 - ENFORCEMENT, IMPOUNDING AND
PENALTY, SECTION 303.99 ENTITLED PENALTY.

AMENDING AND REENACTING PART FIVE - GENERAL OFFENSES CODE,
ARTICLE 501 - ADMINISTRATION AND LAW ENFORCEMENT,
SECTION 501.99 ENTITLED PENALTY.

AMENDING AND REENACTING PART FIVE - GENERAL OFFENSES CODE,
ARTICLE 507 - DOGS & CATS, SECTION 507.99 ENTITLED PENALTY.

AMENDING AND REENACTING PART SEVENTEEN - BUILDING AND HOUSING
CODE, CHAPTER FIVE - MODEL CODES ADOPTED - ARTICLE 1718 -
VACANT STRUCTURE CODE, SECTION 1781.06 ENTITLED REGISTRATION
GENERALLY, AT SUBSECTIONS (2)(ii), (iii), (iv), (v) and (vi) TO REFLECT
AN INCREASE IN THE FEE SCHEDULE.

There being no one wishing to speak, Mr. Seals moved, seconded by Mr. Henry, to close the public hearings and resume the regular order of business. Motion carried.

MAYOR'S REPORT

Mayor McKenzie expressed his gratitude to Vice Mayor Gene Fahey for his efforts during the week-end celebration of West Virginia's birthday.

UNFINISHED BUSINESS

AMENDING CODIFIED ORDINANCES - §303.99 - PENALTY, OF ARTICLE 303 -
ENFORCEMENT, IMPOUNDING AND PENALTY

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING AMENDING AND REENACTING PART THREE -
TRAFFIC CODE, CHAPTER ONE - ADMINISTRATION;
ARTICLE 303 - ENFORCEMENT, IMPOUNDING AND
PENALTY, SECTION 303.99 ENTITLED PENALTY.

The ordinance was read a second time by title. Mr. Seals moved, seconded by Mr.

Henry, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

AMENDING CODIFIED ORDINANCES - §501.99 - PENALTY, OF ARTICLE 501 - ADMINISTRATION & LAW ENFORCEMENT

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING PART FIVE - GENERAL OFFENSES CODE, ARTICLE 501 - ADMINISTRATION AND LAW ENFORCEMENT, SECTION 501.99 ENTITLED PENALTY.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

AMENDING CODIFIED ORDINANCES - §507.99 - PENALTY OF ARTICLE 507 - DOGS & CATS

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING PART FIVE - GENERAL OFFENSES CODE, ARTICLE 507 - DOGS AND CATS, SECTION 507.99 ENTITLED PENALTY.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

AMENDING CODIFIED ORDINANCES - §521.06 - INTOXICATION OR DRINKING IN PUBLIC PLACES; ILLEGAL POSSESSION

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING PART FIVE - GENERAL OFFENSES CODE, ARTICLE 521 - LIQUOR

CONTROL, SECTION 521.06 ENTITLED INTOXICATION OR DRINKING IN PUBLIC PLACES; ILLEGAL POSSESSION.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

AMENDING CODIFIED ORDINANCES - §545.13 - SALE OR TRANSFER OF CONCEALABLE WEAPONS

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING PART FIVE - GENERAL OFFENSES; ARTICLE 545 - WEAPONS, SECTION 545.13 SALE OR TRANSFER OF CONCEALABLE WEAPONS.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

AMENDING CODIFIED ORDINANCES - §1327.02 - DEFINITIONS, OF ZONING ORDINANCE

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 1327 - DEFINITIONS, SECTION 1327.02 ENTITLED DEFINITIONS.

Mr. Tiu reiterated his opposition to this ordinance. In his opinion, he believes that the record does not reflect the need for this ordinance. He stated that he will voting no on the adoption of this ordinance.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Atkinson, Fahey - 6

NOES: Tiu

- 1

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

AMENDING CODIFIED ORDINANCES - §1331.11(K) ACCESSORY BUILDINGS AND

USES, OF ZONING ORD.

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 1331 - PROVISIONS APPLICABLE TO ALL ZONING DISTRICTS, SECTION 1331.11 ENTITLED ACCESSORY BUILDINGS AND USES, AT SUBSECTION (K).

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

AMENDING CODIFIED ORDINANCES - §1335.11(K) ACCESSORY BUILDINGS AND USES, OF ZONING ORD.

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 1335 - RESIDENTIAL DISTRICTS, SECTION 1335.11 ENTITLED ACCESSORY BUILDINGS AND USES, AT SUBSECTION (K).

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

AMENDING CODIFIED ORDINANCES - §1339.05(A) D-1 DOWNTOWN HIGH DENSITY, OF ZONING ORD.

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 1339 - COMMERCIAL DISTRICTS, SECTION 1339.05 ENTITLED D-1 DOWNTOWN HIGH DENSITY AT SUBSECTION (a) TO INCLUDE EDUCATIONAL INSTITUTIONS AND RELATED FACILITIES WITHIN THE DOWNTOWN HIGH DENSITY ZONE.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

AMENDING CODIFIED ORDINANCES - §1718.06(2)(II), (III), (IV), (V), AND (VI)
REGISTRATION GENERALLY - ART. 1718 VACANT STRUCTURE CODE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING PART SEVENTEEN - BUILDING AND HOUSING CODE, CHAPTER FIVE - MODEL CODES ADOPTED - ARTICLE 1718 - VACANT STRUCTURE CODE, SECTION 1718.06 ENTITLED REGISTRATION GENERALLY, AT SUBSECTIONS (2) (ii), (iii), (iv), (v) and (vi) TO REFLECT AN INCREASE IN THE FEE SCHEDULE.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Atkinson, Fahey - 6

NOES: Tiu - 1

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

PVS TECHNOLOGIES - FERRIC CHLORIDE (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$48,850.00 WITH PVS TECHNOLOGIES, OF DETROIT, MI, FOR THE PURCHASE OF 250,000 LBS. OF FERRIC CHLORIDE TO BE CHARGED TO WATER TREATMENT - 400.4012.03.0641.00.(FY 2011-2012).

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

BONDED CHEMICALS, INC. - HYDROFLUOSILICIC ACID (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$29,300.00 WITH BONDED CHEMICALS, INC., OF COLUMBUS, OH, FOR THE PURCHASE OF 100,000 LBS. OF HYDROFLUOSILICIC ACID, TO BE CHARGED TO WATER TREATMENT - 400.4012.03.0641.00.(FY 2011-2012).

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

NORIT AMERICAS, INC. - POWDERED ACTIVATED CARBON (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$60,800.00, WITH NORIT AMERICAS, INC., OF MARSHALL, TX, FOR THE PURCHASE OF 80,000 LBS. OF POWDERED ACTIVATED CARBON, TO BE CHARGED TO WATER TREATMENT - 400.4012.03.0641.00.(FY 2011-2012).

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

GREER LIME CO. - LIME (WATER)

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$15,800.00 WITH GREER LIME CO., OF MORGANTOWN, WV, FOR THE PURCHASE OF 100 TONS OF LIME TO BE CHARGED TO WATER TREATMENT- 400.4012.03.0641.00.(FY 2011-2012).

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

CARUS CORPORATION - PHOSPHATE LIQUID CORROSION INHIBITOR (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$44,000.00 WITH CARUS CORPORATION, OF PERU, IL, FOR THE PURCHASE OF 100,000 LBS. OF PHOSPHATE LIQUID CORROSION INHIBITOR, TO BE CHARGED TO

WATER TREATMENT - 400.4012.03.0641.00.(FY 2011-2012).

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

UNIVAR - POTASSIUM PERMANGANATE (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$34,308.00 WITH UNIVAR, OF BUNOLA, PA, FOR THE PURCHASE OF 12,000 LBS. OF POTASSIUM PERMANGANATE, TO BE CHARGED TO WATER TREATMENT - 400.4012.03.0641.00.(FY 2011-2012).

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

SAL CHEMICAL - CATIONIC POLYMER (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$8,896.50 WITH SAL CHEMICAL, OF WEIRTON, WV, FOR THE PURCHASE OF 13,500 LBS OF CATIONIC POLYMER, TO BE CHARGED TO WATER TREATMENT - 400.4012.03.0641.00.(FY 2011-2012).

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

JONES CHEMICAL, INC. - LIQUID CHLORINE (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$21,788.00, WITH JONES CHEMICAL, INC., OF BARBERTON, OH, FOR THE PURCHASE OF 52 TONS OF LIQUID CHLORINE, TO BE CHARGED TO WATER TREATMENT - 400.4012.03.0641.00.(FY 2011-2012).

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

BBR DRILLING CO., INC. - EMERGENCY REPAIR OF FAIRVIEW TERRACE RETAINING WALL

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$70,050.00 WITH BBR DRILLING CO., INC., OF BELMONT, OH, FOR EMERGENCY REPAIR OF FAIRVIEW TERRACE RETAINING WALL, TO BE CHARGED TO RCIP #2335830739.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4329 - NO PARKING FIRE LANE - NORTH & SOUTH SIDES OF N. 24TH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4329.

The ordinance was read a second time by title. Mrs. Delbrugge moved, seconded by Mr. Seals, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4330 - HANDICAPPED PARKING - 2 JAYSON DRIVE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4330.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4331 - NO PARKING ZONE - 10TH & MAIN STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4331.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4332 - TWO HR. PARKING METER ZONE 14TH ST. & MAIN ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4332.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4333 - NO PARKING SCHOOL BUS ZONE - WEST SIDE OF BROADWAY ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4333.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

AGREEMENT - WHEELING OHIO COUNTY HEALTH DEPARTMENT - FY 2011-2012

The following was then read:

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE WHEELING-OHIO COUNTY BOARD OF HEALTH FOR THE PROVISION OF HEALTH SERVICES AND THE USE OF PUBLIC HEALTH FACILITIES FOR FY 2011-2012, IN THE AMOUNT OF \$25,000, TO BE CHARGED TO COAL SEVERANCE ACCOUNT - #002.4412.50.2264.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

Mr. Fahey moved, seconded by Mr. Seals, that the Wheeling Housing Authority Minutes- 4/13/11; Board of Zoning Appeals Minutes, 4/21/11; Wheeling Human Rights Commission Minutes, 4/27/11; Greater Wheeling Sports & Entertainment Authority Minutes, 4/30/11; Greater Wheeling Sports & Entertainment Authority Financial Statement, 4/30/11; Wheeling Traffic Commission Minutes, 5/12/11; Wheeling Municipal Parking System Financial Statement, 4/30/11, and Robert C. Byrd Intermodal Transportation Center Financial Statement, 4/30/11; which were held over, be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Seals reported that there is an accumulation of debris at 40 South Broadway Street.

Mr. Fahey thanked the Administration, Fire, Police and Operations Departments, Joelle Ennis, On Trac, Commissioner Randall Reid-Smith of the WV Division of Culture and History, for their efforts on the Sesquicentennial Event that took place this past week-end. Mr. Fahey reported that the Elm Grove Neighborhood Watch recently had a fundraiser which benefitted the Appalachian Outreach Group in the southern part of the state. He also reported that the Elm Groves Civics is sponsoring a fireworks display next Friday, July 1, 2011, the Beast of the East Tournament will be going on and a Rigatoni Dinner will be held on July 29, 2011.

REPORT OF CITY MANAGER

City Manager Robert Herron updated Council on the progress of the Wastewater Projects, stating that about 10 percent of the work has been completed. Mr. Herron requested Council's concurrence in the reappointments of Barry Crow, Tom McCullough and John Clarke to the Wheeling Planning Commission. Mr. Seals moved, seconded by Mr. Tiu, Council's concurrence in the reappointments. Motion carried. Mr. Herron also requested Council's concurrence in the reappointments of Rebecca Swords and Patrick Cassidy to the Historic Landmarks Commission. Mr. Tiu moved, seconded by Mr. Seals, Council's concurrence in the reappointments. Motion carried.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Seals, that the Planning Commission Minutes - 05-09-11; Wheeling-Ohio County Board of Health Minutes - 05-10-11; Wheeling Arts Commission Minutes - 05-10-11; CDBG Building Demolition Status Report - 06-15-11; CDBG

Program Status Report - 05/31/11; HOME Program Status Report - 05/31/11; HPRP Program Status Report - 05/31/11; Financial Statement - 05/31/11; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

WHEELING AREA CHAMBER OF COMMERCE - CITY OF LIGHTS FESTIVAL 2011

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 2011 CITY OF LIGHTS FESTIVAL TO BE CHARGED TO COAL SEVERANCE 002.4412.50.2262.

ZONE CHANGE - 47 MIL ACRES DRIVE - EMO EDUCATIONAL-MEDICAL-OFFICE TO I-1 LIGHT INDUSTRIAL

The following was then read:\

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF LOTS 1, 2 AND 3 AS SHOWN ON THE UNRECORDED PLAT OF DAYTON'S ADDITION TO THE KELLER FARM FROM EMO EDUCATIONAL MEDICAL OFFICE TO I-1 LIGHT INDUSTRY.

ZONE CHANGE - 2502-2512 JACOB STREET - EMO EDUCATIONAL-MEDICAL-OFFICE TO C-2 GENERAL COMMERCIAL

The following was then read:

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF THE SOUTH ½ OF LOT 95, LOT 96 AND THE NORTH ½ OF LOT 97 AS SHOWN ON THE PLAT OF THE CHAPLINE, FORSYTHE AND WILSON'S ADDITION TO SOUTH WHEELING FROM EMO EDUCATIONAL MEDICAL OFFICE TO C-2 GENERAL COMMERCIAL.

SAL CHEMICAL CO. - SODIUM BISULFITE (WPCD)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$23,700.00 WITH SAL CHEMICAL, OF WEIRTON, WV, FOR THE PURCHASE OF 10,000 GALLONS OF SODIUM BISULFITE, TO BE CHARGED TO WATER POLLUTION CONTROL DIVISION - 401.4003.02.0743.19.(FY 2011-2012).

AMENDING CODIFIED ORDINANCES - ARTICLE 927 - SEWER USE ORDINANCE

The following was then read:

AN ORDINANCE AMENDING AND REENACTING ARTICLE 927 - SEWER USE OF PART NINE OF THE CODIFIED ORDINANCES OF THE CITY OF WHEELING ENTITLED STREETS; UTILITIES AND PUBLIC SERVICE CODE TO INCORPORATE THE U.S. ENVIRONMENTAL PROTECTION AGENCY RULES ADOPTED BY THE STATE OF WEST VIRGINIA AS THEY IMPACT THE PRE-TREATMENT PROGRAM.

Mr. Tiu asked if this amendment raises any significant concerns. City Manager Herron explained that this is necessary in order for municipalities to have a USEPA model ordinance in place to qualify for low interest loans. The changes to the ordinance have been highlighted in yellow. He noted that the biggest changes are in the limits. The costs associated with these changes is to tighten up the

regulations so that to ensure that we can properly treat wastewater. Any costs associated with this is borne by the industrial pretreatment customer.

RESOLUTION - HUD 108 PROGRAM- TAX INCREMENT EXCESS FUND - BANK OF NEW YORK MELLON

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$164,217.50 FROM CDBG 2010-11 SECTION 108 LOAN REPAYMENT - #1513-010-140 (\$135,782.50) AND TIF EXCESS FUND (\$28,435.00) FOR COSTS ASSOCIATED WITH HUD 108 PROGRAM.

Mr. Seals moved, seconded by Mr. Henry, that the Resolution be adopted. Motion carried.

RESOLUTION - AUTHORIZING PAYMENT OF INVOICES - WASTEWATER PROJECT - SERIES 2010B (WPCD)

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 WASTEWATER PROJECT AND AUTHORIZING PAYMENT THEREOF.

Mr. Seals moved, seconded by Mr. Henry, that the Resolution be adopted. Motion carried.

THOSE WISHING TO BE HEARD

Tony Brancazio, 108 Park View Lane, questioned the procedure of notifying the public about proposed ordinances. Mayor McKenzie asked her to stay after the meeting and he would talk to her about this.

Owens Brown, 20 Stackyard Road, had questions about the proposed East Wheeling Sports Complex. He would like to see more concrete plans. He was also concerned about the ordinance in regard to the definition of "family."

Jerome Poynton, 136 15th Street, presented Council with a 30 page proposal for the East Wheeling area.

There being no further business, Mr. Atkinson moved, seconded by Mr. Seals, to adjourn. Motion carried. Time: 7:40 p.m.

City Clerk

Mayor

AGENDA

Wheeling, West Virginia

DATE: July 5, 2011

CONVENED: _____

ADJOURNED: _____

INVOCATION:

ROLL CALL: Taken and _____ members responded.

READING OF THE MINUTES - June 21, 2011

MAYOR'S REPORT

1. CLERK'S REPORT

2. UNFINISHED BUSINESS

1. Wheeling Area Chamber of Commerce - City of Lights Festival 2011
2. Zone Change - 47 Mil Acres Drive - EMO Educational-Medical-Office to I-1 Light Industrial
3. Zone Change - 2502-2512 Jacob Street - EMO Educational-Medical-Office to C-2 General Commercial
4. Sal Chemical Co. - Sodium Bisulfite (**WPCD**)
5. Amending Codified Ordinances - Article 927 - Sewer Use Ordinance

HELD OVER: Planning Commission Minutes - 05-09-11; Wheeling-Ohio County Board of Health Minutes - 05-10-11; Wheeling Arts Commission Minutes - 05-10-11; CDBG Building Demolition Status Report - 06-15-11; CDBG Program Status Report - 05/31/11; HOME Program Status Report - 05/31/11; HPRP Program Status Report - 05/31/11; Financial Statement - 05/31/11.

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

1. Finance Committee Report - 6/21/11

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Wheeling Municipal Parking System Financial Statement - 5/31/11
2. Robert C. Byrd Intermodal Transportation Center Financial Statement - 5/31/11

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Over & Under Construction - I-470 Ballfield Complex ADA Improvements (**CDBG**)
2. Wheeling Symphony - July 4, 2011 Funfest Fireworks
3. Fire Force - Fire Dex Personal Protective Equipment (**Fire**)
4. Sutphen Corporation - 2011 Sutphen 1750 GPM Pumper (**CDBG**)
5. Wells Fargo Insurance Services - Excess Liability Workers Compensation Policy - FY 2011-2012
6. Ohio County Board of Education - Lease - Portion of Garden Park Recreational Complex
7. Berry, Bippus, Chison & Foose, Inc. - Insurance - FY 2011-2012
8. Agreement - Governor's Community Participation Grant - East Wheeling Playground
9. Agreement - Governor's Community Participation Grant - N. 3rd St./Warwood Red Birds Ballfield
10. Agreement - Governor's Community Participation Grant - Capitol Theater Ballroom Renovations

10. THOSE WISHING TO BE HEARD

Council of the City of Wheeling met in Council Chambers, City-County Building on the above date with Mayor Andy McKenzie presiding.

The invocation was offered by Second Ward Councilor Vernon Seals.

On roll call, the following were present:

McKenzie, Delbrugge, Seals, Tiu, and Atkinson - 7

Mr. Seals moved, seconded by Mr. Atkinson, that the minutes of the July 5, 2011 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor McKenzie asked for Council's concurrence in the reappointments of Robert Romick and Ralph Dunkin to the Wheeling Human Rights Commission. Mr. Seals moved, seconded by Mr. Tiu, Council's concurrence in the reappointments. Motion carried.

Mayor McKenzie reported that he attended the Energy Express Program at Laughlin Chapel today. He also reported that the Italian Festival will be taking place this coming week-end.

Mayor McKenzie reminded Council and the public that the next Council meeting will be held on the regular day but the time will be changed to 12:00 noon, due to the "National Night Out for Crime" that will be held at Wheeling Park in the evening.

UNFINISHED BUSINESS

OVER & UNDER CONSTRUCTION - I-470 BALLFIELD COMPLEX ADA IMPROVEMENTS (CDBG)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$44,417.00 WITH OVER & UNDER CONSTRUCTION INC., OF MARTINS FERRY, OH, FOR I-470 BALLFIELD COMPLEX ADA IMPROVEMENTS, TO BE CHARGED TO CDBG - 2010-11 I-470 BALLFIELD ADA IMPROVEMENTS - #1509-010-500.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Tiu, Atkinson - 5

NOES: - 0

WHEELING SYMPHONY - JULY 4, 2011 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, 2011 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. Seals moved, seconded by Mr. Atkinson, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Tiu, Atkinson - 5

NOES: - 0

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

SUTPHEN CORPORATION - 2011 SUTPHEN 1750 GPM PUMPER (CDBG)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$390,496.00 WITH SUTPHEN CORPORATION, OF AMLIN, OH, FOR 2011 SUTPHEN 1750 GPM PUMPER, PER BID SPECIFICATIONS, TO BE CHARGED TO CDBG 2010-11 PUMPER TRUCK ACQ. - #1509-010-205 (\$322,000.00) AND CDBG 2011-12 PUMPER TRUCK ACQ. - #1509-011-201 (\$68,496.00).

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Tiu, Atkinson - 5

NOES: - 0

WELLS FARGO INSURANCE SERVICES - EXCESS LIABILITY WORKERS COMPENSATION POLICY - FY 2011-2012

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$53,653.00 WITH WELLS FARGO INSURANCE SERVICES, OF WHEELING, WV, FOR EXCESS LIABILITY WORKERS' COMPENSATION POLICY (FY 2011 TO 2012), TO BE CHARGED TO CUSTODY ACCOUNT - WORKERS' COMPENSATION #2335830788.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Tiu, Atkinson - 5

NOES: - 0

OHIO COUNTY BOARD OF EDUCATION - LEASE - PORTION OF GARDEN PARK RECREATIONAL COMPLEX

The following was then read:

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH
THE OHIO COUNTY BOARD OF EDUCATION REGARDING
USE OF A PORTION OF THE GARDEN PARK RECREATION
COMPLEX - FY 2011-2012.

The ordinance was read a second time by title. Mrs. Delbrugge moved, seconded by Mr. Seals, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Tiu, Atkinson - 5

NOES: - 0

Mr. Seals moved, seconded by Mr. Atkinson, that the Wheeling Municipal Parking System Financial Statement, 5/31/11; and the Robert C. Byrd Intermodal Transportation Center Financial Statement, 5/31/11; which were held over, be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Tiu pointed out that he will abstaining from voting on Item 9/1 listed under Original Propositions, dealing with East Wheeling Asbestos Abatement due to a conflict of interest.

REPORT OF COMMITTEES

DEVELOPMENT COMMITTEE REPORT - JULY 7, 2011

The Development Committee of Wheeling City Council met on Thursday, July 7, 2011 at 12:00 p.m. in the Office of the City Manager. Committee members present: Mayor Andy McKenzie, Vice Chair Gloria Delbrugge, Member Gene Fahey; Others present: Councilors Don Atkinson and Robert Henry; City Manager Robert Herron, Finance Director Michael Klug, City Solicitor Rose Humway-Warmuth, ECD Director Nancy Prager, City Clerk Janice Jones and the media.

Executive Session to Discuss Property Acquisition

Mr. Fahey moved, seconded by Mrs. Delbrugge, to conduct an executive session to discuss property acquisition. Motion carried. Time: 12:00 p.m.

Mr. Fahey moved, seconded by Mrs. Delbrugge, to conclude the executive session and resume the regular order of business. Motion carried. Time: 12:55 p.m.

Following the executive session, Mr. Fahey moved, seconded by Mrs. Delbrugge, to forward to Council an amendment to the TIF Project Plan No. 3 to expand the project area. Motion carried.

There being no further business to come before the Committee, Mrs. Delbrugge moved, seconded by Mr. Fahey, to adjourn. Time: 12:56 p.m.

The Committee moved approval of the entire report. Motion carried.

REPORT OF CITY MANAGER

City Manager Robert Herron noted that the ordinance with Over and Under Construction for ADA Improvements at the I-470 Ballfield came in under budget by \$17,000.00. He would like to propose that these funds be allocated to the Miracle Field Project, which would require a CDBG Program Amendment.

Mr. Herron reported that Lieutenant Tom Mitchell will be leaving the Police Department to accept the position as Police Chief for the City of Moundsville.

In regard to the Sanitary Sewer Project that is taking place in the vicinity of 12th Street, the area will be repaired in time for the Italian Festival. Also, the contractors that are working on the demolition of the old Reichart Building will open Water Street for the Italian Festival. They were given permission to close it during the demolition process.

REPORT OF OTHER OFFICERS

Mr. Seals moved, seconded by Mr. Atkinson, that the Historic Landmark Commission Minutes, 5/5/11; Planning Commission Minutes, 6/13/11; Planning Commission Report, 7/12/11; Greater Wheeling Sports and Entertainment Authority Minutes, 6/1/11; Greater Wheeling Sports and Entertainment Authority Financial Statement, 5/31/11; Wheeling Housing Authority Minutes, 5/11/11; Wheeling Arts Commission Minutes, 6/14/11; CDBG Program Status Report, 5/31/11; HOME Program Status Report, 5/31/11; HPRP Program Status Report, 5/31/11; and Financial Statement, 5/31/11; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

EDGCO, INC. - EAST WHEELING ASBESTOS ABATEMENT

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$19,166.20 WITH EDGCO, INC., OF LANSING, OH, FOR EAST WHEELING ASBESTOS ABATEMENT, TO BE CHARGED TO RCIP.

KEMIRA WATER SOLUTIONS - FERRIC CHLORIDE (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$53,750.00 WITH KEMIRA WATER SOLUTIONS, OF LAWRENCE, KS, FOR THE PURCHASE OF 250,000 LBS. OF FERRIC CHLORIDE TO BE CHARGED TO WATER TREATMENT - 400.4012.03.0641.00.(FY 2011-2012).

There being no further business, Mr. Atkinson moved, seconded by Mrs. Delbrugge, to adjourn. Motion carried. Time: 7:15 p.m.

City Clerk

Mayor

AGENDA

Wheeling, West Virginia

DATE: August 2, 2011

CONVENED: _____

ADJOURNED: _____

INVOCATION:

ROLL CALL: Taken and _____ members responded.

READING OF THE MINUTES - July 19, 2011

'Public Hearing - Expanding Geographical Area of Tax Increment Financing Project Plan No. 3'

MAYOR'S REPORT

1. CLERK'S REPORT

2. UNFINISHED BUSINESS

1. Edgco., Inc. - East Wheeling Asbestos Abatement
2. Kemira Water Solutions - Ferric Chloride (**Water**)

HELD OVER: Historic Landmark Commission Minutes - 05/05/11; Planning Commission Minutes - 06/13/11; Planning Commission Report - 07/12/11; Greater Wheeling Sports and Entertainment Authority Minutes - 06/01/11; Greater Wheeling Sports and Entertainment Authority Financial Statement - 05/31/11; Wheeling Housing Authority Minutes - 05/11/11; Wheeling Arts Commission Minutes - 06/14/11; CDBG Program Status Report - 05/31/11; HOME Program Status Report - 05/31/11; HPRP Program Status Report - 05/31/11; Financial Statement - 05/31/11

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

1. Finance Committee Report - 07/19/11

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Board of Zoning Appeals Minutes - 6/16/11
2. Wheeling-Ohio County Board of Health Minutes - 6/14/11

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Appointment of Rick Courts to the Ohio Valley Regional Transit Authority
2. Boggs Environmental - Asbestos Abatement II (**CDBG**)
3. Ordinance Amending Certain Terms of the City's Oglebay Park Improvement and Refunding Revenue Bonds, Series 2003, Series 2004 and Series 2004B
4. Resolution - Expanding the Geographical Area of T.I.F. Project Plan No. 3
5. Resolution - General Fund Budget Revision No. 1 -FY 2011-2012
6. Resolution - Coal Severance Budget Revision No. 1 - FY 2011-2012
7. Resolution - Authorizing Payment of Invoices - Wastewater Project - Series 2010B (**WPCD**)

10. THOSE WISHING TO BE HEARD

Council of the City of Wheeling met in Council Chambers, City-County Building on the above date with Mayor Andy McKenzie presiding.

The invocation was offered by Vice-Mayor Eugene Fahey.

On roll call, the following were present:

McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson and Fahey

- 7

Mr. Seals moved, seconded by Mr. Henry, to amend the July 19 minutes to reflect that 5 members were present and 2 members were absent. Motion carried. Mr. Seals moved, seconded by Mr. Henry, that the minutes of the July 19, 2011 meeting be approved as amended. Motion carried.

Mr. Seals moved, seconded by Mr. Fahey, to suspend the regular order of business to conduct a public hearing. Motion carried.

**“Public Hearing - Expanding Georgraphic Area of Tax Increment Financing
Project Plan No. 3”**

City Manager Robert Herron explained the proposed amendment in detail, which is to change the geographical area of the Project Plan No. 3. Mr. Tiu questioned whether eminent domain would be utilized. City Manager Herron said that the proposed project is to develop properties for private development; therefore, eminent domain will not be used..

There being no one to speak at the public hearing, Mr. Seals moved, seconded by Mr. Henry, to conclude the public hearing and resume the regular order of business. Motion carried.

MAYOR’S REPORT

Mayor McKenzie commented on the Summer Events at the Waterfront, as well as happenings at Center Market.

Mayor McKenzie invited George Smoulder of the United Way to come forward so that City Solicitor Rosemary Humway-Warmuth could present United Way with a check in the amount of \$8,000.00, which are the proceeds from the chili cook-off that took place in June.

UNFINISHED BUSINESS

EDGCO, INC. - EAST WHEELING ASBESTOS ABATEMENT

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$19,166.20 WITH EDGCO, INC., OF LANSING, OH, FOR EAST WHEELING ASBESTOS ABATEMENT, TO BE CHARGED TO RCIP.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Atkinson, Fahey

- 6

NOES:

- 0

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

thereupon declared the ordinance adopted. Mr. Tiu abstained from voting.
KEMIRA WATER SOLUTIONS - FERRIC CHLORIDE (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$53,750.00 WITH KEMIRA WATER SOLUTIONS, OF LAWRENCE, KS, FOR THE PURCHASE OF 250,000 LBS. OF FERRIC CHLORIDE TO BE CHARGED TO WATER TREATMENT - 400.4012.03.0641.00.(FY 2011-2012).

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

Mr. Seals moved, seconded by Mr. Atkinson, that the Historic Landmark Commission Minutes, 5/5/11; Planning Commission Minutes, 6/13/11; Planning Commission Report, 7/12/11; Greater Wheeling Sports and Entertainment Authority Minutes, 6/1/11; Greater Wheeling Sports and Entertainment Authority Financial Statement, 5/31/11; Wheeling Housing Authority Minutes, 5/11/11; Wheeling Arts Commission Minutes, 6/14/11; CDBG Program Status Report, 5/31/11; HOME Program Status Report, 5/31/11; HPRP Program Status Report, 5/31/11; and Financial Statement, 5/31/11; which were held over, be approved as received. Motion carried.

Mayor McKenzie asked for a motion to return to the Mayor's Report. Mr. Seals moved, seconded by Mr. Henry, to return to Mayor's Report. Motion carried. Mayor McKenzie commented that the reason for the special Council meeting time was because Council wanted to attend a National Night Out for Crime. He asked Police Chief Robert Matheny to comment on it. Chief Matheny said that it would be held tonight at Wheeling Park from 6:00 to 8:00 p.m. He said that it is a time for communities to come out and take a stand against drugs, crime and violence.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Fahey said that he recently visited Tunnel Green Roller Hockey venue and the Pickleball Court at the Patterson recreational complex. He commented how vital these recreational opportunities are to the citizens of Wheeling.

Mr. Seals commented on a piece of city-owned property that is overgrown with weeds and is in disrepair. He suggested selling it or tearing it down. Mr. Seals also commented on drinking that is taking place during ball games and city fields.

REPORT OF COMMITTEES

FINANCE COMMITTEE REPORT - JULY 19, 2011

The Finance Committee of Wheeling City Council met on Tuesday, July 19, 2011 at 6:00 p.m. in the Office of the City Manager. Committee Members present: Chair Vernon Seals and Member James Tiu. Others present: Mayor Andy McKenzie, Councilors Gloria Delbrugge and Don Atkinson; City Manager Robert Herron, City Solicitor Rose Warmuth, Economic and Community Development Director Nancy Prager, Fire Chief Larry Helms, City Clerk Janice Jones and the media.

The following matters were discussed:

Financial Statement - 06/30/11

City Manager Robert Herron said that this financial statement represents the year end final figures. He reported that revenues for the fiscal year were \$29,303,872, slightly higher than the budget amount. He noted that the budgeted revenue for the upcoming fiscal year is approximately \$600,000 less than last year's. Mr. Herron also reported that the actual expenditures for FY 2010-11 were \$29,842,000, approximately \$724,842.00 under budget. He noted that the budgeted amount for the upcoming fiscal year is \$29,467,000. Mr. Tiu moved, seconded by Mr. Seals, acceptance of the Financial Statement as presented. Motion carried.

The Committee moved acceptance of this portion of the report. Motion carried.

Discussion of Proposed FY 2011-2012 Capital Projects/Program Appropriations

Mr. Herron explained that \$335,563.00 remains to be budgeted in the General Fund and \$49,500.00 in Coal Severance Fund. In addition, the City has \$141,000 remaining in its discontinued Health Reimbursement account. He is recommending that these be put back into the General Fund for appropriation, bringing the total in the General Fund to be allocated to \$476,563.00. Mr. Herron explained in detail and recommended the following appropriations:

Street Paving	\$ 200,000.00
Duty Vehicle - Fire Department	\$ 33,000.00
Rifles - Police Department	\$ 10,000.00
Dump Truck/Plow - Operations	\$ 50,000.00
Body Shop Development - Veh. Mnt.	\$ 25,000.00
One Time Salary Adjustment of \$400 for Full Time Employees. Additional Cost to the following funds:	\$ 158,385.00
CDBG -	\$ 228.00
Water -	\$3,135.00
WPCD -	\$2,280.00

The \$49,500.00 balance in Coal Severance is proposed for the Administrative Line Item.

Mr. Tiu moved, seconded by Mr. Seals, to forward these recommendations to Council. Motion carried.

The Committee moved acceptance of this portion of the report. Motion carried.

In another matter, a short discussion ensued in regard to the Tax Increment Finance Application and the Proposed Project No. 3 Expansion.

There being no further business to come before the Committee, Mr. Tiu moved, seconded by Mr. Seals, to adjourn. Motion carried. Time: 6:45 p.m.

The Committee moved acceptance of the entire report. Motion carried.

REPORT OF CITY MANAGER

City Manager Robert Herron reported that the Belomar Regional Council of Governments approved two projects for the Transportation Improvement Plan for the area. They are the Kruger Street turn lane and the renovations to the Suspension Bridge. He said that this is significant because now that they are in the Plan, the Department of Highways can move forward with the projects.

Mr. Herron commented on the Oglebay Park Bond Ordinance which is listed under Original Propositions this evening. He said that this proposed ordinance would amend the interest rates associated with these bonds. He pointed out that there will be three readings on this and a public hearing before final adoption.

Mayor McKenzie commented on the Finance Report and commended the

Administration and the employees for being fiscally responsible.

Mr. Tiu thanked City Manager Herron for addressing, in detail, concerns and questions he had about the T.I.F. application.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Seals, that the Board of Zoning Appeals Minutes, 6/16/11; and Wheeling-Ohio County Board of Health Minutes, 6/14/11; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

APPOINTMENT OF RICK COURTS TO THE OHIO VALLEY REGIONAL TRANSIT AUTHORITY

The following was then read:

AN ORDINANCE THE COUNCIL OF THE CITY OF WHEELING APPOINTING RICK L. COURTS TO THE OHIO VALLEY REGIONAL TRANSIT AUTHORITY.

In response to a question from Mr. Seals, City Manager Herron, said that the Charter requires that this appointment be done by ordinance.

BOGGS ENVIRONMENTAL - ASBESTOS INSPECTIONS II (CDBG)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$9,975.00 WITH BOGGS ENVIRONMENTAL, OF WHEELING, WV, FOR ASBESTOS INSPECTIONS II, TO BE CHARGED TO CDBG - 2009-10 CITY WIDE DEMOLITION (\$6,254.03) AND CDBG - 2010-11 CITY WIDE DEMOLITION (\$3,720.97).

ORDINANCE AMENDING CERTAIN TERMS OF THE CITY'S OGLEBAY PARK IMPROVEMENT AND REFUNDING BONDS, SERIES 2003, SERIES 2004 AND SERIES 2004B

The following was then read:

AN ORDINANCE AMENDING CERTAIN TERMS OF THE CITY'S OGLEBAY PARK IMPROVEMENT AND REFUNDING REVENUE BOND, SERIES 2003 (THE "SERIES 2003 BONDS"), THE CITY'S OGLEBAY PARK IMPROVEMENT REVENUE BONDS, SERIES 2004 AND THE CITY'S OGLEBAY PARK IMPROVEMENT REVENUE BONDS, SERIES 2004B (THE "SERIES 2004B BONDS"); DESIGNATING THE SERIES 2003 BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS; APPROVING THE EXECUTION OF A TAX CERTIFICATE AND FILING OF INTERNAL REVENUE SERVICE INFORMATION RETURN FOR THE SERIES 2003 BONDS AND THE SERIES 2004B BONDS; PROVIDING FOR THE ISSUANCE OF AMENDED BONDS WITH RESPECT TO EACH FOREGOING SERIES OF BONDS AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

RESOLUTION - EXPANDING THE GEOGRAPHICAL AREA OF T.I.F. PROJECT PLAN NO. 3

The following was then read:

A RESOLUTION EXPANDING THE GEOGRAPHICAL AREA OF PROJECT PLAN NO. 3, AS DETAILED IN THE TAX INCREMENT FINANCING APPLICATION REFERENCED HEREIN.

Mr. Seals moved, seconded by Mr. Henry, that the Resolution be adopted.
Motion carried.

RESOLUTION - GENERAL FUND BUDGET REVISION NO. 1 - FY 2011-2012

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 BR1180.01.01.

Mr. Seals moved, seconded by Mr. Henry, that the Resolution be adopted.
Motion carried.

RESOLUTION - COAL SEVERANCE BUDGET REVISION NO. 1 - FY 2011-2012

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING DIRECTING THAT THE COAL SEVERANCE FUND BUDGET BE REVISED AS PER BUDGET REVISION BR1180.02.01.

Mr. Seals moved, seconded by Mr. Henry, that the Resolution be adopted.
Motion carried.

RESOLUTION - AUTHORIZING PAYMENT OF INVOICES - WASTEWATER PROJECT - SERIES 2010B (WPCD)

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 WASTEWATER PROJECT AND AUTHORIZING PAYMENT THEREOF.

Mr. Seals moved, seconded by Mr. Henry, that the Resolution be adopted.
Motion carried.

THOSE WISHING TO BE HEARD

Mr. Edward Evanko addressed Council relevant to the Park located in the Edgewood area. He said that the sidewalks that surround the park are in terrible shape and work on the park needs done. Michael Speaker, 62 E. Park Street, also addressed Council about the park and suggested applying for grants from the state. Danny Sands, 60 E. Park Street addressed Council about the sidewalks, also.

There being no further business, Mr. Henry moved, seconded by Mr. Seals, to adjourn. Motion carried. Time: 12:40 p.m.

City Clerk

Mayor

AGENDA

Wheeling, West Virginia
DATE: August 16, 2011

CONVENED: _____

ADJOURNED: _____

INVOCATION:

ROLL CALL: Taken and _____ members responded.

READING OF THE MINUTES - August 2, 2011

MAYOR'S REPORT

1. CLERK'S REPORT

1. Notice of Application to Operate a Private Club - Schnitzengiggles, LLC - 1433 Market St.

2. UNFINISHED BUSINESS

1. Appointment of Rick Courts to the Ohio Valley Regional Transit Authority
2. Boggs Environmental - Asbestos Inspections II (CDBG)

HELD OVER: Board of Zoning Appeals Minutes 6/16/11; Wheeling- Ohio County Board of Health Minutes 6/14/11

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Planning Commission Minutes - 7/11/11
2. Planning Commission Annual Report - FY 2010-2011
3. Wheeling Housing Authority Minutes - 6/8/11
4. Wheeling Arts Commission Minutes - 7/12/11
5. Wheeling Arts Commission Minutes - 7/26/11
6. Wheeling Traffic Commission Minutes - 7/14/11
7. Wheeling Municipal Parking System Financial Statement - 6/30/11
8. Robert C. Byrd Intermodal Transportation Center Financial Statement - 6/30/11
9. CDBG Program Status Report - 7/31/11
10. HOME Program Status Report - 7/31/11
11. HPRP Program Status Report - 7/31/11
12. Financial Statement - 7/31/11

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Ordinance Amending Certain Terms of the City's Oglebay Park Improvement and Refunding Revenue Bonds, Series 2003, Series 2004 and Series 2004B (2nd of 3 readings)
2. Adopting Traffic Rule No. 4334 - No Parking Zone - Lane 7
3. Adopting Traffic Rule No. 4335 - 2 Hr. Handicapped Zone - Chapline St.
4. Adopting Traffic Rule No. 4336 - One Way Street - Lane 9
5. Adopting Traffic Rule No. 4337 - Commercial Loading Zone - 11th St.
6. Northern Panhandle Conservation District - Operation & Maintenance - FY 2011-2012
7. Ohio County Commission - Lease of Office Space FY 2011-2012
8. Memorandum of Understanding - Ohio County Schools & Ohio County Comm.- Emergency Preparedness
9. Agreement -HUD - Community Development Block Grant EY 2010 (CDBG)
10. Agreement - HUD - Home Investment Partnership Program (CDBG)
11. First Time Homebuyer Program - Northern Panhandle HOME Consortium - 2010 EY (CDBG)
12. Wheeling Police Department (CDBG)
13. Seeing Hand Association (CDBG)
14. The Soup Kitchen (CDBG)
15. Nelson Jordan Center (CDBG)
16. Laughlin Chapel (Fuel) (CDBG)
17. Children's Museum (CDBG)
18. Wheeling Human Rights Commission (CDBG)
19. Greater Wheeling Coalition for the Homeless (CDBG)
20. Wheeling Health Right (CDBG)
21. Family Service Upper Ohio Valley (CDBG)
22. Community Child Care Center (CDBG)
23. Catholic Neighborhood Center (CDBG)
24. YWCA (CDBG)
25. Urban Design Ventures - Professional Services for CDBG/HOME Programs (CDBG)
26. G. M. Baker and Son - Well #6 (Water)
27. Stephens Auto Center - 2012 Ford F550 4 x 4 Truck (Operations)
28. Resolution - WV Div. of Justice and Community Services -Underage Drinking Grant - #11-EUD-005

10. THOSE WISHING TO BE HEARD

Council of the City of Wheeling met in Council Chambers, City-County Building on the above date with Mayor Andy McKenzie presiding.

The invocation was offered by Vice-Mayor Eugene Fahey. Council observed a moment of silence in commemoration of the passing of Bishop Bernard Schmitt and Della Grandstaff, Administrative Assistant Lisa Gruber's mother.

On roll call, the following were present:

McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson and Fahey - 7

Mr. Seals moved, seconded by Mr. Henry, that the minutes of the August 2, 2011 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor Andy McKenzie asked for Council's concurrence in the reappointment of Diana Bell to the Wheeling Human Rights Commission. Mr. Seals moved, seconded by Mr. Henry, Council's concurrence in the reappointment. Motion carried.

Mayor McKenzie urged Council and the public to visit Independence Hall to see the beautiful renovations and exhibits that are on display there.

He also commented on a very favorable article about Wheeling that was in a Baltimore newspaper recently. In addition, he talked about the success of the Blues Fest last week-end and the great job that organizer, Bruce Wheeler does.

Mayor McKenzie reminded everyone that this Saturday is the Arts Festival that will begin at noon and be held around WVNCC.

The mayor also reminded Council and the public that Tuesday, October 4, 2011 is an election day and the Council meeting will be moved to either the day before or the day after. Proper notice will be given to the public.

CLERK'S REPORT

Notice of Application to Operate a Private Club - Schnitzengiggles LLC - 1433 Market Street

City Clerk Janice Jones presented Council with a Notice of Application to Operate a Private Club for Schnitzengiggles, LLC, located at 1433 Market Street. The applicant is Ryan Britt.

UNFINISHED BUSINESS

APPOINTMENT OF RICK COURTS TO THE OHIO VALLEY REGIONAL TRANSIT AUTHORITY

The following was then read:

AN ORDINANCE THE COUNCIL OF THE CITY OF
WHEELING APPOINTING RICK L. COURTS TO THE OHIO
VALLEY REGIONAL TRANSIT AUTHORITY.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

BOGGS ENVIRONMENTAL - ASBESTOS INSPECTIONS II (CDBG)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$9,975.00 WITH BOGGS ENVIRONMENTAL, OF WHEELING, WV, FOR ASBESTOS INSPECTIONS II, TO BE CHARGED TO CDBG - 2009-10 CITY WIDE DEMOLITION (\$6,254.03) AND CDBG - 2010-11 CITY WIDE DEMOLITION (\$3,720.97).

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

Mr. Fahey moved, seconded by Mr. Seals, that the Board of Zoning Appeals Minutes, 6/16/11; and Wheeling-Ohio County Board of Health Minutes, 6/14/11; which were held over, be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mrs. Delbrugge extended Happy Birthday wishes to Mayor Andy McKenzie.

Mr. Fahey reiterated Mayor McKenzie's remarks about Independence Hall and also stressed how important Wheeling was in the formation of our great state.

REPORT OF CITY MANAGER

City Manager Robert Herron said that work is progressing on the Wastewater Treatment Plant. He also announced that Tom Connelly, Assistant Economic and Community Development Director, will be leaving to go to a similar position in Pennsylvania.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Seals, that the Planning Commission Minutes - 7/11/11; Planning Commission Annual Report - FY 2010-2011; Wheeling Housing Authority Minutes - 6/8/11; Wheeling Arts Commission Minutes - 7/12/11; Wheeling Arts Commission Minutes - 7/26/11; Wheeling Traffic Commission Minutes - 7/14/11; Wheeling Municipal Parking System Financial Statement - 6/30/11; Robert C. Byrd Intermodal Transportation Center Financial Statement - 6/30/11; CDBG Program Status Report - 7/31/11; HOME Program Status Report - 7/31/11; HPRP Program Status Report - 7/31/11; Financial Statement - 7/31/11; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

ORDINANCE AMENDING CERTAIN TERMS OF THE CITY'S OGLEBAY PARK IMPROVEMENT AND REFUNDING REVENUE BONDS, SERIES 2003, SERIES 2004 AND SERIES 2004B (2ND OF 3 READINGS)

The following was then read:

AN ORDINANCE AMENDING CERTAIN TERMS OF THE CITY'S OGLEBAY PARK IMPROVEMENT AND

REFUNDING REVENUE BOND, SERIES 2003 (THE "SERIES 2003 BONDS"), THE CITY'S OGLEBAY PARK IMPROVEMENT REVENUE BONDS, SERIES 2004 AND THE CITY'S OGLEBAY PARK IMPROVEMENT REVENUE BONDS, SERIES 2004B (THE "SERIES 2004B BONDS"); DESIGNATING THE SERIES 2003 BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS; APPROVING THE EXECUTION OF A TAX CERTIFICATE AND FILING OF INTERNAL REVENUE SERVICE INFORMATION RETURN FOR THE SERIES 2003 BONDS AND THE SERIES 2004B BONDS; PROVIDING FOR THE ISSUANCE OF AMENDED BONDS WITH RESPECT TO EACH FOREGOING SERIES OF BONDS AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

ADOPTING TRAFFIC RULE NO. 4334 - NO PARKING ZONE - LANE 7

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4334.

ADOPTING TRAFFIC RULE NO. 4335 - 2 HR. HANDICAPPED ZONE - CHAPLINE ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4335.

ADOPTING TRAFFIC RULE NO. 4336 - ONE WAY STREET - LANE 9

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4336.

ADOPTING TRAFFIC RULE NO. 4337 - COMMERCIAL LOADING ZONE - 11TH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4337.

NORTHERN PANHANDLE CONSERVATION DISTRICT - OPERATION & MAINTENANCE - FY 2011-2012

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$15,000.00 WITH NORTHERN PANHANDLE CONSERVATION DISTRICT, OF WHEELING, WV, FOR OPERATION, MAINTENANCE AND REPAIR COST SHARE FOR FY 2012 FOR VARIOUS SITES ON THE WHEELING CREEK WATERSHED IN WEST VIRGINIA, TO BE CHARGED TO FINANCE DEPARTMENT - CAPITAL CONTRIBUTIONS - #0001.4414.50.5006.

OHIO COUNTY COMMISSION - LEASE OF OFFICE SPACE FY 2011-2012

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING AND DIRECTING THE CITY

MANAGER TO EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$17,290.00 WITH THE OHIO COUNTY COMMISSION, OF WHEELING, WV, FOR THE LEASE OF OFFICE SPACE IN THE OHIO COUNTY ANNEX BUILDING FOR FISCAL YEAR 2011-2012, TO BE CHARGED TO RECREATION - #001.4908.20.2147 (\$10,040.00) AND CDBG 2011-2012 PUBLIC SERVICES - #1511-011-160 (\$7,250.00)

MEMORANDUM OF UNDERSTANDING - OHIO COUNTY SCHOOLS & OHIO COUNTY COMM.- EMERGENCY PREPAREDNESS

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH OHIO COUNTY SCHOOLS AND THE OHIO COUNTY COMMISSION RELEVANT TO EMERGENCY PREPAREDNESS.

AGREEMENT -HUD - COMMUNITY DEVELOPMENT BLOCK GRANT EY 2011 (CDBG)

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING A GRANT AGREEMENT WITH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, IN THE AMOUNT OF \$1,338,015.00 FOR COMMUNITY DEVELOPMENT BLOCK GRANT.

AGREEMENT - HUD - HOME INVESTMENT PARTNERSHIP PROGRAM (CDBG)

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING A GRANT AGREEMENT WITH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, IN THE AMOUNT OF \$523,429.00 FOR 2011 EY HOME INVESTMENT PARTNERSHIP PROGRAM.

FIRST TIME HOMEBUYER PROGRAM - NORTHERN PANHANDLE HOME CONSORTIUM - 2010 EY (CDBG)

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 \$523,429.00, AS PER HOUSING CONSORTIUM COOPERATION AGREEMENT, TO BE CHARGED TO 2011 EY FIRST TIME HOMEBUYER PROGRAM.

WHEELING POLICE DEPARTMENT (CDBG)

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$55,000.00 WITH WHEELING POLICE DEPARTMENT, TO BE CHARGED TO CDBG 2011-2012 PUBLIC SERVICES #1511-011-165.

SEEING HAND ASSOCIATION (CDBG)

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$3,500.00 WITH SEEING HAND ASSOCIATION, TO BE CHARGED TO CDBG 2011-2012 PUBLIC SERVICES #1511-011-180.

THE SOUP KITCHEN (CDBG)

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 THE SOUP KITCHEN, TO BE CHARGED TO CDBG 2011-2012 PUBLIC SERVICES #1511-011-140.

NELSON JORDAN CENTER (CDBG)

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$17,000.00 WITH NELSON JORDAN CENTER, TO BE CHARGED TO CDBG 2011-2012 PUBLIC SERVICES #1511-011-170.

LAUGHLIN CHAPEL (FUEL) (CDBG)

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$3,500.00 WITH LAUGHLIN CHAPEL, TO BE CHARGED TO CDBG 2011-2012 PUBLIC SERVICES #1511-011-125.

CHILDREN'S MUSEUM (CDBG)

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 CHILDREN'S MUSEUM, TO BE CHARGED TO CDBG 2011-2012 PUBLIC SERVICES #1511-011-185.

WHEELING HUMAN RIGHTS COMMISSION (CDBG)

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$75,200.00 WITH WHEELING HUMAN RIGHTS COMMISSION, TO BE CHARGED TO CDBG 2011-2012 PUBLIC SERVICES #1511-011-160.

GREATER WHEELING COALITION FOR THE HOMELESS (CDBG)

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 GREATER WHEELING COALITION FOR THE HOMELESS, TO BE CHARGED TO CDBG 2011-2012

PUBLIC SERVICES #1511-011-130.

WHEELING HEALTH RIGHT (CDBG)

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$19,000.00 WITH WHEELING HEALTH RIGHT, TO BE CHARGED TO CDBG 2011-2012 PUBLIC SERVICES #1511-011-150.

FAMILY SERVICE UPPER OHIO VALLEY (CDBG)

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$7,500.00 WITH FAMILY SERVICE OF THE UPPER OHIO VALLEY, TO BE CHARGED TO CDBG 2011-2012 PUBLIC SERVICES #1511-011-120.

COMMUNITY CHILD CARE CENTER (CDBG)

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$3,500.00 WITH COMMUNITY CHILD CARE CENTER, TO BE CHARGED TO CDBG 2011-2012 PUBLIC SERVICES #1511-011-155.

CATHOLIC NEIGHBORHOOD CENTER (CDBG)

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 CATHOLIC NEIGHBORHOOD CENTER, TO BE CHARGED TO CDBG 2011-2012 PUBLIC SERVICES #1511-011-175.

YWCA (CDBG)

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 YWCA, TO BE CHARGED TO CDBG 2011-2012 PUBLIC FACILITIES IMPROVEMENTS - #1509-011-220.

URBAN DESIGN VENTURES - PROFESSIONAL SERVICES FOR CDBG/HOME PROGRAMS (CDBG)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT (THIRD 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 \$9,500.00, TO BE CHARGED TO COMMUNITY DEVELOPMENT BLOCK GRANT 2011-12 GENERAL

ADMIN. - CONSULTING SERVICES - #1501-011-180.

G. M. BAKER AND SON - WELL #6 (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$27,095.00 WITH G.M. BAKER AND SON, OF COLUMBUS, OHIO, FOR REHABILITATION OF WELL #6, TO BE CHARGED TO WATER TREATMENT - #400.4011.04.0626.09.

STEPHENS AUTO CENTER - 2012 FORD F550 4 X 4 TRUCK (OPERATIONS)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$52,578.00 WITH STEPHENS AUTO CENTER, OF DANVILLE, WV, FOR ONE (1) 2012 FORD F550 4 X 4 TRUCK, TO BE CHARGED TO OPERATIONS - #4977.40.9090 (\$50,000.00) AND FINANCE - #4414.40.4151 (\$2,578.00).

RESOLUTION - WV DIV. OF JUSTICE AND COMMUNITY SERVICES -UNDERAGE DRINKING GRANT - #11-EUD-005

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO ACCEPT THE TERMS AND CONDITIONS OF THE CONTRACT RELATING TO ENFORCING THE UNDERAGE DRINKING GRANT - #11-EUD-005 IN THE AMOUNT OF \$22,150.00.

Mr. Seals moved, seconded by Mr. Henry, that the Resolution be adopted.
Motion carried.

THOSE WISHING TO BE HEARD

Reverend Douglas Hershman addressed Council about landlord/tenant issues.

Bill O'Leary, 158 Paxton Avenue, informed Council of several events: City-wide Neighborhood Crime Watch meeting will be on 9/14/11 at 6:00 at Hoss' Restaurant; Irish Road Bowling on 9/10/11, from Brown's Run to Sonneborn Shelter at 12:00 noon. Mr. O'Leary expressed his appreciation to Council for attending the Crime Watch meetings and answering questions and concerns that residents have.

There being no further business, Mr. Henry moved, seconded by Mr. Seals, to adjourn. Motion carried. time: 7:27 p.m.

City Clerk

Mayor

AGENDA

Wheeling, West Virginia
DATE: September 6, 2011

CONVENED: _____

ADJOURNED: _____

INVOCATION:

ROLL CALL: Taken and _____ members responded.

READING OF THE MINUTES - August 16, 2011

**“PUBLIC HEARING - OGLEBAY PARK IMPROVEMENT AND REFUNDING
AND REVENUE BONDS, SERIES 2003, SERIES 2004 & SERIES 2004B”**

“PUBLIC HEARING - LEASE - 35 CHANTAL AVENUE”

MAYOR’S REPORT

1. CLERK’S REPORT

1. Notice of Application to Operate a Private Club - Geno’s River Road - 265 River Road
2. Notice of Application to Operate a Private Club - Hattrick’s Sports Bar - 1044 Market St.

2. UNFINISHED BUSINESS

1. Ordinance Amending Certain Terms of the City’s Oglebay Park Improvement and Refunding Revenue Bonds, Series 2003, Series 2004 and Series 2004B (2nd of 3 readings)
2. Adopting Traffic Rule No. 4334 - No Parking Zone - Lane 7
3. Adopting Traffic Rule No. 4335 - 2 Hr. Handicapped Zone - Chapline St.
4. Adopting Traffic Rule No. 4336 - One Way Street - Lane 9
5. Adopting Traffic Rule No. 4337 - Commercial Loading Zone - 11th St.
6. Northern Panhandle Conservation District - Operation & Maintenance - FY 2011-2012
7. Ohio County Commission - Lease of Office Space FY 2011-2012
8. Memorandum of Understanding - Ohio County Schools & Ohio County Comm.- Emergency Preparedness
9. Agreement -HUD - Community Development Block Grant EY 2011 (CDBG)
10. Agreement - HUD - Home Investment Partnership Program (CDBG)
11. First Time Homebuyer Program - Northern Panhandle HOME Consortium - 2011 EY (CDBG)
12. Wheeling Police Department (CDBG)
13. Seeing Hand Association (CDBG)
14. The Soup Kitchen (CDBG)
15. Nelson Jordan Center (CDBG)
16. Laughlin Chapel (Fuel) (CDBG)
17. Children’s Museum (CDBG)
18. Wheeling Human Rights Commission (CDBG)
19. Greater Wheeling Coalition for the Homeless (CDBG)
20. Wheeling Health Right (CDBG)
21. Family Service Upper Ohio Valley (CDBG)
22. Community Child Care Center (CDBG)
23. Catholic Neighborhood Center (CDBG)
24. YWCA (CDBG)
25. Urban Design Ventures - Professional Services for CDBG/HOME Programs (CDBG)
26. G. M. Baker and Son - Well #6 (Water)
27. Stephens Auto Center - 2012 Ford F550 4 x 4 Truck (Operations)

HELD OVER: Planning Commission Minutes - 7/11/11; Planning Commission Annual Report - FY 2010-2011; Wheeling Housing Authority Minutes - 6/8/11; Wheeling Arts Commission Minutes - 7/12/11; Wheeling Arts Commission Minutes - 7/26/11; Wheeling Traffic Commission Minutes - 7/14/11; Wheeling Municipal Parking System Financial Statement - 6/30/11; Robert C. Byrd Intermodal Transportation Center Financial Statement - 6/30/11; CDBG Program Status Report - 7/31/11; HOME Program Status Report - 7/31/11; HPRP Program Status Report - 7/31/11; Financial Statement - 7/31/11.

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

1. Development Committee Report - 08/11/11
2. Finance Committee Report - 08/16/11
3. Rules Committee Report - 08/30/11
4. Finance Committee Report - 08/30/11

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Board of Zoning Appeals Minutes - 07/28/11
2. Greater Wheeling Sports and Entertainment Authority Minutes - 07/12/11
3. Greater Wheeling Sports and Entertainment Authority Financial Statement - 07/31/11
4. Wheeling Traffic Commission Minutes - 08/11/11
5. Wheeling Human Rights Commission Annual Report - FY 2010-11

6. Wheeling Municipal Parking System Financial Statement - 7/31/11
7. Robert C. Byrd Intermodal Transportation Center Financial Statement - 7/31/11

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Transfer of Property to Ohio Valley ADC - Lot 28
2. Lane Abandonment - Portion of 18th St. - Ziegenfelder's
3. Adopting Traffic Rule No. 4338 - Handicapped Parking - 112 N. 19th Street
4. Adopting Traffic Rule No. 4339 - Amending Traffic Control Map - Jacob St. - Two Way
5. Adopting Traffic Rule No. 4340 - No Parking Zone - East Side of Jacob St.
6. Adopting Traffic Rule No. 4341 - Angled Parking Meter Zone - N. Side of 17th St.
7. Lash Paving, Inc. - Resurfacing City Streets 11 **(CDBG)**
8. Lash Paving, Inc. - Resurfacing City Street 11 **(Operations)**
9. Amendatory Ordinance - Geographical Area Expansion of Project Plan No. 3
10. Amending Codified Ordinances - Article 1331.16 Fence Facing
11. Astar, Abatement, Inc. - 1100 Block Asbestos Abatement
12. Resolution - Identifying 45 Washington Avenue as a Redevelopment Site
13. Resolution - Lease - 35 Chantal Avenue - John Fragale
14. Resolution - Authorizing Payment of Invoices - Wastewater Project - Series 2010B **(WPCD)**
15. Resolution - National Moment of Remembrance of the 10th Anniversary of 9/11/01
16. Resolution - Adopting Updated Regionalized Marshall, Ohio & Wetzel Jurisdictional Hazard Mitigation Plan

10. THOSE WISHING TO BE HEARD

- Mayor Phil Wallace - Anniversary of 9/11

Council of the City of Wheeling met in Council Chambers, City-County Building on the above date with Mayor Andy McKenzie presiding.

The invocation was offered by Vice-Mayor Eugene Fahey.

On roll call, the following were present:

McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson and Fahey

- 7

Mr. Seals moved, seconded by Mr. Henry, that the minutes of the August 16, 2011 meeting be approved as received. Motion carried.

Mr. Seals moved, seconded by Mr. Henry, to suspend the regular order of business to conduct two public hearings. Motion carried.

**“PUBLIC HEARING - OGLEBAY PARK IMPROVEMENT AND REFUNDING
AND REVENUE BONDS, SERIES 2003, SERIES 2004 & SERIES 2004B”**

City Manager Robert Herron explained that these are bonds that were issued in 2003 and 2004 which are being refunded or refinanced which would enable the Wheeling Park Commission to secure better interest rates.

No one was present to speak at this public hearing.

“PUBLIC HEARING - LEASE - 35 CHANTAL AVENUE”

Mr. Herron explained that the City was issued a grant through FEMA for Repetitive Flood Loss on this property. He has received a request from the adjoining neighbor to lease the property as the City has no use for the property. In response to a question from Mr. Seals, City Manager Herron said that once the property is acquired through the grant and demolished, there cannot be another structure on the lot.

There being no one present to speak at this public hearing, Mr. Seals moved, seconded by Mr. Henry to conclude the public hearings and resume the regular order of business. Motion carried.

MAYOR’S REPORT

Mayor McKenzie commented on the success of some recent events, such as the Wine and Jazz Festival, The Arts Festival, Vintage Riverboat Regatta, and Ft. Henry Days. He also commented on the success of the Capitol Theatre and about the upcoming schedule of events for that venue.

Mayor McKenzie also talked about business expansions at OVMC, Ziegenfelder’s and WVNCC.

He said that the City will be sending another letter to the Postal Service concerning the proposed move of the processing center and the loss of jobs.

Mayor McKenzie asked for Council’s approval in amending the agenda to allow “Those Wishing to Be Heard” to take place at this time. Mr. Seals moved, seconded by Mr. Fahey, that the agenda be amended. Motion carried.

THOSE WISHING TO BE HEARD

Mayor Phil Wallace of Martins Ferry appeared before Council to invite them to a 9-1-1 Event which will take place on Sunday at the Heritage Port beginning at 4:00 p.m. Mayor McKenzie thanked Mayor Wallace for his efforts in organizing this event.

Ryan Teufel, owner of Mountain Mama’s Kayak’s, 14th and Main Street, expressed his appreciation to the City for installing a ramp at the north end of the dock at the Heritage Port.

Mr. Seals moved, seconded by Mr. Fahey, to resume the regular order of business.
Motion carried.

CLERK'S REPORT

Notice of Application to Operate a Private Club - Geno's River Road - 265 River Road

City Clerk Janice Jones presented Council with a Notice of Application to Operate a Private Club for Geno's River Road, located at 265 River Road. The applicant is John Prather.

Notice of Application to Operate a Private Club - Hatrick's Sports Bar - 1044 Market Street

City Clerk Jones presented Council with a Notice of Application to Operate a Private Club for Hatrick's Sports Bar, located at 1044 Market Street. The applicant is Robert Weimar.

UNFINISHED BUSINESS

ORDINANCE AMENDING CERTAIN TERMS OF THE CITY'S OGLEBAY PARK IMPROVEMENT AND REFUNDING REVENUE BONDS, SERIES 2003, SERIES 2004 AND SERIES 2004B (2ND OF 3 READINGS)

The following was then read:

AN ORDINANCE AMENDING CERTAIN TERMS OF THE CITY'S OGLEBAY PARK IMPROVEMENT AND REFUNDING REVENUE BOND, SERIES 2003 (THE "SERIES 2003 BONDS"), THE CITY'S OGLEBAY PARK IMPROVEMENT REVENUE BONDS, SERIES 2004 AND THE CITY'S OGLEBAY PARK IMPROVEMENT REVENUE BONDS, SERIES 2004B (THE "SERIES 2004B BONDS"); DESIGNATING THE SERIES 2003 BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS; APPROVING THE EXECUTION OF A TAX CERTIFICATE AND FILING OF INTERNAL REVENUE SERVICE INFORMATION RETURN FOR THE SERIES 2003 BONDS AND THE SERIES 2004B BONDS; PROVIDING FOR THE ISSUANCE OF AMENDED BONDS WITH RESPECT TO EACH FOREGOING SERIES OF BONDS AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4334 - NO PARKING ZONE - LANE 7

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4334.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4335 - 2 HR. HANDICAPPED ZONE - CHAPLINE ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4335.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4336 - ONE WAY STREET - LANE 9

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4336.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4337 - COMMERCIAL LOADING ZONE - 11TH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4337.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7
NOES: - 0

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

NORTHERN PANHANDLE CONSERVATION DISTRICT - OPERATION & MAINTENANCE - FY 2011-2012

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$15,000.00 WITH NORTHERN PANHANDLE CONSERVATION DISTRICT, OF WHEELING, WV, FOR OPERATION, MAINTENANCE AND REPAIR COST SHARE FOR FY 2012 FOR VARIOUS SITES ON THE WHEELING CREEK WATERSHED IN WEST VIRGINIA, TO BE CHARGED TO FINANCE DEPARTMENT - CAPITAL CONTRIBUTIONS - #0001.4414.50.5006.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

OHIO COUNTY COMMISSION - LEASE OF OFFICE SPACE FY 2011-2012

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$17,290.00 WITH THE OHIO COUNTY COMMISSION, OF WHEELING, WV, FOR THE LEASE OF OFFICE SPACE IN THE OHIO COUNTY ANNEX BUILDING FOR FISCAL YEAR 2011-2012, TO BE CHARGED TO RECREATION - #001.4908.20.2147 (\$10,040.00) AND CDBG 2011-2012 PUBLIC SERVICES - #1511-011-160 (\$7,250.00)

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Henry, Tiu, Atkinson, Fahey - 6

NOES: Seals - 1

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

MEMORANDUM OF UNDERSTANDING - OHIO COUNTY SCHOOLS & OHIO COUNTY COMM.- EMERGENCY PREPAREDNESS

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO

ENTER INTO A MEMORANDUM OF UNDERSTANDING
WITH OHIO COUNTY SCHOOLS AND THE OHIO COUNTY
COMMISSION RELEVANT TO EMERGENCY
PREPAREDNESS.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

AGREEMENT -HUD - COMMUNITY DEVELOPMENT BLOCK GRANT EY 2011 (CDBG)

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING AUTHORIZING A GRANT AGREEMENT WITH
THE UNITED STATES DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT, IN THE AMOUNT OF
\$1,338,015.00 FOR COMMUNITY DEVELOPMENT BLOCK
GRANT.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

AGREEMENT - HUD - HOME INVESTMENT PARTNERSHIP PROGRAM (CDBG)

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING AUTHORIZING A GRANT AGREEMENT WITH
THE UNITED STATES DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT, IN THE AMOUNT OF \$523,429.00
FOR 2011 EY HOME INVESTMENT PARTNERSHIP
PROGRAM.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

FIRST TIME HOMEBUYER PROGRAM - NORTHERN PANHANDLE HOME
CONSORTIUM - 2010 EY (CDBG)

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 \$523,429.00, AS PER HOUSING CONSORTIUM COOPERATION AGREEMENT, TO BE CHARGED TO 2011 EY FIRST TIME HOMEBUYER PROGRAM.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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 (CDBG)

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$55,000.00 WITH WHEELING POLICE DEPARTMENT, TO BE CHARGED TO CDBG 2011-2012 PUBLIC SERVICES #1511-011-165.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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 (CDBG)

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$3,500.00 WITH SEEING HAND ASSOCIATION, TO BE CHARGED TO CDBG 2011-2012 PUBLIC SERVICES #1511-011-180.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

thereupon declared the ordinance adopted.

THE SOUP KITCHEN (CDBG)

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 THE SOUP KITCHEN, TO BE CHARGED TO CDBG 2011-2012 PUBLIC SERVICES #1511-011-140.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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 (CDBG)

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$17,000.00 WITH NELSON JORDAN CENTER, TO BE CHARGED TO CDBG 2011-2012 PUBLIC SERVICES #1511-011-170.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

LAUGHLIN CHAPEL (FUEL) (CDBG)

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$3,500.00 WITH LAUGHLIN CHAPEL, TO BE CHARGED TO CDBG 2011-2012 PUBLIC SERVICES #1511-011-125.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

CHILDREN’S MUSEUM (CDBG)

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 CHILDREN’S MUSEUM, TO BE CHARGED TO CDBG 2011-2012 PUBLIC SERVICES #1511-011-185.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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 (CDBG)

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$75,200.00 WITH WHEELING HUMAN RIGHTS COMMISSION, TO BE CHARGED TO CDBG 2011-2012 PUBLIC SERVICES #1511-011-160.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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 (CDBG)

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 GREATER WHEELING COALITION FOR THE HOMELESS, TO BE CHARGED TO CDBG 2011-2012 PUBLIC SERVICES #1511-011-130.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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 (CDBG)

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$19,000.00 WITH WHEELING HEALTH RIGHT, TO BE CHARGED TO CDBG 2011-2012 PUBLIC SERVICES #1511-011-150.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

FAMILY SERVICE UPPER OHIO VALLEY (CDBG)

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$7,500.00 WITH FAMILY SERVICE OF THE UPPER OHIO VALLEY, TO BE CHARGED TO CDBG 2011-2012 PUBLIC SERVICES #1511-011-120.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

COMMUNITY CHILD CARE CENTER (CDBG)

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$3,500.00 WITH COMMUNITY CHILD CARE CENTER, TO BE CHARGED TO CDBG 2011-2012 PUBLIC SERVICES #1511-011-155.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

thereupon declared the ordinance adopted.

CATHOLIC NEIGHBORHOOD CENTER (CDBG)

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 CATHOLIC NEIGHBORHOOD CENTER, TO BE CHARGED TO CDBG 2011-2012 PUBLIC SERVICES #1511-011-175.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7
NOES: - 0

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

YWCA (CDBG)

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 YWCA, TO BE CHARGED TO CDBG 2011-2012 PUBLIC FACILITIES IMPROVEMENTS - #1509-011-220.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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 - PROFESSIONAL SERVICES FOR CDBG/HOME PROGRAMS (CDBG)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT (THIRD 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 \$9,500.00, TO BE CHARGED TO COMMUNITY DEVELOPMENT BLOCK GRANT 2011-12 GENERAL ADMIN. - CONSULTING SERVICES - #1501-011-180.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

G. M. BAKER AND SON - WELL #6 (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$27,095.00 WITH G.M. BAKER AND SON, OF COLUMBUS, OHIO, FOR REHABILITATION OF WELL #6, TO BE CHARGED TO WATER TREATMENT - #400.4011.04.0626.09.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

STEPHENS AUTO CENTER - 2012 FORD F550 4 X 4 TRUCK (OPERATIONS)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$52,578.00 WITH STEPHENS AUTO CENTER, OF DANVILLE, WV, FOR ONE (1) 2012 FORD F550 4 X 4 TRUCK, TO BE CHARGED TO OPERATIONS - #4977.40.9090 (\$50,000.00) AND FINANCE - #4414.40.4151 (\$2,578.00).

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

Mr. Fahey moved, seconded by Mr. Seals, that the Planning Commission Minutes - 7/11/11; Planning Commission Annual Report - FY 2010-2011; Wheeling Housing Authority Minutes - 6/8/11; Wheeling Arts Commission Minutes - 7/12/11; Wheeling Arts Commission Minutes - 7/26/11; Wheeling Traffic Commission Minutes - 7/14/11; Wheeling Municipal Parking System Financial Statement - 6/30/11; Robert C. Byrd Intermodal Transportation Center Financial Statement - 6/30/11; CDBG Program Status Report - 7/31/11; HOME Program Status Report - 7/31/11; HPRP Program Status Report - 7/31/11; Financial Statement - 7/31/11; which were held over, be approved as received. Motion carried.

Mayor McKenzie informed Council that he would be reading a book to the children at Kids Fun Day at Center Market on September 8 at 11:00 a.m.

REPORT OF COMMITTEES

DEVELOPMENT COMMITTEE REPORT - AUGUST 11, 2011

The Development Committee of Wheeling City Council met on Thursday, August 11, 2011 at 12:00 p.m. in the Office of the City Manager. Committee members present: Mayor Andy McKenzie, Vice Chair Gloria Delbrugge, Member Gene Fahey; Others present: Councilors Don Atkinson; City Manager Robert Herron, City Solicitor Rose Humway-Warmuth, ECD Director Nancy Prager, Assistant ECD Director Tom Connelly; and City Clerk Janice Jones.

The following matters were discussed:

Property Lease - 35 Chantal Avenue (FEMA SRL Acquisition/Demolition Grant) to John Fragale.

City Manager Robert Herron explained that this property was deemed a Severe Repetitive Loss site by FEMA and a FEMA grant was received to acquire and demolish the structure. Mr. John Fragale, an adjacent property owner, is interested in leasing the property. The staff recommends a long term lease at a nominal fee. Tom Connelly, Assistant ECD Director, stated that the lease would contain stipulations, such as the City shall remain the perpetual owner, no new structures or improvements shall be erected on the property, and the land can only be used as open space. Following a short discussion, Mr. Fahey moved, seconded by Mrs. Delbrugge, to proceed with the lease. Motion carried.

The Committee moved acceptance of this portion of the report. Motion carried.

Property Transfer to ADC - Parcel W86-173 (Elm Grove)

City Manager Herron said that we received a request from John and Kay Abrigg, 27 Austin Avenue, to acquire the property adjacent to their property. They have made an offer of \$5,000 for the property. Mr. Herron said that the staff is recommending sale of the property as the city has no use for it. He said that the proper procedure for disposition of this property is to transfer it to the Ohio Valley Area Development Corporation and then they would handle the sale of the property to the Abriggs. Following a short discussion, Mr. Fahey moved, seconded by Mrs. Delbrugge, to transfer the property to the OVADC for resale. Motion carried.

The Committee moved acceptance of this portion of the report. Motion carried.

Right of Way Abandonment to the Ziegenfelder Company - Portion of right of way Containing sidewalk along 18th Street. Mr. Herron said that Ziegenfelder Company is expanding their operations in East Wheeling and in order to better accommodate the expansion, they are requesting that the City abandon a section of the right-of-way to allow for additional building space. In doing so, they will be reducing the width of the existing sidewalk. Mr. Herron said that the staff is recommending approval of the abandonment. Mr. Dan Carpenter, M & G Architects, appeared on behalf of Ziegenfelder's and explained the project. Following a short discussion, Mr. Fahey moved, seconded by Mrs. Delbrugge, to recommend the right of way abandonment as requested. Motion carried.

The Committee moved acceptance of this portion of the report. Motion carried.

Lane Abandonment - 30' x 75' section of Fairview Street (unopened) Assistant ECD Director Connelly explained that John and Tammie Cusack have requested the abandonment of a 30' x 75' section of unopened right-of-way identified as Fairview Street behind lots 2 and 3 on the Plat of Schlag's Addition. The purpose of the request is to allow the applicant to install a drain in order to address the water runoff on his property. The Economic and Community Development Department has received no opposition from utilities in the area; however, they did receive a letter in opposition to the request from Scott Reed, 1 Damian Road. Another letter was received from Paul Tucker, who was not in opposition as long as it does not impact his property. He commented that the staff recommends the City abandon any interest it may have in the right-of-way. The unopened section of Fairview Street does not serve a purpose to the city. Any improvements made on the site, including the proposed drainage project, shall be done in a manner in which it shall not negatively affect adjacent property owners. Mr. Cusack was in attendance and presented some pictures and reviewed his project with the Committee. A question and answer period ensued. The Committee was concerned about the impact of this project on the neighboring properties and would like the opportunity to talk to Mr. Reed and Mr. Tucker about their concerns. Mr. Fahey moved, seconded by Mrs. Delbrugge, to table this

request until the Administration had the opportunity to talk to Mr. Reed and Mr. Tucker. Motion carried.

The Committee moved acceptance of this portion of the report. Motion carried.

Development/Redevelopment Site Designation - Greco's Restaurant - Washington Ave.

City Manager Herron said that he received a request from Robin Bennett, owner of Greco's Restaurant, Washington Avenue Shopping Plaza, to be designated as a Redevelopment Site for the purpose of installing video lottery machines. Mr. Herron indicated that they already have an ABCA License for this establishment and is recommending that this be declared a redevelopment area. In response to several questions in regard to the proposed video lottery parlor, Ms. Bennett indicated that the hours will stay the same as they currently are and that it will have a separate entrance. Mr. Atkinson, whose ward this property is located in, said that he has not received any negative feedback on this proposal. Following a discussion, Mr. Fahey moved, seconded by Mrs. Delbrugge, to forward this to Council for their approval. Motion carried.

The Committee moved acceptance of this portion of the report. Motion carried.

F. Hazard Mitigation Plan Update - Lou Vargo, Ohio County EMA Director.

Tim Keaton and Doug Britvec, JH Consulting, spoke on behalf of Lou Vargo and presented an updated Multi-Jurisdictional Hazard Mitigation Plan for Marshall, Ohio and Wetzel Counties. The Committee reviewed it. A discussion ensued in regard to debris in creeks throughout the City. Following this, Mr. Fahey moved, seconded by Mrs. Delbrugge, to forward a resolution to Council approving the Plan. Motion carried.

The Committee moved acceptance of this portion of the report. Motion carried.

There being no further business to come before the Committee, Mrs. Delbrugge moved, seconded by Mr. Fahey, to adjourn. Time: 12:43 p.m.

The Committee moved acceptance of the entire report. Motion carried.

FINANCE COMMITTEE REPORT - AUGUST 16, 2011

The Finance Committee of Wheeling City Council met on Tuesday, August 16, 2011 at 6:00 p.m. in the Office of the City Manager. Committee Members present: Chair Vernon Seals, Vice Chair Gene Fahey and Member James Tiu. Others present: Mayor Andy McKenzie, Councilors Gloria Delbrugge, Don Atkinson, and Robert Henry; City Manager Robert Herron, Finance Director Michael Klug, City Solicitor Rose Warmuth, Economic and Community Development Director Nancy Prager, City Clerk Janice Jones and the media.

The following matters were discussed:

Financial Statement - 07/31/11

City Manager Robert Herron said that this financial statement represents the first month of the fiscal year. He reported that B & O revenue is slightly ahead compared to the same time frame as last year; however, overall revenues are approximately \$106,000.00 less than last year for the same time period. He reported that expenses are at about 10%. Mr. Herron said that a truer picture of the City's financial status would be at the end of the first quarter. A discussion of various line items ensued. Mr. Fahey moved, seconded by Mr. Tiu, acceptance of the Financial Statement as presented. Motion carried.

The Committee moved acceptance of this portion of the report. Motion carried.

In another matter, Chairman Seals asked City Manager Herron about some type of recognition for city employees in lieu of the City Picnic that was not held this year. Several scenarios were discussed.

Mr. Herron updated those present on the status of the 1100 block of Market Street and the T.I.F. Project No. 3 Expansion.

There being no further business to come before the Committee, Mr. Tiu moved, seconded by Mr. Seals, to adjourn. Motion carried. Time: 6:30 p.m.

The Committee moved acceptance of the entire report. Motion carried.

RULES COMMITTEE REPORT - AUGUST 30, 2011

The Rules Committee of Wheeling City Council met on Tuesday, August 30, 2011 at 12:00 noon in the Office of the City Manager. Present were Chairman Robert Henry, Vice Chair Don Atkinson and Member Vernon Seals; Mayor Andy McKenzie, Councilors Gloria Delbrugge and Gene Fahey, City Manager Robert Herron, City Solicitor Rosemary Humway-Warmuth, ECD Director Nancy Prager, Finance Director Michael Klug and City Clerk Janice Jones.

The following matter was discussed:

Fence Regulations

City Manager Robert Herron said that this issue was brought forward from Mayor Andy McKenzie who has received several complaints about the unfinished side of fences facing outward. Examples of fence regulations from other communities were reviewed. Mayor McKenzie said that, in talking with the WV Municipal League, several communities around the state have enacted an ordinance regulating that the finished side face outward.. Following a lengthy discussion, Mr. Atkinson moved, seconded by Mr. Seals, to recommend to Council the addition of a regulation to the zoning code . Motion carried.

The Committee moved acceptance of this portion of the report. Motion carried.

There being no further business to come before the Committee, Mr. Atkinson moved to adjourn. Time: 12:20 p.m.

The Committee moved acceptance of the entire report. Motion carried.

FINANCE COMMITTEE REPORT - AUGUST 30, 2011

The Finance Committee of Wheeling City Council met on Tuesday, August 30, 2011 at 1:00 p.m. in the Office of the City Manager. Committee Members present: Chair Vernon Seals and Vice Chair Gene Fahey. Others present: Mayor Andy McKenzie, Councilors Gloria Delbrugge, Don Atkinson, and Robert Henry; City Manager Robert Herron, Finance Director Michael Klug, City Solicitor Rose Warmuth, Economic and Community Development Director Nancy Prager, City Clerk Janice Jones and the media.

The following matters were discussed:

Discussion on Miracle Field

City Manager Robert Herron explained that Easter Seals is very close to raising sufficient funds to do the entire Miracle Field Project. He said that there were two options that they were interested in pursuing. One, is to begin the project this fall; however, they don't have sufficient funds to enter into a contract at this time. They do have pledges that would cover the entire project but that would delay the project for about a year. They are requesting that the City consider a short term loan to enable the project to begin this Fall. The amount of funding that is needed would be approximately \$150,000.00. Mr. Herron said that a short term loan of \$100,000 to \$120,000 could possibly come from our Restricted Capital Improvement Fund (RCIP), which would have to be paid back by June 30, 2012 and any additional funds would have to be paid back by December 31, 2012. The other option is to wait until Spring of 2012 with the hope of additional grant funding. The downside to that is funding may not be available and the cost of the project may increase. Mr. Herron commented that Easter Seals needs to provide guidance to the City as to which option they would like to pursue. Following this discussion, Mr. Fahey moved, seconded by Mr. Seals, to authorize the City Manager to contact Easter Seals to discuss possible funding so that the project could begin this fall. Motion carried.

The Committee moved acceptance of this portion of the report. Motion carried.

There being no further business to come before the Committee, Mr. Fahey moved, seconded by Mr. Seals, to adjourn. Motion carried. Time: 1:05 p.m.

The Committee moved acceptance of the entire report. Motion carried.

REPORT OF CITY MANAGER

City Manager Robert Herron explained that he talked with Easter Seals relevant to their request for a short term loan, and they informed him that they were holding several fundraisers this fall which may impact whether they would pursue borrowing money from the City.

Mr. Herron asked that Items No. 7 and 8, listed under Original Propositions be read two times this evening so that the paving could be expedited during September and October.

Mr. Herron also explained that a letter from the Keith Burdette of the WV Development Office was included in Council packets, indicating that our TIF Project Plan No. 3 amendment has been approved. The Amendment is listed under Original Propositions on this evening's agenda and there will be a public hearing at the September 20th meeting prior to adoption.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Seals, that the Board of Zoning Appeals Minutes, 7/28/11; Greater Wheeling Sports and Entertainment Authority Minutes, 7/12/11; Greater Wheeling Sports and Entertainment Authority Financial Statement, 7/31/11; Wheeling Traffic Commission Minutes, 8/11/11; Wheeling Human Rights Commission Annual Report, FY 2010-11; Wheeling Municipal Parking System Financial Statement, 7/31/11; Robert C. Byrd Intermodal Transportation Center Financial Statement, 7/31/11; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

TRANSFER OF PROPERTY TO OHIO VALLEY ADC - LOT 28

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CONVEYANCE OF REAL PROPERTY IDENTIFIED AS LOT 28 AS IT APPEARS ON THE PLAT OF THE HENRY STEIN ADDITION TO THE CITY OF WHEELING TO THE OHIO VALLEY ADC AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER SUCH DEED AND OTHER DOCUMENTS TO EFFECTUATE THIS CONVEYANCE.

LANE ABANDONMENT - PORTION OF 18TH STREET - ZIEGENFELDER'S

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING VACATING AND ABANDONING AN 8'5" SECTION OF RIGHT OF WAY ADJOINING THE NORTHERN RIGHT OF WAY LINE ALONG 18th STREET CURRENTLY CONTAINING SIDEWALK ADJACENT TO LOTS 240, 111,110 AND THE WEST HALF OF LOT 109 AS FOUND ON THE PLAT OF OLD TOWN AND AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH QUITCLAIM DEEDS TO IMPLEMENT THIS ABANDONMENT.

ADOPTING TRAFFIC RULE NO. 4338 - HANDICAPPED PARKING - 112 N. 19TH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4338.

ADOPTING TRAFFIC RULE NO. 4339 - AMENDING TRAFFIC CONTROL MAP - JACOB

ST. TWO-WAY

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4339.

ADOPTING TRAFFIC RULE NO. 4340 - NO PARKING ZONE - EAST SIDE OF JACOB ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4340.

ADOPTING TRAFFIC RULE NO. 4341 - ANGLED PARKING METER ZONE - N SIDE OF
17TH STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4341.

LASH PAVING, INC. - RESURFACING CITY STREETS 11 (CDBG)

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING AUTHORIZING THE CITY MANAGER TO
EXPEND FUNDS IN THE AMOUNT OF \$298,765.75 WITH
LASH PAVING, INC., OF COLERAIN, OH, FOR STREET
RESURFACING 2011, TO BE CHARGED TO CDBG - 2011-12
STREET PAVING - #1507-011-110.

Mr. Seals moved, seconded by Mr. Henry, that the ordinance be read a second time this evening. Motion carried.

LASH PAVING, INC. - RESURFACING CITY STREETS 11 (CDBG)

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING AUTHORIZING THE CITY MANAGER TO
EXPEND FUNDS IN THE AMOUNT OF \$298,765.75 WITH
LASH PAVING, INC., OF COLERAIN, OH, FOR STREET
RESURFACING 2011, TO BE CHARGED TO CDBG - 2011-12
STREET PAVING - #1507-011-110.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

LASH PAVING, INC. - RESURFACING CITY STREETS 11 (Operations)

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING AUTHORIZING THE CITY MANAGER TO

EXPEND FUNDS IN THE AMOUNT OF \$203,244.25 WITH LASH PAVING, INC., OF COLERAIN, OH, FOR STREET RESURFACING 2011, TO BE CHARGED TO OPERATIONS - STREET RESURFACING - #001.4750.20.3254.

Mr. Seals moved, seconded by Mr. Henry, that the ordinance be read a second time this evening. Motion carried.

LASH PAVING, INC. - RESURFACING CITY STREETS 11 (Operations)

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$203,244.25 WITH LASH PAVING, INC., OF COLERAIN, OH, FOR STREET RESURFACING 2011, TO BE CHARGED TO OPERATIONS - STREET RESURFACING - #001.4750.20.3254.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

AMENDATORY ORDINANCE - GEOGRAPHICAL AREA EXPANSION OF PROJECT PLAN NO. 3

The following was then read:

AN ORDINANCE SUPPLEMENTING AND AMENDING A PREVIOUS ORDINANCE ENACTED BY THE CITY COUNCIL OF THE CITY OF WHEELING APPROVING THE AMENDMENT OF BOUNDARIES OF A PREVIOUSLY CREATED PROJECT PLAN AREA WITHIN A TAX INCREMENT FINANCING DISTRICT IN THE CITY OF WHEELING, OHIO COUNTY, WEST VIRGINIA KNOWN AS "CITY OF WHEELING REDEVELOPMENT PROJECT PLAN NO. 3;" AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

AMENDING CODIFIED ORDINANCES - ARTICLE 1331.16 FENCE FACING

The following was then read:

AN ORDINANCE OF THE CITY OF WHEELING MODIFYING AND REENACTING PART THIRTEEN - PLANNING AND ZONING CODE OF THE CITY OF WHEELING, ARTICLE 1331 PROVISIONS APPLICABLE TO ALL ZONING DISTRICTS TO INCLUDE A PROVISION FOR FENCE FACING.

ASTAR ABATEMENT, INC. - 1100 BLOCK ASBESTOS ABATEMENT

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$199,400.00 WITH ASTAR ABATEMENT, INC., OF CHARLESTON, WV, FOR

1100 BLOCK ASBESTOS ABATEMENT, TO BE CHARGED
TO T.I.F. EXCESS ACCOUNT.

RESOLUTION - IDENTIFYING 45 WASHINGTON AVENUE AS A REDEVELOPMENT
SITE

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF
WHEELING IDENTIFYING 45 WASHINGTON AVENUE AS
A DEVELOPMENT OR A REDEVELOPMENT SITE.

Mr. Fahey moved, seconded by Mr. Atkinson, that the Resolution be adopted.
Motion carried. Mr. Seals voted no.

RESOLUTION - LEASE - 35 CHANTAL AVENUE - JOHN FRAGALE

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF
WHEELING AUTHORIZING THE CITY MANAGER TO
EXECUTE A LEASE WITH JOHN FRAGALE FOR
PROPERTY LOCATED AT 35 CHANTAL AVENUE.

Mr. Seals moved, seconded by Mr. Henry, that the Resolution be adopted.
Motion carried.

RESOLUTION - AUTHORIZING PAYMENT OF INVOICES - WASTEWATER PROJECT -
SERIES 2010B (WPCD)

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
WASTEWATER PROJECT AND AUTHORIZING PAYMENT
THEREOF.

Mr. Seals moved, seconded by Mr. Henry, that the Resolution be adopted.
Motion carried.

RESOLUTION - NATIONAL MOMENT OF REMEMBRANCE OF THE 10TH
ANNIVERSARY OF 9/11/01

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF
WHEELING JOINING THE NATIONAL MOMENT OF
REMEMBRANCE OF THE 10TH ANNIVERSARY OF
SEPTEMBER 11TH.

RESOLUTION - ADOPTING UPDATED REGIONALIZED MARSHALL, OHIO & WETZEL
JURISDICTIONAL HAZARD MITIGATION PLAN.

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING THE UPDATED REGIONALIZED
MARSHALL, OHIO AND WETZEL JURISDICTIONAL
HAZARD MITIGATION PLAN.

There being no further business, Mr. Henry moved, seconded by Mr. Seals, to
adjourn. Motion carried. Time: 7:50 p.m.

City Clerk

Mayor

AGENDA

Wheeling, West Virginia
DATE: September 20 2011

CONVENED: _____

ADJOURNED: _____

INVOCATION:

ROLL CALL: Taken and _____ members responded.

READING OF THE MINUTES - September 6, 2011

**“PUBLIC HEARING - AMENDATORY ORDINANCE - GEOGRAPHICAL AREA
EXPANSION OF PROJECT PLAN NO. 3”**

**“PUBLIC PERFORMANCE HEARING - COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
PROGRAM AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM FOR FY 2010
AND FY 2010 CONSOLIDATED ANNUAL PLAN & EVALUATION (CAPER) REPORT.”**

MAYOR’S REPORT

1. CLERK’S REPORT

2. UNFINISHED BUSINESS

1. Transfer of Property to Ohio Valley ADC - Lot 28
2. Lane Abandonment - Portion of 18th St. - Ziegenfelder’s
3. Adopting Traffic Rule No. 4338 - Handicapped Parking - 112 N. 19th Street
4. Adopting Traffic Rule No. 4339 - Amending Traffic Control Map - Jacob St. - Two Way
5. Adopting Traffic Rule No. 4340 - No Parking Zone - East Side of Jacob St.
6. Adopting Traffic Rule No. 4341 - Angled Parking Meter Zone - N. Side of 17th St.
7. Amendatory Ordinance - Geographical Area Expansion of Project Plan No. 3
8. Amending Codified Ordinances - Article 1331.16 Fence Facing
9. Astar, Abatement, Inc. - 1100 Block Asbestos Abatement

HELD OVER: Board of Zoning Appeals Minutes - 07/28/11; Greater Wheeling Sports and Entertainment Authority Minutes - 07/12/11; Greater Wheeling Sports and Entertainment Authority Financial Statement - 07/31/11; Wheeling Traffic Commission Minutes - 08/11/11; Wheeling Human Rights Commission Annual Report - FY 2010-11; Wheeling Municipal Parking System Financial Statement - 7/31/11; Robert C. Byrd Intermodal Transportation Center Financial Statement - 7/31/11.

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Planning Commission Minutes - 08/08/11
2. Wheeling Housing Authority Minutes - 07/13/11
3. Wheeling-Ohio County Board of Health Minutes - 07/19/11 & 08/11/11
4. Board of Zoning Appeals Minutes - 08/18/11
5. CDBG Program Status Report - 8/31/11
6. HOME Program Status Report - 8/31/11
7. HPRP Program Status Report - 8/31/11
8. CDBG Building Demolition Status Report - 09/14/11
9. Financial Statement - 8/31/11

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Stephens Auto Center - 2012 Ford Expedition (**Fire**)

10. THOSE WISHING TO BE HEARD

Council of the City of Wheeling met in Council Chambers, City-County Building on the above date with Mayor Andy McKenzie presiding.

The invocation was offered by Vice-Mayor Eugene Fahey.

On roll call, the following were present:

McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson and Fahey

- 7

Mr. Seals moved, seconded by Mr. Atkinson, that the minutes of the September 6, 2011 meeting be approved as received. Motion carried.

Mr. Seals moved, seconded by Mr. Fahey, to suspend the regular order of business to conduct two public hearings. Motion carried.

**“PUBLIC HEARING - AMENDATORY ORDINANCE - GEOGRAPHICAL AREA
EXPANSION OF PROJECT PLAN NO. 3”**

City Manager Robert Herron explained that the City submitted the application and received approval from the WV Development Office to amend the geographical area of Project Plan No. 3, This is the final step in the process. The proposed change to the geographical area expands the project area down along Market, Main and Water Streets then to the river and includes the old Robrecht property and goes across the creek and back up Market Street. This change will enable properties and projects in that project area to be eligible for T.I. F. Funding.

Grace Norton, 427 Hazlett Avenue, spoke in opposition to the proposed amendatory ordinance. Charles Ballouz, 1143 Main Street, spoke in opposition to the demolition of the G. C. Murphy Building.

City Manager Herron clarified the fact that the proposed Project Plan No. 3, which will be developed over the next several weeks, anticipates using an existing increment that has been developed over the past several years.

This clarification satisfied Mr. Tiu's and Mr. Seals' questions.

Mr. Seals moved, seconded by Mr. Fahey, to close this public hearing and move forward with the second public hearing. Motion carried.

**“PUBLIC PERFORMANCE HEARING - COMMUNITY DEVELOPMENT BLOCK GRANT
(CDBG) PROGRAM AND HOME INVESTMENT PARTNERSHIP (HOME)
PROGRAM FOR FY 2010 AND FY 2010 CONSOLIDATED ANNUAL PLAN & EVALUATION
(CAPER) REPORT.”**

City Manager Herron said that this public hearing is an opportunity to comment and assess the performance of the City's Community Development Block Grant Program and Home Program for Fiscal Year 2010 - 2011. As there was no one that signed up to speak at this public hearing, Mr. Seals moved, seconded by Mr. Fahey, to conclude the public hearing and resume the regular order of business. Motion carried.

MAYOR'S REPORT

Mayor Andy McKenzie read excerpts from an article that appeared in *The Wall Street Journal* by Stephen Moore, that mentioned Wheeling in a very positive article relevant to the natural gas boom in West Virginia.

Mayor McKenzie talked about the Dog Park that was previously proposed from Don Ross. Mayor McKenzie said that we would like to move forward with the Dog Park; however, we will contact our Legislators to see if funds are available for this.

Relevant to a proposed traffic rule that will change Jacob Street, from 33rd to 39th

Street, Mayor McKenzie said that he spoke to a resident of that area who was concerned about the increased traffic and possible confusion this may cause. He told her that we would look at the possibility of putting stop signs at various intersections to alleviate this.

Mayor McKenzie said that the Sternwheel Festival was a great success.

He also commented on some positive feedback that he has received from the public relevant to city employees.

UNFINISHED BUSINESS

TRANSFER OF PROPERTY TO OHIO VALLEY ADC - LOT 28

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CONVEYANCE OF REAL PROPERTY IDENTIFIED AS LOT 28 AS IT APPEARS ON THE PLAT OF THE HENRY STEIN ADDITION TO THE CITY OF WHEELING TO THE OHIO VALLEY ADC AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER SUCH DEED AND OTHER DOCUMENTS TO EFFECTUATE THIS CONVEYANCE.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

LANE ABANDONMENT - PORTION OF 18TH STREET - ZIEGENFELDER'S

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING VACATING AND ABANDONING AN 8'5" SECTION OF RIGHT OF WAY ADJOINING THE NORTHERN RIGHT OF WAY LINE ALONG 18th STREET CURRENTLY CONTAINING SIDEWALK ADJACENT TO LOTS 240, 111,110 AND THE WEST HALF OF LOT 109 AS FOUND ON THE PLAT OF OLD TOWN AND AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH QUITCLAIM DEEDS TO IMPLEMENT THIS ABANDONMENT.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4338 - HANDICAPPED PARKING - 112 N. 19TH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4338.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4339 - AMENDING TRAFFIC CONTROL MAP - JACOB ST. TWO-WAY

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4339.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4340 - NO PARKING ZONE - EAST SIDE OF JACOB ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4340.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4341 - ANGLED PARKING METER ZONE - N SIDE OF 17TH STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4341.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

AMENDATORY ORDINANCE - GEOGRAPHICAL AREA EXPANSION OF PROJECT
PLAN NO. 3

The following was then read:

AN ORDINANCE SUPPLEMENTING AND AMENDING A
PREVIOUS ORDINANCE ENACTED BY THE CITY
COUNCIL OF THE CITY OF WHEELING APPROVING THE
AMENDMENT OF BOUNDARIES OF A PREVIOUSLY
CREATED PROJECT PLAN AREA WITHIN A TAX
INCREMENT FINANCING DISTRICT IN THE CITY OF
WHEELING, OHIO COUNTY, WEST VIRGINIA KNOWN AS
“CITY OF WHEELING REDEVELOPMENT PROJECT PLAN
NO. 3;” AND PROVIDING FOR OTHER MATTERS IN
CONNECTION THEREWITH.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

AMENDING CODIFIED ORDINANCES - ARTICLE 1331.16 FENCE FACING

The following was then read:

AN ORDINANCE OF THE CITY OF WHEELING MODIFYING
AND REENACTING PART THIRTEEN - PLANNING AND
ZONING CODE OF THE CITY OF WHEELING, ARTICLE
1331 PROVISIONS APPLICABLE TO ALL ZONING
DISTRICTS TO INCLUDE A PROVISION FOR FENCE
FACING.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

ASTAR ABATEMENT, INC. - 1100 BLOCK ASBESTOS ABATEMENT

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$199,400.00 WITH ASTAR ABATEMENT, INC., OF CHARLESTON, WV, FOR 1100 BLOCK ASBESTOS ABATEMENT, TO BE CHARGED TO T.I.F. EXCESS ACCOUNT.

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

The vote on the motion resulted as follows:

AYES: Mckenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

Mr. Fahey moved, seconded by Mr. Seals, that the following minutes be approved as received, with the exception of the Wheeling Human Rights Commission Annual Report, FY 2010-11: Board of Zoning Appeals Minutes, 7/28/11; Greater Wheeling Sports and Entertainment Authority Minutes, 7/12/11; Greater Wheeling Sports and Entertainment Authority Financial Statement, 7/31/11; Wheeling Traffic Commission Minutes, 8/11/11; Wheeling Municipal Parking System Financial Statement, 7/31/11; Robert C. Byrd Intermodal Transportation Center Financial Statement, 7/31/11. Motion carried.

City Manager Herron explained that a letter was sent to the Human Rights Commission asking them to amend Page 6, dealing with personnel, with the correct language that is contained in the ordinance in regard to the appointment of the Executive Director. Mr. Fahey moved, seconded by Mr. Seals, to table acceptance of this report until it is corrected. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Seals commented on the wonderful event that took place at the Heritage Port on September 11, 2011. He suggested that a letter of appreciation be sent to the organizers.

Mr. Tiu thanked Mrs. Norton for coming forward to voice her concerns during the public hearing on the amendatory ordinance for the geographical area of Project Plan No. 3.

Mr. Fahey commented that he distributed letters to each resident of Stone Church Road inviting them to attend a meeting in the City Manager's Office on Friday, September 16, 2011. It was a good meeting and very well attended. The city explained to them exactly what was being done in the area. He also informed Council and the public that Delegates Storch and Ferns are holding a Town Hall meeting on Saturday morning, September 24, from 10:00 to 11:30, at Undo's in Elm Grove. They will be talking about the changes in the congressional districts, particularly our area.

Mayor McKenzie announced that a Ward Redistricting Committee meeting will be held on Wednesday, September 21 at 6:00 in the City Manager's Conference Room.

REPORT OF CITY MANAGER

City Manager Herron said that the Miracle League is going to downsize the project so that they can begin this fall with the field and the lights. They will deal with the restroom

and rest

of the project in the Spring. This also will give them additional time to do more fundraising this fall and winter and maybe some grant possibilities.

Mr. Herron reported that the \$1.5 Million Dollar Energy Efficient Project that was undertaken earlier is about 90% complete.

Mr. Seals asked that the City correspond with the Ohio County Board of Education in regard to noise issues from the P.A. System at Wheeling Island Stadium.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Seals, that Planning Commission Minutes - 08/08/11; Wheeling Housing Authority Minutes - 07/13/11; Wheeling-Ohio County Board of Health Minutes - 07/19/11 & 08/11/11; Board of Zoning Appeals Minutes - 08/18/11; CDBG Program Status Report - 8/31/11; HOME Program Status Report - 8/31/11; HPRP Program Status Report - 8/31/11; CDBG Building Demolition Status Report - 09/14/11; Financial Statement - 8/31/11; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

STEPHENS AUTO CENTER - 2012 FORD EXPEDITION (FIRE)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$27,902.00 WITH STEPHENS AUTO CENTER, OF DANVILLE, WV, FOR ONE (1) 2012 FORD EXPEDITION 4 X 4, TO BE CHARGED TO THE FIRE DEPARTMENT - 001.4976.40.9088.

THOSE WISHING TO BE HEARD

Charles Ballouz, 1143 Main Street, spoke in opposition to the proposed removal of the bus shelter and stop in front of Independence Hall.

Councilman Vernon Seals also spoke on this matter. He said that he will be voting against it when it comes before Council as he believes it is the best area for handicapped accessibility.

There being no further business, Mr. Henry moved, seconded by Mr. Seals, to adjourn. Motion carried. Time: 7:50 p.m.

City Clerk

Mayor

Council of the City of Wheeling met in Council Chambers, City-County Building on the above date with Mayor Andy McKenzie presiding.

The invocation was offered by Vice-Mayor Eugene Fahey.

On roll call, the following were present:

McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson and Fahey - 7

Mr. Seals moved, seconded by Mr. Henry, that the minutes of the September 20, 2011 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor McKenzie reported that a response to the letter that the City sent to the US Postal Service in regard to closing operations in Wheeling was received. They thanked us for the letter and outlined the reasons for the move.

UNFINISHED BUSINESS

STEPHENS AUTO CENTER - 2012 FORD EXPEDITION (FIRE)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$27,902.00 WITH STEPHENS AUTO CENTER, OF DANVILLE, WV, FOR ONE (1) 2012 FORD EXPEDITION 4 X 4, TO BE CHARGED TO THE FIRE DEPARTMENT - 001.4976.40.9088.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

Mr. Fahey moved, seconded by Mr. Seals, that Planning Commission Minutes - 08/08/11; Wheeling Housing Authority Minutes - 07/13/11; Wheeling-Ohio County Board of Health Minutes - 07/19/11 & 08/11/11; Board of Zoning Appeals Minutes - 08/18/11; CDBG Program Status Report - 8/31/11; HOME Program Status Report - 8/31/11; HPRP Program Status Report - 8/31/11; CDBG Building Demolition Status Report - 09/14/11; Financial Statement - 8/31/11; be approved as received. Motion carried. Mayor McKenzie noted that the Wheeling Human Rights Commission Annual Report, which was held over until a page in the report was corrected, can be voted upon this evening. Mr. Seals moved, seconded by Mr. Fahey, to accept the Wheeling Human Rights Commission Annual Report, as corrected. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Fahey commented on the inauguration of Rick Beyer, the first lay person to be named President at Wheeling Jesuit University. Mr. Fahey moved, seconded by Mr. Seals, that a letter be sent to President Beyer, congratulating him on his appointment.

REPORT OF COMMITTEES

FINANCE COMMITTEE REPORT - SEPTEMBER 20, 2011

The Finance Committee of Wheeling City Council met on Tuesday, September 20, 2011 at 6:15 p.m. in the Office of the City Manager. Committee Members present: Chair Vernon Seals and Vice Chair Gene Fahey, Member James Tiu. Others present: Mayor Andy McKenzie, Councilors Gloria Delbrugge, Don Atkinson, and Robert Henry; City Manager Robert Herron, Finance Director Michael Klug, City Solicitor Rose Warmuth, Economic and Community Development Director Nancy Prager, City Clerk Janice Jones and the media.

The following matters were discussed:

Audit Scoring - City of Wheeling and Greater Wheeling Sports & Entertainment Authority

City Manager Robert Herron Finance explained that four proposals were submitted for the annual audit for the General Fund, Water, Wastewater and Sports and Entertainment Authority for FY 2010-2011, as per State requirements. The companies were Bodkin, Wilson and Kozicki; Perry and Associates; Teed & Associates; and Suttle & Stalnaker. He explained that the Finance Department used the state audit proposal score sheet, and as a result of this scoring, Bodkin, Wilson & Kozicki is being recommended to perform the audit for FY 2010-11 and FY 2011-2012. Finance Director Michael Klug pointed out that this is for a two-year period. Mr. Fahey moved, seconded by Mr. Tiu, to accept the Administration's recommendation of Bodkin, Wilson, & Kozicki. Motion carried.

The Committee moved acceptance of this portion of the report. Motion carried.

Financial Statement - August 31, 2011.

City Manager Herron reported that revenues are approximately \$290,000.00 ahead of where they were for the same time period last year. The fund balance is also slightly ahead of last year's totals. He also reported that expenses are down as compared to last year. A discussion on fire service fees took place. Mr. Seals inquired about the number of non-residents of the City who pay fire service fees and requested that this amount have a separate line item in the Financial Statement. Following this discussion, Mr. Fahey moved, seconded by Mr. Tiu, to accept the August Financial Statement as presented. Motion carried.

The Committee moved acceptance of this portion of the report. Motion carried.

Discussion - Intermodal Transportation Center Shortfall

As per an agreement with the Federal Transportation Authority, the City is responsible for any of the operating losses at the Intermodal Transportation Center. The amount this year is \$92,836.53, a portion of which was budgeted and the balance will come from the Finance Department's budget. Mr. Fahey moved, seconded by Mr. Tiu, to recommend to Council payment of the shortfall. Motion carried.

The Committee moved acceptance of this portion of the report. Motion carried.

There being no further business to come before the Committee, Mr. Tiu moved, seconded by Mr. Seals, to adjourn. Time: 6:35 p.m.

The Committee moved acceptance of the entire portion of the report. Motion carried.

REPORT OF CITY MANAGER

City Manager Robert Herron respectfully requested that Item 9/7, Purchase of Police Cars with Glen Dale Motors, be read two times this evening, as a significant amount of equipment has to be retrofitted on these vehicles prior to putting them into service. He also requested that item 9/8, N. F. Mansuetto & Sons, for the Sign Shop Roof be read two times this evening. In response to a question from Mr. Seals in regard to a comparison of bids for the police cruisers, Mr. Herron said that Glen Dale Motors is a State Contractor for Dodge vehicles.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Seals, that the Wheeling Traffic Commission Minutes, 9/8/11; Greater Wheeling Sports and Entertainment Authority Financial Statement, 8/31/11; Greater Wheeling Sports and Entertainment Authority Minutes, 8/30/11; Wheeling Municipal Parking System Financial Statement, 8/31/11; and Robert C. Byrd Intermodal Transportation Center,, 8/31/11; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

OVRTA - INTERMODAL TRANSPORTATION CENTER SHORTFALL - FY 2010-2011

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$92,836.53 WITH THE ROBERT C. BYRD INTERMODAL TRANSPORTATION CENTER FOR THE INTERMODAL TRANSPORTATION CENTER SHORTFALL AS DOCUMENTED IN THE FY 2010 AUDIT, TO BE CHARGED TO #001.4414.50.5134.

Mr. Seals moved, seconded by Mr. Fahey, that this ordinance be read for a second time this evening. Motion carried.

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$92,836.53 WITH THE ROBERT C. BYRD INTERMODAL TRANSPORTATION CENTER FOR THE INTERMODAL TRANSPORTATION CENTER SHORTFALL AS DOCUMENTED IN THE FY 2010 AUDIT, TO BE CHARGED TO #001.4414.50.5134.

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

The vote on the motion resulted as follows:

- AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7
- NOES: - 0

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

WV-OHIO MOTOR SALES, INC. - 2012 REFUSE TRUCK

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$195,720.00 WITH WV OHIO MOTOR SALES, INC., OF WHEELING, WV, FOR ONE (1) 2012 REFUSE TRUCK, TO BE CHARGED TO SANITATION/RECYCLING MAINTENANCE AND REPLACEMENT FUND.

ADOPTING TRAFFIC RULE NO. 4342 - TWO HOUR HANDICAPPED PARKING METER ZONE - 1118 MAIN STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4342.

ADOPTING TRAFFIC RULE NO. 4343 - BUS STOP - EAST SIDE OF MARKET STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4343.

ADOPTING TRAFFIC RULE NO. 4344 - TWO HOUR PARKING METER ZONE -
MARKET STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4344.

ADOPTING TRAFFIC RULE NO. 4345 - TWO HOUR PARKING METER ZONE -
MARKET STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4345.

GLEN DALE MOTOR COMPANY - SIX DODGE CHARGERS (POLICE)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE
CITY MANAGER TO ENTER INTO A CONTRACT AND
EXECUTE THE APPROPRIATE AGREEMENTS TO EXPEND
FUNDS IN THE TOTAL AMOUNT OF \$250,501.98 WITH
GLEN DALE MOTOR COMPANY, OF GLEN DALE, WV,
FOR THE LEASE PURCHASE OF SIX (6) CURRENT YEAR
DODGE CHARGERS, PER BID SPECIFICATIONS, TO BE
FINANCED WITH CHASE BANK, OF WHEELING, WV, TO
BE CHARGED TO POLICE VEHICLES - #001.4976.40.9087.

Mr. Seals moved, seconded by Mr. Henry, that this ordinance be read for a second
time this evening. Motion carried.

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE
CITY MANAGER TO ENTER INTO A CONTRACT AND
EXECUTE THE APPROPRIATE AGREEMENTS TO EXPEND
FUNDS IN THE TOTAL AMOUNT OF \$250,501.98 WITH
GLEN DALE MOTOR COMPANY, OF GLEN DALE, WV,
FOR THE LEASE PURCHASE OF SIX (6) CURRENT YEAR
DODGE CHARGERS, PER BID SPECIFICATIONS, TO BE
FINANCED WITH CHASE BANK, OF WHEELING, WV, TO
BE CHARGED TO POLICE VEHICLES - #001.4976.40.9087.

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

The vote on the motion resulted as follows:

NOES:

- 0

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

N. F. MANSUETTO & SONS, INC. - SIGN SHOP ROOF

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$20,691.00 WITH N. F. MANSUETTO & SONS, INC., OF MARTINS FERRY, OH, FOR SIGN SHOP ROOF, TO BE CHARGED TO RCIP - #2335830739.

Mr. Seals moved, seconded by Mr. Henry, that this ordinance be read for a second time this evening. Motion carried.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$20,691.00 WITH N. F. MANSUETTO & SONS, INC., OF MARTINS FERRY, OH, FOR SIGN SHOP ROOF, TO BE CHARGED TO RCIP - #2335830739.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

APPOINTMENT OF JOHN ADERHOLT TO THE OHIO VALLEY REGIONAL TRANSPORTATION AUTHORITY BOARD

The following was then read:

AN ORDINANCE THE COUNCIL OF THE CITY OF WHEELING APPOINTING JOHN ADERHOLT TO THE OHIO VALLEY REGIONAL TRANSIT AUTHORITY.

BODKIN, WILSON & KOZICKI - AUDIT FOR FY 2010-2011

The following was then read:

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH BODKIN, WILSON & KOZICKI, OF WHEELING, WV, FOR SERVICES RENDERED IN CONNECTION WITH AN AUDIT OF THE CITY OF WHEELING FOR THE PERIOD JULY 1, 2010 THROUGH JUNE 30, 2011, IN THE AMOUNT OF \$72,940.00.

APPROVING THE CITY OF WHEELING'S REVISED WARD MAP

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING TO APPROVE THE CITY OF WHEELING'S REVISED WARD MAP AS DELINEATED WITH RESPECT TO THE 2010 CENSUS AS AUTHORIZED BY STATE AND LOCAL LAW.

RESOLUTION - AUTHORIZING PAYMENT OF INVOICES - WASTEWATER PROJECT - SERIES 2010B (WPCD)

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 WASTEWATER PROJECT AND AUTHORIZING PAYMENT THEREOF.

Mr. Seals moved, seconded by Mr. Henry, that the Resolution be adopted.
Motion carried.

There being no further business, Mr. Henry moved, seconded by Mr. Seals, to adjourn. Motion carried. time: 7:17 p.m.

City Clerk

Mayor

AGENDA

Wheeling, West Virginia
DATE: October 18, 2011

CONVENED: _____

ADJOURNED: _____

INVOCATION:

ROLL CALL: Taken and _____ members responded.

READING OF THE MINUTES - October 5, 2011

MAYOR'S REPORT

1. CLERK'S REPORT

1. Notice of Application to Operate a Private Club - El Paso of Wheeling, 1265 Warwood Avenue

2. UNFINISHED BUSINESS

1. WV-Ohio Motor Sales, Inc. - 2012 Refuse Truck
2. Adopting Traffic Rule No. 4342 - Two Hour Handicapped Parking Meter Zone - 1118 Main St.
3. Adopting Traffic Rule No. 4343 - Bus Stop - East Side of Market St.
4. Adopting Traffic Rule No. 4344 - Two Hour Parking Meter Zone - Market St.
5. Adopting Traffic Rule No. 4345 - Two Hour Parking Meter Zone - Market St.
6. Appointment of John Aderholt to Ohio Valley Regional Transportation Authority Board
7. Bodkin, Wilson & Kozicki - Audit for FY 2010-2011
8. Approving the City of Wheeling's Revised Ward Map

HELD OVER: Wheeling Traffic Commission Minutes - 9/8/11; Greater Wheeling Sports & Entertainment Authority Financial Statement - 8/31/11; Greater Wheeling Sports & Entertainment Authority Minutes - 8/30/11; Wheeling Municipal Parking System Financial Statement - 08/31/11; Robert C. Byrd Intermodal Transportation Center Financial Statement - 08/31/11.

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

1. Development Committee Report - 10/03/11

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Historic Landmarks Commission Minutes - 7/7/11
2. Wheeling Housing Authority Minutes - 8/17/11
3. Wheeling Human Rights Commission Minutes - 8/31/11
4. CDBG Status Report - 9/30/11
5. HOME Program Status Report - 9/30/11
6. HPRP Program Status Report - 9/30/11
7. Financial Statement - 9/30/11
8. Wheeling Arts Commission Minutes - 9/13/11

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. BBR Drilling Co. - Woodland Drive Piling & Lagging Wall
2. Amending Codified Ordinances - Section 5 - Wards - Charter
3. Resolution - Declaring 1265 Warwood Avenue a Redevelopment Site (El Paso Restaurant)

THOSE WISHING TO BE HEARD

Council of the City of Wheeling met in Council Chambers, City-County Building on the above date with Mayor Andy McKenzie presiding.

The invocation was offered by Vice-Mayor Eugene Fahey.

On roll call, the following were present:

McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson and Fahey - 7

Mr. Seals moved, seconded by Mr. Henry, that the minutes of the October 5, 2011 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor McKenzie commented on a recent article that was on MSN's website listing Wheeling as one of the 10 best cities in America for inexpensive living.

CLERK'S REPORT

NOTICE OF APPLICATION TO OPERATE A PRIVATE CLUB - EL PASO OF WHEELING, 1265 WARWOOD AVENUE

City Clerk Janice Jones respectfully requested that this be postponed until the Development Committee Minutes are acted upon and the Resolution declaring this location as a redevelopment site is adopted. Mr. Fahey moved, seconded by Mr. Atkinson, that the order of the agenda be amended so that the above mentioned actions could take place. Motion carried.

UNFINISHED BUSINESS

Mr. Seals commented that he will be recusing himself from voting on Items 2/3, 2/4, 2/5 and 2/6 as they deal with the Ohio Valley Transit Authority, which is where Mr. Seals is employed. He said that he will not entertain any discussion on these ordinances and will leave Council Chambers when it comes time for those to be read and acted upon. He believes that this matter could have been addressed in a more professional manner with dialogue between himself and a fellow Council member.

At this time Mr. Henry moved to table Items 2/3, 2/4 and 2/5 so that further discussion on these matters could take place. Mayor McKenzie said that the proper order would be to make a motion when the ordinance is read a second time.

WV-OHIO MOTOR SALES, INC. - 2012 REFUSE TRUCK

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$195,720.00 WITH WV OHIO MOTOR SALES, INC., OF WHEELING, WV, FOR ONE (1) 2012 REFUSE TRUCK, TO BE CHARGED TO SANITATION/RECYCLING MAINTENANCE AND REPLACEMENT FUND.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4342 - TWO HOUR HANDICAPPED PARKING METER ZONE - 1118 MAIN STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4342.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

At this time, Mr. Seals left the room due to a possible conflict of interest on the next four ordinances.

ADOPTING TRAFFIC RULE NO. 4343 - BUS STOP - EAST SIDE OF MARKET STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4343.

Mr. Henry moved, seconded by Mr. Tiu, that this ordinance be tabled for further discussion. As there were only two ayes, the motion failed.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Tiu, Atkinson, Fahey - 5

NOES: Henry - 1

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

ADOPTING TRAFFIC RULE NO. 4344 - TWO HOUR PARKING METER ZONE - MARKET STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4344.

Mr. Henry moved, seconded by Mr. Tiu, that this ordinance be tabled for further discussion. As there were only two ayes, the motion failed.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Tiu, Atkinson, Fahey - 5

NOES: Henry - 1

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

ADOPTING TRAFFIC RULE NO. 4345 - TWO HOUR PARKING METER ZONE - MARKET STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4345.

Mr. Henry moved, seconded by Mr. Tiu, that this ordinance be tabled for further discussion. As there were only two ayes, the motion failed.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Tiu, Atkinson, Fahey - 5

NOES: Henry - 1

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

APPOINTMENT OF JOHN ADERHOLT TO THE OHIO VALLEY REGIONAL TRANSPORTATION AUTHORITY BOARD

The following was then read:

AN ORDINANCE THE COUNCIL OF THE CITY OF WHEELING APPOINTING JOHN ADERHOLT TO THE OHIO VALLEY REGIONAL TRANSIT AUTHORITY.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Henry, Tiu, Atkinson, Fahey - 6

NOES: - 0

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

Mr. Seals returned to the Council meeting.

BODKIN, WILSON & KOZICKI - AUDIT FOR FY 2010-2011

The following was then read:

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH BODKIN, WILSON & KOZICKI, OF WHEELING, WV, FOR SERVICES RENDERED IN CONNECTION WITH AN AUDIT OF THE CITY OF WHEELING FOR THE PERIOD JULY 1, 2010 THROUGH JUNE 30, 2011, IN THE AMOUNT OF \$72,940.00.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

APPROVING THE CITY OF WHEELING'S REVISED WARD MAP

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING TO APPROVE THE CITY OF WHEELING'S REVISED WARD MAP AS DELINEATED WITH RESPECT TO THE 2010 CENSUS AS AUTHORIZED BY STATE AND LOCAL LAW.

Mayor McKenzie recognized several members of the Ward Redistricting Committee who were in attendance this evening. They were James Guy, Charles Ballouz and Steve Novotney. He expressed his gratitude to them as well as to the entire committee for their hard work and dedication to this effort. Mr. Guy addressed Council and expressed his opinion that he supports the alternate plan, Plan B, as he felt it kept the wards more contiguous. He thanked Council for allowing citizens to participate in this decision. Mr. Ballouz was concerned that the downtown precincts would be split. The Mayor assured him that is not the case. Mayor McKenzie also told Mr. Seals that his concern about the precincts listed as "a, b, and c," would be addressed in the future with the County.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Seals, Henry, Tiu, Atkinson, Fahey - 6

NOES: Delbrugge - 1

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

Mr. Fahey moved, seconded by Mr. Seals, that the Wheeling Traffic Commission Minutes, 9/8/11; Greater Wheeling Sports and Entertainment Authority Financial Statement, 8/31/11; Greater Wheeling Sports and Entertainment Authority Minutes, 8/30/11; Wheeling Municipal Parking System Financial Statement, 8/31/11; and Robert C. Byrd Intermodal Transportation Center, 8/31/11; which were held over, be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Atkinson reported that rotomilling is being done in the Clator area and some traffic inconveniences may be experienced.

Mayor McKenzie also reminded the public that Jacob Street will soon be a two-way street.

REPORT OF COMMITTEES

DEVELOPMENT COMMITTEE REPORT - OCTOBER 3, 2011

The Development Committee of Wheeling City Council met on Monday, October 3, 2011 at 3:00 p.m. in the Office of the City Manager. Committee members present: Mayor Andy McKenzie, Vice Chair Gloria Delbrugge, Member Gene Fahey; Others present: Councilors Don Atkinson, Robert Henry, Vernon Seals and James Tiu; City Manager Robert Herron, Finance Director Mike Klug; City Solicitor Rose Humway-Warmuth, ECD Assistant Director

Tom Connelly; City Clerk Janice Jones and the media.

The following matters were discussed:

Request for Development/Redevelopment District - El Paso Restaurant - Warwood Plaza -

City Manager Robert Herron said that he had received a request from the El Paso Restaurant to have the property located in the Warwood Shopping Plaza designated as a Development/Redevelopment site. Mr. Terry Nichols, owner of the El Paso Restaurant was present. In response to a question from Mrs. Delbrugge, Mr. Nichols said the hours of operation would be 11:00 a.m. to 10:30 p.m., seven days a week and they would not have video lottery machines. Following this discussion, Mrs. Delbrugge moved, seconded by Mr. Fahey, to recommend the Redevelopment District to City Council. Motion carried.

The Committee moved acceptance of this portion of the report. Motion carried.

Request from the Metropolitan Grill for long term use of City right-of-way on Chapline Street for restaurant expansion

Mr. Herron said that David Wohfeil, of the Metropolitan Grill, has been working on an expansion project which would extend his restaurant on to the City right-of-way. He presented drawings of the proposed expansion to the Committee. In order to do this project, he would need permission to build on city right-of-way. City Manager Herron and Director of Public Works Rusty Jebbia have reviewed the drawing for this project and are recommending approval of the request. Mr. Herron said that it would require elimination of two parking meters, which would have to be requested from the Traffic Commission. Following this, Mr. Fahey moved, seconded by Mrs. Delbrugge, to recommend to Council a long term lease of the city right-of-way. Motion carried.

The Committee moved acceptance of this portion of the report. Motion carried.

On Trac Design Committee: Downtown Design Review Guidelines presentation

The On-Trac Design Committee presented a Downtown Design Review Guidelines manual to the Committee. The design guideline manual provides information for property owners on appropriate methods for preserving and maintaining the architectural character of the overall downtown historic area and individual buildings. Design guidelines outline practical methods for building rehabilitation and new construction, which are essential to preserving an historic area's sense of time and place. Kellie Clark, a member of the On-Trac Committee, stressed the guidelines are not a requirement, but rather suggestions. Mr. Fahey moved, seconded by Mrs. Delbrugge, that a Resolution of Support be given to the On-Trac Committee for the Downtown Design Review Guidelines. Motion carried.

The Committee moved acceptance of this portion of the report. Motion carried.

There being no further business to come before the Committee, Mrs. Delbrugge moved, seconded by Mr. Fahey, to adjourn. Time: 3:30 p.m.

The Committee moved acceptance of the entire report. Motion carried.

REPORT OF CITY MANAGER

City Manager Robert Herron requested two readings this evening on the ordinance with BBR Drilling Co. For Woodland Drive Retaining Wall that is listed under Original Propositions on this evening's agenda.

Mr. Herron also reminded Council that there is a work session at 3:00 p.m. tomorrow to discuss the proposed Water Treatment Plan Project.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Seals, that the Historic Landmarks Commission Minutes, 7/7/11; Wheeling Housing Authority Minutes, 8/17/11; Wheeling Human Rights Commission Minutes, 8/31/11; CDBG Status Report - 9/30/11; HOME Program Status Report, 9/30/11; HPRP Program Status Report, 9/30/11; Financial Statement, 9/30/11; and

Wheeling Arts Commission Minutes, 9/13/11; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

BBR DRILLING CO. - WOODLAND DRIVE PILING & LAGGING WALL

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$42,950.00 WITH BBR DRILLING CO., OF BELMONT, OH, FOR WOODLAND DRIVE PILING & LAGGING WALL, TO BE CHARGED TO RCIP.

Mr. Seals moved, seconded by Mr. Henry, that this ordinance be read for a second time. Motion carried.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$42,950.00 WITH BBR DRILLING CO., OF BELMONT, OH, FOR WOODLAND DRIVE PILING & LAGGING WALL, TO BE CHARGED TO RCIP.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

AMENDING CODIFIED ORDINANCES - SECTION 5 - WARDS - CHARTER

The following was then read:

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF WHEELING BY UPDATING THE LISTING OF PRECINCTS WITHIN SECTION 5 OF THE CHARTER.

RESOLUTION - DECLARING 1265 WARWOOD AVENUE A REDEVELOPMENT SITE - EL PASO RESTAURANT

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING IDENTIFYING 1265 WARWOOD AVENUE AS A DEVELOPMENT OR A REDEVELOPMENT SITE.

Mr. Fahey moved, seconded by Mr. Atkinson, that the Resolution be adopted. Motion carried.

Mr. Seals expressed concern about redevelopment sites.

Mr. Fahey moved, seconded by Mr. Atkinson, that the Clerk's Report be read at

this time. Motion carried.

CLERK'S REPORT

NOTICE OF APPLICATION TO OPERATE A PRIVATE CLUB - EL PASO OF WHEELING, 1265 WARWOOD AVENUE

City Clerk Janice Jones presented Council with a Notice of Application to Operate a Private Club for El Paso Restaurant, located at 1265 Warwood Avenue. The applicant is Eriberto Macias.

There being no further business, Mr. Henry moved, seconded by Mr. Seals, to adjourn. Motion carried. time: 7:35 p.m.

City Clerk

Mayor

AGENDA

Wheeling, West Virginia
DATE: November 1, 2011

CONVENED: _____

ADJOURNED: _____

INVOCATION:

ROLL CALL: Taken and _____ members responded.

READING OF THE MINUTES - October 18, 2011

**“PUBLIC HEARING - LEASE RENEWALS - COLEMAN’S UNION FISH MARKET;
THE SOUP SHACK AND MICHAEL’S BEEF HOUSE - CENTRE MARKET”**

MAYOR’S REPORT

1. CLERK'S REPORT

2. UNFINISHED BUSINESS

1. BBR Drilling Co. - Woodland Drive Piling & Lagging Wall
2. Amending Codified Ordinances - Section 5 - Wards - Charter

HELD OVER: Historic Landmarks Commission Minutes - 7/7/11; Wheeling Housing Authority Minutes - 8/17/11; Wheeling Human Rights Commission Minutes - 8/31/11; CDBG Status Report - 9/30/11; HOME Program Status Report - 9/30/11; HPRP Program Status Report - 9/30/11; Financial Statement - 9/30/11; Wheeling Arts Commission Minutes - 9/13/11.

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

1. Finance Committee Report - 10/18/11

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Wheeling-Ohio County Board of Health Minutes - 9/13/11
2. Wheeling Traffic Commission Minutes - 10/13/11

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Adopting Traffic Rule No. 4346 - Handicapped Parking - 3644 Chapline St.
2. Adopting Traffic Rule No. 4347 - Handicapped Parking - 54 Monroe Ave.
3. Adopting Traffic Rule No. 4348 - Handicapped Parking - 100 N. Wabash St.
4. Adopting Traffic Rule No. 4349 - Handicapped Parking - 2227 Eoff St.
5. Adopting Traffic Rule No. 4350 - Commercial Loading Zone - Lane C & 11th St.
6. Adopting Traffic Rule No. 4351 - Handicapped Parking - 3741 Wood St.
7. Adopting Traffic Rule No. 4352 - No Parking Zone - East Side of East Cove Ave.
8. Adopting Traffic Rule No. 4353 - 4 Way Stop - 37th & Jacob Sts.
9. Adopting Traffic Rule No. 4354 - No Parking Zone - North Side of Cypress Ave.
10. Adopting Traffic Rule No. 4355 - No Parking Zone - West Side of Chapline St. At 23rd St.
11. Adopting Traffic Rule No. 4356 - No Parking Zone - East Side of Chapline St. At 23rd St.
12. Adopting Traffic Rule No. 4357 - No Parking Zone - West Side of Warwood Ave. At Warwood Commons Driveway
13. Tyler Technologies - Computer Maintenance (**Finance**)
14. Amending Codified Ordinances - Article 935 - Emergency Ambulance Service
15. Resolution - Lease - Michael’s Beef House - Centre Market
16. Resolution - Lease - Colemans/Union Fish Market - Centre Market
17. Resolution - Lease - The Soup Shack - Centre Market
18. Resolution - Support - On Trac’s Design Guideline Manual
19. Resolution - Authorizing Payment of Invoices - Wastewater Project - Series 2010B (**WPCD**)
20. Resolution - General Fund Budget Revision No. 2 - FY 2011-2012
21. Ordinance Establishing and Fixing Rates, Fees and Charges for the Treatment and Distribution Of Potable Water
22. Ordinance Establishing and Fixing Rates, Fees and Charges for the Collection and Treatment of Sanitary Sewage
23. Bond Authorizing Resolution & Ordinance providing for the issuance of the City’s Subordinate Tax Increment Revenue Bonds, Series 2011 in an amount not to exceed \$4,000,000 in

connection

With the City of Wheeling Redevelopment Project District No. 1

THOSE WISHING TO BE HEARD

Council of the City of Wheeling met in Council Chambers, City-County Building on the above date with Mayor Andy McKenzie presiding.

The invocation was offered by Vice-Mayor Eugene Fahey. A moment of silence was observed in memory of Mary Lou Sterling, a retired long-time city employee.

On roll call, the following were present:

McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson and Fahey - 7

Mr. Seals moved, seconded by Mr. Henry, that the minutes of the November 1, 2011 meeting be approved as received. Motion carried.

Mr. Seals moved, seconded by Mr. Henry, to suspend the regular order of business to conduct a public hearing. Motion carried. City Manager Herron explained that these leases are generally 10 year leases, with 2% escalations charges per year, with the exception of The Soup Shack, which is month to month for six months, as they are planning an expansion to their business.

**Public Hearing - Lease Renewals - Centre Market
Coleman's Fish Market, The Soup Shack, Michael's Beef House**

Mayor McKenzie asked if there was anyone to speak at the public hearing. There being no one signed up to speak, Mr. Seals moved, seconded by Mr. Henry, to close the public hearing and resume the regular order of business. Motion carried.

MAYOR'S REPORT

Mayor McKenzie asked for Council's concurrence in the appointment of John Hargleroad to the Arts and Culture Commission. Mr. Seals moved, seconded by Mr. Fahey, Council's concurrence in the appointment. Motion carried.

UNFINISHED BUSINESS

AMENDING CODIFIED ORDINANCES - SECTION 5 - WARDS - CHARTER

The following was then read:

AN ORDINANCE AMENDING THE CODIFIED
ORDINANCES OF THE CITY OF WHEELING BY UPDATING
THE LISTING OF PRECINCTS WITHIN SECTION 5 OF THE
CHARTER.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Seals, Henry, Tiu, Atkinson, Fahey - 6

NOES: Delbrugge - 1

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

Mr. Fahey moved, seconded by Mr. Seals, that the Historic Landmarks Commission Minutes, 7/7/11; Wheeling Housing Authority Minutes, 8/17/11; Wheeling Human Rights Commission Minutes, 8/31/11; CDBG Status Report - 9/30/11; HOME Program Status Report, 9/30/11; HPRP Program Status Report, 9/30/11; Financial Statement, 9/30/11; and

Wheeling Arts Commission Minutes, 9/13/11; which were held over, be approved as received.. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Delbrugge expressed her appreciation to City Manager Herron and Public Works Director Rusty Jebbia for their assistance in the paving of Riley Hill Road. She has received many positive phone calls in regard to this issue.

REPORT OF COMMITTEES

FINANCE COMMITTEE REPORT - OCTOBER 18, 2011

The Finance Committee of Wheeling City Council met on Tuesday, October 18, 2011 at 6:15 p.m. in the Office of the City Manager. Committee Members present: Chair Vernon Seals and Vice Chair Gene Fahey, Member James Tiu. Others present: Mayor Andy McKenzie, Councilors Gloria Delbrugge, Don Atkinson, and Robert Henry; City Manager Robert Herron, Finance Director Michael Klug, City Solicitor Rose Warmuth, Economic and Community Development Director Nancy Prager, City Clerk Janice Jones and the media.

The following matters were discussed:

General Fund Budget Revision No. 2 - FY 2011-2012

City Manager Robert Herron explained that this Budget Revision is necessary to adjust the following line items:

City Manager for Gift Certificates for Employees - offset by taxes;
Fire Department for Firefighters' Grants - Personal Protective Equipment;
Police Department for PROs at Ohio County schools (increase \$12,000) and transfer to Public Safety for Police Electronics (decrease \$24,356);
Human Rights for refunds received for cancelled activities.

Following a short discussion, Mr. Fahey moved, seconded by Mr. Tiu, to approve the Budget Revision as presented and forward it to Council. Motion carried.

The Committee moved acceptance of this portion of the report. Motion carried.

Financial Statement - September 30, 2011

Mr. Herron reported that the General Fund Balance is \$1,114,000.00 as compared to \$1,700,000 last year, which warrants careful review; however, this year's balance does not reflect the 911 revenue that was included in last year's balance. We have since received a payment. He commented that October is a significantly big revenue month and that statement will give us a better look as to where we are. Mr. Herron said that expenditures are at 29% of budget which is the same as last year for the same time period. A discussion on ambulance fees ensued. Following a short discussion, Mr. Fahey moved, seconded by Mr. Tiu, to recommend that the Administration work out the figures needed for an increase in Ambulance Fees, equal to that of Medicare. Motion carried. Mr. Herron pointed out that the Hotel and Motel Tax is significantly higher than last year's figures. This is due mainly to the influx of people working for the drilling companies. Mr. Seals inquired as to whether there has been any thought about what else can be done for employees, other than gift certificates. Mr. Herron said that he will work on this. Mr. Fahey moved, seconded by Mr. Tiu, to accept the September Financial Statement as presented. Motion carried.

The Committee moved acceptance of this portion of the report. Motion carried.

There being no further business to come before the Committee, Mr. Tiu moved, seconded by Mr. Seals, to adjourn. Time: 6:37 p.m.

The Committee moved acceptance of the entire report. Motion carried.

REPORT OF CITY MANAGER

City Manager Herron commented, in regard to the Finance Committee Report that was just read, that the General Fund balance at the end of October was \$2.6 million dollars, a slight increase from last year for the same period. Mr. Herron distributed a list of revisions to

the Bel-o-Mar Transportation Improvement Plan. He reviewed the list with Council. In response to a question from Mr. Fahey in regard to two projects in the Elm Grove area, Mr. Herron assured Mr. Fahey that they are in the current Bel-O-Mar Transportation Improvement Plan, and the list that he distributed are revisions to that plan. He added that the projects that Mr. Fahey was referring to were approved at the last Bel-O-Mar quarterly meeting.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Seals, that the Wheeling-Ohio County Board of Health Minutes, 9/13/11; and the Wheeling Traffic Commission Minutes, 10/13/11; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

ADOPTING TRAFFIC RULE NO. 4346 - HANDICAPPED PARKING - 3644 CHAPLINE ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4346.

ADOPTING TRAFFIC RULE NO. 4347 - HANDICAPPED PARKING - 54 MONROE AVENUE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4347.

ADOPTING TRAFFIC RULE NO. 4348 - HANDICAPPED PARKING - 100 N. WABASH STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4348.

ADOPTING TRAFFIC RULE NO. 4349 - HANDICAPPED PARKING - 2227 EOFF STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4349.

ADOPTING TRAFFIC RULE NO. 4350 - COMMERCIAL LOADING ZONE - LANE C & 11TH STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4350.

ADOPTING TRAFFIC RULE NO. 4351 - HANDICAPPED PARKING - 3741 WOOD STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4351.

ADOPTING TRAFFIC RULE NO. 4352 - NO PARKING ZONE - EAST SIDE OF EAST COVE AVE.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4352.

ADOPTING TRAFFIC RULE NO. 4353 - 4 WAY STOP - 37TH & JACOB STS.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4353.

ADOPTING TRAFFIC RULE NO. 4354 - NO PARKING ZONE - NORTH SIDE OF
CYPRESS AVENUE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4354.

ADOPTING TRAFFIC RULE NO. 4355 - NO PARKING ZONE - WEST SIDE OF
CHAPLINE ST. AT 23RD STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4355.

ADOPTING TRAFFIC RULE NO. 4356 - NO PARKING ZONE - EAST SIDE OF CHAPLINE
ST. AT 23RD STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4356.

ADOPTING TRAFFIC RULE NO. 4357 - NO PARKING ZONE - WEST SIDE OF
WARWOOD AVENUE AT WARWOOD COMMONS DRIVEWAY

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4357.

TYLER TECHNOLOGIES - COMPUTER MAINTENANCE (FINANCE)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO
EXPEND FUNDS IN THE AMOUNT OF \$26,415.92 WITH
TYLER TECHNOLOGIES, OF DALLAS, TX, FOR
COMPUTER MAINTENANCE - 11/1/11 TO 10/31/12, TO BE
CHARGED TO FINANCE - #001.4414.30.2198.

AMENDING CODIFIED ORDINANCES - ARTICLE 935 - EMERGENCY AMBULANCE
SERVICE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING AMENDING ARTICLE 935 OF THE CODIFIED
ORDINANCES OF THE CITY OF WHEELING ENTITLED

AEMERGENCY AMBULANCE SERVICE@ BY AMENDING AND REENACTING SECTION 935.03 - CHARGE FOR SERVICE; COLLECTION, SO THAT THE MUNICIPAL CHARGES ARE IN PARITY WITH SIMILAR EMERGENCY MEDICAL SERVICE COSTS IN THE GEOGRAPHIC AREA.

RESOLUTION - LEASE - MICHAEL'S BEEF HOUSE - CENTRE MARKET

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE WITH KIM AGOSTINELLI, DBA MICHAEL'S BEEF HOUSE, FOR A PORTION OF THE CENTRE MARKET PROPERTY LOCATED IN THE 2200 BLOCK OF MARKET STREET.

Mr. Henry moved, seconded by Mr. Seals, that the Resolution be adopted.
Motion carried.

RESOLUTION - LEASE - COLEMANS/UNION FISH MARKET - CENTRE MARKET

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE WITH JOSEPH COLEMAN, DBA COLEMANS/UNION FISH MARKET, FOR A PORTION OF THE CENTRE MARKET PROPERTY LOCATED IN THE 2200 BLOCK OF MARKET STREET.

Mr. Henry moved, seconded by Mr. Seals, that the Resolution be adopted.
Motion carried.

RESOLUTION - LEASE - THE SOUP SHACK - CENTRE MARKET

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE WITH FRANK WARREN, III, DBA THE SOUP SHACK, FOR A PORTION OF THE CENTRE MARKET PROPERTY LOCATED IN THE 2200 BLOCK OF MARKET STREET.

Mr. Henry moved, seconded by Mr. Seals, that the Resolution be adopted.
Motion carried.

RESOLUTION - SUPPORT - ON TRAC'S DESIGN GUIDELINE MANUAL

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING GRANTING SUPPORT FOR THE VOLUNTARY USE OF ONTRAC'S DESIGN GUIDELINE MANUAL FOR WHEELING'S DOWNTOWN HISTORIC AREA.

Mr. Fahey moved, seconded by Mr. Seals, that the Resolution be adopted.
Motion carried.

RESOLUTION - AUTHORIZING PAYMENT OF INVOICES - WASTEWATER PROJECT -

SERIES 2010B (WPCD)

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 WASTEWATER PROJECT AND AUTHORIZING PAYMENT THEREOF.

Mr. Seals moved, seconded by Mr. Henry, that the Resolution be adopted.
Motion carried.

RESOLUTION - GENERAL FUND BUDGET REVISION NO. 2 - FY 2011-2012

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. 2 - BR1180.01.02.

Mr. Seals moved, seconded by Mr. Henry, that the Resolution be adopted.
Motion carried.

ORDINANCE ESTABLISHING AND FIXING RATES, FEES AND CHARGES FOR THE TREATMENT AND DISTRIBUTION OF POTABLE WATER

The following was then read:

AN ORDINANCE ESTABLISHING AND FIXING RATES, FEES, AND CHARGES THE WATER DIVISION OF THE CITY WILL CHARGE ITS CUSTOMERS LOCATED INSIDE AND OUTSIDE OF ITS CORPORATE LIMITS, FOR THE TREATMENT AND DISTRIBUTION OF POTABLE WATER

ORDINANCE ESTABLISHING AND FIXING RATES, FEES AND CHARGES FOR THE COLLECTION AND TREATMENT OF SANITARY SEWAGE.

The following was then read:

AN ORDINANCE ESTABLISHING AND FIXING RATES, FEES, AND CHARGES THE WATER POLLUTION CONTROL DIVISION OF THE CITY WILL CHARGE ITS CITIZENS AND ITS CUSTOMERS LOCATED OUTSIDE OF ITS CORPORATE LIMITS, FOR THE COLLECTION AND TREATMENT OF SANITARY SEWAGE.

BOND AUTHORIZING RESOLUTION & ORDINANCE PROVIDING FOR THE ISSUANCE OF THE CITY'S SUBORDINATE TAX INCREMENT REVENUE BONDS, SERIES 2011 IN AN AMOUNT NOT TO EXCEED \$4,000,000 IN CONNECTION WITH THE CITY OF WHEELING REDEVELOPMENT PROJECT DISTRICT NO. 1

The following was then read:

A RESOLUTION AND ORDINANCE AUTHORIZING AND DIRECTING THE ISSUANCE OF NOT MORE THAN \$4,000,000 AGGREGATE PRINCIPAL AMOUNT OF SUBORDINATE TAX INCREMENT REVENUE BONDS, SERIES 2011, OF THE CITY OF WHEELING, TO FINANCE COSTS OF PROPERTY ACQUISITION, DEMOLITION, SITE PREPARATIONS, INFRASTRUCTURE IMPROVEMENTS AND REDEVELOPMENTS, AND REDEVELOPMENT OF

BUILDINGS AND PROPERTIES IN THE PROJECT AREA DEPICTED IN THE CITY'S AMENDED PROJECT PLAN NO. 3 AND RELATED INFRASTRUCTURE, RENOVATIONS TO THE MARKET PLAZA AREA OF THE CITY AND RENOVATION AND REHABILITATION OF THE CAPITOL CITY MUSIC HALL, TOGETHER WITH COSTS OF PREPARATION OF AMENDED PROJECT PLAN NO. 3 AND COSTS AND EXPENSES RELATED THERETO AND TO THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE OF TRUST AND A BOND PURCHASE AGREEMENT; AUTHORIZING DISTRIBUTION OF A PRIVATE PLACEMENT MEMORANDUM OR OTHER OFFERING DOCUMENT; AUTHORIZING EXECUTION AND DELIVERY OF OTHER DOCUMENTS, INSTRUMENTS, AGREEMENTS AND CERTIFICATES; AUTHORIZING AND DIRECTING THE EXECUTION AND DELIVERY OF SUCH BONDS; PROVIDING PARAMETERS FOR THE PRINCIPAL AMOUNTS, MATURITIES, INTEREST RATES AND OTHER TERMS OF SUCH BONDS; AUTHORIZING THE MAYOR AND CITY MANAGER TO APPROVE A CERTIFICATE OF DETERMINATIONS RELATING TO THE FINAL TERMS OF THE BONDS; APPOINTING A TRUSTEE, REGISTRAR, PAYING AGENT AND OTHER PARTICIPANTS IN THE FINANCING; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS RELATING TO THE PROJECT AND ISSUANCE OF SUCH BONDS.

THOSE WISHING TO BE HEARD

Mr. Jerome Poynton signed up to speak but, when called, declined.

There being no further business, Mr. Henry moved, seconded by Mr. Atkinson, to adjourn. Motion carried. time: 7:25 p.m.

City Clerk

Mayor

AGENDA

Wheeling, West Virginia
DATE: November 15, 2011

CONVENED: _____

ADJOURNED: _____

INVOCATION:

ROLL CALL: Taken and _____ members responded.

READING OF THE MINUTES - November 1, 2011

“PUBLIC HEARING - AMENDING CODIFIED ORDINANCES - EMERGENCY AMBULANCE SERVICE”

“PUBLIC HEARING - ESTABLISHING & FIXING RATES, FEES & CHARGES FOR TREATMENT AND DISTRIBUTION OF POTABLE WATER”

“PUBLIC HEARING - ESTABLISHING & FIXING RATES, FEES & CHARGES FOR COLLECTION & TREATMENT OF SANITARY SEWAGE”

“PUBLIC HEARING - BOND ORDINANCE - TAX INCREMENT REVENUE BONDS, SERIES 2011 - REDEVELOPMENT PROJECT DISTRICT NO. 1”

“PUBLIC HEARING - REPROGRAMMING OF CDBG FUNDS”

MAYOR’S REPORT

1. CLERK'S REPORT

2. UNFINISHED BUSINESS

1. Adopting Traffic Rule No. 4346 - Handicapped Parking - 3644 Chapline St.
2. Adopting Traffic Rule No. 4347 - Handicapped Parking - 54 Monroe Ave.
3. Adopting Traffic Rule No. 4348 - Handicapped Parking - 100 N. Wabash St.
4. Adopting Traffic Rule No. 4349 - Handicapped Parking - 2227 Eoff St.
5. Adopting Traffic Rule No. 4350 - Commercial Loading Zone - Lane C & 11th St.
6. Adopting Traffic Rule No. 4351 - Handicapped Parking - 3741 Wood St.
7. Adopting Traffic Rule No. 4352 - No Parking Zone - East Side of East Cove Ave.
8. Adopting Traffic Rule No. 4353 - 4 Way Stop - 37th & Jacob Sts.
9. Adopting Traffic Rule No. 4354 - No Parking Zone - North Side of Cypress Ave.
10. Adopting Traffic Rule No. 4355 - No Parking Zone - West Side of Chapline St. At 23rd St.
11. Adopting Traffic Rule No. 4356 - No Parking Zone - East Side of Chapline St. At 23rd St.
12. Adopting Traffic Rule No. 4357 - No Parking Zone - West Side of Warwood Ave. At Warwood Commons Driveway
13. Tyler Technologies - Computer Maintenance (**Finance**)
14. Amending Codified Ordinances - Article 935 - Emergency Ambulance Service
15. Ordinance Establishing and Fixing Rates, Fees and Charges for the Treatment and Distribution Of Potable Water
16. Ordinance Establishing and Fixing Rates, Fees and Charges for the Collection and Treatment of Sanitary Sewage
17. Bond Authorizing Resolution & Ordinance providing for the issuance of the City’s Subordinate Tax Increment Revenue Bonds, Series 2011 in an amount not to exceed \$4,000,000 in

connection

With the City of Wheeling Redevelopment Project District No. 1

HELD OVER: Wheeling-Ohio County Board of Health Minutes - 9/13/11; Wheeling Traffic Commission Minutes - 10/13/11

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

1. Public Safety Committee Report - 11/08/11

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Wheeling Arts Commission Minutes - 9/13/11
2. Wheeling Housing Authority Minutes - 9/14/11
3. Wheeling Municipal Parking System Financial Statement - 9/30/11
4. Robert C. Byrd Intermodal Transportation Center Financial Statement - 9/30/11
5. Greater Wheeling Sports & Entertainment Authority Minutes - 9/27/11
6. Greater Wheeling Sports & Entertainment Authority Financial Statement - 9/30/11
7. CDBG Status Report - 10/31/11
8. HOME Program Status Report - 10/31/11
9. HPRP Program Status Report - 10/31/11
10. Financial Statement - 10/31/11

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Demolition Liens - Various Properties

2. Resolution - Safe Community/DUI Enforcement Project Grant

THOSE WISHING TO BE HEARD

Council of the City of Wheeling met in Council Chambers, City-County Building on the above date with Mayor Andy McKenzie presiding.

The invocation was offered by Vice-Mayor Eugene Fahey.

On roll call, the following were present:

McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson and Fahey

- 7

Mr. Seals moved, seconded by Mr. Henry, that the minutes of the November 1, 2011 meeting be approved as received. Motion carried.

Mayor Andy McKenzie presented a proclamation to Anne Stephens of Amedisys Hospice Care proclaiming the month of November as National Hospice Month.

Mr. Seals moved, seconded by Mr. Henry, to suspend the regular order of business to conduct five public hearings. Motion carried.

“PUBLIC HEARING - AMENDING CODIFIED ORDINANCES - EMERGENCY AMBULANCE SERVICE”

City Manager Robert Herron explained that this was necessary to keep ambulance fees at or above Medicare levels or market levels throughout the region. He added that about 42% of the Fire Department budget is funded through Fire Service Fees and Ambulance Fees. There was no one who signed up to speak at this public hearing.

“PUBLIC HEARING - ESTABLISHING & FIXING RATES, FEES & CHARGES FOR TREATMENT AND DISTRIBUTION OF POTABLE WATER”

Mr. Herron explained that the proposed water rate ordinance is specifically being proposed to construct a new Water Treatment Plant. He said that the existing Water Plant was built in 1924. Mr. Herron explained that the estimated cost of the project is approximately \$39 million dollars, which would be covered by the proposed 70% rate increase. Mr. Herron distributed an overall view of the project as well as costs associated with the project and rate impacts on customers. The average increase in the water bill would amount to an increase of about \$13.61/month. In response to a question from Mayor McKenzie in regard to implementing the increase in phases, City Manager Herron said that this is not possible as the rates have to be in place in order to sell the bonds to fund the project.

Mr. John Wojchowski, 100 Edgewood Street, owner of Minit Car Wash, spoke in opposition to the proposed increase due to the volume of water used in his business. Mr. Herron advised him that the installation of a sewer meter could possibly cut down on the costs of his water bill. Ray Stocke, 87 National Road, also spoke in opposition to the increase as he is on a fixed income. Charles Ballouz, Windsor Manor, was opposed to the increase as he believes it will ultimately affect the rental rates of residents in his building. In response to a suggestion from Mr. Ballouz about setting aside some of the surplus general fund revenue for this purpose, Mayor McKenzie explained that general fund revenue cannot be used on Water and Sewer Projects. Randy Berisford, Valley View Avenue, suggested a temporary rate increase over a four year period. Chris Moroski, 8 Hamilton Avenue, asked Council to consider phasing in the increases. As stated earlier, Mayor McKenzie, stated that under EPA and PSC regulations, that is not possible, as the rates have to be set before the project is started. Those who spoke all indicated that they weren't questioning the need for the project.

“PUBLIC HEARING - ESTABLISHING & FIXING RATES, FEES & CHARGES FOR COLLECTION & TREATMENT OF SANITARY SEWAGE”

City Manager Herron pointed out that this proposed increase is a 15% increase to cover the wastewater treatment plant and its bond covenants for the next three years. No one signed up to speak at this public hearing.

“PUBLIC HEARING - BOND ORDINANCE - TAX INCREMENT REVENUE BONDS, SERIES 2011 - REDEVELOPMENT PROJECT DISTRICT NO. 1”

City Manager Herron explained the various Tax Increment Projects and their boundaries. The project would include demolition and property acquisition within the amended Project Plan Area 3, a \$200,000 match to the Capitol Theatre “Save Our Treasures Grant, required relocation expenses and site development expenses.

Martin Wach, 905 Main Street, spoke in opposition because of the historical nature of the buildings that would be affected. Grace Norton, 427 Hazlett Avenue, spoke in opposition to the bond ordinance and suggested rehabilitation of the existing buildings. Mayor McKenzie responded saying that the City of Wheeling has had a long time practice of preserving buildings and listed numerous examples of this.

“PUBLIC HEARING - REPROGRAMMING OF CDBG FUNDS”

Mr. Herron explained that this reprogramming is to upgrade swimming pools to new Federal ADA requirements. No one signed up to speak at this public hearing.

Mr. Seals moved, seconded by Mr. Fahey, to conclude the public hearings and resume the regular order of business. Motion carried. Mayor McKenzie commented that if anyone has additional questions in regard to any of these matters, he will be available following the meeting to further discuss these issues.

UNFINISHED BUSINESS

ADOPTING TRAFFIC RULE NO. 4346 - HANDICAPPED PARKING - 3644 CHAPLINE ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4346.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4347 - HANDICAPPED PARKING - 54 MONROE AVENUE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4347.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4348 - HANDICAPPED PARKING - 100 N. WABASH STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4348.

The ordinance was read a second time by title. Mr. Seals moved, seconded by

Mr. Henry, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4349 - HANDICAPPED PARKING - 2227 EOFF STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4349.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4350 - COMMERCIAL LOADING ZONE - LANE C & 11TH STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4350.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4351 - HANDICAPPED PARKING - 3741 WOOD STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4351.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4352 - NO PARKING ZONE - EAST SIDE OF EAST COVE AVE.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4352.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4353 - 4 WAY STOP - 37TH & JACOB STS.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4353.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4354 - NO PARKING ZONE - NORTH SIDE OF CYPRESS AVENUE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4354.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4355 - NO PARKING ZONE - WEST SIDE OF
CHAPLINE ST. AT 23RD STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4355.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4356 - NO PARKING ZONE - EAST SIDE OF CHAPLINE
ST. AT 23RD STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4356.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 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. 4357 - NO PARKING ZONE - WEST SIDE OF
WARWOOD AVENUE AT WARWOOD COMMONS DRIVEWAY

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4357.

The ordinance was read a second time by title. Mrs. Delbrugge moved,
seconded by Mr. Seals, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

TYLER TECHNOLOGIES - COMPUTER MAINTENANCE (FINANCE)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$26,415.92 WITH TYLER TECHNOLOGIES, OF DALLAS, TX, FOR COMPUTER MAINTENANCE - 11/1/11 TO 10/31/12, TO BE CHARGED TO FINANCE - #001.4414.30.2198.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

AMENDING CODIFIED ORDINANCES - ARTICLE 935 - EMERGENCY AMBULANCE SERVICE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING ARTICLE 935 OF THE CODIFIED ORDINANCES OF THE CITY OF WHEELING ENTITLED AEMERGENCY AMBULANCE SERVICE@ BY AMENDING AND REENACTING SECTION 935.03 - CHARGE FOR SERVICE; COLLECTION, SO THAT THE MUNICIPAL CHARGES ARE IN PARITY WITH SIMILAR EMERGENCY MEDICAL SERVICE COSTS IN THE GEOGRAPHIC AREA.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

ORDINANCE ESTABLISHING AND FIXING RATES, FEES AND CHARGES FOR THE TREATMENT AND DISTRIBUTION OF POTABLE WATER

The following was then read:

AN ORDINANCE ESTABLISHING AND FIXING RATES, FEES, AND CHARGES THE WATER DIVISION OF THE CITY WILL CHARGE ITS CUSTOMERS LOCATED INSIDE AND OUTSIDE OF ITS CORPORATE LIMITS, FOR THE TREATMENT AND DISTRIBUTION OF POTABLE WATER

The ordinance was read a second time by title. Mrs. Delbrugge moved, seconded by Mr. Seals, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Tiu, Atkinson, Fahey - 6

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

ORDINANCE ESTABLISHING AND FIXING RATES, FEES AND CHARGES FOR THE COLLECTION AND TREATMENT OF SANITARY SEWAGE.

The following was then read:

AN ORDINANCE ESTABLISHING AND FIXING RATES, FEES, AND CHARGES THE WATER POLLUTION CONTROL DIVISION OF THE CITY WILL CHARGE ITS CITIZENS AND ITS CUSTOMERS LOCATED OUTSIDE OF ITS CORPORATE LIMITS, FOR THE COLLECTION AND TREATMENT OF SANITARY SEWAGE.

The ordinance was read a second time by title. Mr. Seals moved, seconded by Mrs. Delbrugge, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Tiu, Atkinson, Fahey

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

BOND AUTHORIZING RESOLUTION & ORDINANCE PROVIDING FOR THE ISSUANCE OF THE CITY'S SUBORDINATE TAX INCREMENT REVENUE BONDS, SERIES 2011 IN AN AMOUNT NOT TO EXCEED \$4,000,000 IN CONNECTION WITH THE CITY OF WHEELING REDEVELOPMENT PROJECT DISTRICT NO. 1

The following was then read:

A RESOLUTION AND ORDINANCE AUTHORIZING AND DIRECTING THE ISSUANCE OF NOT MORE THAN \$4,000,000 AGGREGATE PRINCIPAL AMOUNT OF SUBORDINATE TAX INCREMENT REVENUE BONDS, SERIES 2011, OF THE CITY OF WHEELING, TO FINANCE COSTS OF PROPERTY ACQUISITION, DEMOLITION, SITE PREPARATIONS, INFRASTRUCTURE IMPROVEMENTS AND REDEVELOPMENTS, AND REDEVELOPMENT OF BUILDINGS AND PROPERTIES IN THE PROJECT AREA DEPICTED IN THE CITY'S AMENDED PROJECT PLAN NO. 3 AND RELATED INFRASTRUCTURE, RENOVATIONS TO THE MARKET PLAZA AREA OF THE CITY AND RENOVATION AND REHABILITATION OF THE CAPITOL CITY MUSIC HALL, TOGETHER WITH COSTS OF PREPARATION OF AMENDED PROJECT PLAN NO. 3 AND COSTS AND EXPENSES RELATED THERETO AND TO THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE OF TRUST AND A BOND PURCHASE AGREEMENT; AUTHORIZING DISTRIBUTION OF A PRIVATE PLACEMENT MEMORANDUM OR OTHER OFFERING DOCUMENT; AUTHORIZING EXECUTION AND DELIVERY OF OTHER DOCUMENTS, INSTRUMENTS, AGREEMENTS AND CERTIFICATES; AUTHORIZING AND DIRECTING THE EXECUTION AND DELIVERY OF SUCH BONDS; PROVIDING PARAMETERS FOR THE PRINCIPAL AMOUNTS, MATURITIES, INTEREST RATES AND OTHER

TERMS OF SUCH BONDS; AUTHORIZING THE MAYOR AND CITY MANAGER TO APPROVE A CERTIFICATE OF DETERMINATIONS RELATING TO THE FINAL TERMS OF THE BONDS; APPOINTING A TRUSTEE, REGISTRAR, PAYING AGENT AND OTHER PARTICIPANTS IN THE FINANCING; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS RELATING TO THE PROJECT AND ISSUANCE OF SUCH BONDS.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

Mr. Fahey moved, seconded by Mr. Seals, that the Wheeling-Ohio County Board of Health Minutes, 9/13/11; and the Wheeling Traffic Commission Minutes, 10/13/11; which were held over be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Fahey thanked everyone who spoke at the public hearings and commented that he had met with his constituents concerning these increases. He also thanked Grace Norton for her time and efforts in compiling the information that she distributed to Council. Mr. Fahey said that the City had met with the Historical Society about two years ago and they said a lot of the same things that Mrs. Norton pointed out. The City worked on and encouraged private development in that area since then and nothing has happened.

REPORT OF COMMITTEES

PUBLIC SAFETY COMMITTEE REPORT - NOVEMBER 8, 2011

The Public Safety Committee of Wheeling City Council met on Tuesday, November 8, 2011 at 3:30 p.m. in the Office of the City Manager. Committee Members present: Chair Gene Fahey, Vice Chair James Tiu and Member Robert Henry. Others present: Mayor Andy McKenzie, Councilors Gloria Delbrugge, Vernon Seals and Don Atkinson, City Manager Robert Herron, Police Chief Robert Matheny, Deputy Police Chiefs Martin Kimball and Michael Van Kirk, Finance Director Michael Klug, City Solicitor Rosemary Humway-Warmuth, City Clerk Janice Jones and the media.

Others in attendance: Eugene Bernie

The following matters were discussed:

Discussion of Vandalism in Various Areas of the City.

City Manager Robert Herron said that concern has been expressed in regard to recent vandalism that has occurred throughout the city, in particular in the Woodsdale area and East Wheeling area. Chief Robert Matheny said that his department is stepping up their patrols in these areas, as well as other parts of the city. He updated the committee on the Police Department's proactive plan to address this vandalism. A discussion ensued in regard to penalties associated with these acts of vandalism. Relevant to incidences that occurred in the East Wheeling area, particularly at 15th and Jacob Sts., Mr. Eugene Bernie, bar manager at the American Legion Post 89, was present and commented that his establishment has hired off-duty police officers, which he said has made 100% difference. Mr. Bernie and other officers of the American Legion had previously met with City Manager Herron with their concerns about the area.

Update on Truck Scales

Police Chief Matheny updated the committee on the progress of the truck scales since their implementation. City Manager Herron said that, as a result of this program, Chesapeake Energy entered into an agreement with the City stating that they would repair any damage to our roads that we can document as well as posting a \$250,000 bond. Mayor McKenzie expressed concern about the overweight trucks being able to travel on city roads without a permit. Chair Fahey thanked Police Chief Matheny and Deputy Chiefs Kimball and Van Kirk, for their hard work and dedication.

In another matter, Chief Matheny reported that the crime rate in Wheeling has dropped 12.85 percent this year.

There being no further business to come before the Committee, Mr. Henry moved, seconded by Mr. Tiu, to adjourn. Time: 4:25 p.m.

The Committee moved acceptance of the entire report. Motion carried.

REPORT OF CITY MANAGER

Mr. Herron reported that the paving contract is about 65% complete; however, if they are not able to complete the contract this fall, provisions in the contract state that they will complete them in the Spring at the same cost as originally agreed upon.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Duffy, that the Wheeling Arts Commission Minutes - 9/13/11; Wheeling Housing Authority Minutes - 9/14/11; Wheeling Municipal Parking System Financial Statement - 9/30/11; Robert C. Byrd Intermodal Transportation Center Financial Statement - 9/30/11; Greater Wheeling Sports & Entertainment Authority Minutes - 9/27/11; Greater Wheeling Sports & Entertainment Authority Financial Statement - 9/30/11; CDBG Status Report - 10/31/11; HOME Program Status Report - 10/31/11; HPRP Program Status Report - 10/31/11; Financial Statement - 10/31/11; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

DEMOLITION LIENS - VARIOUS PROPERTIES

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING
FIXING THE ASSESSMENTS FOR THE COSTS OF RAZING
DILAPIDATED STRUCTURES ON CERTAIN PROPERTIES IN THE
CITY IN ACCORDANCE WITH APPLICABLE SECTIONS OF THE
WEST VIRGINIA CODE AND THE CODIFIED ORDINANCES OF
THE CITY OF WHEELING.

RESOLUTION - SAFE COMMUNITY/DUI ENFORCEMENT PROJECT GRANT

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING
TO ACCEPT THE TERMS AND CONDITIONS OF THE
CONTRACT RELATING TO THE SAFE COMMUNITY/DUI
ENFORCEMENT PROJECT GRANT - #F12-HS-04 IN THE
AMOUNT OF \$525,000.00.

Mr. Seals moved, seconded by Mr. Henry, that the Resolution be adopted. Motion carried.

THOSE WISHING TO BE HEARD

There being no further business, Mr. Atkinson moved, seconded by Mrs. Delbrugge, to adjourn. Motion carried. time: 8:15 p.m.

City Clerk

Mayor

AGENDA

Wheeling, West Virginia
DATE: December 6, 2011

CONVENED: _____

ADJOURNED: _____

INVOCATION:

ROLL CALL: Taken and _____ members responded.

READING OF THE MINUTES - November 15, 2011

MAYOR'S REPORT

1. CLERK'S REPORT

2. UNFINISHED BUSINESS

1. Demolition Liens - Various Properties

HELD OVER: Wheeling Arts Commission Minutes - 9/13/11 Wheeling Housing Authority Minutes - 9/14/11; Wheeling Municipal Parking System Financial Statement - 9/30/11; Robert C. Byrd Intermodal Transportation Center Financial Statement - 9/30/11; Greater Wheeling Sports & Entertainment Authority Minutes - 9/27/11; Greater Wheeling Sports & Entertainment Authority Financial Statement - 9/30/11; CDBG Status Report - 10/31/11; HOME Program Status Report - 10/31/11; HPRP Program Status Report - 10/31/11; Financial Statement - 10/31/11.

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

1. Finance Committee Report - 11/15/11

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Wheeling Traffic Commission Minutes - 11/10/11
2. Wheeling Housing Authority Minutes - 10/12/11
3. Wheeling Arts Commission Minutes - 10/11
4. Wheeling Municipal Parking System Financial Statement - 10/31/11
5. Robert C. Byrd Intermodal Transportation Center Financial Statement - 10/31/11

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Adopting Traffic Rule No. 4358 - Commercial Loading Zone - N. Side of 37th St.
2. Adopting Traffic Rule No. 4359 - Handicapped Parking Zone - 3700 Eoff St.
3. Adopting Traffic Rule No. 4360 - No Parking Zone - North and South Sides of Baird St.
4. Adopting Traffic Rule No. 4361 - Establishing 30 Minute Parking Meters & East & West side of Chapline St.
5. Adopting Traffic Rule No. 4362 - Designating Lane 9 as a One-Way Street
6. Stephens Auto Center - 2011 Jeep Liberty **(Water)**
7. Savage Construction Co. - Emergency Repair of RCP Interceptor behind 400 S. Front St.
8. Raze International - 2011 Asbestos Abatement **(CDBG)**
9. Raze International - 2011 Demolition **(CDBG)**
10. Surrey Fire Safety House - 30 Ft. Limited Fire Safety House **(Fire)**
11. Property Purchase Agreement and Relocation Expenses Agreement - 1121 Market St. & 1118

Main St.

12. Resolution - Community Participation Grant Program - City of Wheeling
13. Resolution - Community Participation Grant Program - River City Music Festival
14. Resolution - Community Participation Grant Program - Friends of I-470/Field Improvements
15. Resolution - Reprogramming of CDBG Funds - ADA Swimming Pool Accessibility **(CDBG)**

THOSE WISHING TO BE HEARD

Council of the City of Wheeling met in Council Chambers, City-County Building on the above date with Mayor Andy McKenzie presiding.

The invocation was offered by Vice-Mayor Eugene Fahey.

On roll call, the following were present:

McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson and Fahey - 7

Mr. Seals moved, seconded by Mr. Henry, that the minutes of the November 15, 2011 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor McKenzie asked for Council's concurrence in the appointment of Patricia Croft to the Wheeling Arts Commission and the reappointment of Bernadette Smith to the Wheeling Housing Authority. Mr. Seals moved, seconded by Mr. Fahey, Council's concurrence. Motion carried.

He urged Council and those in attendance to take advantage of the many events that are taking place around town during the month of December.

UNFINISHED BUSINESS

DEMOLITION LIENS - VARIOUS PROPERTIES

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING
FIXING THE ASSESSMENTS FOR THE COSTS OF RAZING
DILAPIDATED STRUCTURES ON CERTAIN PROPERTIES IN THE
CITY 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. Mr. Seals moved, seconded by Mr. Henry, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

Mr. Fahey moved, seconded by Mr. Henry, that the Wheeling Arts Commission Minutes - 9/13/11; Wheeling Housing Authority Minutes - 9/14/11; Wheeling Municipal Parking System Financial Statement - 9/30/11; Robert C. Byrd Intermodal Transportation Center Financial Statement - 9/30/11; Greater Wheeling Sports & Entertainment Authority Minutes - 9/27/11; Greater Wheeling Sports & Entertainment Authority Financial Statement - 9/30/11; CDBG Status Report - 10/31/11; HOME Program Status Report - 10/31/11; HPRP Program Status Report - 10/31/11; Financial Statement - 10/31/11; which were held over, be approved as received. Motion carried.

REPORT OF COMMITTEES

FINANCE COMMITTEE REPORT - NOVEMBER 15, 2011

The Finance Committee of Wheeling City Council met on Tuesday, November 15, 2011 at 6:15 p.m. in the Office of the City Manager. Committee Members present: Chair Vernon Seals, Vice Chair Gene Fahey, Member James Tiu. Others present: Mayor Andy McKenzie, Councilors

Gloria Delbrugge, Don Atkinson, and Robert Henry; City Manager Robert Herron, Finance Director Michael Klug, City Solicitor Rose Warmuth, Economic and Community Development Director Nancy Prager, City Clerk Janice Jones and the media.

The following matter was discussed:

Financial Statement - October 31, 2011

Mr. Herron reported that the General Fund Balance is slightly ahead of last year's figures. The balance is \$2.7 million and last year's balance was approximately \$2,549,000. The total revenue to date is ahead of last year's revenue, for the same time period. The B & O Revenue is higher this year because payment was received in October this year, rather than in November. Mr. Herron said that the expenses are slightly higher this year than they were last year; however, as far as the budget is concerned, we are where we should be. Following a short discussion, Mr. Fahey moved, seconded by Mr. Tiu, to accept the October Financial Statement as presented. Motion carried.

The Committee moved acceptance of this portion of the report. Motion carried.

There being no further business to come before the Committee, Mr. Fahey moved, seconded by Mr. Tiu, to adjourn. Time: 6:17 p.m.

The Committee moved acceptance of the entire report. Motion carried.

REPORT OF CITY MANAGER

City Manager Robert Herron commented that the ordinance with Savage Construction that is listed under Original Propositions, Item 9/7, is a confirming ordinance as it was an emergency repair of an interceptor.

Mr. Herron respectfully requested an executive session at the end of the meeting to discuss pending litigation.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Seals, that the Wheeling Traffic Commission Minutes, 11/10/11; Wheeling Housing Authority Minutes, 10/12/11; Wheeling Arts Commission Minutes, 10/11; Wheeling Municipal Parking System Financial Statement, 10/31/11; and Robert C. Byrd Intermodal Transportation Center Financial Statement, 10/31/11; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

ADOPTING TRAFFIC RULE NO. 4358 - COMMERCIAL LOADING ZONE - N. SIDE OF 37TH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4358.

ADOPTING TRAFFIC RULE NO. 4359 - HANDICAPPED PARKING ZONE - 3700 EOFF ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4359.

ADOPTING TRAFFIC RULE NO. 4360 - NO PARKING ZONE - N. & S. SIDES OF BAIRD ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4360.

ADOPTING TRAFFIC RULE NO. 4361 - ESTABLISHING 30 MINUTE PARKING METERS
- EAST & WEST SIDE OF CHAPLINE ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4361.

ADOPTING TRAFFIC RULE NO. 4362 - DESIGNATING LANE 9 AS ONE-WAY STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4362.

STEPHENS AUTO CENTER - 2011 JEEP LIBERTY (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO
EXPEND FUNDS IN THE AMOUNT OF \$18,757.00 WITH
STEPHENS AUTO CENTER, OF DANVILLE, WV, FOR 2011
JEEP LIBERTY, TO BE CHARGED TO WATER
DISTRIBUTION - 400-4014-04-0905-01.

SAVAGE CONSTRUCTION CO. - EMERGENCY REPAIR OF RCP INTERCEPTOR
BEHIND 400 S. FRONT ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING AUTHORIZING THE CITY MANAGER TO
EXPEND FUNDS IN THE AMOUNT OF \$30,000.00 WITH
SAVAGE CONSTRUCTION CO., OF WHEELING, WV, FOR
THE EMERGENCY REPAIR OF RCP INTERCEPTOR BEHIND
400 SOUTH FRONT STREET, TO BE CHARGED TO WATER
POLLUTION CONTROL DIVISION - #4001.04.0301.01.

Mr. Seals moved, seconded by Mr. Fahey, that the ordinance be read for a second time this evening. Motion carried.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING AUTHORIZING THE CITY MANAGER TO
EXPEND FUNDS IN THE AMOUNT OF \$30,000.00 WITH
SAVAGE CONSTRUCTION CO., OF WHEELING, WV, FOR
THE EMERGENCY REPAIR OF RCP INTERCEPTOR BEHIND
400 SOUTH FRONT STREET, TO BE CHARGED TO WATER
POLLUTION CONTROL DIVISION - #4001.04.0301.01.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Seals, Henry, Tiu, Atkinson, Fahey - 7

NOES: - 0

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

RAZE INTERNATIONAL - 2011 ASBESTOS ABATEMENT (CDBG)

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$93,890.00 WITH RAZE INTERNATIONAL, INC., OF SHADYSIDE, OH, FOR 2011 ASBESTOS ABATEMENT & DEMOLITION, TO BE CHARGED TO CDBG 2009-10 DEMOLITION (#1504-009-200 - \$91,718.60) AND CDBG 2010-11 DEMOLITION (#1503-010-200 - \$2,171.40).

RAZE INTERNATIONAL - 2011 DEMOLITION (CDBG)

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$163,780.00 WITH RAZE INTERNATIONAL, INC., OF SHADYSIDE, OH, FOR 2011 DEMOLITION, TO BE CHARGED TO CDBG 2010-11 DEMOLITION - #1503-010-200.

SURREY FIRE SAFETY HOUSE - 30 FT. LIMITED FIRE SAFETY HOUSE (FIRE)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$24,260.00 WITH SURREY FIRE SAFETY HOUSE, OF NAPOLEON, OH, FOR 30 FOOT, LIMITED SURREY FIRE SAFETY HOUSE, PER SPECIFICATIONS, TO BE CHARGED TO FIREFIGHTER GRANT - #001.4706.20.2271.

PROPERTY PURCHASE AGREEMENT AND RELOCATION EXPENSES AGREEMENT - 1121 MARKET STREET & 1118 MAIN STREET

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXERCISE THE TERMS OF THE OPTION AGREEMENT TO PURCHASE TWO (2) PARCELS OF REAL PROPERTY SITUATED AT 1121 MARKET STREET AND 1118 MAIN STREET AND TO EXERCISE ANY AND ALL NECESSARY AUTHORITY TO CARRY OUT THE TERMS OF THE PURCHASE AGREEMENT AS WELL AS THE RELOCATION EXPENSE AGREEMENT FOR VERIFIABLE RELOCATION EXPENSES, THE FUNDING OF WHICH IS TO BE REIMBURSED FROM TAX INCREMENT FINANCE (TIF) PROJECT PLAN PROCEEDS .

RESOLUTION - COMMUNITY PARTICIPATION GRANT PROGRAM - CITY OF WHEELING

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO RECEIVE \$15,333.00 FROM THE FISCAL YEAR 2012 COMMUNITY PARTICIPATION GRANT PROGRAM FOR MARKETING & ECONOMIC DEVELOPMENT - PROJECT NO. 12LEDA0195.

Mr. Seals moved, seconded by Mr. Henry, that the Resolution be adopted.

Motion carried.

RESOLUTION - COMMUNITY PARTICIPATION GRANT PROGRAM - RIVER CITY

MUSIC FESTIVAL

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO RECEIVE \$2,000.00 FROM THE FISCAL YEAR 2012 COMMUNITY PARTICIPATION GRANT PROGRAM FOR THE RIVER CITY MUSIC FESTIVAL #2/IMPROVEMENTS - PROJECT NO. 12LEDA0194.

Mr. Seals moved, seconded by Mr. Henry, that the Resolution be adopted.
Motion carried.

RESOLUTION - COMMUNITY PARTICIPATION GRANT PROGRAM - FRIENDS OF I-470/FIELD IMPROVEMENTS

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO RECEIVE \$15,000.00 FROM THE FISCAL YEAR 2012 COMMUNITY PARTICIPATION GRANT PROGRAM FOR THE FRIENDS OF I-470/FIELD 4 IMPROVEMENTS - PROJECT NO. 12LEDA0196.

Mr. Seals moved, seconded by Mr. Henry, that the Resolution be adopted.
Motion carried.

RESOLUTION - REPROGRAMMING OF CDBG FUNDS - ADA SWIMMING POOL ACCESSIBILITY (CDBG)

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING TO DELETE \$33,000 FROM THE FISCAL YEAR 2011 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM'S CONTINGENCY LINE ITEM AND TRANSFER SAME TO A NEWLY-CREATED LINE ITEM WITHIN THE SAME PROGRAM YEAR, KNOWN AS THE ADA SWIMMING POOL ACCESSIBILITY LINE ITEM.

Mr. Seals moved, seconded by Mr. Henry, that the Resolution be adopted.
Motion carried.

THOSE WISHING TO BE HEARD

Bill O'Leary, an Elm Grove resident, suggested the possibility of a walk up window to pay bills to save people from having to walk so far to pay bills.

City Solicitor Humway-Warmuth noted for the record that Councilman Tiu will be excused from the executive session.

Mr. Fahey moved, seconded by Mr. Seals, to suspend the regular order of business to conduct an executive session to discuss pending litigation. Motion carried. Mr. Tiu abstained from voting. Time: 7:15 p.m.

Mr. Fahey moved, seconded by Mr. Seals, to resume the regular order of business. Motion carried. Time: 7:43 p.m.

There being no further business, Mr. Henry moved, seconded by Mr. Seals, to adjourn. Motion carried. time: 7:43 p.m.

City Clerk

Mayor

AGENDA

Wheeling, West Virginia
DATE: December 20, 2011

CONVENED: _____

ADJOURNED: _____

INVOCATION:

ROLL CALL: Taken and _____ members responded.

READING OF THE MINUTES - December 6, 2011

MAYOR'S REPORT

1. CLERK'S REPORT

1. Zone Change Request - 43rd Street & Lane H - R-4 High Density Res. To I-2 General Industry

2. UNFINISHED BUSINESS

1. Adopting Traffic Rule No. 4358 - Commercial Loading Zone - N. Side of 37th St.
2. Adopting Traffic Rule No. 4359 - Handicapped Parking Zone - 3700 Eoff St.
3. Adopting Traffic Rule No. 4360 - No Parking Zone - North and South Sides of Baird St.
4. Adopting Traffic Rule No. 4361 - Establishing 30 Minute Parking Meters & East & West side of Chapline St.
5. Adopting Traffic Rule No. 4362 - Designating Lane 9 as a One-Way Street
6. Stephens Auto Center - 2011 Jeep Liberty (**Water**)
7. Raze International - 2011 Asbestos Abatement (**CDBG**)
8. Raze International - 2011 Demolition (**CDBG**)
 9. Surrey Fire Safety House - 30 Ft. Limited Fire Safety House (**Fire**)
10. Property Purchase Agreement and Relocation Expenses Agreement - 1121 Market St. & 1118 Main St.

HELD OVER: Wheeling Traffic Commission Minutes - 11/10/11; Wheeling Housing Authority Minutes - 10/12/11; Wheeling Arts Commission Minutes - 10/11; Wheeling Municipal Parking System Financial Statement - 10/31/11; Robert C. Byrd Intermodal Transportation Center Financial Statement - 10/31/11.

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

1. Development Committee Report - 12/13/11

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Planning Commission Minutes - 9/12/11
2. Historic Landmarks Commission Minutes - 10/06/11
3. Board of Zoning Appeals Minutes - 10/20/11
4. Wheeling Human Rights Commission Minutes - 09/26/11 & 10/31/11
5. Wheeling - Ohio County Board of Health Minutes - 10/18/11 & 11/08/11
6. Greater Wheeling Sports & Entertainment Authority Minutes - 11/1/11
7. Greater Wheeling Sports & Entertainment Authority Financial Statement 10/31/11
8. Wheeling Arts Commission Minutes - 11/08/11
9. CDBG Building Demolition Status Report - 12/14/11
 10. CDBG Program Status Report - 11/30/11
 11. HOME Program Status Report - 11/30/11
 12. HPRP Program Status Report - 11/30/11
 13. Financial Statement - 11/30/11

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Resolution - Authorizing Payment of Invoices - Wastewater Project - Series 2010B (**WPCD**)

THOSE WISHING TO BE HEARD