

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. Mr. Fahey requested that those present remember in their prayers two city employees who were injured today.

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 January 3, 2012 meeting be approved as received. Motion carried.

### **MAYOR'S REPORT**

Mayor McKenzie reported that he attended a Martin Luther King Event on Monday at the Fourth Street United Methodist Church and urged Council to attend this very nice event next year.

### **UNFINISHED BUSINESS**

#### ADOPTING TRAFFIC RULE NO. 4363 - HANDICAPPED PARKING ZONE - ACROSS FROM 62 OAKLAND AVENUE.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4363.

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. 4364 - NO PARKING ZONE - SOUTH SIDE OF PARK PLACE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4364.

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. 4365 - NO PARKING ZONE - NORTH SIDE OF PARK PLACE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4365.

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. 4366 - UNRESTRICTED PARKING ZONE - EAST SIDE OF KRUGER STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4366.

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.

B & R POOLS AND SWIM SHOP - ADA LADDER AND POOL LIFTS (CDBG)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$23,250.00 WITH B & R POOLS AND SWIM SHOP, OF PITTSBURGH, PA, FOR ADA LADDER AND POOL LIFTS, TO BE CHARGED TO CDBG 2011-12 ADA POOL STEPS - #1509-011-500 (\$2,450.00) AND 2011-12 ADA POOL ACCESS - #1509-011-510 (\$20,800.00)

In response to a question from Mayor McKenzie, Mr. Herron said that, as it required some specialized equipment, no local companies bid on this project.

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.

ABANDONMENT OF A PORTION OF ALLEY E BETWEEN LOTS 234 & 235 (MIKE FERNS)

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING VACATING AND ABANDONING A PORTION OF ALLEY E, BETWEEN LOTS 234 & 235 AS SHOWN 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.

Mr. Fahey moved, seconded by Mr. Seals, that the Wheeling Traffic Commission Minutes - 12/08/11; Wheeling Municipal Parking System Financial Statement - 11/30/11; and Robert C. Byrd Intermodal Transportation Center Financial Statement - 11/30/11; which were held over, be approved as received. Motion carried.

**REMARKS FROM MEMBERS OF COUNCIL**

Mr. Seals announced, at this time and after 25 years of service to the constituents of the Second Ward, he will not be seeking reelection. He said that he would like to spend time with his family and grandchildren.

Mayor McKenzie commented that Mr. Seals has always been honest, hard working and has always stood up for what he believed in.

Mr. Tiu commented that he will be recusing himself from voting on ordinance 9/2 that is listed under Original Propositions on tonight's agenda, which is the Agreement with Alpha Engineers and Architects for design of East Wheeling Sports Complex.

Mr. Fahey expressed appreciation to the Street Department for their quick response to an incident that occurred in Elm Grove this past week-end.

**REPORT OF CITY MANAGER**

City Manager Robert Herron explained that the WV Department of Environmental Protection is in the process of closing the old North Park Landfill, which is causing a large volume of trucks to travel to and from the landfill. They are stockpiling the soil at the landfill from a well site in Marshall County and later this summer will utilize it to do the final closure. He assured Council that the trucks that are traveling to and from the landfill are bonded. Mr. Tiu asked how many acres would be affected by this closure. Mr. Herron said that

he would get that information for him.

Mr. Fahey asked Mr. Herron to explain the process of obtaining permits for parking in the alleys in the Centre Wheeling area. Mr. Herron explained that the Wheeling Traffic Commission is recommending to Council that permit parking be permitted in the alleys in the Centre Wheeling area. This request came from the City Administration. He said that the Wheeling Parking Authority will be in charge of administering and monitoring the parking.

### **REPORT OF OTHER OFFICERS**

Mr. Fahey moved, seconded by Mr. Seals, that the Historic Landmarks Commission Minutes - 12/01/11; Planning Commission Minutes - 12/12/11; Planning Commission Report - 01/11/12; Wheeling Housing Authority Minutes - 11/09/11; CDBG Program Status Report - 12/31/11; HOME Program Status Report - 12/31/11; HPRP Program Status Report - 12/31/11; and Financial Statement - 12/31/11; be held over until the next meeting. Motion carried.

### **ORIGINAL PROPOSITIONS**

#### AMENDING CODIFIED ORDINANCES - SECTION 5 - CHARTER - UPDATING PRECINCTS

The following was then read:

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF WHEELING BY UPDATING THE LISTING OF PRECINCTS WITH SECTION 5 OF THE CHARTER.

#### AGREEMENT - ALPHA ARCHITECTS & ENGINEERS - DESIGN OF CITY'S EAST WHEELING SPORTS COMPLEX

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH ALPHA ARCHITECTS AND ENGINEERS, OF MORGANTOWN, WV, FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF THE CITY OF WHEELING'S EAST WHEELING SPORTS COMPLEX AT A COST NOT TO EXCEED \$188,500.00.

### **THOSE WISHING TO BE HEARD**

Emma Lou Carle, 418 Jones Street, appeared before Council to ask that something be done about the water run-off from a condo that is located on Jones Street. Mayor McKenzie asked Mrs. Carle to stay after the meeting to talk to the City Manager about the problem.

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

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City Clerk

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Mayor

AGENDA

Wheeling, West Virginia  
DATE: February 7, 2012

CONVENED: \_\_\_\_\_

ADJOURNED: \_\_\_\_\_

**INVOCATION:**

**ROLL CALL:** Taken and \_\_\_\_\_ members responded.

**READING OF THE MINUTES** - January 17, 2011

**MAYOR'S REPORT**

**1. CLERK'S REPORT**

**2. UNFINISHED BUSINESS**

1. Amending Codified Ordinances - Section 5 - Charter - Updating Precincts
2. Agreement - Alpha Architects & Engineers - Design of City's East Wheeling Sports Complex

**HELD OVER:** Historic Landmarks Commission Minutes - 12/01/11; Planning Commission Minutes - 12/12/11; Planning Commission Report - 01/11/12; Wheeling Housing Authority Minutes - 11/09/11; CDBG Program Status Report - 12/31/11; HOME Program Status Report - 12/31/11; HPRP Program Status Report - 12/31/11; Financial Statement - 12/31/11.

**3. REMARKS FROM MEMBERS OF COUNCIL**

**4. REPORT OF COMMITTEES**

1. Finance Committee Report - 1/17/12
2. Development Committee Report - 2/1/12

**5. REPORT OF CITY MANAGER**

**6. REPORT OF OTHER OFFICERS**

1. Greater Wheeling Sports & Entertainment Authority Income Statement - 11/30/11 & 12/31/11
2. Greater Wheeling Sports & Entertainment Authority Minutes - 12/6/11
3. Wheeling-Ohio County Board of Health Minutes - 12/13/11
4. Wheeling Housing Authority Minutes - 12/14/11
5. Board of Zoning Appeals Minutes - 12/15/11
6. Wheeling Traffic Commission Minutes - 1/12/12
7. Wheeling Municipal Parking System Financial Statement - 12/31/11
8. Robert C. Byrd Intermodal Transportation Center Financial Statement - 12/31/11

**7. PETITIONS OF REDRESS OR GRIEVANCE**

**8. PETITIONS OF ALL OTHER KINDS**

**9. ORIGINAL PROPOSITIONS**

1. Adopting Traffic Rule No. 4367 - Permit Parking - Lane C - 20<sup>th</sup> to 23<sup>rd</sup> Street
2. Adopting Traffic Rule No. 4368 - Permit Parking - Lane B - 21<sup>st</sup> to 23<sup>rd</sup> Street
3. Adopting Traffic Rule No. 4369 - Permit Parking - Lane 17, 18, 19 - Main to Chapline Street
4. Adopting Traffic Rule No. 4370 - Removal of No Parking Sweeper Zone - Eoff & 24<sup>th</sup> St.
5. Adopting Traffic Rule No. 4371 - Commercial Loading Zone - West Side of Chapline St.
6. Adopting Traffic Rule No. 4372 - One Hr. Parking Zone - South Side of 12<sup>th</sup> St.
7. Raze International, Inc. - Asbestos Removal - 1118 Main St. & 1121 Market St.
8. Designating Depositories - 2012
9. Zone Change - Property Located at the Intersection of 43<sup>rd</sup> St. & Lane H
10. Dore & Associates Contracting - 1100 Block Demolition
11. Resolution - WVDJCS - Application for Prevention Resource Officer Program Grant - 2012
12. Resolution - Designating 86 - 16<sup>th</sup> Street as a Development/Redevelopment Site
13. Resolution - Authorizing Payment of Invoices - Wastewater Project - Series 2010B (WPCD)

**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 January 17, 2012 meeting be approved as received. Motion carried.

### **MAYOR'S REPORT**

Mayor McKenzie read and presented a proclamation to Paula Calvert proclaiming the week of February 19 through February 26, 2012 as "West Virginia Saves Week."

Mayor McKenzie commented on a recent trip to Charleston to attend the WVML Winter Conference, along with members of Council and the Administration. He said that it was a great opportunity to meet and share with other colleagues around the state.

### **UNFINISHED BUSINESS**

#### **AMENDING CODIFIED ORDINANCES - SECTION 5 - CHARTER - UPDATING PRECINCTS**

The following was then read:

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF WHEELING BY UPDATING THE LISTING OF PRECINCTS WITH 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, 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 - ALPHA ARCHITECTS & ENGINEERS - DESIGN OF CITY'S EAST WHEELING SPORTS COMPLEX**

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH ALPHA ARCHITECTS AND ENGINEERS, OF MORGANTOWN, WV, FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF THE CITY OF WHEELING'S EAST WHEELING SPORTS COMPLEX AT A COST NOT TO EXCEED \$188,500.00.

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

Mr. Henry, that the ordinance be adopted.

Mr. Tiu noted that he would be abstaining from voting on this matter due to a possible conflict of interest.

The vote on the motion resulted as follows:

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

NOES: - 0

Mr. Tiu abstained from voting.

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 - 12/01/11; Planning Commission Minutes - 12/12/11; Planning Commission Report - 01/11/12; Wheeling Housing Authority Minutes - 11/09/11; CDBG Program Status Report - 12/31/11; HOME Program Status Report - 12/31/11; HPRP Program Status Report - 12/31/11; and Financial Statement - 12/31/11; which were held over, be approved as received. Motion carried.

### **REMARKS FROM MEMBERS OF COUNCIL**

Mrs. Delbrugge commented that she recently had to call 911 in regard to an emergency situation and praised the Wheeling Fire Department for their quick response and the compassionate and caring way they handled the situation.

Mr. Fahey also commented on how beneficial the WVML Winter Conference is to cities and towns throughout the State. He pointed out too that our representatives were able to meet one on one with the Governor.

Mr. Fahey congratulated the American Legion for seeking to have the property at 86 - 16<sup>th</sup> Street made a redevelopment/development site and putting that building back to use.

### **REPORT OF COMMITTEES**

#### **FINANCE COMMITTEE REPORT - JANUARY 17, 2012**

The Finance Committee of Wheeling City Council met on Tuesday, January 17, 2012 at 6:30 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, Economic and Community Development Director Nancy Prager, City Clerk Janice Jones and the media.

The following matter was discussed:

#### **Financial Statement - December 31, 2011**

Mr. Herron reported that the balance in the General Fund is \$1,750,000.00 compared to last year's balance of \$1,675,000. He reported that we are at 51% of budget as compared to 53% for last year. He noted that revenues are slightly ahead of last year's figures and expenses are slightly behind last year's figures. A discussion of various line items ensued. Following this short discussion, Mr. Fahey moved, seconded by Mr. Tiu, to accept the December Financial Statement as presented. Motion carried.

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

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

**DEVELOPMENT COMMITTEE REPORT - FEBRUARY 1, 2012**

The Development Committee of Wheeling City Council met on Wednesday, February 1, 2012 at 12:00 Noon 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 Mike Klug; City Solicitor Rose Humway-Warmuth, ECD Assisant Director Tom Connelly; City Clerk Janice Jones and the media.

The following matters were discussed:

**Request for Development/Redevelopment District -Wheeling Post #1 Home Corporation - 86 - 16<sup>th</sup> Street** - City Manager Herron explained that he had received a request from Robert Samol, Esq., representing Wheeling Post #1 Home Corporation, to have the property located at 86-16th Street be designated as a Development/Redevelopment site. Mr. Herron reviewed the zoning requirements with the Committee. He noted that the property was previously a bar and restaurant; however, since it is in a C-2 General Commercial Zone, this use is not permitted unless it is declared a redevelopment area. Mr. Samol gave a presentation to the committee outlining the history of the property. Following a question and answer period, Mr. Fahey moved, seconded by Mrs. Delbrugge, to recommend the Redevelopment District to City Council. Motion carried.

There being no further business to come before the Committee, Mr. Fahey moved, seconded by Mrs. Delbrugge, to adjourn. Time: 12:10 p.m.

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

In response to a question from Mr. Tiu as to whether any comments were received about this request, Mr. Henry and the Committee responded, "No."

**REPORT OF CITY MANAGER**

City Manager Robert Herron respectfully requested that Item 9/7, listed under Original Propositions, be read two times this evening so that the asbestos abatement on these two properties could be expedited before the demolition of the 1100 block begins.

**REPORT OF OTHER OFFICERS**

Mr. Fahey moved, seconded by Mr. Seals, that the Greater Wheeling Sports & Entertainment Authority Income Statement - 11/30/11 & 12/31/11; Greater Wheeling Sports & Entertainment Authority Minutes - 12/6/11; Wheeling-Ohio County Board of Health Minutes - 12/13/11; Wheeling Housing Authority Minutes - 12/14/11; Board of Zoning Appeals Minutes - 12/15/11; Wheeling Traffic Commission Minutes - 1/12/12; Wheeling Municipal Parking System Financial Statement - 12/31/11; and Robert C. Byrd Intermodal Transportation Center Financial Statement - 12/31/11; be held over until the next meeting. Motion carried.

**ORIGINAL PROPOSITIONS**

**ADOPTING TRAFFIC RULE NO. 4367 - PERMIT PARKING - LANE C - 20<sup>TH</sup> TO 23<sup>RD</sup> STREET**

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4367.

**ADOPTING TRAFFIC RULE NO. 4368 - PERMIT PARKING - LANE B - 21<sup>ST</sup> TO 23<sup>RD</sup> STREET**

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4368.

ADOPTING TRAFFIC RULE NO. 4369 - PERMIT PARKING - LANE 17, 18, 19 - MAIN TO  
CHAPLINE STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4369.

ADOPTING TRAFFIC RULE NO. 4370 - REMOVAL OF NO PARKING SWEEPER ZONE -  
EOFF & 24<sup>TH</sup> ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4370.

ADOPTING TRAFFIC RULE NO. 4371 - COMMERCIAL LOADING ZONE - WEST SIDE  
OF CHAPLINE ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4371.

ADOPTING TRAFFIC RULE NO. 4372 - ONE HR. PARKING ZONE - SOUTH SIDE OF  
12<sup>TH</sup> ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4372.

RAZE INTERNATIONAL, INC. - ASBESTOS REMOVAL - 1118 MAIN ST. & 1121  
MARKET 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 \$26,290.00 WITH  
RAZE INTERNATIONAL, INC., OF SHADYSIDE, OH, FOR  
ASBESTOS ABATEMENT OF 1118 MAIN STREET & 1121  
MARKET STREET, TO BE CHARGED TO T.I.F. DOWNTOWN  
REDEVELOPMENT PROJECT #4.

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 \$26,290.00 WITH  
RAZE INTERNATIONAL, INC., OF SHADYSIDE, OH, FOR  
ASBESTOS ABATEMENT OF 1118 MAIN STREET & 1121  
MARKET STREET, TO BE CHARGED TO T.I.F. DOWNTOWN  
REDEVELOPMENT PROJECT #4.

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

DESIGNATING DEPOSITORIES - 2012

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 2012, 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.

ZONE CHANGE - PROPERTY LOCATED AT THE INTERSECTION OF 43<sup>RD</sup> ST. & LANE H

The following was then read:

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF THE PROPERTY LOCATED AT THE SOUTH WEST CORNER OF THE INTERSECTION OF 43<sup>RD</sup> STREET AND LANE H IDENTIFIED AS LOTS NUMBERED ONE (1), TWO (2) AND SIX (6) IN SQUARE NUMBERED FORTY-EIGHT (48) IN THE FORMER TOWN OF SOUTH WHEELING NOW PART OF THE CITY OF WHEELING FROM R-4 HIGH DENSITY RESIDENTIAL TO I-2 GENERAL INDUSTRY.

DORE & ASSOCIATES CONTRACTING - 1100 BLOCK DEMOLITION

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 \$693,600.00 WITH DORE & ASSOCIATES CONTRACTING, OF BAY CITY, MI, FOR 1100 BLOCK DEMOLITION, TO BE CHARGED TO T.I.F. PROJECT PLAN #4.

RESOLUTION - WVDJCS - APPLICATION FOR PREVENTION RESOURCE OFFICER PROGRAM GRANT - 2012

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO MAKE APPLICATION TO THE WV DIVISION OF JUSTICE AND COMMUNITY SERVICES FOR THE FY

2012-13 PREVENTION RESOURCE OFFICER PROGRAM  
GRANT (JAG) - FY2012.

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

RESOLUTION - DESIGNATING 86 - 16<sup>TH</sup> STREET AS A DEVELOPMENT -  
REDEVELOPMENT SITE

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
WHEELING IDENTIFYING 86 - 16<sup>th</sup> STREET AS A  
DEVELOPMENT OR A REDEVELOPMENT SITE.

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

Mr. Seals commented that he will not support this designation as he believes there  
is a D-1 district downtown where these types of businesses could relocate.

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.

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

**THOSE WISHING TO BE HEARD**

Mr. Craig Thoburn, 27 Woodland Drive, addressed Council about removing  
fluoride from the drinking water.

There being no further business, Mr. Henry moved, seconded by Mr. Seals, to  
adjourn. Motion carried. time: 7:25 p.m.

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City Clerk

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Mayor

**AMENDED AGENDA**

Wheeling, West Virginia  
DATE: February 21, 2012

CONVENED: \_\_\_\_\_

ADJOURNED: \_\_\_\_\_

**INVOCATION:**

**ROLL CALL:** Taken and \_\_\_\_\_ members responded.

**READING OF THE MINUTES** - February 7, 2011

**MAYOR'S REPORT**

**1. CLERK'S REPORT**

**2. UNFINISHED BUSINESS**

1. Adopting Traffic Rule No. 4367 - Permit Parking - Lane C - 20<sup>th</sup> to 23<sup>rd</sup> Street
2. Adopting Traffic Rule No. 4368 - Permit Parking - Lane B - 21<sup>st</sup> to 23<sup>rd</sup> Street
3. Adopting Traffic Rule No. 4369 - Permit Parking - Lane 17, 18, 19 - Main to Chapline Street
4. Adopting Traffic Rule No. 4370 - Removal of No Parking Sweeper Zone - Eoff & 24<sup>th</sup> St.
5. Adopting Traffic Rule No. 4371 - Commercial Loading Zone - West Side of Chapline St.
6. Adopting Traffic Rule No. 4372 - One Hr. Parking Zone - South Side of 12<sup>th</sup> St.
- ~~7. Raze International, Inc. - Asbestos Removal - 1118 Main St. & 1121 Market St.~~
8. Designating Depositories - 2012
9. Zone Change - Property Located at the Intersection of 43<sup>rd</sup> St. & Lane H
10. Dore & Associates Contracting - 1100 Block Demolition

**HELD OVER:** Greater Wheeling Sports & Entertainment Authority Income Statement - 11/30/11 & 12/31/11; Greater Wheeling Sports & Entertainment Authority Minutes - 12/6/11; Wheeling-Ohio County Board of Health Minutes - 12/13/11; Wheeling Housing Authority Minutes - 12/14/11; Board of Zoning Appeals Minutes - 12/15/11; Wheeling Traffic Commission Minutes - 1/12/12; Wheeling Municipal Parking System Financial Statement - 12/31/11; Robert C. Byrd Intermodal Transportation Center Financial Statement - 12/31/11.

**3. REMARKS FROM MEMBERS OF COUNCIL**

**4. REPORT OF COMMITTEES**

**5. REPORT OF CITY MANAGER**

**6. REPORT OF OTHER OFFICERS**

1. Board of Zoning Appeals Minutes - 01/19/12
2. Planning Commission Minutes - 01/09/12
3. Historic Landmarks Commission Minutes - 01/05/12
4. Wheeling Housing Authority Minutes - 01-18-12
5. CDBG Program Status Report - 01/31/12
6. HOME Program Status Report - 01/31/12
7. HPRP Program Status Report - 01/31/12
8. Financial Statement - 01/31/12

**7. PETITIONS OF REDRESS OR GRIEVANCE**

**8. PETITIONS OF ALL OTHER KINDS**

**9. ORIGINAL PROPOSITIONS**

1. Savage Construction Co. - CO #1 & 2 - Virginia Street Sidewalks & Curbs (CDBG)
2. Resolution - Governor's Community Participation Grant Applic. - Arts & Culture Commission

**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 February 7, 2012 meeting be approved as received, with a typographical error corrected. Motion carried.

#### **MAYOR'S REPORT**

Mayor McKenzie thanked everyone who attended the State of the City Event at noon today. He commented on the many businesses that were recognized and also the recognition of City Manager Robert Herron on his ten year anniversary with the City and how well the City has done under his leadership.

At this time, Mr. Fahey moved, seconded by Mr. Seals, to change to order of business in order to hear those who signed up to speak before Council under "Those Wishing to be Heard."  
Motion carried.

#### **THOSE WISHING TO BE HEARD**

Dr. D. W. Cummings, Reverend Willie Stinson, Reverend Eric Gray Minister Janetta Gray, Reverend Jeremiah Jasper, and Reverend Willie Nevels, were in attendance. Dr. Cummings spoke on behalf of the group and presented petitions, containing approximately 700 signatures, requesting that Stone Boulevard to 11<sup>th</sup> and Chapline Street be renamed MLK, Jr. Boulevard. Dr. Cummings pointed out that Wheeling is one of the only major cities in the nation and in the state that does not have a street names in honor of Dr. Martin Luther King, Jr. Mayor McKenzie thanked them for coming and will arrange a meeting in the near future to discuss this further.

Craig Thoburn, 27 Woodland Drive, addressed Council again about fluoride in our drinking water. He distributed a letter for Council to consider sending to the supplier of the City's fluoridation material and ask them some specific questions about this issue.

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

Mayor McKenzie asked for Council's concurrence in the appointments of Anne Foreman and Sean Duffy to the Wheeling Hall of Fame Board. Mr. Atkinson moved, seconded by Mr. Seals, Council's concurrence in the appointments. Motion carried.

#### **UNFINISHED BUSINESS**

#### **ADOPTING TRAFFIC RULE NO. 4367 - PERMIT PARKING - LANE C - 20<sup>TH</sup> TO 23<sup>RD</sup> STREET**

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4367.

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. 4368 - PERMIT PARKING - LANE B - 21<sup>ST</sup> TO 23<sup>RD</sup> STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4368.

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. 4369 - PERMIT PARKING - LANE 17, 18, 19 - MAIN TO CHAPLINE STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4369.

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. 4370 - REMOVAL OF NO PARKING SWEEPER ZONE - EOFF & 24<sup>TH</sup> ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4370.

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. 4371 - COMMERCIAL LOADING ZONE - WEST SIDE

OF CHAPLINE ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4371.

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. 4372 - ONE HR. PARKING ZONE - SOUTH SIDE OF  
12<sup>TH</sup> ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4372.

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.

DESIGNATING DEPOSITORIES - 2012

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 2012, 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.

ZONE CHANGE - PROPERTY LOCATED AT THE INTERSECTION OF 43<sup>RD</sup> ST. & LANE H

The following was then read:

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF THE PROPERTY LOCATED AT THE SOUTH WEST CORNER OF THE INTERSECTION OF 43<sup>RD</sup> STREET AND LANE H IDENTIFIED AS LOTS NUMBERED ONE (1), TWO (2) AND SIX (6) IN SQUARE NUMBERED FORTY-EIGHT (48) IN THE FORMER TOWN OF SOUTH WHEELING NOW PART OF THE CITY OF WHEELING FROM R-4 HIGH DENSITY RESIDENTIAL TO I-2 GENERAL INDUSTRY.

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.

DORE & ASSOCIATES CONTRACTING - 1100 BLOCK DEMOLITION

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 \$693,600.00 WITH DORE & ASSOCIATES CONTRACTING, OF BAY CITY, MI, FOR 1100 BLOCK DEMOLITION, TO BE CHARGED TO T.I.F. PROJECT PLAN #4.

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 Greater Wheeling Sports & Entertainment Authority Income Statement - 11/30/11 & 12/31/11; Greater Wheeling Sports & Entertainment Authority Minutes - 12/6/11; Wheeling-Ohio County Board of Health Minutes - 12/13/11; Wheeling Housing Authority Minutes - 12/14/11; Board of Zoning Appeals Minutes - 12/15/11; Wheeling Traffic Commission Minutes - 1/12/12; Wheeling Municipal Parking System Financial Statement - 12/31/11; and Robert C. Byrd Intermodal Transportation Center Financial Statement - 12/31/11; which were held over, be approved as received. Motion carried.

**REMARKS FROM MEMBERS OF COUNCIL**

Vice Mayor Fahey publicly thanked Police Chief Robert Matheny for his leadership during the past two and a half years that he has been Chief and wished him well in his new endeavor.

In regard to Mr. Thoburn's comments about fluoride in our drinking water, Vice Mayor Fahey commented that the City Manager has kept Council well informed about this issue. The City Manager has done extensive research on this matter himself and according to State and Federal regulations, we are right in line with other cities throughout the State and Country.

### **REPORT OF CITY MANAGER**

City Manager Robert Herron said that a new Fire Truck will be delivered this week and will be put in use at Headquarters. Mr. Herron respectfully requested two readings on Item 9/1 - Savage Construction - Change Order Nos. 1 and 2 for the Virginia Street Sidewalks and Curbs Project in order to complete the project.

### **REPORT OF OTHER OFFICERS**

Mr. Fahey moved, seconded by Mr. Seals, that the Board of Zoning Appeals Minutes - 1/19/12; Planning Commission Minutes - 1/9/12; Historic Landmarks Commission Minutes - 1/5/12; Wheeling Housing Authority Minutes, 1/18/12; CDBG Program Status Report - 1/31/12; HOME Program Status Report - 1/31/12; HPRP Program Status Report - 1/31/12 and the Financial Statement for 1/31/12 be held over until the next meeting. Motion carried.

### **ORIGINAL PROPOSITIONS**

#### **SAVAGE CONSTRUCTION CO. - CO. #1 & #2 - VIRGINIA STREET SIDEWALKS & CURBS (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 \$55,290.00 WITH SAVAGE CONSTRUCTION CO., OF WHEELING, WV, FOR CHANGE ORDER NO. 1 & 2 FOR THE VIRGINIA STREET SIDEWALKS AND CURBS PROJECT, TO BE CHARGED TO CDBG - 2010-11 CURBS & SIDEWALKS - #1507-010-220.

Mr. Seals moved, seconded by Mr. Henry, that this ordinance be read 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 \$55,290.00 WITH SAVAGE CONSTRUCTION CO., OF WHEELING, WV, FOR CHANGE ORDER NO. 1 & 2 FOR THE VIRGINIA STREET SIDEWALKS AND CURBS PROJECT, TO BE CHARGED TO CDBG - 2010-11 CURBS & SIDEWALKS - #1507-010-220.

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.

Mr. Seals commented on the difference these sidewalk projects make in improving the appearance of the neighborhoods.

RESOLUTION - GOVERNOR'S COMMUNITY PARTICIPATION GRANT APPLICATION -  
ARTS & CULTURE COMMISSION

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING  
TO RECEIVE \$5,000.00 FROM THE FISCAL YEAR 2012  
COMMUNITY PARTICIPATION GRANT PROGRAM FOR  
ARTS & CULTURE COMMISSION - PROJECT NO.  
102LEDA0985N.

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

Mayor McKenzie also thanked WKKX for broadcasting the State of the City event today and commended them for their community involvement. He also reminded the public that the City's proposed budget for 2012-2013 will be on the City's website.

There being no further business, Mr. Henry moved, seconded by Mr. Seals, to adjourn. Motion carried. Time: 7:25 p.m.

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City Clerk

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Mayor

AGENDA

Wheeling, West Virginia  
DATE: March 6, 2012

CONVENED: \_\_\_\_\_

ADJOURNED: \_\_\_\_\_

**INVOCATION:**

**ROLL CALL:** Taken and \_\_\_\_\_ members responded.

**READING OF THE MINUTES** - February 21, 2011

**PUBLIC HEARING - CENTRE MARKET LEASE - ELIZABETH VDOVJAK  
DBA CENTRE MARKET BAKERY**

**MAYOR'S REPORT**

**1. CLERK'S REPORT**

**2. UNFINISHED BUSINESS**

**HELD OVER:** Board of Zoning Appeals Minutes - 01/19/12; Planning Commission Minutes - 01/09/12; Historic Landmarks Commission Minutes - 01/05/12; Wheeling Housing Authority Minutes - 01-18-12; CDBG Program Status Report - 01/31/12; HOME Program Status Report - 01/31/12; HPRP Program Status Report - 01/31/12; Financial Statement - 01/31/12

**3. REMARKS FROM MEMBERS OF COUNCIL**

**4. REPORT OF COMMITTEES**

1. Finance Committee Report - 2/21/12

**5. REPORT OF CITY MANAGER**

**6. REPORT OF OTHER OFFICERS**

1. Greater Wheeling Sports & Entertainment Authority Income Statement - 1/31/12
2. Greater Wheeling Sports & Entertainment Authority Minutes - 1/31/12

**7. PETITIONS OF REDRESS OR GRIEVANCE**

**8. PETITIONS OF ALL OTHER KINDS**

**9. ORIGINAL PROPOSITIONS**

1. Glen Dale Motors - 2012 Dodge Charger Police Pursuit Cruiser (PD)
2. Resolution - Governor's Community Participation Grant - Cultural Economic Development - Applic.
3. Resolution - Governor's Community Participation Grant - Recreation Infrastructure Imp. - Applic
4. Resolution - Centre Market Lease - Elizabeth Vdovjak, dba Centre Market Bakery
5. Resolution - Authorizing Payment of Invoices - Wastewater Project - Series 2010B (WPCD)

**THOSE WISHING TO BE HEARD**

Wheeling, West Virginia  
March 6, 2012

Council of the City of Wheeling met in the City Manager's Conference Room, 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 February 21, 2012 meeting be approved as received. 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 - CENTRE MARKET LEASE - ELIZABETH VDOVJAK  
DBA CENTER MARKET BAKERY**

Mayor McKenzie asked if there was anyone present who wished to speak at this public hearing. City Manager Robert Herron explained that, as the Centre Market is city-owned property, a public hearing is required prior to entering into a lease agreement. There was no one present to speak, 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 presented a proclamation recognizing March 18-24, 2012 as National Safe Place Week in the City of Wheeling. Mayor McKenzie apologized for any inconvenience that may be experienced while the new Council Chambers is being relocated.

Mr. Fahey moved, seconded by Mr. Seals that the Board of Zoning Appeals Minutes - 01/19/12; Planning Commission Minutes - 01/09/12; Historic Landmarks Commission Minutes - 01/05/12; Wheeling Housing Authority Minutes - 01-18-12; CDBG Program Status Report - 01/31/12; HOME Program Status Report - 01/31/12; HPRP Program Status Report - 01/31/12; Financial Statement - 01/31/12, which were held over, be approved as received. Motion carried.

**REMARKS FROM MEMBERS OF COUNCIL**

**REPORT OF COMMITTEES**

**FINANCE COMMITTEE REPORT - FEBRUARY 21, 2012**

The Finance Committee of Wheeling City Council met on Tuesday, February 21, 2012 at 6:30 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 Rosemary Warmuth, Fire Chief Larry Helms, Economic and Community Development Director Nancy Prager, City Clerk Janice Jones and the media.

The following matters were discussed:

**Distribution of General Fund Budget and Coal Severance Fund Budget for Fiscal Year 2012-2013**

City Manager Robert Herron distributed the Budget to Council. The proposed budget, as presented is \$29,893,000.00, compared to current year's budget of \$30,375,000.00. Mr. Herron

pointed out that this year's proposed budget, for the eighth year, maintains a Budget Stabilization Fund at \$1,000,000. He indicated that municipal services will remain the same. Mr. Herron also indicated that the budget does not include any proposed increase in taxes; however, there is a proposed increase of \$1.50/month in the fee for services in Sanitation. Mr. Herron briefly reviewed budget discussion points which will be discussed in more detail at the budget work session. He also talked about the reduction in CDBG funds that will ultimately impact the General Fund Budget. Mr. Herron commented that the first budget work session is scheduled for March 5, 2012 at 4:00 p.m. In accordance with State Code, the Budget is proposed to be adopted at the March 20, 2012 City Council meeting. Following adoption of the budget, it will be sent to the State Auditor's Office for approval. It is then returned and the laying of the levy rates by City Council will occur. Once the budget year is completed, the Finance Committee will meet on July 22, 2012 to consider the unencumbered cash carryover. This date; however, is tentative and contingent upon timing of closing year end 2011-2012.

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

### **Financial Statement - January 31, 2012**

City Manager Herron explained that this report represents the start of the third quarter for this fiscal year. He explained that revenues, as reflected in this statement, are about \$400,000.00 more than they were for the same period last year. He indicated that we are on track with the current budget. Following a short discussion, Mr. Fahey moved, seconded by Mr. Tiu, to accept the January 31, 2012 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. Seals to adjourn. Time: 6:45 p.m.

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

### **REPORT OF CITY MANAGER**

City Manager Robert Herron respectfully requested that Item 9/1, an Ordinance with Glen Dale Motors, be read for two times this evening, as it is a replacement for a police cruiser that was in an accident. Mr. Herron also pointed out that the CDBG Public Service Requests are on Council's table this evening. A draft CDBG budget is also included. A work session on this budget and the public services requests will be held on Monday, March 12<sup>th</sup> at 4:00 p.m. in the City Manager's Conference Room. A public hearing will follow at the second Council meeting in April. He pointed out that this year's allocation has been reduced by approximately \$212,000.00

City Manager Herron informed Council and those present that the renovation of City Council Chambers has begun and will probably take about five months to complete.

At this time, Mr. Herron recognized Police Chief Robert Matheny, who will be leaving the City for a new position in Fairmont, WV. He praised Chief Matheny for all he accomplished in the 2 ½ years he has been here and wished him well in his new position. He also congratulated Deputy Chief Michael Van Kirk who will be sworn in tomorrow as Acting Police Chief. Mayor McKenzie reminded those present that there will be reception honoring Chief Matheny at the First State Capital Building at 10:00 a.m. tomorrow. Mayor McKenzie reiterated Mr. Herron's comments in regard to Chief Matheny.

In response to a request from Mayor McKenzie, Chief Matheny updated Council on Officer Mariner's physical condition following his recent accident.

### **REPORT OF OTHER OFFICERS**

Mr. Fahey moved, seconded by Mr. Seals, that the Greater Wheeling Sports and Entertainment Authority Income Statement, 1/31/12; and the Greater Wheeling Sports and Entertainment Authority Minutes, 1/31/12; be held over until the next meeting. Motion carried.

**ORIGINAL PROPOSITIONS**

GLEN DALE MOTORS - 2012 DODGE CHARGER POLICE PURSUIT CRUISER (PD)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$25,736.00 WITH GLEN DALE MOTOR COMPANY, OF GLEN DALE, WV, FOR ONE (1) 2012 DODGE CHARGER POLICE PURSUIT CRUISER, PER BID SPECIFICATIONS, TO BE CHARGED TO POLICE VEHICLES 2011-12 #001-4976-40-9087.

Mr. Seals moved, seconded by Mr. Henry, that the 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 \$25,736.00 WITH GLEN DALE MOTOR COMPANY, OF GLEN DALE, WV, FOR ONE (1) 2012 DODGE CHARGER POLICE PURSUIT CRUISER, PER BID SPECIFICATIONS, TO BE CHARGED TO POLICE VEHICLES 2011-12 #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:

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 - GOVERNOR'S COMMUNITY PARTICIPATION GRANT - CULTURAL ECONOMIC DEVELOPMENT - APPLIC.

\_\_\_\_\_ The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO RECEIVE \$8,000.00 FROM THE FISCAL YEAR 2012 GOVERNOR'S COMMUNITY PARTICIPATION PROGRAM FOR THE CITY OF WHEELING - CULTURAL ECONOMIC DEVELOPMENT - PROJECT NO. 12LEDA0554.

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

RESOLUTION - GOVERNOR'S COMMUNITY PARTICIPATION GRANT - RECREATION INFRASTRUCTURE IMPROVEMENTS - APPLIC.

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO RECEIVE \$8,000.00 FROM THE FISCAL YEAR 2012 GOVERNOR'S COMMUNITY PARTICIPATION PROGRAM FOR THE CITY OF WHEELING - RECREATION INFRASTRUCTURE IMPROVEMENTS - PROJECT NO. 12LEDA0555.

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

RESOLUTION - CENTRE MARKET LEASE - ELIZABETH VDOVJAK, DBA CENTRE MARKET BAKERY

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE WITH ELIZABETH VDOVJAK, DBA CENTRE MARKET BAKERY, FOR A PORTION OF THE CENTRE MARKET PROPERTY LOCATED IN THE 2200 BLOCK OF MARKET STREET.

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.

EDGCO, INC. - EAST WHEELING DEMOLITION (SPORTS COMPLEX AREA)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$345,650.00 WITH EDGCO, INC., OF LANSING, OH, FOR EAST WHEELING DEMOLITION, TO BE CHARGED TO RCIP.

Mr. Fahey moved, seconded by Mr. Seals, to return to the City Manager's Report.  
Motion carried. Mr. Herron introduced the new Community Relations Director, Allison O'Konski.

**THOSE WISHING TO BE HEARD**

Gust Kepreos, 629 N. Front Street, spoke on behalf of the F.O. P. with concerns about the possible increase in health insurance costs for employees.

Randy Berisford, Valley View Avenue, addressed Council about his concerns about chemicals in the water. He requested detailed information about the chemicals. Mayor McKenzie advised him to contact the City Manager. Mr. Seals called for a point of order as Mr. Berisford is running for City Council. Mayor McKenzie commented that he did not believe that this was an issue.

Mr. Fahey moved, seconded by Mr. Atkinson, to return to Remarks from Members of Council. Motion carried.

Mr. Fahey commented on the employee's insurance issue that was discussed at the City Council Budget Work Session yesterday. He said that his comments were merely an

open discussion as Council has a fiduciary responsibility to look at the budget, especially in light of an almost \$250,000.00 increase in the health insurance.

Mr. Seals explained that the reason he called for a point of order during Mr. Berisford's comments was that it was his understanding that after a person filed for Council, they could not use the Council floor as a political platform. The Legal Department will check into this matter.

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

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City Clerk

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Mayor

AGENDA

Wheeling, West Virginia  
DATE: March 20, 2012

CONVENED: \_\_\_\_\_

ADJOURNED: \_\_\_\_\_

**INVOCATION:**

**ROLL CALL:** Taken and \_\_\_\_\_ members responded.

**READING OF THE MINUTES** - March 6, 2012

**MAYOR'S REPORT**

**1. CLERK'S REPORT**

1. Notice of Application to Operate a Private Club - Marshall Co. F.O.P. #112 - 97 Edgington Lane

**2. UNFINISHED BUSINESS**

1. Edgco, Inc. - East Wheeling Demolition (Sports Complex Area)

**HELD OVER:** Greater Wheeling Sports & Entertainment Authority Income Statement  
- 1/31/12; Greater Wheeling Sports & Entertainment Authority Minutes - 1/31/12

**3. REMARKS FROM MEMBERS OF COUNCIL**

**4. REPORT OF COMMITTEES**

**5. REPORT OF CITY MANAGER**

**6. REPORT OF OTHER OFFICERS**

1. Planning Commission Minutes - 2/13/12
2. Board of Zoning Appeals Minutes - 2/16/12
3. Wheeling-Ohio County Board of Health Minutes - 01/24/12
4. Wheeling Municipal Parking System Financial Statement - 1/31/12
5. Robert C. Byrd Intermodal Transportation Center Financial Statement - 1/31/12
6. CDBG Program Status Report - 2/29/12
7. HOME Program Status Report - 2/29/12
8. HPRP Program Status Report - 2/29/12
9. Financial Statement - 2/29/12
10. CDBG Building Demolition Status Report - 3/13/12
11. Wheeling Traffic Commission Minutes - 3/8/12

**7. PETITIONS OF REDRESS OR GRIEVANCE**

**8. PETITIONS OF ALL OTHER KINDS**

**9. ORIGINAL PROPOSITIONS**

1. Raze International, Inc. - 2011 Asbestos Abatement - CO #1
2. Adopting Traffic Rule No. 4373 - Handicapped Parking - 123 15<sup>th</sup> Street
3. Adopting Traffic Rule No. 4374 - No Turn on Red - Leatherwood Lane & National Road
4. Resolution - Adoption of General Fund Budget - FY 2012-2013
5. Resolution - Adoption of Coal Severance Budget - FY 2012-2013
6. Resolution - Support Hiring of Local Workers - Gas Industry Projects
7. Siemens Industry, Inc. - Agreement - Membrane Filtration System - Water Treatment Plant

**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 March 6, 2012 meeting be approved as received. Motion carried.

### **MAYOR'S REPORT**

Mayor McKenzie asked Phil Remke, of the Ohio Valley Cost of Freedom Group, to address Council about an event that will be coming to the Ohio Valley in August, 2012. It is the American Veterans Traveling Cost of Freedom Tribute - the Vietnam Wall Memorial. He invited Wheeling to be a part of it by having it travel down Main Street. More details on this event will follow.

### **CLERK'S REPORT**

#### NOTICE OF APPLICATION TO OPERATE A PRIVATE CLUB - MARSHALL CO. F.O.P. #112 - 97 EDGINGTON LANE

City Clerk Janice Jones presented Council with a Notice of Application to Operate a Private Club for Marshall Co. F.O.P. #112, located at 97 Edgington Lane. The applicants are Edward and Randall Vogler.

### **UNFINISHED BUSINESS**

#### EDGCO, INC. - EAST WHEELING DEMOLITION (SPORTS COMPLEX AREA)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$345,650.00 WITH EDGCO, INC., OF LANSING, OH, FOR EAST WHEELING DEMOLITION, 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

Mr. Tiu noted his abstention.

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 Greater Wheeling Sports and Entertainment Authority Income Statement, 1/31/12; and the Greater Wheeling Sports and Entertainment Authority Minutes, 1/31/12; which were held over, be approved as received. Motion carried.

### **REMARKS FROM MEMBERS OF COUNCIL**

Mr. Atkinson reminded those present that West Liberty University Men's Basketball Team has made it to the "Elite Eight" and wished them "Good Luck."

Mr. Fahey expressed his gratitude to two police officers for assisting someone whose car broke down on Kruger Street this evening by physically pushing the car out of the way. He asked Deputy Chief Van Kirk to relay his thanks to the police officers.

### **REPORT OF COMMITTEES**

Mr. Seals gave a brief oral report of the Finance Committee meeting that was held yesterday in the City Manager's Office. He said that the only actions taken at that meeting were to recommend approval of the General Fund Budget for FY 2012-2013 and Coal Severance Budget for FY 2012-2013 and approval of the February, 2012 Financial Statement.

### **REPORT OF CITY MANAGER**

Relevant to the approval of the General Fund Budget and Coal Severance Budget, City Manager Robert Herron thanked Finance Director Mike Klug, as well as all department heads, for working toward putting together a responsible budget. He commented that, as has been the case for the last ten years, once the fiscal year closes out, the Finance Committee will meet in July to discuss capital projects with the remaining funds.

Mr. Herron reported that there was a unexpected building collapse in South Wheeling last week and the city has heard from one of the property owners and is trying to contact the other one. A contract for emergency demolition has been awarded and following demolition, we will pursue reimbursement costs from the property owners.

### **REPORT OF OTHER OFFICERS**

Mr. Fahey moved, seconded by Mr. Seals, that the Planning Commission Minutes, 2/13/12; Board of Zoning Appeals Minutes, 2/16/12; Wheeling-Ohio County Board of Health Minutes, 01/24/12; Wheeling Municipal Parking System Financial Statement, 1/31/12; Robert C. Byrd Intermodal Transportation Center Financial Statement, 1/31/12; CDBG Program Status Report - 2/29/12; HOME Program Status Report, 2/29/12; HPRP Program Status Report, 2/29/12; Financial Statement / 2/29/12; CDBG Building Demolition Status Report, 3/13/12; Wheeling Traffic Commission Minutes, 3/9/12; be held over until the next meeting. Motion carried.

### **ORIGINAL PROPOSITIONS**

#### **RAZE INTERNATIONAL, INC. - 2011 ASBESTOS ABATEMENT - CO #1**

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 \$29,928.00 WITH RAZE INTERNATIONAL, INC., OF SHADYSIDE, OH, FOR 2011 ASBESTOS ABATEMENT - CHANGE ORDER #1, TO BE CHARGED TO CDBG 2010-11 DEMOLITION - #1503-010-200.

#### **ADOPTING TRAFFIC RULE NO. 4373 - HANDICAPPED PARKING - 123 15<sup>TH</sup> STREET**

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4373.

#### **ADOPTING TRAFFIC RULE NO. 4374 - NO TURN ON RED - LEATHERWOOD LANE & NATIONAL ROAD**

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4374.

RESOLUTION - ADOPTION OF GENERAL FUND BUDGET - FY 2012-2013

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING THE GENERAL FUND BUDGET -  
FY 2012-2013.

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

RESOLUTION - ADOPTION OF COAL SEVERANCE BUDGET - FY 2012-2013

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING THE COAL SEVERANCE BUDGET -  
FY 2012-2013.

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

RESOLUTION - SUPPORT HIRING OF LOCAL WORKERS - GAS INDUSTRY PROJECTS

The following was then read:

RESOLUTION TO SUPPORT THE UTILIZATION OF LOCAL  
WORKERS IN THE CONSTRUCTION OF PIPELINES,  
DRILLING AND PROCESSING OF NATURAL GAS FROM  
MARCELLUS SHALE.

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

Mayor McKenzie noted that Councilor Atkinson brought this Resolution forward.

SIEMENS INDUSTRY, INC. - MEMBRANE FILTRATION SYSTEM - WATER  
TREATMENT PLANT

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO  
EXECUTE AN AGREEMENT WITH SIEMENS INDUSTRY,  
INC., OF SHREWSBURY, MASSACHUSETTS, FOR  
EQUIPMENT PROCUREMENT AND RELATED SERVICES  
TO PROVIDE A MEMCOR CP LOW PRESSURE MEMBRANE  
FILTRATION SYSTEM IN ACCORD WITH THE CONTRACT  
DOCUMENTS FOR USE BY THE CITY OF WHEELING  
WATER DEPARTMENT, AT A COST OF \$4,730,000.00.

**THOSE WISHING TO BE HEARD**

Terry Shelton, Big Wheeling Creek Road, spoke to Council about the expansion  
of the Community Garden Project.

Steven Moskal, 253 Boggs Hill Road, spoke in opposition of eminent domain.  
In response to an inquiry from Councilor Seals as to the legality of allowing  
candidates who are running for City Council speak Council meetings. Ms. Humway-Warmuth

reminded the candidate that this is not a political forum but a Council meeting.

Jerome Poynton, 136 15<sup>th</sup> Street, also spoke in opposition to eminent domain.

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

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City Clerk

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Mayor

AGENDA

Wheeling, West Virginia  
DATE: April 2, 2012

CONVENED: \_\_\_\_\_

ADJOURNED: \_\_\_\_\_

**INVOCATION:**

**ROLL CALL:** Taken and \_\_\_\_\_members responded.

**READING OF THE MINUTES** - March 20, 2012

**MAYOR'S REPORT**

**1. CLERK'S REPORT**

**2. UNFINISHED BUSINESS**

1. Raze International, Inc. - 2011 Asbestos Abatement - CO #1
2. Adopting Traffic Rule No. 4373 - Handicapped Parking - 123 15<sup>th</sup> Street
3. Adopting Traffic Rule No. 4374 - No Turn on Red - Leatherwood Lane & National Road
7. Siemens Industry, Inc. - Agreement - Membrane Filtration System - Water Treatment Plant

**HELD OVER:** Planning Commission Minutes - 2/13/12 Board of Zoning Appeals Minutes - 2/16/12; Wheeling-Ohio County Board of Health Minutes - 01/24/12; Wheeling Municipal Parking System Financial Statement - 1/31/12 Robert C. Byrd Intermodal Transportation Center Financial Statement - 1/31/12; CDBG Program Status Report - 2/29/12; HOME Program Status Report - 2/29/12; HPRP Program Status Report - 2/29/12; Financial Statement - 2/29/12; CDBG Building Demolition Status Report - 3/13/12; Wheeling Traffic Commission Minutes - 3/8/12

**3. REMARKS FROM MEMBERS OF COUNCIL**

**4. REPORT OF COMMITTEES**

1. Finance Committee Report - 3/19/12

**5. REPORT OF CITY MANAGER**

**6. REPORT OF OTHER OFFICERS**

1. Wheeling Housing Authority Minutes - 2/29/12
2. Greater Wheeling Sports and Entertainment Authority - Income Statement - 2/29/12

**7. PETITIONS OF REDRESS OR GRIEVANCE**

**8. PETITIONS OF ALL OTHER KINDS**

**9. ORIGINAL PROPOSITIONS**

1. Municipal Council Levy Estimate - FY 2012-2013
2. Mid-Atlantic Storage Systems, Inc. - Repair of Mt. Wood Tanks
3. Mid-Atlantic Storage Systems, Inc. - Repair of Clator Tank
4. Robert C. Byrd Intermodal Transportation Center - Shortfall FY 2011-2012
5. Resolution - Authorizing Payment of Invoices - Wastewater Project - Series 2010B (WPCD)

**THOSE WISHING TO BE HEARD**

Council of the City of Wheeling met at the Linsly School Library, Knox Lane, at 12:00 p.m. 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 March 20, 2012 meeting be approved as received. Motion carried.

### **MAYOR'S REPORT**

Mayor McKenzie expressed his appreciation to Mr. Chad Barnett, headmaster of Linsly, for allowing us to have City Council here today.

He then introduced Sergeant Phil Redford and Officer Josh Sanders who spoke to those present about the Neighborhood Assistants Volunteer Program and recognized the volunteers who were present. The program is a spin-off from the Citizens Police Academy. The volunteers have spent numerous hours of training beyond the academy. Sgt. Redford pointed out that they serve any non-law enforcement functions officers typically perform. Mayor McKenzie thanked the officers and the volunteers for "making the streets safer."

Mayor McKenzie presented a Proclamation to Economic and Community Development Director Nancy Prager proclaiming April as "Fair Housing Month."

Mayor McKenzie asked for Council's concurrence in the reappointment of Michael Caruso to the Wheeling-Ohio County Board of Health and the appointment of Heather Ziegler to the Hall of Fame Board, Religion and Education Category. Mr. Fahey moved, seconded by Mr. Seals, Council's concurrence in the appointments. Motion carried.

He also reminded all those present, that the April 17<sup>th</sup> City Council meeting will be held at Wheeling Central Catholic High School Cafeteria at 1:00 p.m.

Mayor McKenzie commented on a busy week-end in the downtown this past week-end with three major events taking place.

### **UNFINISHED BUSINESS**

#### **RAZE INTERNATIONAL, INC. - 2011 ASBESTOS ABATEMENT - CO #1**

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 \$29,928.00 WITH RAZE INTERNATIONAL, INC., OF SHADYSIDE, OH, FOR 2011 ASBESTOS ABATEMENT - CHANGE ORDER #1, TO BE CHARGED TO CDBG 2010-11 DEMOLITION - #1503-010-200.

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. 4373 - HANDICAPPED PARKING - 123 15<sup>TH</sup> STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING  
ADOPTING TRAFFIC RULE NO. 4373.

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:

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

- 0

ADOPTING TRAFFIC RULE NO. 4374 - NO TURN ON RED - LEATHERWOOD LANE & NATIONAL ROAD

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING  
ADOPTING TRAFFIC RULE NO. 4374.

The ordinance was read a second time by title. Mr. Tiu 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.

SIEMENS INDUSTRY, INC. - AGREEMENT - MEMBRANE FILTRATION SYSTEM - WATER TREATMENT PLANT

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH SIEMENS INDUSTRY, INC., OF SHREWSBURY, MASSACHUSETTS, FOR EQUIPMENT PROCUREMENT AND RELATED SERVICES TO PROVIDE A MEMCOR CP LOW PRESSURE MEMBRANE

FILTRATION SYSTEM IN ACCORD WITH THE CONTRACT  
DOCUMENTS FOR USE BY THE CITY OF WHEELING  
WATER DEPARTMENT, AT A COST OF \$4,730,000.00.

Mr. Tiu asked City Manager Robert Herron to comment on this. Mr. Herron commented that the Water Treatment Plant Project has been developing over the past three years. One of the two key parts of the project was the testing of the types of membrane filtration systems for about a nine month period. He noted that it was determined that Siemen's Memcor CP Low Pressure Membrane Filtration System best treated the water. This was the first step of the project and the next step will be the actual bidding out of construction of the actual plant. This will then go to the Public Service Commission. The total approved costs of the project will determine the rate that will effectuate the project. Following this approval by the PSC, the City can issue bonds to build the Water Treatment Plant.

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, 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 - 2/13/12 Board of Zoning Appeals Minutes - 2/16/12; Wheeling-Ohio County Board of Health Minutes - 01/24/12; Wheeling Municipal Parking System Financial Statement - 1/31/12 Robert C. Byrd Intermodal Transportation Center Financial Statement - 1/31/12; CDBG Program Status Report - 2/29/12; HOME Program Status Report - 2/29/12; HPRP Program Status Report - 2/29/12; Financial Statement - 2/29/12; CDBG Building Demolition Status Report - 3/13/12; Wheeling Traffic Commission Minutes - 3/8/12 which were held over, be approved as received. Motion carried.

## REPORT OF COMMITTEES

### **FINANCE COMMITTEE REPORT - 3/19/12**

The Finance Committee of Wheeling City Council met on Monday, March 19, 2012 at 4:00 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, Fire Chief Larry Helms, Human Resources Specialist Amber Wolfe and the media.

Member James Tiu was absent.

The following matters were discussed:

### **Approval of General Fund Budget and Coal Severance Fund Budget for Fiscal Year 2012-2013**

City Manager Robert Herron commented that following the Council work session that was held a couple of weeks ago there were no changes to the proposed budget. In response to a question from Mr. Seals in regard to health insurance, Mr. Herron said that the Human Resources Department is reviewing several options for the new fiscal year. Following a short discussion, Mr. Fahey moved, seconded by Mr. Seals, to recommend approval of the General Fund Budget and Coal Severance Budget for Fiscal Year 2012-2013.

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

### **Financial Statement - February 29, 2012**

Mr. Herron said that the General Fund Balance at the end of February is approximately \$2.2 million dollars, slightly higher than the previous year's balance for the same time period. The

revenue is at 73% of budget and the expenses are at 67% of budget. He believes that we are in a solid condition thus far. Following a short discussion, Mr. Fahey moved, seconded by Mr. Seals, to accept the February 29, 2012 Financial Statement as presented. Motion carried. Mayor McKenzie commented on the positive position that the City is in, a lot of it based on increases in business-related revenue.

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

### **Other Items for Discussion**

City Manager Herron explained that, 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 at its lowest, approximately \$23,322.00. He commented that this amount is about half of what was budgeted. Mr. Fahey moved, seconded by Mr. Seals, to recommend to Council payment of the shortfall. Motion carried.

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

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

## **REPORT OF CITY MANAGER**

City Manager Robert Herron also recognized Sgt. Redford and Officer Sanders for their passionate interest in the Neighborhood Assistants Volunteer Program.

Relevant to the conversation earlier in regard to the Water Treatment Plant, Mr. Herron pointed out that the financial model that city put together that had the 70% rate increase, set aside \$100,000.00 a year for a ten year period to pay for replacement of the actual membrane. He said that once the PSC rules on this, they will not permit the City to set aside the money for this.

Mr. Herron reported that the 1100 block demolition contract has been awarded. We are anticipating that the contractor will begin mobilizing with demolition to begin shortly thereafter.

In regard to the East Wheeling Demolition Project, the Contract is putting together the necessary bonds and insurance information. Once we receive that information, a notice to proceed will be issued. Mr. Herron noted that Council did authorize an agreement with Alpha and Associates for the design of the East Wheeling Sports Complex. He said that we anticipate a preliminary design by April 24<sup>th</sup>, a schematic design submission by May 8 and a final design on May 15<sup>th</sup>. Depending on the five month demolition process, these dates could shift by about 30 days. It is our hope to release the project for bid on June 22, with bid opening on July 17. Again, depending on the demolition process, or unforeseen issues, these dates could be pushed back by thirty days or so.

Mr. Fahey expressed his gratitude to City Manager Herron and Mayor McKenzie for the hard work they have expended with RED and WAHA in their efforts to keep the Wheeling Nailers here in Wheeling.

## **REPORT OF OTHER OFFICERS**

Mr. Fahey moved, seconded by Mr. Seals, that the Wheeling Housing Authority Minutes - 2/29/12; and Greater Wheeling Sports and Entertainment Authority - Income Statement - 2/29/12, be held over until the next meeting. Motion carried. Mr. Seals questioned whether a portion of the funds that the Wheeling Housing Authority will be receiving from HUD relevant to the HOPE VI Project should be reimbursed to the City. He asked that the City check into this.

## **ORIGINAL PROPOSITIONS**

### **MUNICIPAL COUNCIL LEVY ESTIMATE - FY 2012-2012**

\_\_\_\_\_The following was then read:

AN ORDINANCE OF THE MUNICIPAL COUNCIL LEVY ESTIMATE, PRESCRIBED BY THE WEST VIRGINIA STATE AUDITOR, KNOWN AS THE ANNUAL APPROPRIATION FOR FISCAL YEAR 2012-2013 BUDGET FOR WHEELING MUNICIPALITY, OHIO COUNTY.

MID-ATLANTIC STORAGE SYSTEMS, INC. - REPAIR OF MT. WOOD TANKS

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$77,640.00 WITH MID-ATLANTIC STORAGE SYSTEMS, INC., OF WASHINGTON COURT HOUSE, OH, FOR REPAIRS TO MT. WOOD TANKS, TO BE CHARGED TO WATER DISTRIBUTION - #400-4013-03-0678.01.

MID-ATLANTIC STORAGE SYSTEMS, INC. - REPAIR OF CLATOR TANK

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$30,100.00 WITH MID-ATLANTIC STORAGE SYSTEMS, INC., OF WASHINGTON COURT HOUSE, OH, FOR REPAIRS TO CLATOR TANK, TO BE CHARGED TO WATER DISTRIBUTION - #400-4013-03-0678.01.

In regard to these ordinances, Mr. Seals asked why there were no competitive bids for these projects. Mr. Herron will look into this.

ROBERT C. BYRD INTERMODAL TRANSPORTATION CENTER - SHORTFALL FY 2011-2012

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$23,322.96 WITH THE ROBERT C. BYRD INTERMODAL TRANSPORTATION CENTER FOR THE INTERMODAL TRANSPORTATION CENTER SHORTFALL AS DOCUMENTED IN THE FY 2011 AUDIT, TO BE CHARGED TO #001.4414.50.5134.

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**

Jerome Poynton, 136 15<sup>th</sup> Street, suggested that the chemicals that are contained in Wheeling Water be listed on line on a regular basis.

Kenneth Peralta, 136 15<sup>th</sup> Street, addressed Council, with his alternative ideas for the East Wheeling Project area. He offered to buy back the houses that the City has acquired for a fair market value.

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

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City Clerk

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Mayor

AGENDA

Wheeling, West Virginia  
DATE: April 17, 2012

CONVENED: \_\_\_\_\_

ADJOURNED: \_\_\_\_\_

**INVOCATION:**

**ROLL CALL:** Taken and \_\_\_\_\_members responded.

**READING OF THE MINUTES** - April 2, 2012

**“PUBLIC HEARING - MUNICIPAL COUNCIL LEVY ESTIMATE - FY 2012-2013”**

**“PUBLIC HEARING LEASE AGREEMENT - METROPOLITAN GRILL”**

**“PUBLIC HEARING - FY 2012 ACTION PLAN - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND THE HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM”**

**MAYOR’S REPORT**

**1. CLERK'S REPORT**

1. Notice of Application to Operate a Private Club - Rob-Tom, Inc. Dba Harrison’s - 1200 Market St.

**2. UNFINISHED BUSINESS**

1. Municipal Council Levy Estimate - FY 2012-2013
2. Mid-Atlantic Storage Systems, Inc. - Repair of Mt. Wood Tanks
3. Mid-Atlantic Storage Systems, Inc. - Repair of Clator Tank
4. Robert C. Byrd Intermodal Transportation Center - Shortfall FY 2011-2012

**HELD OVER:** Wheeling Housing Authority Minutes - 2/29/12;  
Greater Wheeling Sports and Entertainment Authority - Income Statement - 2/29/12

**3. REMARKS FROM MEMBERS OF COUNCIL**

**4. REPORT OF COMMITTEES**

1. Development Committee Report - 4/10/12

**5. REPORT OF CITY MANAGER**

**6. REPORT OF OTHER OFFICERS**

1. Wheeling Municipal Parking System Financial Statement - 2/29/12
2. Robert C. Byrd Intermodal Transportation Center Financial Statement - 2/29/12
3. CDBG Program Status Report - 3/31/12
4. HOME Program Status Report - 3/31/12
5. HPRP Program Status Report - 3/31/12
6. Financial Statement - 3/31/12

**7. PETITIONS OF REDRESS OR GRIEVANCE**

**8. PETITIONS OF ALL OTHER KINDS**

**9. ORIGINAL PROPOSITIONS**

1. Adoption of 2012 Replacement Pages to the Codified Ordinances
2. Merco, Inc. - Equipment for Boat Docks
3. Wheeling National Heritage Area Corporation - “Save Our Treasures Project”
4. Resolution - Authorizing Participation in the Northern Panhandle Home Consortium - FY 2012-13
5. Resolution - Lease Agreement - David Wohfeil, dba Metropolitan Grill
6. Resolution - Agreement - Community Participation Grant - Wheeling Arts Fest

**THOSE WISHING TO BE HEARD**

AGENDA

Wheeling, West Virginia

DATE: May 1, 2012

CONVENED: \_\_\_\_\_

ADJOURNED: \_\_\_\_\_

**INVOCATION:**

**ROLL CALL:** Taken and \_\_\_\_\_ members responded.

**READING OF THE MINUTES** - April 17, 2012

**MAYOR'S REPORT**

**1. CLERK'S REPORT**

1. Zone Change Request - 31 Point View Terrace - R-1C to EMO

**2. UNFINISHED BUSINESS**

1. Adoption of 2012 Replacement Pages to the Codified Ordinances
2. Wheeling National Heritage Area Corporation - "Save Our Treasures Project"

**HELD OVER:** Wheeling Municipal Parking System Financial Statement - 2/29/12; Robert C. Byrd Intermodal Transportation Center Financial Statement - 2/29/12; CDBG Program Status Report - 3/31/12; HOME Program Status Report - 3/31/12; HPRP Program Status Report - 3/31/12; Financial Statement - 3/31/12

**3. REMARKS FROM MEMBERS OF COUNCIL**

**4. REPORT OF COMMITTEES**

1. Finance Committee Report - 4/23/12

**5. REPORT OF CITY MANAGER**

**6. REPORT OF OTHER OFFICERS**

1. Board of Zoning Appeals Minutes - 3/15/12
2. Wheeling Traffic Commission Minutes - 4/12/12
3. Wheeling Housing Authority Minutes - 3/14/12
4. Greater Wheeling Sports and Entertainment Authority Minutes - 2/28/12 & 3/27/12
5. Greater Wheeling Sports and Entertainment Authority Financial Statement - 3/31/12
6. Police Civil Service Commission Annual Report - 2011
7. Fire Civil Service Commission Annual Report - 2011
8. Municipal Civil Service Commission Annual Report - 2011

**7. PETITIONS OF REDRESS OR GRIEVANCE**

**8. PETITIONS OF ALL OTHER KINDS**

**9. ORIGINAL PROPOSITIONS**

1. Adopting Traffic Rule No. 4375 - Handicapped Parking - 427 N. Huron Street
2. Adopting Traffic Rule No. 4376 - Handicapped Parking - 5 Ridge Avenue
3. Adopting Traffic Rule No. 4377 - No Parking - West Side of Gamble Avenue
4. Adopting Traffic Rule No. 4378 - No Parking - West Side of Eoff Street
5. Adopting Traffic Rule No. 4379 - No Parking - W. Sd. Of Market St. From Lane 6 to 9<sup>th</sup> St.
6. Metron-Farnier, Inc. - Water Meter & AMR - Pilot Project (**Water**)
7. Agreement - Wheeling-Ohio County Board of Health - FY 2012-2013
8. Agreement - WV Department of Transportation - Matching Funds - Peninsula Loop Trail
9. Agreement - WV Department of Transportation - Matching Funds - Wheeling Chapline Hill Tunnel Restoration
10. Resolution - Agreement - Governor's Community Participation Grant - Friends of I-470 Ballfield
11. Resolution - Agreement - Governor's Community Participation Grant - Miracle Field
12. Resolution - Approving FY 2012 CDBG and Home Investment Partnership (HOME) Programs and Authorizing Filing of FY 2012 Action Plan with HUD
13. Resolution - Agreement - I-70 Pier Project

**THOSE WISHING TO BE HEARD**

Council of the City of Wheeling met at Wheeling Central High School, Cafeteria, at 1:00 p.m. 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 April 2, 2012 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.

**“PUBLIC HEARING - MUNICIPAL COUNCIL LEVY ESTIMATE - FY 2012-2013”**

City Manager Robert Herron explained that the Municipal Council Levy Estimate is part of the annual budget process. The budget has been approved at the State level; however, as part of the process, the municipality is required to pass a municipal property tax levy on the 3<sup>rd</sup> Tuesday in April. This is an opportunity to receive any public comment prior to adoption of the levy. As there was no one present to speak at this public hearing, Mayor McKenzie asked for a motion to close the public hearing.

Mr. Seals moved, seconded by Mr. Henry, to conclude this public hearing and to conduct a second public hearing. Motion carried.

**“PUBLIC HEARING - LEASE AGREEMENT - METROPOLITAN GRILL”**

Mr. Herron explained that anytime the City leases property, there is a required public hearing. He said that the restaurant is expanding onto the sidewalk along Chapline Street for outdoor dining and needs to lease the City right-of-way to do so. This was approved previously by the Development Committee. As there was no one present to speak at this public hearing Mayor McKenzie asked for a motion to close the public hearing.

Mr. Seals moved, seconded by Mr. Henry, to conclude this public hearing and to conduct a third public hearing. Motion carried.

**“PUBLIC HEARING - FY 2012 ACTION PLAN - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND THE HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM”**

Mr. Herron explained that this years CDBG Budget is \$212,000 less than last year's budget. The proposed budget which citizens can comment on today has been published in the paper; however, Mr. Herron briefly outlined the budget for those present. He said that the Administrative section is \$224,415; Economic Development - \$200,000; City-Wide Projects - \$150,000 for demolition, \$350,000 for paving and sidewalks, \$54,661 for Miracle Field; Public Service Agencies - Human Rights Commission - \$66,200; Police Department - \$55,000 - for patrol on Wheeling Island and East Wheeling; and the Nelson Jordan Center - \$21,800. The total proposed budget is \$1,122,000.00. Mr. Herron said that Council will consider a Resolution to submit this budget to HUD at the next meeting held on May 2, 2012.

Mayor McKenzie said that Council had received a letter from Lisa Badia, Executive Director of the Greater Wheeling Coalition for the Homeless voicing her concerns about the cuts in funds for public service agencies.

Charles Ballouz, Windsor Manor, voiced concern about two specific areas in the City that need attention with the possible use of CDBG funds. One was a slip on Wagner Street and the other was Wilson Playground.

Mr. Seals moved, seconded by Mr. Henry, to close the public hearings. Motion

carried.

## **MAYOR'S REPORT**

Ms. Julie Shively, Principal at Wheeling Central Catholic High School, welcomed Council and expressed what an honor it is to have City Council here today and what a great opportunity it is for the students to experience this.

Mayor McKenzie thanked Ms. Shively for allowing us to have the meeting here. He explained that this is a great opportunity to reach out to the community. He commented that at the end of the meeting, following adjournment, the students will have the opportunity to ask questions.

Mayor McKenzie introduced everyone from the City that was in attendance.

Mayor McKenzie presented a proclamation to Doug Wayt of the Ohio Valley Trail Partners, proclaiming May as Bike Month in the City of Wheeling. Mr. Wayt talked about the Bicycle Tour that will be held

## **CLERK'S REPORT**

Notice of Application to Operate a Private Club - Rob-Tom, Inc. Db a Harrison's - 1200 Market St.

City Clerk Janice Jones presented Council with a Notice of Application to Operate a Private Club for Rob-Tom, Inc. Db a Harrison's, located at 1200 Market Street. The applicants are Robert C. Weimar Jr. And Robert C. Weimar Sr.

## **UNFINISHED BUSINESS**

MUNICIPAL COUNCIL LEVY ESTIMATE - FY 2012-2013

The following was then read:

AN ORDINANCE OF THE MUNICIPAL COUNCIL LEVY ESTIMATE, PRESCRIBED BY THE WEST VIRGINIA STATE AUDITOR, KNOWN AS THE ANNUAL APPROPRIATION FOR FISCAL YEAR 2012-2013 BUDGET FOR 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.

MID-ATLANTIC STORAGE SYSTEMS, INC. - REPAIR OF MT. WOOD TANKS

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$77,640.00 WITH MID-ATLANTIC STORAGE SYSTEMS, INC., OF WASHINGTON COURT HOUSE, OH, FOR REPAIRS TO MT. WOOD TANKS, TO BE CHARGED TO WATER DISTRIBUTION - #400-4013-03-0678.01.

In response to a question raised by Mr. Seals at the last Council meeting regarding

competitive bids, Mr. Herron said that this company is a sole source provider.

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.

MID- ATLANTIC STORAGE SYSTEMS, INC. - REPAIR OF CLATOR TANK

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$30,100.00 WITH MID-ATLANTIC STORAGE SYSTEMS, INC., OF WASHINGTON COURT HOUSE, OH, FOR REPAIRS TO CLATOR TANK, TO BE CHARGED TO WATER DISTRIBUTION - #400-4013-03-0678.01.

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, 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.

ROBERT C. BYRD INTERMODAL TRANSPORTATION CENTER - SHORTFALL FY 2011-2012

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$23,322.96 WITH THE ROBERT C. BYRD INTERMODAL TRANSPORTATION CENTER FOR THE INTERMODAL TRANSPORTATION CENTER SHORTFALL AS DOCUMENTED IN THE FY 2011 AUDIT, TO BE CHARGED TO #001.4414.50.5134.

In response to a question from Mr. Fahey, City Manager Robert Herron explained

that the Intermodal Transportation Center was built with Federal Funds and as part of the original agreement, the City agreed to assume losses associated with operation of the garage and share profits, should there be any. The amount of shortfalls have ranged from \$142,000 down to this year's low of \$23,000. This is partially due to the fact that the volume of parking at the Intermodal Center has increased dramatically this year. Mr. Herron said that technically, this \$23,000 is a payment to the City as it goes into the Intermodal Revenue Account. Mr. Seals commented that he spoke to the City Manager prior to the meeting and was assured that it was not a conflict of interest for him to vote on this matter as it is a contractual agreement that was made years ago.

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, 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 - 2/29/12; Greater Wheeling Sports and Entertainment Authority - Income Statement - 2/29/12 which were held over, be approved as received. Motion carried.

#### **REMARKS FROM MEMBERS OF COUNCIL**

Mr. Fahey commented that the State of West Virginia will turn 149 years old in June, 2012 and there will be a special celebration on June 16 at the Heritage Port. Eugene Landau Murphy, America's Got Talent Winner, will be performing as well as a fireworks display.

#### **REPORT OF COMMITTEES**

##### **DEVELOPMENT COMMITTEE REPORT - 4/10/12**

The Development Committee of Wheeling City Council met on Tuesday, April 10, 2012 at 11:30 a.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, Finance Director Mike Klug; City Solicitor Rose Humway-Warmuth, ECD Director Nancy Prager, ECD Assisant Director Tom Connelly; and City Clerk Janice Jones.

Others present: Greg Smith and Jeremy Morris, On-Trac Committee members.

The following matters were discussed:

##### **Discussion on Resolution to Support On Trac Design Committee's Downtown Pier Project.**

City Manager Robert Herron explained that an application has been submitted by the City on behalf of the On Trac Design Committee for decorative wraps/paintings on the piers under I-70 as it goes over top of Main Street on to the Ft. Henry Bridge. In order to approve this, the State requires a Resolution from the City stating that the City is in agreement with this project. Vice Mayor Gene Fahey gave a brief description of the history of the On Trac Committee. Greg Smith, a member of the On Trac Design Committee explained that they had met with the WV Department of Transportation to find out what the process would be to submit this application; however, there was no procedure in place. Therefore, after submitting several items that were requested, the final thing necessary was a Resolution from the City supporting the project. Following this discussion, Member Fahey moved, seconded by Vice Chair Delbrugge, to approve the Resolution as submitted. Motion carried.

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

At this time, City Manager Herron requested an executive session to discuss property acquisition. Member Fahey moved, seconded by Vice Chair Delbrugge, to suspend the regular

order of business to conduct an executive session. Motion carried. Time: 11:38 a.m.

Member Fahey moved, seconded by Vice Chair Delbrugge, to resume the regular order of business. Motion carried. Time: 11:50 a.m.

Member Fahey then moved, seconded by Vice Chair Delbrugge, to authorize the transfer of property located at 2718 Chapline Street to the Ohio Valley Area Development Corporation with the appropriate reversion clause included, as deemed necessary by the City Manager. Motion carried.

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

There being no further business to come before the Committee, Member Fahey moved, seconded by Vice Chair Delbrugge, to adjourn. Time: 11:55 a.m.

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

### **REPORT OF CITY MANAGER**

City Manager Herron reported to Council at the last Development Committee meeting that someone was interested in the property at 2718 Chapline Street; however, he would prefer not to have a reversionary clause in the agreement so the City will be demolishing the structure at this location. He also reported that the Marwin Bridge will be closed on Wednesday, Thursday and Friday from 7:00 a.m. to 4:00 p.m. The Fire Department will be present on the other side of the bridge should an emergency arise. In addition, he reported that the 1100 block demolition will begin this week, starting with the Rite Aid Building. Mr. Herron respectfully requested two readings on the Ordinance with Merco for the Boat Docks that is listed under Original Propositions, 9/2. At this time, Mr. Herron presented a 30 year service award to Captain Carl Mueller.

### **REPORT OF OTHER OFFICERS**

Mr. Fahey moved, seconded by Mr. Seals, that the Wheeling Municipal Parking System Financial Statement - 2/29/12; Robert C. Byrd Intermodal Transportation Center Financial Statement - 2/29/12; CDBG Program Status Report - 3/31/12; HOME Program Status Report - 3/31/12; HPRP Program Status Report - 3/31/12; Financial Statement - 3/31/12, be held over until the next meeting. Motion carried.

### **ORIGINAL PROPOSITIONS**

#### **ADOPTION OF 2012 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 2012 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE CITY OF WHEELING.

#### **MERCO, INC. - EQUIPMENT FOR BOAT DOCKS**

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$21,354.08 WITH MERCO, INC., OF WELLSBURG, WV, FOR EQUIPMENT FOR BOAT DOCKS, TO BE CHARGED TO PUBLIC SAFETY - #920572534.

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

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$21,354.08 WITH MERCO, INC., OF WELLSBURG, WV, FOR EQUIPMENT

FOR BOAT DOCKS, TO BE CHARGED TO PUBLIC SAFETY  
- #920572534.

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 NATIONAL HERITAGE AREA CORPORATION - "SAVE OUR TREASURES PROJECT"

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 \$200,000.00 WITH WHEELING NATIONAL HERITAGE AREA CORPORATION, OF WHEELING, WV, FOR THE CAPITOL THEATRE "SAVE OUR TREASURES PROJECT," TO BE CHARGED TO T.I.F. PROJECT PLAN #4.

RESOLUTION - AUTHORIZING PARTICIPATION IN THE NORTHERN PANHANDLE HOME CONSORTIUM - FY 2012-13

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, 2012 TO JUNE 30, 2013.

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

RESOLUTION - LEASE AGREEMENT - DAVID WOHEIL, DBA METROPOLITAN GRILL

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH DAVID WOHEIL, DBA METROPOLITAN GRILL, FOR A PORTION OF THE CITY'S RIGHT-OF-WAY BEING THE SIDEWALK ADJACENT TO THE FRONT OF THE ESTABLISHMENT LOCATED ON CHAPLINE STREET IN WHEELING FOR THE PURPOSE OF CREATING AN EXTERIOR DINING AREA.

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

RESOLUTION - AGREEMENT - COMMUNITY PARTICIPATION GRANT - WHEELING ARTS FEST

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO ACCEPT THE TERMS AND CONDITIONS OF THE CONTRACT RELATING TO THE GOVERNOR'S COMMUNITY PARTICIPATION GRANT IN THE AMOUNT OF \$5,000.00 TO WHEELING ARTS FEST - #10LEDA0985N.

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

**THOSE WISHING TO BE HEARD**

Mr. Robert Weimar, 1044 Market Street, addressed Council and suggested that the City offer incentives to owners of video lottery parlors to fix up the fascia of their property. Mayor McKenzie suggested that Mr. Weimar talk to the City Manager about his ideas.

Bill O'Leary, Paxton Avenue, addressed Council and the audience with a history lesson about Wheeling Central and St. Joseph's Academy.

There being no further business, Mr. Henry moved, seconded by Mr. Seals, to adjourn. Motion carried. Time: 1:45 p.m.

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City Clerk

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Mayor

## AGENDA

Wheeling, West Virginia  
DATE: June 5, 2012

CONVENED: \_\_\_\_\_

ADJOURNED: \_\_\_\_\_

INVOCATION:

ROLL CALL: Taken and \_\_\_\_\_ members responded.

READING OF THE MINUTES - May 15, 2012

### MAYOR'S REPORT

#### 1. CLERK'S REPORT

1. Notice of Application to Operate a Private Club - Tiffany's LLC, dba Jumpin Jimmy's,  
Located at 2700 Chapline Street

#### 2. UNFINISHED BUSINESS

1. Memorial Designation of area near Stone Boulevard to Dr. Martin Luther King, Jr. Way

**HELD OVER:** Historic Landmarks Commission Minutes - 02/02/12; Wheeling Traffic Commission Minutes - 04/12/12; Wheeling Municipal Parking System Financial Statement - 03/31/12; Robert C. Byrd Intermodal Transportation Center Financial Statement - 03/31/12; CDBG Program Status Report - 4/30/12; HOME Program Status Report - 4/30/12; HPRP Program Status Report - 4/30/12; Financial Statement - 4/30/12; Human Rights Commission Minutes - 1/30/12; 2/27/12; 3/26/12.

#### 3. REMARKS FROM MEMBERS OF COUNCIL

#### 4. REPORT OF COMMITTEES

- 1, Finance Committee Report - 5/23/12

#### 5. REPORT OF CITY MANAGER

#### 6. REPORT OF OTHER OFFICERS

1. Planning Commission Minutes - 3/12/12
2. Wheeling-Ohio County Board of Health Minutes - 3/13/12
3. Wheeling Housing Authority Minutes - 4/11/12
4. Board of Zoning Appeals Minutes - 4/19/12
5. Greater Wheeling Sports & Entertainment Authority Minutes - 4/24/12
6. Greater Wheeling Sports & Entertainment Authority Income Statement - 4/30/12
7. Wheeling Traffic Commission Minutes - 5/10/12

#### 7. PETITIONS OF REDRESS OR GRIEVANCE

#### 8. PETITIONS OF ALL OTHER KINDS

#### 9. ORIGINAL PROPOSITIONS

1. Adopting Traffic Rule No. 4380 - No Parking Bus Stop Zone - Warwood Ave.
2. Adopting Traffic Rule No. 4381 - Stop Intersection - Valley View, Biltmore & Betty St.
3. Adopting Traffic Rule No. 4382 - No Parking Zone - West Side of Cracraft Avenue
4. Adopting Traffic Rule No. 4383 - No Parking Zone - West Side of Wheeling Avenue
5. Adopting Traffic Rule No. 4384 - No Parking Zone - Gaewood Avenue
6. Adopting Traffic Rule No. 4385 - Handicapped Parking Zone - 1067 Hil Dar Avenue
7. Adopting Traffic Rule No. 4386 - Handicapped Parking Zone - 1069 Hil Dar Avenue
8. Adopting Traffic Rule No. 4387 - No Parking Bus Stop Zone - Washington Avenue
9. Adopting Traffic Rule No. 4388 - No Parking Zone - North Side of Pine Avenue
10. Bridgeport Equipment and Tool - Two John Deere Zero Turn Mowers (**Operations**)
11. Glen Dale Motor Company - Five (5) Current Year Dodge Chargers (**Police**)
12. Amending Codified Ordinances - Section 925.06 Rates - Increasing Garbage, Rubbish  
And Recyclable Material Collection Rates
13. Savage Construction Co. - Wetzel Street Curbs & Sidewalks Project (**CDBG**)
14. Resolution - Authorizing Payment of Invoices - Wastewater Project - Series 2010B

(WPCD)

15. Resolution - Renaming Patterson Ballfields and Designating Ballfield within the Park as  
Captain David Van Camp Ballfield
16. Resolution - General Fund Budget Revision No. 3
17. Resolution - Coal Severance Budget Revision No. 2

#### 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 Reverend Willie Stinson.

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 May 1, 2012 meeting be approved as received. Motion carried.

### **MAYOR'S REPORT**

Mayor Andy McKenzie asked for Council's concurrence in the appointment of Randall Geese to the Northern Panhandle Home Consortium Council. Mr. Seals moved, seconded by Mr. Henry, Council's concurrence in the appointment. Motion carried.

Mayor McKenzie congratulated those members of Council who won their re-election bid to City Council and said that he looks forward to working with them another four years.

Mayor McKenzie commented on a recent copy of a letter he received from Ohio County Schools in opposition of the placement of gas drilling pads so close to Wheeling Park High School. Following these comments, Mr. Fahey moved, seconded by Mr. Seals, that a letter be drafted supporting Ohio County Schools' position on this matter.

He also commented on an ordinance that is on Council's agenda for first reading this evening dealing with renaming Stone Boulevard to Dr. Martin Luther King, Jr. Boulevard. Mayor McKenzie said that this matter was brought forward from Dr. Daryl Cummings, on behalf of the Upper Ohio Valley Ministerial Council, who asked that something of significance be named after Reverend King and the values that he stood for. Mayor McKenzie said that the location fit both the Ministerial Council's request to choose a street of historical significance to the local African-American community, as well as the city's desire to make the change with minimal impact to residents and businesses. Mr. Henry asked that the Administration research whether this boulevard was named after one of the Stone's who was affiliated with the former Stone & Thomas Department Store. City Manager Robert Herron said that it was named after Wilbur Stone, who played a significant role in the beautification of National Road in the 1950's.

### **CLERK'S REPORT**

Notice of Application to Operate a Private Club - Tiffany's LLC dba Hollywood Hollywood - 20 Elm Terrace

City Clerk Janice Jones presented a Notice of Application to Operate a Private Club for Tiffany's LLC, dba Hollywood Hollywood, located at 20 Elm Terrace. The applicant Joseph Tellitocci.

### **UNFINISHED BUSINESS**

ADOPTING TRAFFIC RULE NO. 4375 - HANDICAPPED PARKING - 427 N. HURON STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4375.

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. 4376 - HANDICAPPED PARKING - 5 RIDGE AVENUE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4376.

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. 4377 - NO PARKING - W. SIDE OF GAMBLE AVENUE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4377.

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. 4378 - NO PARKING - W. SIDE OF EOFF STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4378.

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. 4379 - NO PARKING - W. SIDE OF MARKET ST. FROM LANE 6 TO 9<sup>TH</sup> ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4379.

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.

METRO-FARNIER, INC. - WATER METER & AMR - PILOT PROJECT (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$25,995.39 WITH METRON-FARNIER, INC., OF BOULDER, CO, FOR WATER METER & AMR - PILOT PROJECT, TO BE CHARGED TO WATER DEPARTMENT - #400-4013-04-0665.04 - NEW METERS.

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 BOARD OF HEALTH - FY 2012 TO 2013

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 2012-2013, 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.

AGREEMENT - WV DEPARTMENT OF TRANSPORTATION - MATCHING FUNDS - PENINSULA LOOP TRAIL

The following was then read:

AN ORDINANCE AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF WHEELING AND THE WEST VIRGINIA DIVISION OF HIGHWAYS FOR MATCHING FUNDS IN THE AMOUNT OF \$10,000.00 FOR THE PENINSULA LOOP TRAIL - PROJECT #NRT-2011(038)D, 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.

AGREEMENT - WV DEPARTMENT OF TRANSPORTATION - MATCHING FUNDS - WHEELING CHAPLINE HILL TUNNEL RESTORATION

The following was then read:

AN ORDINANCE AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF WHEELING AND THE WEST VIRGINIA DIVISION OF HIGHWAYS FOR MATCHING FUNDS IN THE AMOUNT OF \$92,452.00 FOR THE WHEELING CHAPLINE HILL TUNNEL RESTORATION - PROJECT #TEA-OL22(001)D, TO BE CHARGED TO RCIP #2335830739.

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.

Mr. Fahey moved, seconded by Mr. Seals, that the Board of Zoning Appeals Minutes, 3/15/12; Wheeling Traffic Commission Minutes, 4/12/12; Wheeling Housing Authority Minutes, 3/14/12; Greater Wheeling Sports and Entertainment Authority Minutes, 2/28/12 and 3/27/12; Greater Wheeling Sports and Entertainment Authority Financial Statement, 3/31/12; Police Civil Service Commission Annual Report - 2011; Fire Civil Service Commission Annual Report - 2011; and Municipal Civil Service Commission Annual Report - 2011; which were held over, be approved as received. Motion carried.

**REMARKS FROM MEMBERS OF COUNCIL**

Mrs. Delbrugge thanked Fire Chief Larry Helms for his department's participation in a recent event at the Soup Kitchen.

Mr. Henry informed Council that a young man in Mozart approached him about fixing up city playgrounds as long as the City buys the equipment.

Mr. Fahey commented that the Elm Grove Neighborhood Watch Group is again sponsoring the Appalachian Outreach Day on Saturday, May 19 from noon until 3:00 p.m. at St. Mark's Lutheran Church on Kruger Street. He explained that items are collected and then transported to areas in Appalachian West Virginia where they are needed. He expressed his gratitude to Mr. & Mrs. Bill O'Leary for spearheading this project.

### **REPORT OF CITY MANAGER**

City Manager Robert Herron commented that, although the Summer Event Schedule has been on our website for about a month, the brochures will be available this week. J. P. Morgan Chase and Chesapeake Energy have contributed to the marketing of these events.

Mr. Herron said that the 1100 Block Demolition has begun. He wanted to make Council and the public aware that when they get to the front part of the Rite Aid Building, there may be a need to close the street during a portion of the demolition.

Mr. Herron presented Fire Engineer Chris Kreitzer a plaque in honor of his 35 years of service to the Wheeling Fire Department. Mayor McKenzie also extended his congratulations to Mr. Kreitzer.

In response to an inquiry several weeks ago from Mr. Seals concerning the HOPE VI funds that had not been used, Mr. Herron said that the \$10,000 was not a part of the City's contribution.

### **REPORT OF OTHER OFFICERS**

Mr. Fahey moved, seconded by Mr. Seals, that the Historic Landmarks Commission Minutes, 2/2/12; Wheeling Traffic Commission Minutes, 4/12/12; Wheeling Municipal Parking System Financial Statement, 3/31/12; Robert C. Byrd Intermodal Transportation Center Financial Statement, 3/31/12; CDBG Program Status Report, 4/30/12; HOME Program Status Report, 4/30/12; HPRP Program Status Report, 4/30/12; Financial Statement, 4/30/12; and Human Rights Commission Minutes, 1/30/12; 2/27/12; 3/26/12; be held over until the next meeting. Motion carried.

### **ORIGINAL PROPOSITIONS**

#### **RENAMING OF STONE BOULEVARD TO MARTIN LUTHER KING, JR. BOULEVARD**

The following was then read:

AN ORDINANCE CHANGING THE NAME OF ONE STREET IN THE CITY OF WHEELING, IN ORDER TO HONOR AND RECOGNIZE DR. MARTIN LUTHER KING, JR., SO THAT: STONE BOULEVARD WILL BECOME DR. MARTIN LUTHER KING, JR, BOULEVARD.

Reverend Willie Nevels, of the Upper Ohio Valley Ministerial Council, thanked Council for this recognition and commented on the location as being very appropriate as many African-Americans lived and operated businesses in the neighborhood and attended the nearby former Lincoln School.

#### **RESOLUTION - GOVERNOR'S COMMUNITY PARTICIPATION GRANT - RIVER CITY MUSIC FESTIVAL**

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING

TO ACCEPT THE TERMS AND CONDITIONS OF THE CONTRACT RELATING TO THE GOVERNOR'S COMMUNITY PARTICIPATION GRANT IN THE AMOUNT OF \$2,000.00 TO THE CITY OF WHEELING TO PROMOTE THE RIVER CITY MUSIC FESTIVAL - #12LEDA0194.

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 - RECONSTRUCTING OVERHEAD UTILITY WIRES TO UNDERGROUND WIRES

The following was then read:

RESOLUTION REQUESTING THAT ALL UTILITY COMPANIES THAT HAVE OVERHEAD WIRES WITHIN THE ELM GROVE AREA IN WHEELING RECONSTRUCT THOSE WIRES AS UNDERGROUND UTILITIES.

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

**THOSE WISHING TO BE HEARD**

Tony Domenick thanked Council for acting as the pass thru on the Governor's Grant to assist the River City Music Festival. He also thanked Second Ward Councilor Vernon Seals for this many years of service to the residents in his ward and to the City. Mr. Domenick suggested that city officials clarify for future municipal elections where candidates for office can and cannot campaign as well as post signs

There being no further business, Mr. Henry moved, seconded by Mr. Seals, to adjourn. Motion carried. time: 7:28 p.m.

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City Clerk

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Mayor

AGENDA

Wheeling, West Virginia

DATE: May 15, 2012

CONVENED: \_\_\_\_\_

ADJOURNED: \_\_\_\_\_

**INVOCATION:**

**ROLL CALL:** Taken and \_\_\_\_\_ members responded.

**READING OF THE MINUTES** - May 1, 2012

**MAYOR'S REPORT**

**1. CLERK'S REPORT**

1. Notice of Application to Operate a Private Club - Tiffany's LLC dba Hollywood Hollywood  
20 Elm Terrace

**2. UNFINISHED BUSINESS**

1. Adopting Traffic Rule No. 4375 - Handicapped Parking - 427 N. Huron Street
2. Adopting Traffic Rule No. 4376 - Handicapped Parking - 5 Ridge Avenue
3. Adopting Traffic Rule No. 4377 - No Parking - West Side of Gamble Avenue
4. Adopting Traffic Rule No. 4378 - No Parking - West Side of Eoff Street
5. Adopting Traffic Rule No. 4379 - No Parking - W. Sd. Of Market St. From Lane 6 to 9<sup>th</sup> St.
6. Metron-Farnier, Inc. - Water Meter & AMR - Pilot Project (**Water**)
7. Agreement - Wheeling-Ohio County Board of Health - FY 2012-2013
8. Agreement - WV Department of Transportation - Matching Funds - Peninsula Loop Trail
9. Agreement - WV Department of Transportation - Matching Funds - Wheeling Chapline  
Hill Tunnel Restoration

**HELD OVER:** Board of Zoning Appeals Minutes - 3/15/12; Wheeling Traffic Commission Minutes - 4/12/12; Wheeling Housing Authority Minutes - 3/14/12; Greater Wheeling Sports and Entertainment Authority Minutes - 2/28/12 & 3/27/12; Greater Wheeling Sports and Entertainment Authority Financial Statement - 3/31/12; Police Civil Service Commission Annual Report - 2011; Fire Civil Service Commission Annual Report - 2011; Municipal Civil Service Commission Annual Report - 2011

**3. REMARKS FROM MEMBERS OF COUNCIL**

**4. REPORT OF COMMITTEES**

**5. REPORT OF CITY MANAGER**

**6. REPORT OF OTHER OFFICERS**

1. Historic Landmarks Commission Minutes - 02/02/12
2. Wheeling Traffic Commission Minutes - 04/12/12
3. Wheeling Municipal Parking System Financial Statement - 03/31/12
4. Robert C. Byrd Intermodal Transportaion Center Financial Statement - 03/31/12
5. CDBG Program Status Report - 4/30/12
6. HOME Program Status Report - 4/30/12
7. HPRP Program Status Report - 4/30/12
8. Financial Statement - 4/30/12
9. Human Rights Commission Minutes - 1/30/12; 2/27/12; 3/26/12

**7. PETITIONS OF REDRESS OR GRIEVANCE**

**8. PETITIONS OF ALL OTHER KINDS**

**9. ORIGINAL PROPOSITIONS**

1. Renaming of Stone Boulevard to Martin Luther King, Jr. Boulevard
2. Resolution - Governor's Community Participation Grant - River City Music Festival
3. Resolution - Authorizing Payment of Invoices - Wastewater Project - Series 2010B (**WPCD**)
4. Resolution - Reconstructing Overhead Utility Wires to Underground Wires - Elm Grove Area

**THOSE WISHING TO BE HEARD**

AGENDA

Wheeling, West Virginia

DATE: May 15, 2012

CONVENED: \_\_\_\_\_

ADJOURNED: \_\_\_\_\_

**INVOCATION:**

**ROLL CALL:** Taken and \_\_\_\_\_ members responded.

**READING OF THE MINUTES** - May 1, 2012

**MAYOR'S REPORT**

**1. CLERK'S REPORT**

1. Notice of Application to Operate a Private Club - Tiffany's LLC dba Hollywood Hollywood  
20 Elm Terrace

**2. UNFINISHED BUSINESS**

1. Adopting Traffic Rule No. 4375 - Handicapped Parking - 427 N. Huron Street
2. Adopting Traffic Rule No. 4376 - Handicapped Parking - 5 Ridge Avenue
3. Adopting Traffic Rule No. 4377 - No Parking - West Side of Gamble Avenue
4. Adopting Traffic Rule No. 4378 - No Parking - West Side of Eoff Street
5. Adopting Traffic Rule No. 4379 - No Parking - W. Sd. Of Market St. From Lane 6 to 9<sup>th</sup> St.
6. Metron-Farnier, Inc. - Water Meter & AMR - Pilot Project (**Water**)
7. Agreement - Wheeling-Ohio County Board of Health - FY 2012-2013
8. Agreement - WV Department of Transportation - Matching Funds - Peninsula Loop Trail
9. Agreement - WV Department of Transportation - Matching Funds - Wheeling Chapline  
Hill Tunnel Restoration

**HELD OVER:** Board of Zoning Appeals Minutes - 3/15/12; Wheeling Traffic Commission Minutes - 4/12/12; Wheeling Housing Authority Minutes - 3/14/12; Greater Wheeling Sports and Entertainment Authority Minutes - 2/28/12 & 3/27/12; Greater Wheeling Sports and Entertainment Authority Financial Statement - 3/31/12; Police Civil Service Commission Annual Report - 2011; Fire Civil Service Commission Annual Report - 2011; Municipal Civil Service Commission Annual Report - 2011

**3. REMARKS FROM MEMBERS OF COUNCIL**

**4. REPORT OF COMMITTEES**

**5. REPORT OF CITY MANAGER**

**6. REPORT OF OTHER OFFICERS**

1. Historic Landmarks Commission Minutes - 02/02/12
2. Wheeling Traffic Commission Minutes - 04/12/12
3. Wheeling Municipal Parking System Financial Statement - 03/31/12
4. Robert C. Byrd Intermodal Transportaion Center Financial Statement - 03/31/12
5. CDBG Program Status Report - 4/30/12
6. HOME Program Status Report - 4/30/12
7. HPRP Program Status Report - 4/30/12
8. Financial Statement - 4/30/12
9. Human Rights Commission Minutes - 1/30/12; 2/27/12; 3/26/12

**7. PETITIONS OF REDRESS OR GRIEVANCE**

**8. PETITIONS OF ALL OTHER KINDS**

**9. ORIGINAL PROPOSITIONS**

1. Renaming of Stone Boulevard to Martin Luther King, Jr. Boulevard
2. Resolution - Governor's Community Participation Grant - River City Music Festival
3. Resolution - Authorizing Payment of Invoices - Wastewater Project - Series 2010B (**WPCD**)
4. Resolution - Reconstructing Overhead Utility Wires to Underground Wires - Elm Grove Area

**THOSE WISHING TO BE HEARD**

# AGENDA

Wheeling, West Virginia  
DATE: June 19, 2012

CONVENED: \_\_\_\_\_

ADJOURNED: \_\_\_\_\_

## INVOCATION:

ROLL CALL: Taken and \_\_\_\_\_ members responded.

READING OF THE MINUTES - June 5, 2012

## “PUBLIC HEARING - AMENDING CODIFIED ORDINANCES - SECTION 925.06 RATES - INCREASING GARBAGE, RUBBISH & RECYCLABLE MATERIAL COLLECTION RATES”

### MAYOR'S REPORT

#### 1. CLERK'S REPORT

1. Certification of May 8, 2012 Election
2. Notice of Application to Operate a Private Club - C & T Fitz dba Elm Grove Carryout - 202 Kruger Street

#### 2. UNFINISHED BUSINESS

1. Adopting Traffic Rule No. 4380 - No Parking Bus Stop Zone - Warwood Ave.
2. Adopting Traffic Rule No. 4381 - Stop Intersection - Valley View, Biltmore & Betty St.
3. Adopting Traffic Rule No. 4382 - No Parking Zone - West Side of Cracraft Avenue
4. Adopting Traffic Rule No. 4383 - No Parking Zone - West Side of Wheeling Avenue
5. Adopting Traffic Rule No. 4384 - No Parking Zone - Gaewood Avenue
6. Adopting Traffic Rule No. 4385 - Handicapped Parking Zone - 1067 Hil Dar Avenue
7. Adopting Traffic Rule No. 4386 - Handicapped Parking Zone - 1069 Hil Dar Avenue
8. Adopting Traffic Rule No. 4387 - No Parking Bus Stop Zone - Washington Avenue
9. Adopting Traffic Rule No. 4388 - No Parking Zone - North Side of Pine Avenue
10. Glen Dale Motor Company - Five (5) Current Year Dodge Chargers (**Police**)
11. Amending Codified Ordinances - Section 925.06 Rates - Increasing Garbage, Rubbish And Recyclable Material Collection Rates

**HELD OVER:** Planning Commission Minutes - 3/12/12; Wheeling-Ohio County Board of Health Minutes - 3/13/12; Wheeling Housing Authority Minutes - 4/11/12; Board of Zoning Appeals Minutes - 4/19/12; Greater Wheeling Sports & Entertainment Authority Minutes - 4/24/12; Greater Wheeling Sports & Entertainment Authority Income Statement - 4/30/12; Wheeling Traffic Commission Minutes - 5/10/12

#### 3. REMARKS FROM MEMBERS OF COUNCIL

#### 4. REPORT OF COMMITTEES

1. Development Committee Report - 6/4/12

#### 5. REPORT OF CITY MANAGER

#### 6. REPORT OF OTHER OFFICERS

1. Planning Commission Minutes - 5/14/12
2. Historic Landmarks Commission Minutes - 5/3/12
3. Wheeling Municipal Parking System Financial Statement - 4/30/12
4. Robert C. Byrd Intermodal Transportation Center Financial Statement - 4/30/12
5. Wheeling Human Rights Commission Minutes - 4/30/12
6. CDBG Program Status Report - 5/31/12
7. HOME Program Status Report - 5/31/12
8. HPRP Program Status Report - 5/31/12
9. Financial Statement - 5/31/12
10. CDBG Building Demolition Status Report - 6/13/12
11. Wheeling Housing Authority Annual Plan - (**Available for review in City Clerk's**

Office)

#### 7. PETITIONS OF REDRESS OR GRIEVANCE

#### 8. PETITIONS OF ALL OTHER KINDS

#### 9. ORIGINAL PROPOSITIONS

1. Key Chemical Inc. - Hydrofluosilicic Acid (**Water**)
2. Norit Americas, Inc. - Powdered Activated Carbon (**Water**)
3. Univar - Liquid Chlorine (**Water**)
4. Kemira Water Solutions - Ferric Chloride (**Water**)

5. Greer Lime Co - Lime (**Water**)
6. Univar - Potassium Permanganate - (**Water**)
7. Shannon Chemical Corp. - Phosphate Liquid Corrosion Inhibitor (**Water**)
8. Easter Seal Rehabilitation Center - Miracle Field (**CDBG**)
9. Wheeling Symphony - July 4, 2012 Funfest Fireworks
10. Univar - Liquid Chlorine (**WPCD**)
11. Sal Chemical - Sodium Bisulfite (**WPCD**)
12. Amending Codified Ordinances - Article 771 - Trailer Camps; Section 771.02 Application for License; Fee
13. Wheeling Area Chamber of Commerce - 2012 City of Lights
14. Resolution - 1201 Valley View Avenue - Redevelopment Site
15. Resolution - Vernon E. Seals
16. Resolution - James F. Tiu

**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 Gene 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 May 15, 2012 meeting be approved as received. Motion carried.

### **MAYOR'S REPORT**

At this time, Mayor McKenzie recognized Mr. Tiu who read and presented Ohio County Assessor Kathy Hoffman an award honoring her as West Virginia County Assessor of the Year.

Mayor McKenzie welcomed the City's new Police Chief, Shawn Schwertfeger, to tonight's meeting.

He also commented on two items that are on tonight's agenda: Renaming the Patterson Ballfields and a park within the Recreational Complex to honor Captain David Van Camp, who lost his life while defending our Country in the Iraq War; and Memorialization and Naming an area between 11<sup>th</sup> Street and the intersection at Route 40/National Road and Mt. Wood Road as Dr. Martin Luther King, Jr. Way.

Mayor McKenzie expressed appreciation to City Solicitor Rose Warmuth for her tireless efforts in organizing the Chili Cook-Off that took place this past week-end and was a huge success.

### **CLERK'S REPORT**

#### Notice of Application to Operate a Private Club - Tiffany's LLC dba Jumpin Jimmy's, 2700 Chapline Street

City Clerk Janice Jones presented a Notice of Application to Operate a Private Club for Tiffany's LLC, dba Jumpin Jimmy's, located at 2700 Chapline Street. The applicants are Joseph Tellitocci and Jerry Nixon.

### **UNFINISHED BUSINESS**

#### MEMORIAL DESIGNATION OF AREA NEAR STONE BOULEVARD AS DR. MARTIN LUTHER KING, JR. WAY

The following was then read:

AN ORDINANCE OF THE WHEELING CITY COUNCIL  
AUTHORIZING THE MEMORIAL DESIGNATION OF THE  
AREA FROM 11<sup>TH</sup> AND CHAPLINE STREET TO THE  
INTERSECTION AT ROUTE 40/NATIONAL ROAD AND MT.  
WOOD ROAD AS DR. MARTIN LUTHER KING, JR. WAY, IN  
ORDER FOR THE CITY OF WHEELING TO MEMORIALIZE,  
HONOR AND RECOGNIZE DR. MARTIN LUTHER KING, JR.

Mr. Seals commented that he had received phone calls about this issue and, as they were in the audience this evening, asked them if they would like to speak before Council. They responded that their concerns were resolved.

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 Historic Landmarks Commission Minutes - 02/02/12; Wheeling Traffic Commission Minutes - 04/12/12; Wheeling Municipal Parking System Financial Statement - 03/31/12; Robert C. Byrd Intermodal Transportation Center Financial Statement - 03/31/12; CDBG Program Status Report - 4/30/12; HOME Program Status Report - 4/30/12; HPRP Program Status Report - 4/30/12; Financial Statement - 4/30/12; Human Rights Commission Minutes - 1/30/12; 2/27/12; 3/26/12; which were held over, be approved as received. Motion carried.

### **REMARKS FROM MEMBERS OF COUNCIL**

Mrs. Delbrugge asked if Council had any objection to a change that was made in an ordinance that is on this evening's agenda regarding moving a bus stop south a short distance from what was originally noted in the ordinance. There was no objection from Council on this.

Mr. Fahey informed Council and those present that the West Virginia Day Celebration will take place on Saturday, June 16<sup>th</sup> at the Heritage Port. Landau Eugene Murphy, Jr., winner of America's Got Talent, will perform along with other entertainment and fireworks will conclude the evening.

### **REPORT OF COMMITTEES**

#### **FINANCE COMMITTEE REPORT - MAY 23, 2012**

The Finance Committee of Wheeling City Council met on Wednesday, May 23, 2012 at 12:00 noon, 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, Assistant ECD Director Tom Connelly, City Clerk Janice Jones and the media.

The following matters were discussed:

#### **General Fund Budget Revision No. 3**

City Manager Herron explained that this is the last budget revision for the current fiscal year. He explained in detail the individual line items that would be affected by this budget revision (please see attached.) Following a short discussion, Mr. Tiu moved, seconded by Mr. Fahey, to accept Budget Revision No. 3. Motion carried. Mr. Henry questioned whether there would be funds available to consider giving employees a raise. Mr. Herron said that it might be possible but will discuss it when we know what the cash carryover will be.

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

#### **Coal Severance Fund Budget Revision No. 2**

Mr. Herron said that this budget revision is necessary due to \$15,000.00 in Coal Severance taxes being received before the fiscal year end. Mr. Tiu moved, seconded by Mr. Fahey, acceptance of Coal Severance Budget Revision No. 2. Motion carried.

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

#### **Financial Statement - April 30, 2012**

Mr. Herron said that the April statement is pretty strong. He reported that the General Fund Balance as of 4/30/12 is \$3.6 Million compared to \$2.7 Million for last year for the same time period. He pointed out that April was a huge B & O revenue month. Mr. Herron said that expenditures this year are at 82% compared to 84% for the same period last year. As requested at the last meeting, a breakdown of B & O revenue was reviewed and discussed. Mr. Tiu moved, seconded by Mr. Fahey, to accept the April 30, 2012 Financial Statement as presented. Motion carried.

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

### **Discussion on Trailer Camp Amendment**

City Manager Herron explained that a couple of requests from property owners have been received to allow them to construct trailer camps. As there is a fee associated with this, it is in the Business and Taxation section of the Code and therefore before the Finance Committee. Assistant Director of the Economic and Community Development Department, Tom Connelly, reviewed the proposed changes with those present. He said that the new rules would allow temporary camps only on property zoned I-2 General Industrial. In addition, the property on which the camp would sit must be at least 1 acre and each rental unit would have to be a minimum of 1,200 square feet in area, comply with flood plain regulations, and have adequate access roads, water and electrical supply and sewage and garbage disposal. Property owners also would have to submit a detailed plan for restoration of the property. As for the fees, it is proposed that the annual license fee would increase from \$2.00 per rental unit to \$750, and the fee to transfer a permit could increase from \$10.00 to \$100.00. He included in his presentation, areas in Wheeling that are currently zoned I-2. A discussion about the City Manager acting as City Licensing Officer was clarified. Following a lengthy discussion, Mr. Fahey moved, seconded by Mr. Tiu, to recommend the amendments to City Council. Motion carried.

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

Relevant to the General Fund Budget Revision, City Manager Herron said he had two additional items that are included in the budget revision that he will explain. He said that \$31,000.00 is needed for demolition of the "Green Door" building and two structures that were donated to the city that are located across from Lowes. In addition, \$25,300.00 is needed for two (2) zero turn commercial mowers with trailers. He noted that the mowers will increase efficiency by reducing mowing time significantly. Mr. Fahey moved, seconded by Mr. Tiu, to include these two items in the General Fund Budget Revision No. 3. Motion carried.

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

Mr. Herron updated those present on the status of the new Council Chambers. He is anticipating the project being completed sometime in September.

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

### **REPORT OF CITY MANAGER**

Relevant to the trailer camp discussion that was contained in the Finance Committee minutes, City Manager Herron said that we currently have a trailer camp ordinance; however, it is dated 1955 and was set up for a whole different type of trailer camp than what we are looking at now. Some of the requirements that we are adding would be compliance with flood plain regulations, adequate access roads, water and electric service, garbage and sewage disposal.

Mr. Herron also commended City Solicitor Rose Warmuth on the successful Chili Cook-Off, which raised approximately \$9,000.00 for the United Way.

Mr. Herron requested that Item No. 10 Bridgeport Equipment for two zero turn mowers, listed under Original Propositions, be read two times this evening as they are needed for seasonal mowing. In addition, he respectfully requested that the Wetzel Street Sidewalk and Curb, Savage Construction, be read two times this evening as this is a fairly large job.

### **REPORT OF OTHER OFFICERS**

Mr. Fahey moved, seconded by Mr. Seals, that the Planning Commission

Minutes - 3/12/12; Wheeling-Ohio County Board of Health Minutes - 3/13/12; Wheeling Housing Authority Minutes - 4/11/12; Board of Zoning Appeals Minutes - 4/19/12; Greater Wheeling Sports & Entertainment Authority Minutes - 4/24/12; Greater Wheeling Sports & Entertainment Authority Income Statement - 4/30/12; Wheeling Traffic Commission Minutes - 5/10/12, be held over until the next meeting. Motion carried.

### **ORIGINAL PROPOSITIONS**

#### ADOPTING TRAFFIC RULE NO. 4380 - NO PARKING BUS STOP ZONE - WARWOOD AVE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4380.

#### ADOPTING TRAFFIC RULE NO. 4381 - STOP INTERSECTION - VALLEY VIEW, BILTMORE & BERRY ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4381.

#### ADOPTING TRAFFIC RULE NO. 4382 - NO PARKING ZONE - WEST SIDE OF CRACRAFT AVENUE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4382.

#### ADOPTING TRAFFIC RULE NO. 4383 - NO PARKING ZONE - WEST SIDE OF WHEELING AVENUE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4383.

#### ADOPTING TRAFFIC RULE NO. 4384 - NO PARKING ZONE - GAEWOOD AVENUE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4384

#### ADOPTING TRAFFIC RULE NO. 4385- HANDICAPPED PARKING ZONE - 1067 HIL DAR AVENUE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4385

#### ADOPTING TRAFFIC RULE NO. 4386- HANDICAPPED PARKING ZONE - 1069 HIL DAR AVENUE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4386

#### ADOPTING TRAFFIC RULE NO. 4387- NO PARKING BUS STOP ZONE - WASHINGTON AVENUE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4387

ADOPTING TRAFFIC RULE NO. 4388 - NO PARKING ZONE - NORTH SIDE OF PINE  
AVENUE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4388

BRIDGEPORT EQUIPMENT AND TOOL - TWO JOHN DEERE ZERO TURN MOWERS  
(OPERATIONS)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO  
EXPEND FUNDS IN THE AMOUNT OF \$25,190.00 WITH  
BRIDGEPORT EQUIPMENT AND TOOL, OF BRIDGEPORT,  
OH, FOR TWO (2) JOHN DEERE MODEL 997 ZERO TURN  
MOWERS WITH TRAILERS, TO BE CHARGED TO  
OPERATIONS, STREETS & HIGHWAYS - #001.4977.40.9092.

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 \$25,190.00 WITH  
BRIDGEPORT EQUIPMENT AND TOOL, OF BRIDGEPORT,  
OH, FOR TWO (2) JOHN DEERE MODEL 997 ZERO TURN  
MOWERS WITH TRAILERS, TO BE CHARGED TO  
OPERATIONS, STREETS & HIGHWAYS - #001.4977.40.9092.

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.

GLEN DALE MOTOR COMPANY - FIVE (5) CURRENT YEAR 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 AGREEMENT TO EXPEND FUNDS IN THE  
AMOUNT OF \$147,514.00 WITH GLEN DALE MOTOR COMPANY,  
OF GLEN DALE, WV, FOR THE LEASE PURCHASE OF FIVE (5)  
CURRENT YEAR DODGE CHARGERS, PER BID  
SPECIFICATIONS, TO BE FINANCED WITH WESBANCO BANK,  
OF WHEELING, WV, TO BE CHARGED TO - POLICE VEHICLES  
- 2012-2013 - #001.4976.40.9090.

AMENDING CODIFIED ORDINANCES - SECTION 925.06 RATES - INCREASING  
GARBAGE, RUBBISH AND RECYCLABLE MATERIAL COLLECTION RATES

\_\_\_\_\_ The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND READOPTING SECTION 925.06 OF THE CODIFIED ORDINANCES OF THE CITY OF WHEELING, ENTITLED RATES, BY INCREASING THE GARBAGE, RUBBISH AND DESIGNATED RECYCLABLE MATERIAL COLLECTION RATE FROM THIRTEEN DOLLARS TO FOURTEEN DOLLARS AND FIFTY CENTS MONTHLY.

SAVAGE CONSTRUCTION CO. - WETZEL STREEET CURBS & SIDEWALKS PROJECT (CDGB)

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 \$124,469.00 WITH SAVAGE CONSTRUCTION CO., OF WHEELING, WV, FOR THE WETZEL STREET CURBS & SIDEWALKS PROJECT, TO BE CHARGED TO CDBG - 2011-12 STEP/SIDEWALK CONSTRUCTION - #1507-011-220.

Mr. Seals moved, seconded by Mr. Henry, 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 \$124,469.00 WITH SAVAGE CONSTRUCTION CO., OF WHEELING, WV, FOR THE WETZEL STREET CURBS & SIDEWALKS PROJECT, TO BE CHARGED TO CDBG - 2011-12 STEP/SIDEWALK CONSTRUCTION - #1507-011-220.

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.

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 - RENAMING PATTERSON BALLFIELDS AND DESIGNATING BALLFIELD WITHIN THE PARK AS CAPTAIN DAVID VAN CAMP BALLFIELD

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING TO MODIFY THE NAME OF THE RECREATIONAL AREA KNOWN AS PATTERSON BALLFIELDS TO PATTERSON RECREATIONAL PARK AND DESIGNATE A BALLFIELD WITHIN THE PARK, TO COMMEMORATE CAPTAIN DAVID VAN CAMP, WHO LOST HIS LIFE IN THE IRAQ WAR, AS THE CAPTAIN DAVID VAN CAMP BALLFIELD.

**WHEREAS**, The Council of the City of Wheeling's recreational park in the Elm Grove area of Wheeling has been long referenced as the Patterson Ballfields; and

**WHEREAS**, The Council of the City of Wheeling wishes to modify the name to the Patterson Recreational Park to more appropriately suit the various recreational facilities housed therein; and

**WHEREAS**, The Council of the City of Wheeling acknowledges Captain David Van Camp who has served the City of Wheeling, the State of West Virginia and the Country of the United States of America, through his service in the United States Army; and

**WHEREAS**, Captain Van Camp gave the ultimate service to our country in the Iraq War; and

**WHEREAS**, In honor and memory of Captain David Van Camp, the Council of the City of Wheeling wishes to designate a ballfield within the Patterson Recreational Park to be known as the Captain David Van Camp Ballfield; and

**WHEREAS**, It is a fitting tribute to dedicate and memorialize David's "stomping grounds," the palomino field at the Patterson Recreational Park, as hallowed ground - a long-lasting reminder to every baseball player, coach, and fan that there was once a kid who spent his childhood on the baseball field but gave his life on the battlefield.

**NOW, THEREFORE, BE IT RESOLVED**, that the recreational area currently known as Patterson Ballfields shall be known as the Patterson Recreational Park and a ballfield within the park known as the Captain David Van Camp Ballfield.

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

A representative of the Van Camp Family expressed their appreciation to Council for their action on behalf of Captain David Van Camp.

### RESOLUTION - GENERAL FUND BUDGET REVISION NO. 3

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING DIRECTING THAT THE GENERAL FUND BUDGET BE REVISED AS PER BUDGET REVISION NO. BR1180.01.03.

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

### RESOLUTION - COAL SEVERANCE BUDGET REVISION NO. 2

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**

Bill O’Leary, 158 Paxton Avenue, appeared before Council to inform them and the public about “National Night Out” event that will take place on August 7, 2012 at Wheeling Park. This is a national effort to heighten crime awareness in neighborhoods. He asked if the City would be willing to make a donation for this event.

There being no further business, Mr. Henry moved, seconded by Mr. Seals, to adjourn. Motion carried. Time: 7:30 p.m.

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City Clerk

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Mayor

## AGENDA

Wheeling, West Virginia  
DATE: July 3, 2012

CONVENED: \_\_\_\_\_

ADJOURNED: \_\_\_\_\_

### INVOCATION:

ROLL CALL: Taken and \_\_\_\_\_ members responded.

READING OF THE MINUTES - June 19, 2012

### “PUBLIC HEARING - AMENDING CODIFIED ORDINANCE - ARTICLE 771 TRAILER CAMPS; SECTION 771.02 APPLICATION FOR LICENSE; FEE”

## MAYOR'S REPORT

### 1. CLERK'S REPORT

### 2. UNFINISHED BUSINESS

1. Adopting Traffic Rule No. 4381 - Stop Intersection - Valley View, Biltmore & Betty St.  
(Tabled 6/19/12)
2. Adopting Traffic Rule No. 4384 - No Parking Zone - Gaewood Avenue (Tabled 6/19/12)
3. Key Chemical Inc. - Hydrofluosilicic Acid (Water)
4. Norit Americas, Inc. - Powdered Activated Carbon (Water)
5. Univar - Liquid Chlorine (Water)
6. Kemira Water Solutions - Ferric Chloride (Water)
7. Greer Lime Co - Lime (Water)
8. Univar - Potassium Permanganate - (Water)
9. Shannon Chemical Corp. - Phosphate Liquid Corrosion Inhibitor (Water)
10. Univar - Liquid Chlorine (WPCD)
11. Sal Chemical - Sodium Bisulfite (WPCD)
12. Amending Codified Ordinances - Article 771 - Trailer Camps; Section 771.02

Application for

License; Fee

13. Wheeling Area Chamber of Commerce - 2012 City of Lights

**HELD OVER:** Planning Commission Minutes - 5/14/12; Historic Landmarks Commission Minutes - 5/3/12; Wheeling Municipal Parking System Financial Statement - 4/30/12; Robert C. Byrd Intermodal Transportation Center Financial Statement - 4/30/12; Wheeling Human Rights Commission Minutes - 4/30/12; CDBG Program Status Report - 5/31/12; HOME Program Status Report - 5/31/12; HPRP Program Status Report - 5/31/12; Financial Statement - 5/31/12; CDBG Building Demolition Status Report - 6/13/12; Wheeling Housing Authority Annual Plan - (Available for review in City Clerk's Office)

### 3. REMARKS FROM MEMBERS OF COUNCIL

### 4. REPORT OF COMMITTEES

1. Finance Committee Report - 6/19/12

### 5. REPORT OF CITY MANAGER

### 6. REPORT OF OTHER OFFICERS

1. Wheeling Housing Authority Minutes - 5/9/12
2. Wheeling Municipal Parking System Financial Statement - 5/31/12
3. Robert C. Byrd Intermodal Transportation Center Financial Statement - 5/31/12
4. Greater Wheeling Sports & Entertainment Authority Minutes - 5/29/12
5. Greater Wheeling Sports & Entertainment Income Statement - 5/31/12

### 7. PETITIONS OF REDRESS OR GRIEVANCE

### 8. PETITIONS OF ALL OTHER KINDS

### 9. ORIGINAL PROPOSITIONS

1. Urban Design Ventures Agreement - Consulting Services - CDBG/HOME Programs - 1<sup>st</sup> yr. Of 3
2. Demolition Liens - 2012

## THOSE WISHING TO BE HEARD

## AGENDA

Wheeling, West Virginia  
DATE: July 17, 2012

CONVENED: \_\_\_\_\_

ADJOURNED: \_\_\_\_\_

### INVOCATION:

**ROLL CALL:** Taken and \_\_\_\_\_ members responded.

**READING OF THE MINUTES** - July 3, 2012

### MAYOR'S REPORT

#### 1. CLERK'S REPORT

1. Notice of Application to Operate a Private Club - WPF - L-12 - 1000 National Road

#### 2. UNFINISHED BUSINESS

1. Adopting Traffic Rule No. 4381 - Stop Intersection - Valley View, Biltmore & Betty St.  
(Tabled 6/19/12 & 7/3/12)
2. Adopting Traffic Rule No. 4384 - No Parking Zone - Gaewood Avenue (Tabled 6/19/12 & 7/3/12)
3. Urban Design Ventures Agreement - Consulting Services - CDBG/HOME Programs - 1<sup>st</sup> yr. Of 3
4. Demolition Liens - 2012

**HELD OVER:** Wheeling Housing Authority Minutes - 5/9/12; Wheeling Municipal Parking System Financial Statement - 5/31/12; Robert C. Byrd Intermodal Transportation Center Financial Statement - 5/31/12; Greater Wheeling Sports & Entertainment Authority Minutes - 5/29/12; Greater Wheeling Sports & Entertainment Income Statement - 5/31/12

#### 3. REMARKS FROM MEMBERS OF COUNCIL

#### 4. REPORT OF COMMITTEES

1. Development Committee - 7/9/12

#### 5. REPORT OF CITY MANAGER

#### 6. REPORT OF OTHER OFFICERS

1. Planning Commission Minutes - 6/11/12
2. Planning Commission Report - 7/10/12
3. CDBG Program Status Report - 6/30/12
4. HOME Program Status Report - 6/30/12
5. HPRP Program Status Report - 6/30/12
6. Financial Statement - 6/30/12

#### 7. PETITIONS OF REDRESS OR GRIEVANCE

#### 8. PETITIONS OF ALL OTHER KINDS

#### 9. ORIGINAL PROPOSITIONS

1. Berry, Bippus, Chison & Foose - Liability Insurance - FY 2012-2013
2. Wells Fargo Insurance Services - Excess Liability - Workers' Compensation - FY 2012-2013
3. Ohio County Board of Education - Rental of Portion of Garden Park - FY 2012-2013
4. Resolution - HUD 108 Program- CDBG Section 108 Loan Repayment - Bank of New York Mellon

### THOSE WISHING TO BE HEARD

Council of the City of Wheeling met in the second floor court room, 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, Imer, Miller, Atkinson, Fahey

- 6

Mr. Fahey moved, seconded by Mr. Atkinson, that the minutes of the July 3, 2012 City Council meeting be approved as received. Motion carried.

### **MAYOR'S REPORT**

Mayor McKenzie reported that, per an announcement earlier today, the East Wheeling Sports Complex will be named the J. B. Chambers Recreation Park and they presented a \$750,000.00 contribution to the new facility. He noted that the total project will be approximately \$2.5 to \$3 million dollars and for them to make such a substantial donation is remarkable.

He also announced that the American Queen docked at the Heritage Port today and will be coming back in the near future.

Also, Mayor McKenzie commented on the success of the second annual Arts Fest, sponsored by the Arts & Culture Commission. He requested Clerk Janice Jones to send a letter to Chairperson Erika Donaghy commending her and the Commission for a great event.

He also announced that the Italian Festival will be taking place the last week-end in July.

### **CLERK'S REPORT**

#### **NOTICE OF APPLICATION TO OPERATE A PRIVATE CLUB - WPF - L12 - 1000 NATIONAL ROAD**

City Clerk Janice Jones presented a Notice of Application to Operate a Private Club for WPF - L12, located at 1000 National Road. The applicant is Tobias Bachman.

### **UNFINISHED BUSINESS**

Mr. Miller moved, seconded by Mr. Fahey, to lift this ordinance from the table to be read and acted upon this evening. Motion carried.

#### **ADOPTING TRAFFIC RULE NO. 4381 - STOP INTERSECTION - VALLEY VIEW, BILTMORE & BETTY ST. (TABLED 6/19/12)**

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4381.

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

Mr. Atkinson stated that although he doesn't believe that this will solve the problem in the area, he will support it because his fellow Council members believe it is a matter of public safety; however, he feels that it will set a precedent for other stop intersections to curtail speeding throughout the city.

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Miller, Atkinson, Fahey - 6

NOES: - 0

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

ADOPTING TRAFFIC RULE NO. 4384 -NO PARKING ZONE - GAEWOOD AVENUE  
(TABLED 6/19/12)

As there was no motion to lift this from the table, the ordinance died.

URBAN DESIGN VENTURES AGREEMENT - CONSULTING SERVICES - CDBH/HOME  
PROGRAM - 1<sup>ST</sup> YEAR OF 3

\_\_\_\_\_The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT (FIRST 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 \$11,000.00, TO BE CHARGED TO COMMUNITY DEVELOPMENT BLOCK GRANT 2012-13 GENERAL ADMIN. - CONSULTING SERVICES - #1501-012-180.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Miller, Atkinson, Fahey - 6

NOES: - 0

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

DEMOLITION LIENS - 2012

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. Fahey moved, seconded by Mrs. Delbrugge, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Miller, 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 Mrs. Delbrugge, that the Wheeling Housing Authority Minutes - 5/9/12; Wheeling Municipal Parking System Financial Statement - 5/31/12; Robert C. Byrd Intermodal Transportation Center Financial Statement - 5/31/12; Greater Wheeling Sports & Entertainment Authority Minutes - 5/29/12; and Greater Wheeling Sports & Entertainment Income Statement - 5/31/12, which were held over, be approved as received. Motion carried.

### **REMARKS FROM MEMBERS OF COUNCIL**

Mr. Fahey congratulated City Manager Robert Herron and Finance Director Michael Klug for the excellent fiscal management of the City. He also commented on the positive business climate in downtown Wheeling.

### **REPORT OF COMMITTEES**

#### **DEVELOPMENT COMMITTEE REPORT - JULY 9, 2012**

The Development Committee of Wheeling City Council met on Monday, July 9, 2012 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, City Solicitor Rose Humway-Warmuth, ECD Director Nancy Prager; and City Clerk Janice Jones.

Mr. Fahey moved, seconded by Mrs. Delbrugge, to suspend the regular order of business to conduct an executive session to discuss property negotiations. Motion carried. Time: 12:02.

#### **Executive Session - Discussion on Property Acquisitions**

Mr. Fahey moved, seconded by Mrs. Delbrugge, to resume the regular order of business. Motion carried. Time: 12:48 p.m.

There being no further business to come before the Committee, Mr. Fahey moved, seconded by Mrs. Delbrugge, to adjourn. Time: 12:48 p.m.

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

### **REPORT OF CITY MANAGER**

City Manager Robert Herron commented on the General Liability Insurance with Berry, Bippus, Chison on Foose that is on the agenda under Original Propositions. He said that we were able to negotiate the price to remain the same for three years. The amount is a little less than what was budgeted. He respectfully requested two readings on this ordinance for this evening.

### **REPORT OF OTHER OFFICERS**

Mr. Fahey moved, seconded by Mr. Henry, that the Planning Commission Minutes, 6/11/12; Planning Commission Report, 7/10/12; CDBG Program Status Report, 6/30/12; HOME Program Status Report, 6/30/12; HPRP Program Status Report, 6/30/12; and Financial Statement, 6/30/12; be held over until the next meeting. Motion carried.

### **ORIGINAL PROPOSITIONS**

#### **BERRY, BIPPUS, CHISON & FOOSE - LIABILITY INSURANCE - FY 2012-2013**

The following was then read:

AN ORDINANCE AUTHORIZING PAYMENT OF PREMIUMS FOR THE GENERAL LIABILITY, BLANKET, PROPERTY, FLEET, POLICE AND PUBLIC OFFICIALS, AND UNDERGROUND STORAGE TANKS INSURANCE POLICIES AND BONDS FOR THE PERIOD OF JULY 1, 2012 - JUNE 30, 2013, IN THE AMOUNT OF \$847,368.00 TO BERRY, BIPPUS, CHISON & FOOSE, INC., OF WHEELING, TO BE CHARGED TO GENERAL FUND, WATER DEPARTMENT, WATER POLLUTION CONTROL DEPARTMENT, AND WHEELING PARKING AUTHORITY.

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

The following was then read:

AN ORDINANCE AUTHORIZING PAYMENT OF PREMIUMS FOR THE GENERAL LIABILITY, BLANKET, PROPERTY, FLEET, POLICE AND PUBLIC OFFICIALS, AND UNDERGROUND STORAGE TANKS INSURANCE POLICIES AND BONDS FOR THE PERIOD OF JULY 1, 2012 - JUNE 30, 2013, IN THE AMOUNT OF \$847,368.00 TO BERRY, BIPPUS, CHISON & FOOSE, INC., OF WHEELING, TO BE CHARGED TO GENERAL FUND, WATER DEPARTMENT, WATER POLLUTION CONTROL DEPARTMENT, AND WHEELING PARKING AUTHORITY.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Miller, Atkinson, Fahey - 6

NOES: - 0

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

WELLS FARGO INSURANCE SERVICES - EXCESS LIABILITY - WORKER'S COMPENSATION - FY 2012-2013

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$65,447.00 WITH WELLS FARGO INSURANCE SERVICES, OF WHEELING, WV, FOR EXCESS LIABILITY WORKERS' COMPENSATION POLICY (FY 2012 TO 2013), TO BE CHARGED TO CUSTODY ACCOUNT - WORKERS' COMPENSATION #2335830788.

Mayor McKenzie recused himself from voting on this matter due to a possible conflict of interest.

OHIO COUNTY BOARD OF EDUCATION - RENTAL OF PORTION OF GARDEN PARK - FY 2012-13

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 2012-2013.

RESOLUTION - HUD 108 PROGRAM - CDBG SECTION 108 LOAN REPAYMENT - 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 \$161,080.00 FROM CDBG 2011-12 SECTION 108 LOAN REPAYMENT - #1513-011-140 FOR COSTS ASSOCIATED WITH HUD 108 PROGRAM.

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

**THOSE WISHING TO BE HEARD**

Randy Berisford, Valley View Avenue, commented on the use of stop signs for speeding, particularly in the Valley View Avenue area.

Greg Swords, 2319 Chapline Street, addressed Council about the need for stop signs at the intersection of 23<sup>rd</sup> & Chapline, more specifically a pole with a red blinking light. He commented on the fact that many accidents have occurred at this intersection because of sight distance issues. Mayor McKenzie suggested Mr. Swords contact the City Manager's Office or the Wheeling Traffic Commission about this matter.

There being no further business, Mr. Atkinson moved, seconded by Mr. Fahey, to adjourn. Motion carried. time: 7:30 p.m.

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City Clerk

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Mayor

# AGENDA

Wheeling, West Virginia  
DATE: August 7, 2012

CONVENED: \_\_\_\_\_

ADJOURNED: \_\_\_\_\_

INVOCATION:

ROLL CALL: Taken and \_\_\_\_\_ members responded.

READING OF THE MINUTES - July 17, 2012

## MAYOR'S REPORT

### 1. CLERK'S REPORT

1. Notice of Application to Operate a Private Club - Wheeling Post 1 Home Corporation dba Wheeling Post 1 - 86 - 16<sup>th</sup> Street
2. Notice of Application to Operate a Private Club - Geno's East, Inc., dba Rt. 40 Classic Café -562 National Rd

### 2. UNFINISHED BUSINESS

1. Wells Fargo Insurance Services - Excess Liability - Workers' Compensation - FY 2012-2013
2. Ohio County Board of Education - Rental of Portion of Garden Park - FY 2012-2013  
**HELD OVER:** Planning Commission Minutes - 6/11/12; Planning Commission Report - 7/10/12; CDBG Program Status Report - 6/30/12; HOME Program Status Report - 6/30/12; HPRP Program Status Report - 6/30/12; Financial Statement - 6/30/12

### 3. REMARKS FROM MEMBERS OF COUNCIL

### 4. REPORT OF COMMITTEES

1. Finance Committee Report - 7/17/12
2. Development Committee Report - 7/20/12

### 5. REPORT OF CITY MANAGER

### 6. REPORT OF OTHER OFFICERS

1. Wheeling-Ohio County Board of Health Minutes - 5/22/12
2. Wheeling Housing Authority Minutes - 6/13/12
3. Board of Zoning Appeals Minutes - 6/21/12
4. Wheeling Traffic Commission Minutes - 7/12/12
5. Wheeling Human Rights Commission Minutes - 6/25/12
6. Wheeling Municipal Parking System Financial Statement - 6/30/12
7. Robert C. Byrd Intermodal Transportation Center Financial Statement - 6/30/12

### 7. PETITIONS OF REDRESS OR GRIEVANCE

### 8. PETITIONS OF ALL OTHER KINDS

### 9. ORIGINAL PROPOSITIONS

1. Zone Change - Portion of Point View Terrace - RIC to EMO
2. Top Notch Landscaping - Seeding & Mulching Demolished Mozart Tennis Courts
3. Adopting Traffic Rule No. 4389 - Handicapped Parking - 403 Hazlett Ave.
4. Adopting Traffic Rule No. 4390 - Handicapped Parking - 42 Arcadia Ave.
5. Adopting Traffic Rule No. 4391 - Handicapped Parking 3718 Chapline Street
6. Adopting Traffic Rule No. 4392 - Handicapped Parking - 104 S. Penn Street
7. Adopting Traffic Rule No. 4393 - Handicapped Parking - N. Side of 16<sup>th</sup> St.
8. Adopting Traffic Rule No. 4394 - One Hour Parking - N. Side of 16<sup>th</sup> St.
9. Adopting Traffic Rule No. 4395 - Commercial Loading Zone - 11<sup>th</sup> & Main Sts.
10. Adopting Traffic Rule No. 4396 - No Parking Zone- 6 a.m. to 8 a.m.- S. Side of Pierce St.
11. Staley Communication, Inc. - Radio Equipment for SCADA System (**WPCD**)
12. Transfer of 45 - 49 Fifteenth Street to Ohio Valley ADC
13. Ordinance Providing for an Election on Proposed Ordinance to Rescind and Repeal Article 133.09 (a) & (b)
14. RoData - Technology Equipment and Services for Council Chambers
15. Stephens Auto Center - 2013 Ford Police Interceptor Utility AWD Vehicle (**Police**)
16. Resolution - WV Div. of Justice & Community Services - Purdue Phara Asset Forfeiture Funds Grant (**Police**)
17. Resolution - Authorizing Payment of Invoices - Wastewater Project - Series 2010B (**WPCD**)
18. Resolution - Use Agreement - Frank Warren dba Soup Shack
19. Resolution - General Fund Budget Revision No. 1
20. Resolution - Coal Severance Budget Revision No. 1

## THOSE WISHING TO BE HEARD

Council of the City of Wheeling met at West Virginia Independence Hall, 16<sup>th</sup> & Market Street, 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, Imer, Henry, Miller, Atkinson and Fahey

- 7

Mr. Fahey moved, seconded by Mr. Henry, that the minutes of the June 19, 2012 meeting be approved as received. Motion carried.

Mayor McKenzie recognized Mr. Fahey, who recommended the appointment of Robert "Herk" Henry as President Pro-Tem of Council. He felt that his 18 years of service and his knowledge and expertise distinguishes him for this position. Mr. Fahey so moved, seconded by Mrs. Delbrugge, Mr. Henry's appointment as President Pro-Tem.

Mayor McKenzie appointed Eugene Fahey as Vice-Mayor.

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

**"PUBLIC HEARING -AMENDING CODIFIED ORDINANCES - ARTICLE 771  
TRAILER CAMPS; SECTION 771.02 APPLICATION FOR LICENSE; FEE"**

City Manager Robert Herron commented that the City currently has a Trailer Camp Ordinance which was passed back in the mid 1950's. He said the changes that are being proposed to the existing ordinance are two-fold: 1) To change the fees from \$2/per year/ per space to \$750/per year/per space and from \$10/per transfer to \$100/per transfer. He added that the more significant changes are making this ordinance more restrictive. The additional restrictions are that trailer camps can only be located in an I-2 Zone (Industrial); be located on a parcel of land of at least one acre; must comply with floodplain regulations; and have a site restoration plan.

Mayor McKenzie asked if there was anyone present to speak at this public hearing.

As there was no one wishing to be heard at this public hearing, Mr. Fahey 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 power outages as a result of last week's storm. He welcomed several people to this evening's Council meeting, among them were former mayor, Jack Fahey, members of his family, and friends from Charleston.

**UNFINISHED BUSINESS**

**ADOPTING TRAFFIC RULE NO. 4381 - STOP INTERSECTION - VALLEY VIEW,  
BILTMORE & BETTY ST. (TABLED 6/19/12)**

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4381.

Mr. Henry moved to lift this ordinance off the table. As this is Mr. Miller's first meeting and as he is not familiar with this request, he asked for more time to review this issue. Mrs. Delbrugge seconded the motion to lift from the table. Mayor McKenzie, Mr. Fahey, Mr. Miller and Mr. Atkinson voted no. Mrs. Delbrugge, Mr. Henry and Mr. Imer voted yes. The

motion was defeated. Mayor McKenzie commented that he and all of Council should go out to this area to see it first hand.

ADOPTING TRAFFIC RULE NO. 4384 -NO PARKING ZONE - GAEWOOD AVENUE  
(TABLED 6/19/12)

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4384.

Mr. Fahey commented that he had received comments from concerned residents of the area and believes it needs to be reviewed further by the Traffic Commission. He said that he will not be making a motion to lift this from the table. No one else made a motion, therefore the ordinance remains on the table.

KEY CHEMICAL INC. - HYDROFLUOSILICIC ACID (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE  
CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF  
\$27,900.00 WITH KEY CHEMICAL INC., OF WAXHAW, NC,  
FOR THE PURCHASE OF 100,000 LBS. OF  
HYDROFLUOSILICIC ACID, TO BE CHARGED TO WATER  
TREATMENT - 400.4012.03.0641.00.(FY 2012-2013).

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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  
\$64,800.00, 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 2012-2013).

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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 - LIQUID CHLORINE (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$20,696.00, WITH UNIVAR, OF BUNOLA, PA, FOR THE PURCHASE OF 52 TONS OF LIQUID CHLORINE, TO BE CHARGED TO WATER TREATMENT - 400.4012.03.0641.00.(FY 2012-2013).

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 7

NOES: - 0

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

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 \$48,750.00 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 2012-2013).

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$17,448.00 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 2012-2013).

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller , Atkinson, Fahey

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 \$34,548.00 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 2012-2013).

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 7

NOES: - 0

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

SHANNON CHEMICAL CORP. - 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 \$42,700.00 WITH SHANNON CHEMICAL CORPORATION, OF MALVERN, PA, FOR THE PURCHASE OF 100,000 LBS. OF PHOSPHATE LIQUID CORROSION INHIBITOR, TO BE CHARGED TO WATER TREATMENT - 400.4012.03.0641.00.(FY 2012-2013).

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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 - LIQUID CHLORINE (WPCD)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$19,400.00 WITH UNIVAR, OF BUNOLA, PA, FOR THE PURCHASE OF 50 TONS OF LIQUID CHLORINE, TO BE CHARGED TO WATER POLLUTION CONTROL DIVISION - 401.4003.02.0743.19. CHEMICALS.

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

Mrs. Delbrugge, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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 - SODIUM BISULFITE (WPCD)

\_\_\_\_\_The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$30,600.00 WITH SAL CHEMICAL, OF WEIRTON, WV, FOR THE PURCHASE OF 15,000 GALLONS OF SODIUM BISULFITE, TO BE CHARGED TO WATER POLLUTION CONTROL DIVISION - 401.4003.02.0743.19. CHEMICALS.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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 771 - TRAILER CAMPS; SECTION 771.02 APPLICATION FOR LICENSE; FEE

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING PART SEVEN - BUSINESS REGULATION AND TAXATION CODE, ARTICLE 771 - TRAILER CAMPS, SECTION 771.02 ENTITLED APPLICATION FOR LICENSE; FEE.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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 AREA CHAMBER OF COMMERCE - 2012 CITY OF LIGHTS

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 2012 CITY OF LIGHTS FESTIVAL TO BE CHARGED TO COAL SEVERANCE 002.4412.50.2262.

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

The vote on the motion resulted as follows:  
AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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 Planning Commission Minutes - 5/14/12; Historic Landmarks Commission Minutes - 5/3/12; Wheeling Municipal Parking System Financial Statement - 4/30/12; Robert C. Byrd Intermodal Transportation Center Financial Statement - 4/30/12; Wheeling Human Rights Commission Minutes - 4/30/12; CDBG Program Status Report - 5/31/12; HOME Program Status Report - 5/31/12; HPRP Program Status Report - 5/31/12; Financial Statement - 5/31/12; CDBG Building Demolition Status Report - 6/13/12; Wheeling Housing Authority Annual Plan, which were held over, be approved as received. Motion carried.

### **REMARKS FROM MEMBERS OF COUNCIL**

Mrs. Delbrugge commented on a dilapidated piece of property across from Centre Foundry in Warwood. She said that the storm tore the roof off and it is blocking the sidewalk. She asked that someone look into this.

Mr. Fahey expressed his appreciation to WV Division of History and Culture Commissioner Randal Reid-Smith and Director Travis Henline for the use of WV Independence Hall for this evening's meeting.

### **REPORT OF COMMITTEES**

#### **FINANCE COMMITTEE REPORT - 6/19/12**

The Finance Committee of Wheeling City Council met on Tuesday, June 19 at 6:15 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, ECD Director Nancy Prager, City Clerk Janice Jones and the media.

The following matters were discussed:

#### **Financial Statement - May 31, 2012**

Mr. Herron said that revenues are slightly ahead of the same time last year. He stated that revenue in April and May was 4,991,000 as compared to last year's figures of 4,919,000. Mr. Herron said that expenditures this year are at 89% of budget; however, there are 3 pays in June. The Stabilization Fund Balance is \$1,024,000. Cash Balance is approximately 2,398,000.00. He said that he is anticipating a cash carry-over, similar to last year's. Mr. Tiu moved, seconded by Mr. Fahey, to accept the May 31, 2012 Financial Statement as presented. Motion carried.

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

In response to a question from Mr. Tiu in regard to the Garbage Rate Increase, City Manager Herron explained that it was included in the proposed budget which Council adopted in March. He said that there hasn't been a rate increase for six or seven years and costs have continued to go up.

At this time, Mr. Herron requested an executive session to discuss a personnel matter. Mr. Tiu moved, seconded by Mr. Fahey to conduct an executive session. Motion carried. Time: 6:30 p.m.

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

#### **Executive Session - Personnel Matter**

Mr. Fahey moved, seconded by Mr. Tiu, to conclude the executive session and resume the

regular order of business. Time: 6:40 p.m.

There being no further business to come before the Committee, Mr. Fahey moved, seconded by Mr. Seals to adjourn. Time: 6:40 p.m.

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

### **REPORT OF CITY MANAGER**

City Manager Robert Herron reported that the fiscal year ended June 30, 2012 and the General Fund Balance is \$919,863.00, of which \$200,000.00 is needed for the budget, leaving approximately \$717,000.00 to be allocated. He thanked the department heads and employees for another solid year from a financial and service prospective.

He commented on the recent storms and quick responses from various departments throughout the city. He also commented on the response time from American Electric Power in trying to meet all the needs in these emergency situations.

Mr. Herron said that the Fireworks are scheduled for tomorrow evening at the Heritage Port; however, in case of rain, it will be rescheduled to Friday night, following the U. S. Army Band performance.

### **REPORT OF OTHER OFFICERS**

Mr. Fahey moved, seconded by Mr. Henry, that the Wheeling Housing Authority Minutes - 5/9/12; Wheeling Municipal Parking System Financial Statement - 5/31/12; Robert C. Byrd Intermodal Transportation Center Financial Statement - 5/31/12; Greater Wheeling Sports & Entertainment Authority Minutes - 5/29/12; and Greater Wheeling Sports & Entertainment Income Statement - 5/31/12, be held over until the next meeting. Motion carried.

### **ORIGINAL PROPOSITIONS**

#### URBAN DESIGN VENTURES AGREEMENT - CONSULTING SERVICES - CDBH/HOME PROGRAM - 1<sup>ST</sup> YEAR OF 3

\_\_\_\_\_The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT (FIRST 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 \$11,000.00, TO BE CHARGED TO COMMUNITY DEVELOPMENT BLOCK GRANT 2012-13 GENERAL ADMIN. - CONSULTING SERVICES - #1501-012-180.

#### DEMOLITION LIENS - 2012

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.

Mayor McKenzie commented that the next several Council meetings will be held at the City-County Building, in the second floor courtroom and that the August 7, 2012 Council meeting will be changed to 12:00 noon.

### **THOSE WISHING TO BE HEARD**

Mr. Robert Hitchman addressed Council in regard to his property on 12<sup>th</sup> and Water Streets. He would like to be able to have vendors on his property during various events.

Randy Berisford, Valley View Avenue, talked about traffic problems on Valley View Avenue.

Elm Grove resident, Bill O'Leary, addressed Council in opposition to the proposed changes of the days and times of the City Council meetings

There being no further business, Mr. Henry moved, seconded by Mr. , to adjourn. Motion carried. Time: 8:00 p.m.

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City Clerk

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Mayor

# AGENDA

Wheeling, West Virginia  
DATE: August 21, 2012

CONVENED: \_\_\_\_\_

ADJOURNED: \_\_\_\_\_

INVOCATION:

**ROLL CALL:** Taken and \_\_\_\_\_ members responded.

**READING OF THE MINUTES** - August 7, 2012

## MAYOR'S REPORT

### 1. CLERK'S REPORT

### 2. UNFINISHED BUSINESS

1. Zone Change - Portion of Point View Terrace - R1C to EMO
2. Top Notch Landscaping - Seeding & Mulching Demolished Mozart Tennis Courts
3. Adopting Traffic Rule No. 4389 - Handicapped Parking - 403 Hazlett Ave.
4. Adopting Traffic Rule No. 4390 - Handicapped Parking - 42 Arcadia Ave.
5. Adopting Traffic Rule No. 4391 - Handicapped Parking 3718 Chapline Street
6. Adopting Traffic Rule No. 4392 - Handicapped Parking - 104 S. Penn Street
7. Adopting Traffic Rule No. 4393 - Handicapped Parking - N. Side of 16<sup>th</sup> St.
8. Adopting Traffic Rule No. 4394 - One Hour Parking - N. Side of 16<sup>th</sup> St.
9. Adopting Traffic Rule No. 4395 - Commercial Loading Zone - 11<sup>th</sup> & Main Sts.
10. Adopting Traffic Rule No. 4396 - No Parking Zone- 6 a.m.- 8 a.m.- S. Side of Pierce St.
11. Staley Communication, Inc. - Radio Equipment for SCADA System (**WPCD**)
12. Transfer of 45 - 49 Fifteenth Street to Ohio Valley ADC
13. Ordinance Providing for an Election on Proposed Ordinance to Rescind and Repeal Article 133.09 (a) and (b)
14. RoData - Technology Equipment and Services for Council Chambers
15. Stephens Auto Center - 2013 Ford Police Interceptor Utility AWD Vehicle (**Police**)

**HELD OVER:** Wheeling-Ohio County Board of Health Minutes-5/22/12; Wheeling Housing Authority Minutes - 6/13/12; Board of Zoning Appeals Minutes - 6/21/12; Wheeling Traffic Commission Minutes - 7/12/12; Wheeling Human Rights Commission Minutes - 6/25/12; Wheeling Municipal Parking System Financial Statement - 6/30/12; Robert C. Byrd Intermodal Transportation Center Financial Statement - 6/30/12

### 3. REMARKS FROM MEMBERS OF COUNCIL

### 4. REPORT OF COMMITTEES

### 5. REPORT OF CITY MANAGER

### 6. REPORT OF OTHER OFFICERS

1. Wheeling Housing Authority - 7/11/12
2. Board of Zoning Appeals - 7/19/12
3. Wheeling Traffic Commission - 8/9/12
4. CDBG Status Report - 7/31/12
5. HOME Program Status Report - 7/31/12
6. HPRP Program Status Report - 7/31/12
7. Financial Statement - 7/31/12

### 7. PETITIONS OF REDRESS OR GRIEVANCE

### 8. PETITIONS OF ALL OTHER KINDS

### 9. ORIGINAL PROPOSITIONS

1. Agreement -HUD - Community Development Block Grant EY 2012 (**CDBG**)
  2. Agreement - HUD - Home Investment Partnership Program (**CDBG**)
3. First Time Homebuyer Program - Northern Panhandle HOME Consortium - 2011 EY (**CDBG**)
4. Wheeling Police Department (**CDBG**)
5. Nelson Jordan Center (**CDBG**)
6. Wheeling Human Rights Commission (**CDBG**)
7. Easter Seal Rehabilitation Center - Miracle League Ballfield (**CDBG**)
8. Adopting Traffic Rule No. 4397 - Eliminating Street Sweeper Zone - East Sd. Eoff St.
9. Adopting Traffic Rule No. 4398 - Handicapped Parking - 3919 Wood Street
10. Adopting Traffic Rule No. 4399 - Handicapped Parking - 3531 Eoff Street
11. Adopting Traffic Rule No. 4400 - Handicapped Parking - 22 S. Penn Street
12. Adopting Traffic Rule No. 4401 - No Parking During School Hours - S. Sd. Junior Ave.
13. Jarvis, Downing & Emch - Safe Route to School Project
14. AGX, Inc. - 2012 Asbestos Inspections (**CDBG**)
15. Demolition Lien - 3737 Jacob Street

### THOSE WISHING TO BE HEARD

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

The invocation was offered by First Ward Councilor Gloria Delbrugge.

On roll call, the following were present:

McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 7

Mr. Fahey moved, seconded by Mr. Henry, that the minutes of the July 17 , 2012 City Council meeting be approved as received. Motion carried.

### **MAYOR'S REPORT**

Mayor McKenzie asked for Council's concurrence in the reappointments of Randall Geese and Lisa Werner to the Northern Panhandle HOME Consortium. Mr. Fahey moved, seconded by Mr. Miller, Council's concurrence in the reappointments. Motion carried.

Mayor McKenzie commented that the summer activities are continuing at Heritage Port, with the Blues Fest coming up this week-end and the Wine and Jazz Festival on August 25th.

### **CLERK'S REPORT**

#### **NOTICE OF APPLICATION TO OPERATE A PRIVATE CLUB - WHEELING POST 1 HOME CORPORATION DBA WHEELING POST 1 - 86-16TH STREET**

City Clerk Janice Jones presented a Notice of Application to Operate a Private Club for Wheeling Post 1 Home Corporation dba Wheeling Post 1, located at 86-16th Street. The applicant is Donald S. Harris.

#### **NOTICE OF APPLICATION TO OPERATE A PRIVATE CLUB - GENO'S EAST, INC. DBA RT. 40 CLASSIC CAFÉ, LOCATED AT 562 NATIONAL ROAD**

City Clerk Janice Jones presented a Notice of Application to Operate a Private Club for Geno's East, Inc. dba Rt. 40 Classic Café, located at 562 National Road. The applicant is Wesley D. Shriver.

### **UNFINISHED BUSINESS**

#### **WELLS FARGO INSURANCE SERVICES - EXCESS LIABILITY - WORKERS COMPENSATION - FY 2012-2013**

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$65,511.00 WITH WELLS FARGO INSURANCE SERVICES, OF WHEELING, WV, FOR EXCESS LIABILITY WORKERS' COMPENSATION POLICY (FY 2012 TO 2013), TO BE CHARGED TO CUSTODY ACCOUNT - WORKERS' COMPENSATION #2335830788.

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

Mayor McKenzie noted his abstention from voting on this ordinance as he is employed at Wells Fargo Trust Services.

The vote on the motion resulted as follows:

AYES: Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 6

NOES:

- 0

Mayor McKenzie abstained.

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

OHIO COUNTY BOARD OF EDUCATION - RENTAL OF PORTION OF GARDEN PARK - FY 2012-2013

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 2012-2013.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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 Planning Commission Minutes - 6/11/12; Planning Commission Report - 7/10/12; CDBG Program Status Report - 6/30/12; HOME Program Status Report - 6/30/12; HPRP Program Status Report - 6/30/12; Financial Statement - 6/30/12 which were held over, be approved as received. Motion carried.

**REMARKS FROM MEMBERS OF COUNCIL**

Mrs. Delbrugge expressed her appreciation to the City of Wheeling for their donation to the National Night Out event that will be held this evening at Wheeling Park, from 6:00 p.m. to 8:00 p.m. and encouraged everyone to attend.

**REPORT OF COMMITTEES**

**FINANCE COMMITTEE REPORT - JULY 17, 2012**

The Finance Committee of Wheeling City Council met on Tuesday, July 17, 2012 at 6:00 p.m. in the Office of the City Manager. Committee members present: Chair Gene Fahey, Vice Chair David Miller and Member Don Atkinson. Others present: Mayor Andy McKenzie, Councilors Gloria Delbrugge, Robert Henry and Ken Imer; City Manager Robert Herron, City Solicitor Rosemary Humway-Warmuth; Fire Chief Larry Helms, City Clerk Janice Jones and the media.

The following matters were discussed:

**Financial Statement - 6/30/12 and Discussion on Proposed FY 2012-2013 Capital Projects/Program Appropriations**

City Manager Robert Herron said that this financial statement represents the year end final figures. He reported that the ending General Fund cash balance was \$1,012,540.00 with our annually budgeted \$200,000.00 cash carryover and \$93,017.00 in encumbrances, leaving \$719,863.00 to be budgeted in the General Fund and \$44,224.00 in Coal Severance.

Mr. Herron explained in detail and recommended the following appropriations for the Finance

Committee and ultimately City Council's consideration:

\$300,000.00	Restricted Capital Improvement Fund
\$250,000.00	Street Paving (\$180,000.00 is also set aside in CDBG for Paving)
\$ 13,500.00	3 AED Units - Fire Department
\$ 23,000.00	Human Resources Information System - Human Resources Department
\$ 20,000.00	Body Armor Replacement Program - Police Department
\$ 20,000.00	200 AMP Breaker - Vehicle Maintenance
\$ 36,000.00	Greater Wheeling Sports & Entertainment Line Item
\$ 25,000.00	Building Permit Software - CDBG
\$ 31,863.00	Contingency

The \$44,224.00 balance in Coal Severance is proposed for the Administrative Line Item.

Mr. Herron also recommended that various revenue sources/line items be adjusted to be more reflective of the fiscal year that just ended. He noted that Fiscal Year 2011-12 General Fund Revenue at \$30,517,412.00 while the beginning year budgeted revenue was \$29,474,179.00. Fiscal Year 2012-13 budgeted revenue is currently \$29,693,000.00. Below is the applicable revenue category for proposed adjustments:

Property Tax	-	+	\$	26,920.00
Utility Tax	-	-	\$	129,000.00
Other Taxes	-	+	\$	241,000.00
Other Revenue	-	-	\$	7,000.00
Fines	-	+	\$	98,000.00
Fees	-	+	\$	150,000.00
Fire Fees	-	-	\$	60,158.00
Admin. Fees	-	+	\$	20,000.00
Misc. Revenue-	+	\$		13,000.00

Estimated additional Revenue - \$352,762.00

Mr. Herron is recommending a proposed appropriation of \$260,000.00 to be distributed to various line items for a 2% wage increase for full-time employees and \$92,762.00 to the Contingency line item. Mr. Atkinson asked if it would be possible to give a slightly larger wage increase and Mr. Herron responded that he wouldn't be comfortable increasing it at this time. A discussion on the amendments of the various revenue categories ensued. Following this discussion, Mayor McKenzie suggested that we take a look at the budget in December or January to see if it would be feasible to give the employees a one-time increase at that time.

Mr. Atkinson moved, seconded by Mr. Miller, to approve the Financial Statement for June, 2012 and to recommend a budget revision resolution to Council to approve the recommendations of the Administration. Motion carried.

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

There being no further business to come before the Committee, Mr. Atkinson moved, seconded by Mr. Miller, to adjourn. Motion carried. Time: 6:30 p.m.

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

### **DEVELOPMENT COMMITTEE REPORT - JULY 20, 2012**

The Development Committee of Wheeling City Council met on Friday, July 20, 2012 at 10:00 a.m. in the Office of the City Manager. Committee members present: Mayor Andy McKenzie, Vice Chair Gloria Delbrugge, Member Gene Fahey; Others present: City Manager Robert Herron, City Solicitor Rose Humway-Warmuth, and City Clerk Janice Jones.

Mr. Fahey moved, seconded by Mrs. Delbrugge, to suspend the regular order of business to conduct an executive session to discuss property negotiations. Motion carried. Time: 10:00 a.m.

### **Executive Session - Discussion on Property Negotiations**

Mr. Fahey moved, seconded by Mrs. Delbrugge, to resume the regular order of business. Motion carried. Time: 10:23 a.m.

Mr. Fahey moved, seconded by Mrs. Delbrugge, to transfer the property located at 45-49 15<sup>th</sup> Street to the Area Development Corporation (ADC). Motion carried.

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

There being no further business to come before the Committee, Mr. Fahey moved, seconded by Mrs. Delbrugge, to adjourn. Time: 10:23 a.m.

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

### **REPORT OF CITY MANAGER**

City Manager Robert Herron asked for Council's concurrence in the reappointment of Charles Kaiser of the Historic Landmarks Commission and the appointment of David Miller, as Council's representative on the Commission. Mr. Fahey moved, seconded by Mr. Atkinson, Council's concurrence in the appointments. Motion carried.

Mr. Herron recognized four individuals for their heroic efforts. They are Officer Brian Wilson, Chrissy Andrews and Dr. Harold Pickens who were involved in an incident that took place in February in Elm Grove where they successfully resuscitated an individual. Also, Lacey Dunaway was recognized for an incident at the Wheeling Island Pool where she performed the Heimlich Maneuver on a young child. Fire Chief Larry Helms presented each of them with a Certificate of Recognition. The gentleman who received assistance in Elm Grove was present and expressed his heartfelt gratitude to the 3 individuals who saved him.

### **REPORT OF OTHER OFFICERS**

Mr. Fahey moved, seconded by Mr. Henry, that the Wheeling-Ohio County Board of Health Minutes - 5/22/12; Wheeling Housing Authority Minutes - 6/13/12; Board of Zoning Appeals Minutes - 6/21/12; Wheeling Traffic Commission Minutes - 7/12/12; Wheeling Human Rights Commission Minutes - 6/25/12; Wheeling Municipal Parking System Financial Statement - 6/30/12; Robert C. Byrd Intermodal Transportation Center Financial Statement - 6/30/12; be held over until the next meeting. Motion carried.

### **ORIGINAL PROPOSITIONS**

#### ZONE CHANGE - PORTION OF POINT VIEW TERRACE - R1C TO EMO

The following was then read:

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF 11, 15, 19, 31, 48 & 54 POINT VIEW TERRACE FROM R-1C SINGLE FAMILY RESIDENTIAL TO EMO EDUCATIONAL MEDICAL OFFICE.

#### TOP NOTCH LANDSCAPING - SEEDING & MULCHING DEMOLISHED MOZART TENNIS COURTS

\_\_\_\_\_ 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 \$16,280.00 WITH TOP NOTCH LANDSCAPING, OF WHEELING, WV, FOR SEEDING & MULCHING DEMOLISHED TENNIS COURTS IN MOZART, TO BE CHARGED TO RCIP RECREATION.

#### ADOPTING TRAFFIC RULE NO. 4389 - HANDICAPPED PARKING - 403 HAZLETT AVE.

\_\_\_\_\_ The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4389.

#### ADOPTING TRAFFIC RULE NO. 4390 - HANDICAPPED PARKING - 42 ARCADIA AVE.

\_\_\_\_\_ The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4390.

ADOPTING TRAFFIC RULE NO. 4391 - HANDICAPPED PARKING - 3718 CHAPLINE STREET

\_\_\_\_\_ The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4391.

ADOPTING TRAFFIC RULE NO. 4392 - HANDICAPPED PARKING - 104 S. PENN ST.

\_\_\_\_\_ The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4392.

ADOPTING TRAFFIC RULE NO. 4393 - HANDICAPPED PARKING - N. SIDE OF 16<sup>TH</sup> ST.

\_\_\_\_\_ The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4393.

ADOPTING TRAFFIC RULE NO. 4394 - ONE HOUR PARKING - N. SIDE OF 16<sup>TH</sup> ST.

\_\_\_\_\_ The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4394.

ADOPTING TRAFFIC RULE NO. 4395 - COMMERCIAL LOADING ZONE - 11<sup>TH</sup> & MAIN STS.

\_\_\_\_\_ The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4395.

ADOPTING TRAFFIC RULE NO. 4396 - NO PARKING ZONE - 6AM TO 8AM - S. SIDE OF PIERCE ST.

\_\_\_\_\_ The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING  
ADOPTING TRAFFIC RULE NO. 4396.

STALEY COMMUNICATION, INC. - RADIO EQUIPMENT FOR SCADA SYSTEM (WPCD)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY  
MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$18,331.91  
WITH STALEY COMMUNICATION, INC., OF WHEELING, WV,  
FOR THE PURCHASE OF RADIO EQUIPMENT FOR SCADA  
SYSTEM, TO BE CHARGED TO WATER POLLUTION CONTROL  
DIVISION - 401.4004.04.0304.00 - PLANT IMPROVEMENTS.

TRANSFER OF 45-49TH FIFTEENTH STREET TO OHIO VALLEY ADC

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING AUTHORIZING THE CONVEYANCE OF  
CERTAIN REAL PROPERTY AND IMPROVEMENTS

LOCATED AT 45 THROUGH 49 FIFTEENTH STREET TO THE OHIO VALLEY ADC AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER SUCH DEED AND OTHER DOCUMENTS TO EFFECTUATE THIS CONVEYANCE.

ORDINANCE PROVIDING FOR AN ELECTION ON PROPOSED ORDINANCE TO RESCIND AND REPEAL ARTICLE 133.09 (a) AND (b)

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING PROVIDING FOR AN ELECTION TO BE HELD ON A PROPOSED ORDINANCE TO RESCIND AND REPEAL A PORTION OF ARTICLE 133 (ENTITLED "POLICE DEPARTMENT"), ARTICLE 133.09 (a) WHICH READS: "IT SHALL BE THE DUTY OF THE CHIEF OF POLICE TO ASSIGN TWO POLICEMEN TO EACH PATROL CAR USED BY THE POLICE DEPARTMENT WHILE PATROLLING," AND (b) "THE POLICE CHIEF IS HEREBY EMPOWERED, AUTHORIZED AND DIRECTED TO MAKE THE NECESSARY ASSIGNMENTS AS PROVIDED IN THIS SECTION."

Mr. Henry asked why this was on the agenda and Mayor McKenzie said that he asked that it be placed on the agenda, as he has gotten many requests from the citizens of Wheeling to place this on the agenda.

RODATA - TECHNOLOGY EQUIPMENT AND SERVICES FOR COUNCIL CHAMBERS

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT AND EXECUTE THE APPROPRIATE AGREEMENT TO EXPEND FUNDS IN THE AMOUNT OF \$65,948.00 WITH RO DATA, OF SHARPSBURG, PA, FOR THE PURCHASE OF TECHNOLOGY EQUIPMENT AND SERVICES FOR THE NEW CITY COUNCIL CHAMBERS, TO BE CHARGED TO CONSOLIDATED INVESTMENT FUND.

STEPHENS AUTO CENTER - 2013 FORD POLICE INTERCEPTOR UTILITY AWD VEHICLE (POLICE)

\_\_\_\_\_The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT AND EXECUTE THE APPROPRIATE AGREEMENT TO EXPEND FUNDS IN THE AMOUNT OF \$29,477.00 WITH STEPHENS AUTO CENTER, OF DANVILLE, WV, FOR THE LEASE PURCHASE OF ONE (1) 2013 FORD POLICE INTERCEPTOR UTILITY AWD VEHICLE, PER BID SPECIFICATIONS, TO BE FINANCED WITH PROGRESSIVE BANK, OF WHEELING, WV, TO BE CHARGED TO - POLICE VEHICLES - 2012-2013 - #001.4976.40.9090.

RESOLUTION - WV DIVISION OF JUSTICE & COMMUNITY SERVICES - PURDUE PHARA ASSET FORFEITURE FUNDS GRANT (POLICE)

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO ACCEPT THE TERMS AND CONDITIONS OF THE CONTRACT WITH THE DIVISION OF JUSTICE AND COMMUNITY SERVICES FOR THE PURDUE PHARMA

ASSET FORFEITURE FUNDS GRANT IN THE AMOUNT OF  
\$40,000.00.

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

RESOLUTION - USE AGREEMENT - FRANK WARREN DBA SOUP SHACK

\_\_\_\_\_The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
WHEELING AUTHORIZING THE CITY MANAGER TO  
EXECUTE A USE AGREEMENT WITH FRANK WARREN  
DBA SOUP SHACK FOR USE OF THE PROPERTY LOCATED  
ALONG HERITAGE PORT TRAIL IN THE PROXIMITY TO  
THE FORMER SITE OF THE PENNSYLVANIA RAILROAD  
DEPOT, ABOVE THE VETERANS AMPHITHEATER AND  
NEAR THE PLAYGROUND.

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

In response to a question from Mr. Atkinson, City Manager Herron said that the  
City received only one bid on this.

RESOLUTION - GENERAL FUND BUDGET REVISION NO. 1

\_\_\_\_\_The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
WHEELING DIRECTING THAT THE GENERAL FUND  
BUDGET BE REVISED AS PER BUDGET REVISION NO. 1 -  
BR1180.01.01.

\_\_\_\_\_Mr. Fahey moved, seconded by Mr. Henry, that the Resolution be adopted.  
Motion carried.

RESOLUTION - COAL SEVERANCE BUDGET REVISION NO. 1

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.  
BR1180.02.01.

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

**THOSE WISHING TO BE HEARD**

Charles Ballouz, 743 Main Street, spoke in support of rescinding the two man  
cruiser issue.

There being no further business, Mr. Atkinson moved, seconded by Mr. Fahey, to adjourn. Motion carried. Time: 12:35 p.m.

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City Clerk

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Mayor

## AGENDA

Wheeling, West Virginia  
DATE: September 4, 2012

**CONVENED:** \_\_\_\_\_

**ADJOURNED:** \_\_\_\_\_

**INVOCATION:**

**ROLL CALL:** Taken and \_\_\_\_\_ members responded.

**READING OF THE MINUTES** - August 21, 2012

### MAYOR'S REPORT

#### 1. CLERK'S REPORT

#### 2. UNFINISHED BUSINESS

1. Agreement -HUD - Community Development Block Grant EY 2012 (CDBG)
2. Agreement - HUD - Home Investment Partnership Program (CDBG)
3. First Time Homebuyer Program - Northern Panhandle HOME Consortium - 2011 EY (CDBG)
4. Wheeling Police Department (CDBG)
5. Nelson Jordan Center (CDBG)
6. Wheeling Human Rights Commission (CDBG)
7. Easter Seal Rehabilitation Center - Miracle League Ballfield (CDBG)
8. Adopting Traffic Rule No. 4397 - Eliminating Street Sweeper Zone - East Sd. Eoff St.
9. Adopting Traffic Rule No. 4398 - Handicapped Parking - 3919 Wood Street
10. Adopting Traffic Rule No. 4399 - Handicapped Parking - 3531 Eoff Street
11. Adopting Traffic Rule No. 4400 - Handicapped Parking - 22 S. Penn Street
12. Adopting Traffic Rule No. 4401 - No Parking During School Hours - S. Sd. Junior Ave.
13. Jarvis, Downing & Emch - Safe Route to School Project
14. AGX, Inc. - 2012 Asbestos Inspections (CDBG)

**HELD OVER:** Wheeling Housing Authority Minutes - 7/11/12; Board of Zoning Appeals Minutes - 7/19/12; Wheeling Traffic Commission Minutes - 8/9/12; CDBG Status Report - 7/31/12; HOME Program Status Report - 7/31/12; HPRP Program Status Report - 7/31/12; Financial Statement - 7/31/12.

#### 3. REMARKS FROM MEMBERS OF COUNCIL

#### 4. REPORT OF COMMITTEES

1. Rules Committee Report - 8/21/12
2. Finance Committee Report - 8/21/12

#### 5. REPORT OF CITY MANAGER

#### 6. REPORT OF OTHER OFFICERS

1. Greater Wheeling Sports & Entertainment Authority Minutes - 6/26/12
2. Greater Wheeling Sports & Entertainment Authority Income Statement - 7/31/12
3. Wheeling Human Rights Commission Minutes - 7/30/12
4. Wheeling Human Rights Commission Annual Report - 2011-2012
5. Wheeling Municipal Parking System Financial Statement - 7/31/12
6. Robert C. Byrd Intermodal Transportation Center Financial Statement - 7/31/12

#### 7. PETITIONS OF REDRESS OR GRIEVANCE

#### 8. PETITIONS OF ALL OTHER KINDS

#### 9. ORIGINAL PROPOSITIONS

1. Amending Codified Ordinances - Article 111.01 - Time and Place of Council Meetings
2. Amending Codified Ordinances - Article 927 Sewer Use - §927.02(d) & §927.14
3. Tyler Technologies - Building Permit Software System (ECDD)
4. Resolution - Ad Hoc COLA - Municipal Employees Pension Fund - 2010
5. Resolution - Ad Hoc COLA - Municipal Employees Pension Fund - 2011
6. Resolution - WV Department of Transportation - Safe Community/DUI Enforcement Grant
7. Resolution - WV Division of Justice & Community Services - Prevention Resource Officer Grant
8. Resolution - Authorizing Payment of Invoices - Wastewater Project - Series 2010B (WPCD)

### 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, Imer, Henry, Miller, Atkinson and Fahey - 7

Mr. Fahey moved, seconded by Mr. Atkinson, that the minutes of the August 7, 2012 meeting be approved as received. Motion carried.

### **MAYOR'S REPORT**

Mayor McKenzie reminded everyone that the Wine and Jazz Festival will take place this Saturday at Heritage Port.

An enactment advertising the upcoming Fort Henry Days took place at this time. They will take place over Labor Day Week-end at Oglebay Park.

### **UNFINISHED BUSINESS**

#### **ZONE CHANGE - PORTION OF POINT VIEW TERRACE - R1C TO EMO**

The following was then read:

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF 11, 15, 19, 31, 48 & 54 POINT VIEW TERRACE FROM R-1C SINGLE FAMILY RESIDENTIAL TO EMO EDUCATIONAL MEDICAL OFFICE.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 7

NOES: - 0

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

#### **TOP NOTCH LANDSCAPING - SEEDING & MULCHING DEMOLISHED MOZART TENNIS COURTS**

\_\_\_\_\_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 \$16,280.00 WITH TOP NOTCH LANDSCAPING, OF WHEELING, WV, FOR SEEDING & MULCHING DEMOLISHED TENNIS COURTS IN MOZART, TO BE CHARGED TO RCIP RECREATION.

City Manager Robert Herron gave a brief history in regard to this project.

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

Mrs. Delbrugge, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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. 4389 - HANDICAPPED PARKING - 403 HAZLETT AVE.

\_\_\_\_\_The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4389.

In response to a question from Mr. Fahey, City Manager Herron said that the time frame for these handicapped requests is a two year period.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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. 4390 - HANDICAPPED PARKING - 42 ARCADIA AVE.

\_\_\_\_\_The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4390.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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. 4391 - HANDICAPPED PARKING - 3718 CHAPLINE STREET

\_\_\_\_\_The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4391.

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

Mrs. Delbrugge, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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. 4392 - HANDICAPPED PARKING - 104 S. PENN ST.

\_\_\_\_\_The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4392.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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. 4393 - HANDICAPPED PARKING - N. SIDE OF 16<sup>TH</sup> ST.

\_\_\_\_\_The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4393.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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. 4394 - ONE HOUR PARKING - N. SIDE OF 16<sup>TH</sup> ST.

\_\_\_\_\_The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4394.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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. 4395 - COMMERCIAL LOADING ZONE - 11<sup>TH</sup> & MAIN STS.

\_\_\_\_\_The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4395.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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. 4396 - NO PARKING ZONE - 6AM TO 8AM - S. SIDE OF PIERCE ST.

\_\_\_\_\_The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4396.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 7

NOES: - 0

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

STALEY COMMUNICATION, INC. - RADIO EQUIPMENT FOR SCADA SYSTEM (WPCD)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$18,331.91 WITH STALEY COMMUNICATION, INC., OF WHEELING, WV, FOR THE PURCHASE OF RADIO EQUIPMENT FOR SCADA SYSTEM, TO BE CHARGED TO WATER POLLUTION CONTROL DIVISION - 401.4004.04.0304.00 - PLANT IMPROVEMENTS.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 7

NOES: - 0

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

TRANSFER OF 45-49TH FIFTEENTH STREET TO OHIO VALLEY ADC

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY AND IMPROVEMENTS LOCATED AT 45 THROUGH 49 FIFTEENTH STREET 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. Henry moved, seconded by Mrs. Delbrugge, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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 PROVIDING FOR AN ELECTION ON PROPOSED ORDINANCE TO RESCIND AND REPEAL ARTICLE 133.09 (a) AND (b)

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING PROVIDING FOR AN ELECTION TO BE HELD ON A PROPOSED ORDINANCE TO RESCIND AND REPEAL A PORTION OF ARTICLE 133 (ENTITLED "POLICE DEPARTMENT"), ARTICLE 133.09 (a) WHICH READS: "IT SHALL BE THE DUTY OF THE CHIEF OF POLICE TO ASSIGN TWO POLICEMEN TO EACH PATROL CAR USED BY THE POLICE DEPARTMENT WHILE PATROLLING," AND (b) "THE POLICE CHIEF IS HEREBY EMPOWERED, AUTHORIZED AND DIRECTED TO MAKE THE NECESSARY ASSIGNMENTS AS PROVIDED IN THIS SECTION."

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, Imer, Miller, Atkinson, Fahey - 6

NOES: Henry - 1

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

RODATA - TECHNOLOGY EQUIPMENT AND SERVICES FOR COUNCIL CHAMBERS

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT AND EXECUTE THE APPROPRIATE AGREEMENT TO EXPEND FUNDS IN THE AMOUNT OF \$65,948.00 WITH RO DATA, OF SHARPSBURG, PA, FOR THE PURCHASE OF TECHNOLOGY EQUIPMENT AND SERVICES FOR THE NEW CITY COUNCIL CHAMBERS, TO BE CHARGED TO CONSOLIDATED INVESTMENT FUND.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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 - 2013 FORD POLICE INTERCEPTOR UTILITY AWD VEHICLE (POLICE)

      The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A CONTRACT AND EXECUTE THE APPROPRIATE AGREEMENT TO EXPEND FUNDS IN THE AMOUNT OF \$29,477.00 WITH STEPHENS AUTO CENTER, OF DANVILLE, WV, FOR THE LEASE PURCHASE OF ONE (1) 2013 FORD POLICE INTERCEPTOR UTILITY AWD VEHICLE, PER BID SPECIFICATIONS, TO BE FINANCED WITH PROGRESSIVE BANK, OF WHEELING, WV, TO BE CHARGED TO - POLICE VEHICLES - 2012-2013 - #001.4976.40.9090.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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-Ohio County Board of Health Minutes - 5/22/12; Wheeling Housing Authority Minutes - 6/13/12; Board of Zoning Appeals Minutes - 6/21/12; Wheeling Traffic Commission Minutes - 7/12/12; Wheeling Human Rights Commission Minutes - 6/25/12; Wheeling Municipal Parking System Financial Statement - 6/30/12; Robert C. Byrd Intermodal Transportation Center Financial Statement - 6/30/12; which were held over be approved as received. Motion carried.

## **REMARKS FROM MEMBERS OF COUNCIL**

Mr. Atkinson thanked whomever was responsible for the artwork as you come off the Fort Henry Bridge into downtown Wheeling and for beautifying the entry ways. Mr. Fahey commented that it was the On Trac Committee who did this.

Mr. Fahey commented on the appearance of the outside of the City-County Building. He asked the City Clerk to schedule a meeting with the City County Building Management Committee in the near future to discuss this.

## **REPORT OF CITY MANAGER**

City Manager Robert Herron respectfully requested that Ordinance for Demolition Lien for 3737 Jacob Street be read two times this evening so that this matter can be expedited.

Mr. Herron also commented that Chesapeake Energy will be hosting a very large event at Wesbanco Arena tomorrow morning starting at 8:30 a.m. He wanted to make everyone aware that traffic may be heavy at this time because of this event.

Mr. Herron commented on the recent West Virginia Municipal League Annual Conference where Vernon Seals was recognized and placed on the League's "Wall Fame" for his twenty four years of service. Also recognized was City Clerk Janice L. Jones, who was named West Virginia Clerk/Recorder of the Year.

## **REPORT OF OTHER OFFICERS**

Mr. Fahey moved, seconded by Mr. Henry, that the Wheeling Housing Authority Minutes, 7/11/12; Board of Zoning Appeals Minutes, 7/19/12; Wheeling Traffic Commission Minutes, 8/9/12; CDBG Status Report, 7/31/12; HOME Program Status Report, 7/31/12; HPRP Program Status Report, 7/31/12; and Financial Statement, 7/31/12; be held over until the next meeting. Motion carried.

## **ORIGINAL PROPOSITIONS**

### **AGREEMENT - HUD - COMMUNITY DEVELOPMENT BLOCK GRANT EY - 2012 (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 \$1,122,076.00 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 \$313,281.00 FOR 2012 EY HOME INVESTMENT PARTNERSHIP PROGRAM.

### **FIRST TIME HOMEBUYER PROGRAM - NORTHERN PANHANDLE HOME CONSORTIUM - 2012 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 \$313,281.00, AS PER HOUSING CONSORTIUM COOPERATION AGREEMENT, TO BE CHARGED TO 2012 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 2012 EY PUBLIC SERVICES #1511-012-165.

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 \$21,800.00 WITH NELSON JORDAN CENTER, TO BE CHARGED TO CDBG 2012 EY PUBLIC SERVICES #1511-012-170.

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 \$66,200.00 WITH WHEELING HUMAN RIGHTS COMMISSION, TO BE CHARGED TO CDBG 2012 EY PUBLIC SERVICES #1511-012-160.

EASTER SEAL REHABILITATION CENTER - MIRACLE LEAGUE BALLFIELD (CDBG)

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$54,661.00 WITH EASTER SEAL REHABILITATION CENTER, FOR MIRACLE LEAGUE BALLFIELD, TO BE CHARGED TO CDBG 2012 EY RECREATION IMPROVEMENTS - MIRACLE FIELD #1509-012-110.

ADOPTING TRAFFIC RULE NO. 4397 - ELIMINATING STREET SWEEPER ZONE - EAST SIDE OF EOFF ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4397.

ADOPTING TRAFFIC RULE NO. 4398 - HANDICAPPED PARKING - 3939 WOOD STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4398.

ADOPTING TRAFFIC RULE NO. 4399 - HANDICAPPED PARKING - 3531 WOOD ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4399.

ADOPTING TRAFFIC RULE NO. 4400 - HANDICAPPED PARKING - 22 S. PENN ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4400.

ADOPTING TRAFFIC RULE NO. 4401 - NO PARKING DURING SCHOOL HOURS - S. SD.  
OF JUNIOR AVE.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4401.

JARVIS, DOWNING & EMCH - SAFE ROUTE TO SCHOOL PROJECT

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 \$79,113.38 WITH  
JARVIS, DOWNING & EMCH, OF WHEELING, WV, FOR  
SAFE ROUTE TO SCHOOL PROJECT, TO BE CHARGED TO  
RCIP.

AGX, INC. - 2012 ASBESTOS INSPECTIONS (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 \$5,550.00 WITH AGX,  
I NC., OF WEXFORD, PA, FOR 2012 ASBESTOS  
INSPECTIONS, TO BE CHARGED TO CDBG 2011 EY  
DEMOLITION - #1503-011-200.

DEMOLITION LIEN - 3737 JACOB STREET

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 PROPERTY LOCATED AT 3737  
JACOB STREET, IN THE CITY OF WHEELING, IN ACCORDANCE  
WITH APPLICABLE SECTIONS OF THE WEST VIRGINIA CODE  
AND THE CODIFIED ORDINANCES OF THE CITY OF  
WHEELING.

Mr. Fahey moved, seconded by Mr. Atkinson, that this ordinance be read for a  
second time this evening and acted upon. Motion carried.

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 PROPERTY LOCATED AT 3737  
JACOB STREET, IN THE CITY OF WHEELING, 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. Henry moved, seconded by Mrs. Delbrugge, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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. Atkinson, to return to the Mayor's Report. Motion carried.

Mayor McKenzie commented on a meeting that occurred last Monday in Charleston with the Joint Government Organization Subcommittee A, which is meeting to discuss extending Home Rule. They also met with the Governor and the Senate President. He thanked the Administration for their efforts on the Pilot Home Rule Project.

Mr. Fahey pointed out that he believes the State of West Virginia looks to Wheeling as the leader when it comes to Home Rule because of some of the changes that the City has implemented.

**THOSE WISHING TO BE HEARD**

Lynn Walton, Wheeling Island resident, addressed Council with complaints about the amount of trash her next door neighbors have and the fact that it is strewn all over and not placed in the proper containers. She had pictures for Council to view. The property is located at 215 N. Huron Street.

There being no further business, Mr. Fahey moved, seconded by Mr. Miller, to adjourn. Motion carried. Time: 7:35 p.m.

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City Clerk

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Mayor

## AGENDA

Wheeling, West Virginia

DATE: September 18, 2012

**CONVENED:** \_\_\_\_\_

**ADJOURNED:** \_\_\_\_\_

**INVOCATION:**

**ROLL CALL:** Taken and \_\_\_\_\_ members responded.

**READING OF THE MINUTES** - September 4, 2012

**“PUBLIC HEARING - AMENDING CODIFIED ORDINANCES - ARTICLE 927 SEWER USE - §927.02(D) & §927.14”**

**“PUBLIC PERFORMANCE HEARING - COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM FOR FY 2011 AND FY 2011 CONSOLIDATED ACTION PLAN & EVALUATION (CAPER) REPORT.”**

### MAYOR'S REPORT

#### 1. CLERK'S REPORT

#### 2. UNFINISHED BUSINESS

1. Amending Codified Ordinances - Article 111.01 - Time and Place of Council Meetings
2. Amending Codified Ordinances - Article 927 Sewer Use - §927.02(d) & §927.14

**HELD OVER:** Greater Wheeling Sports & Entertainment Authority Minutes - 6/26/12; Greater Wheeling Sports & Entertainment Authority Income Statement - 7/31/12; Wheeling Human Rights Commission Minutes - 7/30/12; Wheeling Human Rights Commission Annual Report - 2011-2012; Wheeling Municipal Parking System Financial Statement - 7/31/12; Robert C. Byrd Intermodal Transportation Center Financial Statement - 7/31/12

#### 3. REMARKS FROM MEMBERS OF COUNCIL

#### 4. REPORT OF COMMITTEES

#### 5. REPORT OF CITY MANAGER

#### 6. REPORT OF OTHER OFFICERS

1. Historic Landmarks Commission Minutes - 5/31/12 & 7/5/12
2. CDBG Status Report - 8/31/12
3. HOME Program Status Report - 8/31/12
4. HPRP Program Status Report - 8/31/12
5. Financial Statement - 8/31/12
6. CDBG Building Demolition Status Report 7/7/12
7. Planning Commission Minutes - 7/9/12
8. Planning Commission Annual Report - 2011-2012
9. Wheeling-Ohio County Board of Health Minutes - 7/24/12

#### 7. PETITIONS OF REDRESS OR GRIEVANCE

#### 8. PETITIONS OF ALL OTHER KINDS

#### 9. ORIGINAL PROPOSITIONS

1. Erb Electric Co. - 200 Amp Service - Vehicle Maintenance Garage
2. Graybar - 20 Light Fixtures - Tunnel Green
3. Lash Paving - Street Resurfacing 2012
4. Lash Paving - Street Resurfacing 2012 (CDBG)

### THOSE WISHING TO BE HEARD

Council of the City of Wheeling met in the Second Floor Courtroom, 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, Imer, Henry, Miller, Atkinson and Fahey - 7

Mr. Fahey moved, seconded by Mr. Henry, that the minutes of the August 21, 2012 meeting be approved as received. Motion carried.

### **MAYOR'S REPORT**

Mayor Andy McKenzie presented a proclamation to Joan McClelland proclaiming September 17 through September 23, 2012 as Constitution Week in the City of Wheeling. Mayor McKenzie recognized Bob Villamagna on his efforts and contributions to the murals that are at the northern entrance to our City. He also recognized former Councilman Vernon Seals on being named to the WV Municipal League Hall of Fame. Mayor McKenzie welcomed Judge Yoder from the Eastern Panhandle to this evening's meeting.

Mayor McKenzie welcomed Sgt. Mariner back after a lengthy recovery from an accident he sustained while on the job.

### **UNFINISHED BUSINESS**

#### **AGREEMENT - HUD - COMMUNITY DEVELOPMENT BLOCK GRANT EY - 2012 (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 \$1,122,076.00 FOR COMMUNITY DEVELOPMENT BLOCK GRANT.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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 \$313,281.00 FOR 2012 EY HOME INVESTMENT PARTNERSHIP

PROGRAM.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 7

NOES: - 0

FIRST TIME HOMEBUYER PROGRAM - NORTHERN PANHANDLE HOME CONSORTIUM - 2012 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 \$313,281.00, AS PER HOUSING CONSORTIUM COOPERATION AGREEMENT, TO BE CHARGED TO 2012 EY FIRST TIME HOMEBUYER PROGRAM.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 7

NOES: - 0

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 2012 EY PUBLIC SERVICES #1511-012-165.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 7

NOES: - 0

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 \$21,800.00 WITH NELSON JORDAN CENTER, TO BE CHARGED TO CDBG 2012 EY PUBLIC SERVICES #1511-012-170.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 7

NOES: - 0

**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 \$66,200.00 WITH WHEELING HUMAN RIGHTS COMMISSION, TO BE CHARGED TO CDBG 2012 EY PUBLIC SERVICES #1511-012-160.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 7

NOES: - 0

**EASTER SEAL REHABILITATION CENTER - MIRACLE LEAGUE BALLFIELD (CDBG)**

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$54,661.00 WITH EASTER SEAL REHABILITATION CENTER, FOR MIRACLE LEAGUE BALLFIELD, TO BE CHARGED TO CDBG 2012 EY RECREATION IMPROVEMENTS - MIRACLE FIELD #1509-012-110.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 7

NOES: - 0

**ADOPTING TRAFFIC RULE NO. 4397 - ELIMINATING STREET SWEEPER ZONE - EAST SIDE OF EOFF ST.**

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4397.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 7

NOES: - 0

ADOPTING TRAFFIC RULE NO. 4398 - HANDICAPPED PARKING - 3939 WOOD STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4398.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 7

NOES: - 0

ADOPTING TRAFFIC RULE NO. 4399 - HANDICAPPED PARKING - 3531 WOOD ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4399.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 7

NOES: - 0

ADOPTING TRAFFIC RULE NO. 4400 - HANDICAPPED PARKING - 22 S. PENN ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4400.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 7

NOES: - 0

ADOPTING TRAFFIC RULE NO. 4401 - NO PARKING DURING SCHOOL HOURS - S. SD. OF JUNIOR AVE.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4401.

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, Imer, Henry, Miller, Atkinson, Fahey - 7

NOES: - 0

JARVIS, DOWNING & EMCH - SAFE ROUTE TO SCHOOL PROJECT

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 \$79,113.38 WITH JARVIS, DOWNING & EMCH, OF WHEELING, WV, FOR SAFE ROUTE TO SCHOOL PROJECT, TO BE CHARGED TO RCIP.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 7

NOES: - 0

AGX, INC. - 2012 ASBESTOS INSPECTIONS (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 \$5,550.00 WITH AGX, INC., OF WEXFORD, PA, FOR 2012 ASBESTOS INSPECTIONS, TO BE CHARGED TO CDBG 2011 EY DEMOLITION - #1503-011-200.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 7

NOES: - 0

Mr. Fahey moved, seconded by Mr. Atkinson, that the Wheeling Housing Authority Minutes, 7/11/12; Board of Zoning Appeals Minutes, 7/19/12; Wheeling Traffic Commission Minutes, 8/9/12; CDBG Status Report, 7/31/12; HOME Program Status Report, 7/31/12; HPRP Program Status Report, 7/31/12; and Financial Statement, 7/31/12; which were held over, be approved as received. Motion carried.

**REPORT OF COMMITTEES**

**RULES COMMITTEE REPORT - AUGUST 21, 2012**

The Rules Committee of Wheeling City Council met on Tuesday, August 21, 2012 at 6:00 p.m. in the Office of the City Manager. Committee members present: Chair David Miller, Vice Chair Gene Fahey, and Member Robert Henry. Others present: Mayor Andy McKenzie, Councilors Gloria Delbrugge, Don Atkinson and Ken Imer; City Manager Robert Herron, City Solicitor Rosemary Humway-Warmuth; Finance Director Michael Klug, Economic & Community Development Director Nancy Prager, Fire Chief Larry Helms, Police Chief Shawn Schwertfeger, Public Works Director Russell Jebbia, Human Resources Director Leslie Waechter, Marketing Specialist Allison O’Konski, City Clerk Janice Jones and the media.

The following matters were discussed:

**Discussion on Residency Requirements**

City Manager Robert Herron explained that this recommendation came as a result of a Policy Review Committee’s work on various policies contained in the employee handbook. Currently, employees must live in either the City of Wheeling or Ohio County. The Administration would

like to expand this area to include portions of Brooke County and Marshall County. They cited difficulties in finding qualified applicants for certain skilled positions. A lengthy discussion ensued, with emergency response time and community familiarity at the forefront of this discussion. Mr. Herron also pointed out that the expansion would be restricted to West Virginia, primarily to assure satisfaction of residency requirements for drivers' licenses, certifications, etc.. Mr. Fahey proposed restricting the distance to a radius around Wheeling equal to the furthest distance from the city an employee may live under current policy. Mr. Henry was opposed to any change in the current policy. A question was raised concerning the ability to revert to the current policy should the new proposed policy not be working. Mayor McKenzie remarked that it could be changed back to the current policy. Following this discussion, Mr. Fahey moved, seconded by Mr. Miller, to take the furthestmost point from the City-County Building to the most rural point of Ohio County and include all the area in a circular distance. Whatever that mileage point would be from the City Building to the most rural point in Ohio County and a half circle around. Motion carried. Mr. Henry voted no.

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

### **Time and Place of City Council Meetings**

City Manager Herron said that changing to day of the Council meetings would require a Charter amendment as it states in the Charter that Council shall meet on the First and Third Tuesdays of the month. A discussion ensued on this matter and it was the consensus of the committee to leave the day as it is currently. Relevant to changing to time of meetings, it was suggested that on the first Tuesday of the month, the meeting be held at 12:00 p.m. and on the third Tuesday of the month, the meeting be held at 5:30 p.m. Mr. Henry commented that he believes the meetings are fine at the current times. Mayor McKenzie said that we need to make it more convenient for people to attend. He said that the recent 12:00 Council meetings that we have had have been very well attended. Following this discussion, Mr. Fahey moved to recommend to City Council that the first meeting of the month be held at 12:00 noon and the second meeting of the month be held at 5:30 p.m. Motion carried. All in favor.

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. Henry, to adjourn. Motion carried. Time: 6:40 p.m.

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

### **FINANCE COMMITTEE REPORT - AUGUST 21, 2012**

The Finance Committee of Wheeling City Council met on Tuesday, August 21, 2012 at 6:00 p.m. in the Office of the City Manager. Committee members present: Chair Gene Fahey, Vice Chair David Miller and Member Don Atkinson. Others present: Mayor Andy McKenzie, Councilors Gloria Delbrugge, Robert Henry and Ken Imer; City Manager Robert Herron, City Solicitor Rosemary Humway-Warmuth; Finance Director Michael Klug, Economic and Community Development Director Nancy Prager, Fire Chief Larry Helms, Police Chief Shawn Schwertfeger, Human Resources Director Leslie Waechter, Marketing Specialist Allison O'Konski, City Clerk Janice Jones and the media.

The following matters were discussed:

#### **Municipal Employees Pension Fund - Ad Hoc Cost of Living Adjustment for Retirees**

City Manager Robert Herron explained that the City's Actuarial, Duda Actuarial Consulting, annually reviews the pension fund and make a recommendation as to whether or not the fund could support a cost of living increase based on the National Consumer Price Index for a set period of time. Duda Actuarial is recommending a 1.63% increase for the period January 1, 2010 through December 31, 2010 and a 2.93% increase for the period January 2, 2011 through December 31, 2011. Following a short discussion, Mr. Atkinson moved, seconded by Mr. Miller, to accept the Administration's recommendation for the Ad Hoc Cost of Living Adjustments for retirees. Motion carried.

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

#### **Financial Statement - July 31, 2012**

As this is the first month of the fiscal year, Mr. Herron commented that it is typically a big

month for us. He said our cash position at this point is \$2,677,000.00 compared to last year's figures of \$2,162,000.00. Revenues for the month are about \$400,000.00 ahead of where they were last year.

Expenditures this year are at 9%, compared to last year's at 10%. Mr. Miller moved, seconded by Mr. Atkinson, to accept the Financial Statement as received. Motion carried.

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

### **Other Items for Discussion**

Mr. Herron updated the Committee on the Administrative Law Judge's ruling regarding the Water Treatment Plant. The Administrative Law Judge generally agreed with the City. The good news is that we will not have to pay capital interest which was estimated to be approximately \$7,000,000. The Administrative Law Judge has recommended a 53% rate increase, which could pose problems for the City's bond coverage requirements. We can begin the rates once the project starts.

There being no further business to come before the Committee, Mr. Atkinson moved, seconded by Mr. Miller, to adjourn. Motion carried. Time: 6:55 p.m.

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

### **REPORT OF CITY MANAGER**

City Manager Robert Herron announced that the new City Council Chambers Construction will be out to bid in the next couple of weeks with the bid opening set for September 26<sup>th</sup>.

He reported that demolition of the 1100 block is about 55% complete. As for the East Wheeling Project, it is approximately 65% completed.

Mr. Herron respectfully requested two readings of the Ordinance that is listed under Original Propositions with Tyler Technologies as we have to take advantage of the time period that they have open to do the work.

Relevant to the AGX, Inc., Asbestos Inspections Project, that passed this evening, Mr. Herron reported that it will now include the Imperial Pool Building. He noted that, as a result of the Vacant Structure Registration Program and the fact that we were able to catch up with the owner and take them to court, that property has been given to the City of Wheeling. We will also be able to negotiate the demolition of this building with Edgco who is currently on-site for the East Wheeling Project. He thanked ECD Director Nancy Prager and City Solicitor Rosemary Humway-Warmuth for their efforts on this matter.

### **REPORT OF OTHER OFFICERS**

Mr. Fahey moved, seconded by Mr. Henry, that the Greater Wheeling Sports & Entertainment Authority Minutes - 6/26/12; Greater Wheeling Sports & Entertainment Authority Income Statement - 7/31/12; Wheeling Human Rights Commission Minutes - 7/30/12; Wheeling Human Rights Commission Annual Report - 2011-2012; Wheeling Municipal Parking System Financial Statement - 7/31/12; Robert C. Byrd Intermodal Transportation Center Financial Statement - 7/31/12; be held over until the next meeting. Motion carried.

### **ORIGINAL PROPOSITIONS**

#### **AMENDING CODIFIED ORDINANCES - ARTICLE 111.01 TIME AND PLACE OF COUNCIL MEETINGS**

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING THE CODIFIED ORDINANCES, ARTICLE 111, SECTION 111.01, RELATING TO THE TIME AND PLACE OF COUNCIL MEETINGS.

AMENDING CODIFIED ORDINANCES - ARTICLE 927 SEWER USE - §927.02(d) & §927.14

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, IN PARTICULAR SECTION 927.02(d) LOCAL LIMITS AND 927.14 RATES FOR HIGH STRENGTH WASTES AS MODIFIED HEREIN, TO INCORPORATE REQUIREMENTS OF THE STATE OF WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION.

TYLER TECHNOLOGIES - BUILDING PERMIT SOFTWARE SYSTEM (ECDD)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT AND EXECUTE THE APPROPRIATE AGREEMENT TO EXPEND FUNDS IN THE AMOUNT OF \$27,525.00 WITH TYLER TECHNOLOGIES, OF LUBBOCK, TX, FOR THE PURCHASE OF BUILDING PERMIT SOFTWARE SYSTEM AND LICENSE, TO BE CHARGED TO CAPITAL OUTLAYS - BUILDING PERMIT SOFTWARE.

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

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT AND EXECUTE THE APPROPRIATE AGREEMENT TO EXPEND FUNDS IN THE AMOUNT OF \$27,525.00 WITH TYLER TECHNOLOGIES, OF LUBBOCK, TX, FOR THE PURCHASE OF BUILDING PERMIT SOFTWARE SYSTEM AND LICENSE, TO BE CHARGED TO CAPITAL OUTLAYS - BUILDING PERMIT SOFTWARE.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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 - AD HOC COLA - MUNICIPAL EMPLOYEES PENSION FUND - 2010

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING ESTABLISHING AN AD-HOC COST-OF-LIVING INCREASE FOR RETIRED MEMBERS OF THE MUNICIPAL EMPLOYEES PENSION FUND AND THEIR BENEFICIARIES.

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

RESOLUTION - AD HOC COLA - MUNICIPAL EMPLOYEES PENSION FUND - 2011

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING ESTABLISHING AN AD-HOC COST-OF-LIVING INCREASE FOR RETIRED MEMBERS OF THE MUNICIPAL EMPLOYEES PENSION FUND AND THEIR BENEFICIARIES.

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

RESOLUTION - WV DEPT. OF TRANSPORTATION - SAFE COMMUNITY/DUI ENFORCEMENT 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 - #F13-HS-04 IN THE AMOUNT OF \$695,450.00.

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

RESOLUTION - WV DIVISION OF JUSTICE & COMMUNITY SERVICES - PREVENTION RESOURCE OFFICER GRANT

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO ACCEPT THE TERMS AND CONDITIONS OF THE CONTRACT WITH THE WV DIVISION OF JUSTICE AND COMMUNITY SERVICES FOR THE FY 2012-13 PREVENTION RESOURCE OFFICER PROGRAM GRANT (JAG) - FY 2012.

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

**THOSE WISHING TO BE HEARD**

Edward Evanko, 61 East Park St., addressed Council about the need for repainting a section of curb that has faded on S. Park Street, near the alley. He also suggested that the Administration be cautious when it comes to the municipal employees' retirement funds.

Bill O'Leary, Paxton Avenue, appeared before Council to announce two events that will be occurring soon. They are Irish Road Bowling Championship, which will take place this Saturday, September 8 at 12:00 noon, starting at Boggs Hill Road and going to Sonneborn Shelter and a city-wide Night Out, which will take place on September 19 at 6:00 p.m. at Louie's

Hot Dog in the Elm Terrace Shopping Center.

Mr. Fahey moved, seconded by Mr. Atkinson, to return to the City Manager's Report. Motion carried. Mr. Fahey requested that the City Manager explain more thoroughly the safety issues in regard to the Imperial Pool Building. City Manager Herron commented that the roof is off the building in several areas, the floors inside are collapsing and, overall, it's unsafe to even enter the building. Mr. Herron said that, in his opinion, the building is beyond repair.

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

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City Clerk

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Mayor

Council of the City of Wheeling met in the City Manager's Conference Room, Room 302, 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, Imer, Henry, Miller, Atkinson and Fahey - 7

Mr. Fahey moved, seconded by Mr. Atkinson, that the minutes of the September 4, 2012 meeting be approved as received. Motion carried.

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

**“PUBLIC HEARING - AMENDING CODIFIED ORDINANCES - ARTICLE 927  
SEWER USE - §927.02(D) & §927.14”**

City Manager Robert Herron explained that the Federal EPA has required that cities have model Sewer Use Ordinances in order to qualify for low interest loans from the Federal Government and from time to time, it is necessary to change limits on accepting or discharging wastewater. These are minor modifications.

As no one signed up to speak, Mayor McKenzie asked for a motion to close the public hearing. Mr. Fahey moved, seconded by Mr. Atkinson, to close the public hearing. Motion carried.

Mr. Fahey moved, seconded by Mr. Atkinson, to conduct the second public hearing. Motion carried.

**“PUBLIC PERFORMANCE HEARING - COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM FOR FY 2011 AND FY 2011 CONSOLIDATED ACTION PLAN & EVALUATION (CAPER) REPORT”**

Mr. Herron explained that this is an opportunity for the public to comment on the previous fiscal year's performance.

As no one signed up to speak, Mayor McKenzie asked for a motion to close the public hearing and resume the regular order of business. Mr. Fahey moved, seconded by Mrs. Delbrugge, to conclude the public hearing and resume the regular order of business. Motion carried.

**MAYOR'S REPORT**

Mayor McKenzie reported that the summer event season is winding down and has received many positive comments on these events.

He also commented on the dedication and hard work of the water and sewer employees during a water break that occurred in the Elm Grove area this past weekend.

**UNFINISHED BUSINESS**

**AMENDING CODIFIED ORDINANCES - ARTICLE 111.01 - TIME AND PLACE OF COUNCIL MEETINGS**

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING THE CODIFIED ORDINANCES, ARTICLE 111, SECTION 111.01, RELATING TO THE TIME AND PLACE OF COUNCIL

MEETINGS.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Miller, Atkinson, Fahey - 6

NOES: Henry - 1

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

AMENDING CODIFIED ORDINANCES - ARTICLE 927 SEWER USE - §927.02(d) & §927.14

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, IN PARTICULAR SECTION 927.02(d) LOCAL LIMITS AND 927.14 RATES FOR HIGH STRENGTH WASTES AS MODIFIED HEREIN, TO INCORPORATE REQUIREMENTS OF THE STATE OF WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 7

NOES: - 0

Mr. Fahey moved, seconded by Mrs. Delbrugge, that the Greater Wheeling Sports & Entertainment Authority Minutes - 6/26/12; Greater Wheeling Sports & Entertainment Authority Income Statement - 7/31/12; Wheeling Human Rights Commission Minutes - 7/30/12; Wheeling Human Rights Commission Annual Report - 2011-2012; Wheeling Municipal Parking System Financial Statement - 7/31/12; Robert C. Byrd Intermodal Transportation Center Financial Statement - 7/31/12 which were held over, be approved as received. Motion carried.

**REPORT OF CITY MANAGER**

City Manager Robert Herron updated Council on the 11<sup>th</sup> Street Demolition Project. He also reported that the bid opening for the new Council Chambers construction will be held on September 22. Mr. Herron respectfully requested two readings on the ordinances with Lash Paving so that the work can be completed this paving season. He also mentioned that the City's Marketing Director, Alison O'Konski, is conducting surveys on our website to receive feedback on the waterfront events.

**REPORT OF OTHER OFFICERS**

Mr. Fahey moved, seconded by Mrs. Delbrugge, that the Historic Landmarks Commission Minutes - 5/31/12 & 7/5/12; CDBG Status Report - 8/31/12; HOME Program Status Report - 8/31/12; HPRP Program Status Report - 8/31/12; Financial Statement - 8/31/12; CDBG Building Demolition Status Report 7/7/12; Planning Commission Minutes - 7/9/12; Planning Commission Annual Report - 2011-2012; Wheeling-Ohio County Board of Health Minutes - 7/24/12; be held over until the next meeting. Motion carried.

**ORIGINAL PROPOSITIONS**

ERB ELECTRIC CO. - 200 AMP SERVICE - VEHICLE MAINTENANCE GARAGE

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$19,985.00 WITH ERB ELECTRIC CO., OF BRIDGEPORT, OHIO, FOR 200 AMP SERVICE FOR VEHICLE MAINTENANCE GARAGE, TO BE CHARGED TO VEHICLE MAINTENANCE BREAKER 4977.40.9094.

GRAYBAR - 20 LIGHT FIXTURES - TUNNEL GREEN

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$29,935.40 WITH GRAYBAR, OF WHEELING, WV , FOR 20 LIGHT FIXTURES FOR TUNNEL GREEN, TO BE CHARGED TO RCIP.

LASH PAVING - STREET RESURFACING 2012

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$271,942.50 WITH LASH PAVING, INC., OF COLERAIN, OH, FOR STREET RESURFACING 12, TO BE CHARGED TO STREET PAVING 4750.20.3254 (\$250,000) AND RCIP (\$21,942.50).

Mr. Fahey 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 \$271,942.50 WITH LASH PAVING, INC., OF COLERAIN, OH, FOR STREET RESURFACING 12, TO BE CHARGED TO STREET PAVING 4750.20.3254 (\$250,000) AND RCIP (\$21,942.50).

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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 - STREET RESURFACING 2012

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$179,660.00 WITH LASH PAVING, INC., OF COLERAIN, OH, FOR STREET RESURFACING 2012, TO BE CHARGED TO CDBG 2012 EY STREET PAVING #1507-012-110.

Mr. Fahey 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 \$179,660.00 WITH LASH PAVING, INC., OF COLERAIN, OH, FOR STREET RESURFACING 2012, TO BE CHARGED TO CDBG 2012 EY STREET PAVING #1507-012-110.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 7

NOES: - 0

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

**THOSE WISHING TO BE HEARD**

As there was no one who signed up to speak, Mr. Fahey moved, seconded by Mrs. Delbrugge, to adjourn. Motion carried. Time: 7:20 p.m.

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City Clerk

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Mayor

**AGENDA**

Wheeling, West Virginia  
DATE: October 2, 2012

**CONVENED:** \_\_\_\_\_

**ADJOURNED:** \_\_\_\_\_

**INVOCATION:**

**ROLL CALL**

**READING OF THE MINUTES** - September 18, 2012

**“PUBLIC HEARING - CENTRE MARKET LEASE - ARTWORKS AROUND TOWN, INC.”**

**MAYOR’S REPORT**

**1. CLERK'S REPORT**

1. Notice of Application to Operate a Private Club - Tiffany’s LLC, dba Lily’s Hot Spot #1 - 4 C Elm Grove Crossing
2. Notice of Application to Operate a Private Club - Tiffany’s LLC, dba Lily’s Hot Spot #2 - 3A-3D Elm Grove Crossing
3. Notice of Application to Operate a Private Club - Tiffany’s LLC, dba Lily’s Hot Spot #3 - 103/105 S. York Street
4. Notice of Application to Operate a Private Club - Tiffany’s LLC, dba Lily’s Hot Spot #4 - 97 River Rd.

**2. UNFINISHED BUSINESS**

1. Erb Electric Co. - 200 Amp Service - Vehicle Maintenance Garage
2. Graybar - 20 Light Fixtures - Tunnel Green

HELD OVER: Historic Landmarks Commission Minutes - 5/31/12 & 7/5/12;  
CDBG Status Report - 8/31/12; HOME Program Status Report - 8/31/12; HPRP Program Status Report - 8/31/12; Financial Statement - 8/31/12; CDBG Building Demolition Status Report 7/7/12; Planning Commission Report - 7/9/12; Planning Commission Annual Report - 2011-2012; Wheeling-Ohio County Board of Health Minutes - 7/24/12

**3. REMARKS FROM MEMBERS OF COUNCIL**

**4. REPORT OF COMMITTEES**

1. Finance Committee Report - 9/18/12
2. Development Committee Report - 9/26/12

**5. REPORT OF CITY MANAGER**

**6. REPORT OF OTHER OFFICERS**

1. Wheeling Housing Authority Minutes - 8/8/12
2. Board of Zoning Appeals Minutes - 8/16/12
3. Wheeling Traffic Commission Minutes - 9/13/12
4. Wheeling Human Rights Commission Minutes - 8/27/12

**7. PETITIONS OF REDRESS OR GRIEVANCE**

**8. PETITIONS OF ALL OTHER KINDS**

**9. ORIGINAL PROPOSITIONS**

1. Adopting Traffic Rule No. 4402 - No Parking Fire Lane - Portion of Chestnut St.
2. Adopting Traffic Rule No. 4403 - Handicapped Parking Zone - 3633 Chapline St.
3. Adopting Traffic Rule No. 4404 - Handicapped Parking Zone - 1019 McColloch St.
4. Adopting Traffic Rule No. 4405 - No Parking Bus Stop Zone - 24<sup>th</sup> & Chapline Sts.
5. Adopting Traffic Rule No. 4406 - Stop Intersection - Central Lane & Homestead Ave.
6. Adopting Traffic Rule No. 4407 - No Parking Zone - Portion of E. Side of Louisa Ave.
7. Erb Electric Co. - Tunnel Green Lighting (**RCIP**)
8. John Russell Construction Co. - Council Chambers Renovation (**RCIP**)
9. Transfer of Property at 2124 to ADC
10. Lane Abandonment - Portion of Lane 13 and Portion of Lane G
11. Lane Abandonment - Portion of East Cove Avenue Extension - Chas. M. Sledd Co.
12. Resolution - Centre Market Lease - Artworks Around Town, Inc.
13. Resolution - Authorizing Payment of Invoices - Wastewater Project - Series 2010B (**WPCD**)
14. Resolution - Redevelopment/Development Site - 2213-2215 Market Street

**THOSE WISHING TO BE HEARD**

## AGENDA

Wheeling, West Virginia  
DATE: October 16, 2012

CONVENED: \_\_\_\_\_

ADJOURNED: \_\_\_\_\_

INVOCATION:  
ROLL CALL

READING OF THE MINUTES - October 2, 2012

“PUBLIC HEARING - CENTRE MARKET LEASE - ROADRUNNER COMPUTER PRODUCTS”

### MAYOR’S REPORT

#### 1. CLERK'S REPORT

#### 2. UNFINISHED BUSINESS

1. Adopting Traffic Rule No. 4402 - No Parking Fire Lane - Portion of Chestnut St.
2. Adopting Traffic Rule No. 4403 - Handicapped Parking Zone - 3633 Chapline St.
3. Adopting Traffic Rule No. 4404 - Handicapped Parking Zone - 1019 McColloch St.
4. Adopting Traffic Rule No. 4405 - No Parking Bus Stop Zone - 24<sup>th</sup> & Chapline Sts.
5. Adopting Traffic Rule No. 4406 - Stop Intersection - Central Lane & Homestead Ave.
6. Adopting Traffic Rule No. 4407 - No Parking Zone - Portion of E. Side of Louisa Ave.
7. Erb Electric Co. - Tunnel Green Lighting (**RCIP**)
8. Transfer of Property at 2124 Main Street to ADC
9. Lane Abandonment - Portion of Lane 13 and Portion of Lane G
10. Lane Abandonment - Portion of East Cove Avenue Extension - Chas. M. Sledd Co.

**HELD OVER:** Wheeling Housing Authority Minutes, 8/8/12; Board of Zoning Appeals Minutes - 8/16/12; Wheeling Traffic Commission Minutes - 9/13/12; Wheeling Human Rights Commission Minutes - 8/27/12.

#### 3. REMARKS FROM MEMBERS OF COUNCIL

#### 4. REPORT OF COMMITTEES

1. Rules Committee Report - 10/2/12

#### 5. REPORT OF CITY MANAGER

#### 6. REPORT OF OTHER OFFICERS

1. Wheeling Historic Landmarks Commission Report - 9/6/12
2. Wheeling Municipal Parking System Financial Statement - 8/31/12
3. Robert C. Byrd Intermodal Transportation Center Financial Statement - 8/31/12
4. CDBG Status Report - 9/30/12
5. HOME Program Status Report - 9/30/12
6. Financial Statement - 9/30/12

#### 7. PETITIONS OF REDRESS OR GRIEVANCE

#### 8. PETITIONS OF ALL OTHER KINDS

#### 9. ORIGINAL PROPOSITIONS

1. Bodkin, Wilson, Kozicki - Audit - FY 2011-2012
2. Amending Codified Ordinances - Article 903 - Streets, Utilities & Public Service Code - §903.03 Application for Permit
3. Amending Codified Ordinance - Article 1335 - Residential Districts, §1335.12 (b) Additional Residential Regulations
4. Amending Codified Ordinances - Article 1355 - Off-Street Parking, §1355.03 Location Requirements In all Districts and §1355.03(a); §1355.04 Design Requirements in All Districts and §1355.04(b).
5. Amending Codified Ordinances - Article 311 - Streets, Obstructions & Special Uses, §311.05(a); §311.05(b) and §311.05(c)
6. Amending Codified Ordinances - Article 149 Employment Provisions, §149.17 Residency Requirements
7. Transfer of Tax Increment Finance Funds to City of Wheeling Parking Fund
8. Resolution - Centre Market Lease - Roadrunner Computer Products
9. Resolution - Governor’s Community Participation Grant - Agmt. Whg. Arts Fest & Heritage Trail System
10. Resolution - Governor’s Community Participation Grant - Independence Hall Sculpting - Gov. Pierpont
11. Resolution - Governor’s Community Participation Grant - Capital Theatre Renovations
12. Resolution - Governor’s Community Participation Grant - Fireworks at Independence Hall – WV Birthday
13. Resolution - Authorizing Payment of Invoices - Combined Waterworks & Sewerage System - Series 2006A (**Water**)

#### THOSE WISHING TO BE HEARD

Council of the City of Wheeling met in the City Manager's Conference Room, 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, Imer, Henry, Miller, Atkinson and Fahey - 7

Mr. Fahey moved, seconded by Mr. Atkinson, that the minutes of the September 18, 2012 meeting be approved as received. Motion carried.

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

**“PUBLIC HEARING - CENTRE MARKET LEASE - ARTWORKS AROUND TOWN”**

City Manager Robert Herron explained that Artworks Around Town has been located in the Centre Market Building for many years; however, they are moving to a smaller area and a new lease is required.

As there was no one who signed up to speak, Mr. Fahey moved, seconded by Mrs. Delbrugge, to conclude the public hearing and resume the regular order of business.

**MAYOR'S REPORT**

Mayor McKenzie presented a proclamation to Robert Kinnick of the West Virginia Division of Rehabilitation Services proclaiming the month of October as Disability Employment Awareness Month in the City of Wheeling.

Mayor McKenzie introduced Senators Jack Yost and Orphy Klempa to those present. Senator Klempa and Yost presented the City with Governor's Community Participation Grants for the Fireworks for the Sesquicentennial Celebration for next year; WV Independence Hall; and the Wheeling Convention and Visitor's Bureau for the Capitol Theatre. Mayor McKenzie thanked them for all their support and efforts in securing funds and promoting the Northern Panhandle.

He commented on the Elton John and Symphony events that recently took place in Wheeling and the great crowds that they brought into the City. Mayor McKenzie also announced that "First Friday" events are happening this coming week-end and encouraged everyone to attend.

**CLERK'S REPORT**

**NOTICE OF APPLICATION TO OPERATE A PRIVATE CLUB - TIFFANY'S LLC, DBA LILY'S HOT SPOT #1 - 4 C ELM GROVE CROSSING**

City Clerk Janice Jones presented Council with a Notice of Application to Operate a Private Club for Tiffany's LLC dba Lily's Hot Spot #1, located at 4-C Elm Grove Crossing. The applicants are Joseph Tellitocci and Jerry Nixon.

**NOTICE OF APPLICATION TO OPERATE A PRIVATE CLUB - TIFFANY'S LLC, DBA LILY'S HOT SPOT #2 - 3A & 3D ELM GROVE CROSSING**

City Clerk Jones presented Council with a Notice of Application to Operate a Private Club for Tiffany's LLC dba Lily's Hot Spot #2, located at 3A & 3 D Elm Grove Crossing. The applicants are Joseph Tellitocci and Jerry Nixon.

**NOTICE OF APPLICATION TO OPERATE A PRIVATE CLUB - TIFFANY'S LLC, DBA LILY'S HOT SPOT #3 - 103/105 S. YORK STREET**

City Clerk Jones presented Council with a Notice of Application to Operate a Private Club for Tiffany's LLC dba Lily's Hot Sport #3, located at 103/105 S. York Street. The applicants are Joseph

Tellitocci and Jerry Nixon.

NOTICE OF APPLICATION TO OPERATE A PRIVATE CLUB - TIFFANY'S LLC, DBA LILY'S HOT SPOT #4 - 97 RIVER RD.

City Clerk Jones presented Council with a Notice of Application to operate a Private Club for Tiffany's LLC, dba Lily's Hot Spot #4, located 97 River Road. The applicants are Joseph Tellitocci and Jerry Nixon.

**UNFINISHED BUSINESS**

ERB ELECTRIC CO. - 200 AMP SERVICE - VEHICLE MAINTENANCE GARAGE

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$19,985.00 WITH ERB ELECTRIC CO., OF BRIDGEPORT, OHIO, FOR 200 AMP SERVICE FOR VEHICLE MAINTENANCE GARAGE, TO BE CHARGED TO VEHICLE MAINTENANCE BREAKER 4977.40.9094.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 7

NOES: - 0

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

GRAYBAR - 20 LIGHT FIXTURES - TUNNEL GREEN

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$29,935.40 WITH GRAYBAR, OF WHEELING, WV , FOR 20 LIGHT FIXTURES FOR TUNNEL GREEN, TO BE CHARGED TO RCIP.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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 Historic Landmarks Commission Minutes - 5/31/12 & 7/5/12; CDBG Status Report - 8/31/12; HOME Program Status Report - 8/31/12; HPRP Program Status Report - 8/31/12; Financial Statement - 8/31/12; CDBG Building Demolition Status Report 7/7/12; Planning Commission Minutes - 7/9/12; Planning Commission Annual Report - 2011-2012; Wheeling-Ohio County Board of Health Minutes - 7/24/12; which were held over, be approved as received. Motion carried.

**REMARKS FROM MEMBERS OF COUNCIL**

Mrs. Delbrugge commented on letters that she and her neighbors received in regard to trimming their trees so that the street sweeper could get through. She said that the tree

trimming has been completed and expects the street sweeper to resume their work.

Mr. Fahey commented on the grant for the Sesquicentennial Fireworks and also about how fortunate we are to have the Capitol Theatre.

## **REPORT OF COMMITTEES**

### **FINANCE COMMITTEE REPORT - SEPTEMBER 18, 2012**

The Finance Committee of Wheeling City Council met on Tuesday, September 18, 2012 at 11:30 a.m. in the Office of the City Manager. Committee members present: Chair Gene Fahey, Vice Chair David Miller and Member Don Atkinson. Others present: Mayor Andy McKenzie, Councilors Gloria Delbrugge, Robert Henry and Ken Imer; City Manager Robert Herron, City Solicitor Rosemary Humway-Warmuth; Finance Director Michael Klug, Economic and Community Development Director Nancy Prager, Fire Chief Larry Helms, Human Resources Director Leslie Waechter, Marketing Specialist Allison O’Konski, City Clerk Janice Jones and the media.

The following matters were discussed:

#### **Financial Statement - August 31, 2012**

City Manager Herron reported that the overall cash balance is approximately \$2,553,000.00 compared to last year’s balance of \$2,397,000.00, which is about \$160,000.00 ahead of last year’s totals. The largest increase in revenue that was projected was in the B & O line item, approximately \$100,000.00 ahead of where we were for the same time period last year. Mr. Herron also reported that the Hotel/Motel Tax is about \$58,000.00 ahead of last year’s figures. In regard to expenses, he said that we are at 15% of budget, compared to 16% for last year. Mr. Herron commented that, while it is very early in the fiscal year, it is a pretty strong start thus far. Following this discussion, Mr. Miller moved, seconded by Mr. Atkinson, to accept the August 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. Atkinson moved, seconded by Mr. Miller, to adjourn. Motion carried. Time: 11:35 a.m.

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

### **DEVELOPMENT COMMITTEE REPORT - SEPTEMBER 26, 2012**

The Development Committee of Wheeling City Council met on Wednesday, September 26, 2012 at 11:00 a.m. in the Office of the City Manager. Committee members present: Mayor Andy McKenzie, and Vice Chair Gloria Delbrugge, Councilors Donnie Atkinson and Ken Imer. Others present: 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:

#### **Lane Abandonment Request - Prospect Lane - Progressive Bank**

Mr. Herron asked that ECD Assistant Director Tom Connelly review the staff report with those present. He explained that comments have been received from public utilities, city departments and neighbors who object to this abandonment. Because of these comments and the fact that no site plan has been received pinpointing the exact location and use of the request, the staff recommends denial. Mr. Richard Dlesk, Progressive Bank President, presented an overview of the project. Following this presentation, it was determined that further information was needed, along with a site plan, Mrs. Delbrugge moved, seconded by Mayor McKenzie, to table this request until the next meeting. Motion carried.

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

#### **Lane Abandonment Request - East Cove Avenue Extension - Chas. M. Sledd Co.**

ECD Assistant Director Connelly said that the request is for a section of East Cove Avenue Extension that goes beyond the other tenants in the Industrial Park. It starts at their property line

and extends back to where they currently have parking. This lane abandonment would not affect any other property. Randy Emanuelson, Vice President of Chas. M. Sledd Co., was present to answer questions. Mr. Herron commented that the Administration recommends approval of this request. Following these comments, Mrs. Delbrugge moved, seconded by Mayor McKenzie, to approve the Lane Abandonment Request. Motion carried.

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

### **Lane Abandonment Request - Lane G & Alley 13 - City of Wheeling**

City Manager Herron said that these lane abandonments are necessary for the East Wheeling J. B. Chambers Recreational Complex Project. The Staff reviewed this request and sent out the required notifications. Mrs. Delbrugge moved, seconded by Mayor McKenzie, to approve the Lane Abandonment Requests. Motion carried.

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

### **Development/Redevelopment Site Request - 75 Indiana Street - A & J Corner Market**

Mr. Herron explained that the staff provided the committee with the required report outlining the distances from churches, schools, residences, etc. Michael Webster, Owner, was in attendance and presented his proposal to the committee. Mr. Imer indicated that he has received feedback from some residents in the area that don't want any more video lottery machines on the Island as there are approximately 13, and the chairperson from the Island Community Association confirmed such concerns. Mayor McKenzie said that the concern, he believes, is more one of LVL establishments being commercial in nature encroaching into residential neighborhoods which also expands a nonconforming use. Mrs. Delbrugge said that she will not support it. Mayor McKenzie asked if there was a motion in regard to this request. There being no motion, the request died.

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

### **Development/Redevelopment Site Request - 2213-2215 Market Street - Pasta Express - Craig Aubrey**

Mr. Herron explained that the staff provided the committee with the required report outlining the distances from churches, schools, residences, etc. ECD Assistant Director Tom Connelly pointed out that this request is in a C-2 General Commercial District, unlike the previous request that was in a C-1 Neighborhood Commercial District which would have required two other approvals, one from the Planning Commission and the other from the Board of Zoning Appeals. J. T. Porter, representing Pasta Express, was present and explained his proposal which provided details as to developing unoccupied areas of buildings which contribute to the increased commercial activity of the Centre Market area. It was noted that there is only one other LVL establishment within close proximity to the proposed site. Following this discussion, Mrs. Delbrugge moved, seconded by Mayor McKenzie, to recommend approval of the Development/Redevelopment Site at 2213-2215 Market Street. 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 to adjourn. Time: 11:40 a.m.

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

## **REPORT OF CITY MANAGER**

City Manager Robert Herron updated Council on the status of the 11<sup>th</sup> Street Demolition. He expects it to take place this week-end. Mr. Herron respectfully requested two readings on the ordinance with John Rusell Construction for Council Chambers Renovation as supplies have to be ordered and work will begin soon.

## **REPORT OF OTHER OFFICERS**

Mr. Fahey moved, seconded by Mrs. Delbrugge, that the Wheeling Housing

Authority Minutes, 8/8/12; Board of Zoning Appeals Minutes, 8/16/12; Wheeling Traffic Commission Minutes, 9/13/12; and Wheeling Human Rights Commission Minutes, 8/27/12; be held over until the next meeting. Motion carried.

### **ORIGINAL PROPOSITIONS**

#### ADOPTING TRAFFIC RULE NO. 4402 - NO PARKING FIRE LANE - PORTION OF CHESTNUT STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4402.

#### ADOPTING TRAFFIC RULE NO. 4403 - HANDICAPPED PARKING ZONE - 3633 CHAPLINE STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4403.

#### ADOPTING TRAFFIC RULE NO. 4404 - HANDICAPPED PARKING ZONE - 1019 MC COLLOCH STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4404.

#### ADOPTING TRAFFIC RULE NO. 4405 - NO PARKING BUS STOP ZONE - 24<sup>TH</sup> & CHAPLINE STREETS

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4405.

#### ADOPTING TRAFFIC RULE NO. 4406 - STOP INTERSECTION - CENTRAL LANE & HOMESTEAD AVENUE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4406.

#### ADOPTING TRAFFIC RULE NO. 4407 - NO PARKING ZONE - PORTION OF E. SIDE OF LOUISA AVENUE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4407.

#### ERB ELECTRIC CO. - TUNNEL GREEN LIGHTING (RCIP)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$20,158.00 WITH ERB ELECTRIC CO., OF BRIDGEPORT, OHIO, FOR TUNNEL GREEN LIGHTING, TO BE CHARGED TO RCIP - #2335830739.

JOHN RUSSELL CONSTRUCTION CO. - COUNCIL CHAMBERS RENOVATION (RCIP)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$93,883.00 WITH JOHN RUSSELL CONSTRUCTION, OF STEUBENVILLE, OH, FOR COUNCIL CHAMBERS RENOVATION, TO BE CHARGED TO RCIP - #2335830739.

Mr. Fahey 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 \$93,883.00 WITH JOHN RUSSELL CONSTRUCTION, OF STEUBENVILLE, OH, FOR COUNCIL CHAMBERS RENOVATION, TO BE CHARGED TO RCIP - #2335830739.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 7

NOES: - 0

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

TRANSFER OF PROPERTY AT 2124 MAIN STREET TO ADC

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY AND IMPROVEMENTS LOCATED AT 2124 MAIN STREET 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 LANE 13 AND PORTION OF LANE G

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING VACATING AND ABANDONING A PORTION OF LANE 13 BETWEEN WOOD STREET AND MCCOLLOCH STREET AND LANE G BETWEEN 15<sup>TH</sup> AND 16<sup>TH</sup> STREET AND AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH QUITCLAIM DEEDS TO IMPLEMENT THIS ABANDONMENT.

LANE ABANDONMENT - PORTION OF EAST COVE AVENUE EXTENSION - CHAS M. SLEDD CO.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING VACATING AND ABANDONING A PORTION

OF EAST COVE AVENUE EXTENSION LYING WITHIN THE BOUNDARIES OF THE REAL ESTATE OWNED BY THE CHAS. M. SLEDD COMPANY AS SHOWN ON THE 3<sup>RD</sup> AMENDED AND REVISED PLAT OF OHIO VALLEY INDUSTRIAL AND BUSINESS DEVELOPMENT CORPORATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH QUITCLAIM DEEDS TO IMPLEMENT THIS ABANDONMENT.

RESOLUTION - CENTRE MARKET LEASE - ARTWORKS AROUND TOWN, INC.

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE WITH ARTWORKS AROUND TOWN, INC. FOR THE NORTH PORTION OF THE UPPER CENTRE MARKET HOUSE PROPERTY LOCATED IN THE 2200 BLOCK OF MARKET STREET.

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

RESOLUTION - REDEVELOPMENT/DEVELOPMENT SITE - 2213-2215 MARKET STREET

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING IDENTIFYING 2213-2215 MARKET STREET AS A DEVELOPMENT OR A REDEVELOPMENT SITE.

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

There being no further business, Mr. Atkinson moved, seconded by Mr. Henry, to adjourn. Motion carried. Time: 12:34 p.m.

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City Clerk

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Mayor

Council of the City of Wheeling met in the City Manager's Conference Room, City-County Building on the above date with Mayor Andy McKenzie presiding.

The invocation was offered by Vice-Mayor Eugene Fahey. Following the invocation, representatives from Troop 5 and Troop 6, Boy Scouts of America, led the Pledge of Allegiance.

On roll call, the following were present:

McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson and Fahey - 7

Mr. Fahey moved, seconded by Mr. Atkinson, that the minutes of the October 2, 2012 meeting be approved as received. Motion carried.

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

**“PUBLIC HEARING - CENTRE MARKET LEASE - ROADRUNNER COMPUTER PRODUCTS”**

City Manager Robert Herron explained that anytime the City enters into a lease agreement, it requires a public hearing. He said that this is a new business that will be locating in the Upper Centre Market area.

As there was no one who signed up to speak, Mr. Fahey moved, seconded by Mr. Henry, to conclude the public hearing and resume the regular order of business.

**MAYOR'S REPORT**

Mayor McKenzie congratulated Second Ward Councilor Ken Imer on the birth of a new daughter, Sophia. He welcomed the Boy Scout Troops to the meeting. They informed him that they were in attendance as this was one of the requirements to earn a citizenship badge.

Mayor McKenzie referred to a letter that was sent to all of Council from Wheeling Health Right, whose CDBG allocations were cut for this fiscal year due to cuts the City received from HUD. He commented that Wheeling Health Right provides free health care to hundreds of people throughout the Ohio Valley. Wheeling Health Right has asked that the City reconsider giving them some CDBG funds as they have depended on them for many years. Mayor McKenzie asked City Manager Robert Herron to explain the situation to those present. Mr. Herron said that two years ago, the CDBG Entitlement was cut by \$134,000 and this year it has been cut by an additional \$212,000, thus affecting the amount available for public services, public works projects, administration expenses, etc. Currently the funds are used for the Wheeling Police for patrols on Wheeling Island and East Wheeling, Nelson Jordan Center and the Human Rights Commission. If Council chooses to fund Wheeling Health Right, the Soup Kitchen, WATCH, Seeing Hand Association, etc., then funds would have to be taken from the three above mentioned agencies that currently receive CDBG funds, with the Human Rights Commission being the likely agency to be reviewed.

Mr. Fahey pointed out that Wheeling Health Right states in their letter that they currently serve about 7,500 Wheeling residents, which computes to 1 in 4 residents. Mrs. Delbrugge also commented that the Soup Kitchen has been significantly affected by the cut in CDBG funds that they used to receive. Mr. Atkinson also voiced his support of Wheeling Health Right.

**UNFINISHED BUSINESS**

**ADOPTING TRAFFIC RULE 4402 - NO PARKING FIRE LANE - PORTION OF CHESTNUT STREET.**

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4402.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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. 4403 - HANDICAPPED PARKING ZONE - 3633  
CHAPLINE STREET.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4403..

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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. 4404 - HANDICAPPED PARKING ZONE - 1019  
MCCOLLOCH STREET.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4404.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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. 4405 - NO PARKING BUS STOP ZONE - 24<sup>TH</sup> &  
CHAPLINE STREETS.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4405.

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

Mrs. Delbrugge, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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. 4406 - STOP INTERSECTION - CENTRAL LANE & HOMESTEAD AVENUE.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4406.

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, Imer, Henry, Miller, 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. 4407 - NO PARKING ZONE - PORTION OF E. SIDE OF LOUISA AVENUE.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4407.

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, Imer, Henry, Miller, Atkinson, Fahey - 7

NOES: - 0

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

ERB ELECTRIC CO. - TUNNEL GREEN LIGHTING (RCIP)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$20,158.00 WITH ERB ELECTRIC CO., OF BRIDGEPORT, OHIO, FOR TUNNEL GREEN LIGHTING, TO BE CHARGED TO RCIP - #2335830739.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 7

NOES: - 0

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

TRANSFER OF PROPERTY AT 2124 MAIN STREET TO ADC

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY AND IMPROVEMENTS LOCATED AT 2124 MAIN STREET 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. Henry moved, seconded by Mrs. Delbrugge, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 7

NOES: - 0

LANE ABANDONMENT - PORTION OF LANE 13 AND PORTION OF LANE G

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING VACATING AND ABANDONING A PORTION OF LANE 13 BETWEEN WOOD STREET AND MCCOLLOCH STREET AND LANE G BETWEEN 15<sup>TH</sup> AND 16<sup>TH</sup> STREET AND AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH QUITCLAIM DEEDS TO IMPLEMENT THIS ABANDONMENT.

City Manager Robert Herron requested that this ordinance be table as there are utilities that need to be included in the ordinance.

Mr. Fahey moved, seconded by Mr. Miller, that this ordinance be tabled until the next meeting. Motion carried.

LANE ABANDONMENT - PORTION OF EAST COVE AVENUE EXTENSION - CHAS. M. SLEDD CO.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING VACATING AND ABANDONING A PORTION OF EAST COVE AVENUE EXTENSION LYING WITHIN THE BOUNDARIES OF THE REAL ESTATE OWNED BY THE CHAS. M. SLEDD COMPANY AS SHOWN ON THE 3<sup>RD</sup> AMENDED AND REVISED PLAT OF OHIO VALLEY INDUSTRIAL AND BUSINESS DEVELOPMENT CORPORATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH QUITCLAIM DEEDS TO IMPLEMENT THIS ABANDONMENT.

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, Imer, Henry, Miller, 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 Housing Authority Minutes, 8/8/12; Board of Zoning Appeals Minutes - 8/16/12; Wheeling Traffic Commission Minutes - 9/13/12; Wheeling Human Rights Commission Minutes - 8/27/12. which were held over, be approved as received. Motion carried.

### **REMARKS FROM MEMBERS OF COUNCIL**

Mr. Fahey congratulated the owners of the Bridge Street Business Center on their extensive renovation project. He also invited everyone to attend the "Taste of Elm Grove" which is sponsored by the Elm Grove Business Association. It will take place on Thursday, October 18<sup>th</sup> at the Osiris Temple in Elm Grove.

### **REPORT OF COMMITTEES**

#### **RULES COMMITTEE REPORT - OCTOBER 2, 2012**

The Rules Committee of Wheeling City Council met on Tuesday, October 2, 2012 at 12:30 p.m. in the Office of the City Manager. Committee members present: Chair David Miller, Vice Chair Gene Fahey, and Member Robert Henry. Others present: Mayor Andy McKenzie, Councilors Gloria Delbrugge, Don Atkinson and Ken Imer; City Manager Robert Herron, City Solicitor Rosemary Humway-Warmuth; Finance Director Michael Klug, Economic & Community Development Director Nancy Prager, Fire Chief Larry Helms, Police Chief Shawn Schwertfeger, Public Works Director Russell Jebbia, Marketing Specialist Allison O'Konski, City Clerk Janice Jones and the media.

City Manager Robert Herron explained that we have been receiving requests city-wide for curb cuts and opportunities to park in front yards. He said that this has created problems in neighborhoods as it tends to lower the values of homes. The three proposed ordinances outline and tighten up the provisions for curb cuts and front yard parking. City Solicitor Rosemary Humway-Warmuth and Economic and Community Development Assistant Director Tom Connelly have worked on the following ordinances and are proposing the changes that are highlighted.

**Amending and Modifying Codified Ordinances - Article 903, Sidewalks, Curbs and Driveways, Section 903.03, Application for Permit.** Please see attached.

**Amending and Modifying Codified Ordinances - Article 1355 - Off Street Parking and Loading, Sections 1355.03, Location Requirements in All Districts and Section 1355.04, Design Requirements in All Districts.** Please see attached

**Amending and Modifying Codified Ordinances - Article 1335, Residential Districts, Section 1335.12 (B) Parking in Front Yards.** Please see attached.

Following this discussion and a question and answer period, Vice Chair Fahey moved, seconded by Member Henry, to recommend to Council the proposed amendment to Article 903, Section 903.03. Motion carried.

Vice Chair Fahey moved, seconded by Member Henry, to recommend to Council the proposed amendment to Article 1355, Sections 1355.03 and 1355.04. Motion carried.

Vice Chair Fahey moved, seconded by Member Henry, to recommend to Council the proposed amendment to Article 1335, Section 1335.12(B). Motion carried.

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

In regard to enforcement of these ordinances, they would be monitored by Zoning officials.

## **Discussion on Residency Requirements**

City Manager Herron said that the suggestions at the last Rules Committee meeting was to take the farthest point from the city building and do a circle around the area map and establish that as a residency zone. Mr. Herron said that the farthest point south, which is in Marshall County, is acceptable; however, regarding the northern point, which is not quite as rural as the southern point, it would be helpful for the boundary to be expanded to include Bruin Drive, just north of Wellsburg. Following a short discussion, Vice Chair Fahey modified his original recommendation to accept the southern point as outlined on the map and to modify the northern point to Bruin Drive, north of Wellsburg.

Vice Chair Fahey put his recommendation in the form of a motion. Chairman Miller seconded the motion. Member Henry voted no.

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

In another matter, Member Henry raised a question about sticker parking for residents in certain areas of Center Wheeling. No decision was made.

There being no further business to come before the Committee, Vice Chair Fahey moved, seconded by Member Henry, to adjourn. Motion carried. Time: 1:03 p.m.

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

## **REPORT OF CITY MANAGER**

City Manager Robert Herron updated Council on the status of the Council Chambers Construction Project. He said that the contract has been awarded. He also reported that Trick or Treat will take place on Wednesday, October 31<sup>st</sup>, from 6:30 to 7:30 p.m.

## **REPORT OF OTHER OFFICERS**

Mr. Fahey moved, seconded by Mrs. Delbrugge, that the Wheeling Historic Landmarks Commission Report - 9/6/12; Wheeling Municipal Parking System Financial Statement - 8/31/12; Robert C. Byrd Intermodal Transportation Center Financial Statement - 8/31/12; CDBG Status Report - 9/30/12; HOME Program Status Report - 9/30/12; and Financial Statement - 9/30/12; be held over until the next meeting. Motion carried

## **ORIGINAL PROPOSITIONS**

### **BODKIN, WILSON, KOZICKI - AUDIT - FY 2011-2012**

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, 2011 THROUGH JUNE 30, 2012, IN THE AMOUNT OF \$72,940.00.

### **AMENDING CODIFIED ORDINANCES - ARTICLE 903 - STREETS, UTILITIES & PUBLIC SERVICE CODE - §903.03 APPLICATION FOR PERMIT**

The following was then read:

AN ORDINANCE AMENDING AND REENACTING ARTICLE 903 OF THE STREETS, UTILITIES AND PUBLIC SERVICES CODE TO MODIFY §903.03 APPLICATION FOR PERMIT BY ADDING AN ADDITIONAL PARAGRAPH REGARDING SUCH.

### **AMENDING CODIFIED ORDINANCES - ARTICLE 1335 - RESIDENTIAL DISTRICTS, §1335.12 (b) ADDITIONAL RESIDENTIAL REGULATIONS**

The following was then read:

AN ORDINANCE AMENDING AND REENACTING ARTICLE 1335 - RESIDENTIAL DISTRICTS OF THE CODIFIED ORDINANCES TO MODIFY §1335.12 ADDITIONAL RESIDENTIAL REGULATIONS AT §1335.12(b) - PARKING IN FRONT YARDS.

AMENDING CODIFIED ORDINANCES - ARTICLE 1355 - OFF-STREET PARKING, §1355.03 LOCATION REQUIREMENTS IN ALL DISTRICTS AND §1355.03 (a); §1355.04 DESIGN REQUIREMENTS IN ALL DISTRICTS AND §1355.04 (b)

The following was then read:

AN ORDINANCE AMENDING AND REENACTING ARTICLE 1355 - OFF-STREET PARKING AND LOADING, OF THE CODIFIED ORDINANCES TO MODIFY THE TITLE OF §1355.03 TO: LOCATION REQUIREMENTS IN ALL DISTRICTS, MODIFYING §1355.03 (a) & MODIFYING THE TITLE OF 1355.04 TO: DESIGN REQUIREMENTS IN ALL DISTRICTS AND MODIFYING §1355.04(b).

AMENDING CODIFIED ORDINANCES - ARTICLE 311 - STREETS, OBSTRUCTIONS & SPECIAL USES, §311.05(a); §311.05(b) AND §311.05 (c)

The following was then read:

AN ORDINANCE AMENDING AND REENACTING ARTICLE 311 OF THE CODIFIED ORDINANCES OF THE CITY OF WHEELING ENTITLED STREETS, OBSTRUCTIONS AND SPECIAL USES TO MODIFY §311.05(B) TO INCREASE THE AMOUNT OF THE INSURANCE REQUIREMENT AND TO ADD AN ADDITIONAL PARAGRAPH §311.05(C) REGARDING NON-INTERFERENCE OF THE ROUTE, PROCESSION, OR PARADE BY ANY PERSON, ENTITY, ORGANIZATION, ETC. OTHER THAN THE PERMITTED APPLICANT.

AMENDING CODIFIED ORDINANCES - ARTICLE 149 EMPLOYMENT PROVISIONS, §149.17 RESIDENCY REQUIREMENTS

The following was then read:

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

TRANSFER OF TAX INCREMENT FINANCE FUNDS TO CITY OF WHEELING PARKING FUND

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE TRANSFER OF ONE HUNDRED FORTY THOUSAND DOLLARS (\$140,000.00) FROM THE MONIES ASSOCIATED WITH THE CITY'S TAX INCREMENT FINANCING PROJECT #4 TO THE CITY OF WHEELING PARKING FUND, TO BE USED FOR THE REIMBURSEMENT OF COSTS FOR PROPERTY ACQUISITION WITHIN THE PROJECT DISTRICT.

RESOLUTION - CENTRE MARKET LEASE - ROADRUNNER COMPUTER PRODUCTS

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF

WHEELING AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE WITH DAVID HOFFMAN, DBA ROADRUNNER COMPUTER PRODUCTS FOR A PORTION OF THE UPPER CENTRE MARKET HOUSE PROPERTY LOCATED IN THE 2200 BLOCK OF MARKET STREET.

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

RESOLUTION - GOVERNOR'S COMMUNITY PARTICIPATION GRANT - AGMT. WHEELING ARTS FESTIVAL & HERITAGE TRAIL SYSTEM

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO ACCEPT THE TERMS AND CONDITIONS OF THE CONTRACT RELATING TO THE GOVERNOR'S COMMUNITY PARTICIPATION GRANT IN THE AMOUNT OF \$8,000.00 TO WHEELING ARTS FESTIVAL AND THE HERITAGE TRAIL SYSTEM - 12LEDA0554.

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

RESOLUTION - GOVERNOR'S COMMUNITY PARTICIPATION GRANT - INDEPENDENCE HALL SCULPTING - GOV. PIERPONT

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO RECEIVE \$20,000.00 FROM THE FISCAL YEAR 2013 GOVERNOR'S COMMUNITY PARTICIPATION PROGRAM FOR THE CITY OF WHEELING - INDEPENDENCE HALL SCULPTING OF GOVERNOR FRANCES PIERPONT - PROJECT NO. 11LEDA1731N.

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

RESOLUTION - GOVERNOR'S COMMUNITY PARTICIPATION GRANT - CAPITAL THEATRE RENOVATIONS

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO RECEIVE \$25,000.00 FROM THE FISCAL YEAR 2013 GOVERNOR'S COMMUNITY PARTICIPATION PROGRAM FOR THE CITY OF WHEELING - CAPITAL THEATRE RENOVATIONS - PROJECT NO. 13LEDA0248.

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

RESOLUTION - GOVERNOR'S COMMUNITY PARTICIPATION GRANT - FIREWORKS AT INDEPENDENCE HALL - WV'S BIRTHDAY

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO RECEIVE \$15,000.00 FROM THE FISCAL YEAR 2013 GOVERNOR'S COMMUNITY PARTICIPATION PROGRAM FOR THE CITY OF WHEELING - FIREWORKS CELEBRATION FOR WEST VIRGINIA'S 150<sup>TH</sup> BIRTHDAY - PROJECT NO. 13LEDA0249.

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

RESOLUTION - AUTHORIZING PAYMENT OF INVOICES - COMBINED  
WATERWORKS & SEWERAGE SYSTEM - SERIES 2006A (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. Henry moved, seconded by Mrs. Delbrugge, that the Resolution be adopted.  
Motion carried

**THOSE WISHING TO BE HEARD**

Mr. Bill O'Leary, 158 Paxton Avenue, updated Council on the Irish Road  
Bowling, that took place last month. He also said that the Wheeling Irish Road Bowling is No.  
1 in the State. He also read an excerpt from the National Hibernian that mentioned Wheeling  
in their article.

There being no further business, Mr. Atkinson moved, seconded by Mr. Henry, to  
adjourn. Motion carried. Time: 6:00 p.m.

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City Clerk

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Mayor

# AGENDA

Wheeling, West Virginia  
DATE: November 7, 2012

CONVENED: \_\_\_\_\_

ADJOURNED: \_\_\_\_\_

INVOCATION:

ROLL CALL

READING OF THE MINUTES - October 16, 2012

## MAYOR'S REPORT

### 1. CLERK'S REPORT

1. Zone Change Request - 891 Ivy Avenue - R-1A to R-2

### 2. UNFINISHED BUSINESS

1. Lane Abandonment - Portion of Lane 13 and Portion of Lane G (**Tabled 10/16/12**)
2. Bodkin, Wilson, Kozicki - Audit - FY 2011-2012
3. Amending Codified Ordinances - Article 903 - Streets, Utilities & Public Service Code - §903.03 Application for Permit
4. Amending Codified Ordinance - Article 1335 - Residential Districts, §1335.12 (b) Additional Residential Regulations
5. Amending Codified Ordinances - Article 1355 - Off-Street Parking, §1355.03 Location Requirements In all Districts and §1355.03(a); §1355.04 Design Requirements in All Districts and §1355.04(b).
6. Amending Codified Ordinances - Article 311 - Streets, Obstructions & Special Uses, §311.05(a); §311.05(b) and §311.05(c)
7. Amending Codified Ordinances - Article 149 Employment Provisions, §149.17 Residency Requirements
8. Transfer of Tax Increment Finance Funds to City of Wheeling Parking Fund

**HELD OVER:** Wheeling Historic Landmarks Commission Report - 9/6/12;  
Wheeling Municipal Parking System Financial Statement - 8/31/12; Robert C. Byrd  
Intermodal Transportation Center Financial Statement - 8/31/12; CDBG Status Report -  
9/30/12; HOME Program Status Report - 9/30/12; Financial Statement - 9/30/12

### 3. REMARKS FROM MEMBERS OF COUNCIL

### 4. REPORT OF COMMITTEES

1. Finance Committee Report - 10/16/12

### 5. REPORT OF CITY MANAGER

### 6. REPORT OF OTHER OFFICERS

1. Planning Commission Minutes - 9/10/12
2. Board of Zoning Appeals Minutes - 9/20/12
3. Wheeling Municipal Parking System Financial Statement - 9/30/12
4. Robert C. Byrd Intermodal Transportation Center Financial Statement - 9/30/12
5. Greater Wheeling Sports & Entertainment Authority Minutes - 9/28/12
6. Greater Wheeling Sports & Entertainment Authority Income Statement - 9/30/12

### 7. PETITIONS OF REDRESS OR GRIEVANCE

### 8. PETITIONS OF ALL OTHER KINDS

### 9. ORIGINAL PROPOSITIONS

1. Portion of Lane 13 & Portion of Lane G - Closure of Public Thoroughfare (Desc. In Ord.)
2. Erb Electric - Booster Pump Equipment (**Water**)
3. Resolution - Governor's Community Participation Grant Agmt. - Marketing - City of Wheeling
4. Resolution - General Fund Budget Revision No. 2
5. Resolution - Authorizing Payment of Invoices - Combined Waterworks & Sewerage System - Series 2010B (**WPCD**)

## THOSE WISHING TO BE HEARD

## AGENDA

Wheeling, West Virginia  
DATE: November 20, 2012

CONVENED: \_\_

ADJOURNED:

INVOCATION:

ROLL CALL

READING OF THE MINUTES - November 7, 2012

### MAYOR'S REPORT

#### 1. CLERK'S REPORT

1. Notice of Application to Operate a Private Club - The Market House Bar & Grill dba CD's Irish Pub Hot Spot

#### 2. UNFINISHED BUSINESS

1. Portion of Lane 13 & Portion of Lane G - Closure of Public Thoroughfare (Desc. In Ord.)
2. Erb Electric - Booster Pump Equipment (**Water**)

**HELD OVER:** Planning Commission Minutes - 9/10/12; Board of Zoning Appeals Minutes - 9/20/12; Wheeling Municipal Parking System Financial Statement - 9/30/12; Robert C. Byrd Intermodal Transportation Center Financial Statement - 9/30/12; Greater Wheeling Sports & Entertainment Authority Minutes - 9/28/12; Greater Wheeling Sports & Entertainment Authority Income Statement - 9/30/12.

#### 3. REMARKS FROM MEMBERS OF COUNCIL

#### 4. REPORT OF COMMITTEES

#### 5. REPORT OF CITY MANAGER

#### 6. REPORT OF OTHER OFFICERS

1. Wheeling Historic Landmarks Commission Report - 11/1/12
2. Wheeling Historic Landmarks Commission Minutes - 10/4/12
3. Wheeling Housing Authority Minutes - 9/19/12
4. Wheeling-Ohio County Board of Health Minutes - 9/11/12
5. Wheeling Human Rights Commission Minutes - 9/24/12
6. CDBG Program Status Report - 10/31/12
7. HOME Program Status Report - 10/31/12
8. Financial Statement - 10/31/12

#### 7. PETITIONS OF REDRESS OR GRIEVANCE

#### 8. PETITIONS OF ALL OTHER KINDS

#### 9. ORIGINAL PROPOSITIONS

1. Metron-Farnier, LLC - Wireless Water Meter Registers and Accessories

THOSE WISHING TO BE HEARD

Council of the City of Wheeling met in the City Manager's Conference Room, 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, Imer, Henry, Atkinson and Fahey

- 6

Mr. Fahey moved, seconded by Mr. Henry, that the minutes of the October 16, 2012 meeting be approved as received. Motion carried.

### **MAYOR'S REPORT**

Mayor McKenzie presented a proclamation to Hugh Stobbs and Chip Railing, recognizing Saturday, November 10, 2012 as Veteran's Day 10K Race Day in the City of Wheeling and he also presented a proclamation to a representative from Amedisys Hospice commemorating the month of November as National Hospice Month.

Mayor McKenzie commented on the two-man police cruiser issue that was on the ballot in yesterday's election. He said that the people overwhelmingly voted in favor to repeal the existing ordinance and by doing so would enable the Police Chief to assign officers at his discretion.

Mayor McKenzie praised the city workers, especially those in Vehicle Maintenance, for their outstanding work.

### **CLERK'S REPORT**

#### **ZONE CHANGE REQUEST - 891 IVY AVENUE - R-1A TO R-2**

City Clerk Janice Jones presented Council with a Zone Change Request from Dennis Bashaw for property located at 891 Ivy Avenue. The present zone is R-1A and the proposed zone is R-2. The proposed use is for new construction duplex housing. Mr. Fahey moved, seconded by Mr. Henry, to refer this matter to the Planning Commission. Motion carried.

### **UNFINISHED BUSINESS**

#### **LANE ABANDONMENT - PORTION OF LANE 13 AND PORTION OF LANE G (Tabled 10/16/12)**

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING VACATING AND ABANDONING A PORTION OF LANE 13 BETWEEN WOOD STREET AND MCCOLLOCH STREET AND LANE G BETWEEN 15<sup>TH</sup> AND 16<sup>TH</sup> STREET AND AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH QUITCLAIM DEEDS TO IMPLEMENT THIS ABANDONMENT.

City Manager Robert Herron asked that this ordinance be tabled indefinitely as there is another ordinance that is on the agenda that will take the place of this ordinance. As there was no motion to lift this matter from the table, the ordinance died.

#### **BODKIN, WILSON, KOZICKI - AUDIT - FY 2011-2012**

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,

2011 THROUGH JUNE 30, 2012, IN THE AMOUNT OF  
\$72,940.00.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, 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.

AMENDING CODIFIED ORDINANCES - ARTICLE 903 - STREETS, UTILITIES & PUBLIC SERVICE CODE - §903.03 APPLICATION FOR PERMIT

The following was then read:

AN ORDINANCE AMENDING AND REENACTING ARTICLE 903 OF THE STREETS, UTILITIES AND PUBLIC SERVICES CODE TO MODIFY §903.03 APPLICATION FOR PERMIT BY ADDING AN ADDITIONAL PARAGRAPH REGARDING SUCH.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, 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.

AMENDING CODIFIED ORDINANCES - ARTICLE 1335 - RESIDENTIAL DISTRICTS, §1335.12 (b) ADDITIONAL RESIDENTIAL REGULATIONS

The following was then read:

AN ORDINANCE AMENDING AND REENACTING ARTICLE 1335 - RESIDENTIAL DISTRICTS OF THE CODIFIED ORDINANCES TO MODIFY §1335.12 ADDITIONAL RESIDENTIAL REGULATIONS AT §1335.12(b) - PARKING IN FRONT YARDS.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, 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.

AMENDING CODIFIED ORDINANCES - ARTICLE 1355 - OFF-STREET PARKING, §1355.03 LOCATION REQUIREMENTS IN ALL DISTRICTS AND §1355.03 (a); §1355.04 DESIGN REQUIREMENTS IN ALL DISTRICTS AND §1355.04 (b)

The following was then read:

AN ORDINANCE AMENDING AND REENACTING ARTICLE 1355 - OFF-STREET PARKING AND LOADING, OF THE CODIFIED ORDINANCES TO MODIFY THE TITLE OF §1355.03 TO: LOCATION REQUIREMENTS IN ALL DISTRICTS, MODIFYING §1355.03 (a) & MODIFYING THE TITLE OF 1355.04 TO: DESIGN REQUIREMENTS IN ALL DISTRICTS AND MODIFYING §1355.04(b).

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, 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.

AMENDING CODIFIED ORDINANCES - ARTICLE 311 - STREETS, OBSTRUCTIONS & SPECIAL USES, §311.05(a); §311.05(b) AND §311.05 (c)

The following was then read:

AN ORDINANCE AMENDING AND REENACTING ARTICLE 311 OF THE CODIFIED ORDINANCES OF THE CITY OF WHEELING ENTITLED STREETS, OBSTRUCTIONS AND SPECIAL USES TO MODIFY §311.05(B) TO INCREASE THE AMOUNT OF THE INSURANCE REQUIREMENT AND TO ADD AN ADDITIONAL PARAGRAPH §311.05(C) REGARDING NON-INTERFERENCE OF THE ROUTE, PROCESSION, OR PARADE BY ANY PERSON, ENTITY, ORGANIZATION, ETC. OTHER THAN THE PERMITTED APPLICANT.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, 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.

AMENDING CODIFIED ORDINANCES - ARTICLE 149 EMPLOYMENT PROVISIONS, §149.17 RESIDENCY REQUIREMENTS

The following was then read:

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

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

The vote on the motion resulted as follows:

AYES: McKenzie, Imer, Atkinson, Fahey

- 4

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

TRANSFER OF TAX INCREMENT FINANCE FUNDS TO CITY OF WHEELING PARKING FUND

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE TRANSFER OF ONE HUNDRED FORTY THOUSAND DOLLARS (\$140,000.00) FROM THE MONIES ASSOCIATED WITH THE CITY’S TAX INCREMENT FINANCING PROJECT #4 TO THE CITY OF WHEELING PARKING FUND, TO BE USED FOR THE REIMBURSEMENT OF COSTS FOR PROPERTY ACQUISITION WITHIN THE PROJECT DISTRICT.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, 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. Atkinson, that the Wheeling Historic Landmarks Commission Report - 9/6/12; Wheeling Municipal Parking System Financial Statement - 8/31/12; Robert C. Byrd Intermodal Transportation Center Financial Statement - 8/31/12; CDBG Status Report - 9/30/12; HOME Program Status Report - 9/30/12; and Financial Statement - 9/30/12; which were held over, be approved as received. Motion carried.

**REMARKS FROM MEMBERS OF COUNCIL**

Mr. Atkinson commented positively on the First Friday Event that was held this past week-end. He also suggested that a letter be sent to the Governor and Paul Mattox, Commissioner of Highways, thanking them for the paving project on I-70. Mayor McKenzie asked that the Clerk send a letter to them on behalf of City Council.

**REPORT OF COMMITTEES**

**FINANCE COMMITTEE REPORT - OCTOBER 16, 2012**

The Finance Committee of Wheeling City Council met on Tuesday, October 16 at 5:00 p.m. in the Office of the City Manager. Committee members present: Chair Gene Fahey, Vice Chair David Miller and Member Don Atkinson. Others present: Mayor Andy McKenzie, Councilors Gloria Delbrugge, Robert Henry and Ken Imer; City Manager Robert Herron, City Solicitor Rosemary Humway-Warmuth; Finance Director Michael Klug, Public Works Director Rusty Jebbia, Economic and Community Development Director Nancy Prager, Fire Chief Larry Helms, Police Chief Shawn Schwertfeger, Marketing Specialist Allison O’Konski, City Clerk Janice Jones and the media.

The following matters were discussed:

**Financial Statement - September 30, 2012**

City Manager Herron reported that the General Fund Balance at the end of the quarter is \$1,217,000 compared to last year’s figures of \$1,138,000. He reported that revenues are approximately \$100,000 behind compared to the same time period as last year. Mr. Herron also reported that expenditures are slightly behind as compared to last year’s figures. He said that this year we are at 26% of budget compared to 29% for last year and that we are still slightly ahead of last year’s figures Mr. Herron reviewed various line items with the Committee. He also reported that the Hotel/Motel Tax is about

\$80,000.00 ahead of last year's figures, coming in at about \$161,000 per month, and could exceed what was budgeted. City Manager Herron said that it was a fair quarter and typically July, October, January and April are big revenue months. Although it wasn't a significant figure, Mr. Fahey questioned the decrease in revenue for I-470 and Mr. Herron said that he would check into it. Following this discussion, Mr. Miller moved, seconded by Mr. Atkinson, to accept the September Financial Statement as presented. Motion carried.

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

### **General Fund Budget Revision No. 2**

City Manager Robert Herron explained that this budget revision is for the Police Department for additional Federal Grants for equipment, such as bulletproof vests and diving equipment. This would increase the revenue line item by \$143,710.00. Mr. Atkinson moved, seconded by Mr. Miller, to recommend approval of General Fund Budget Revision No. 2. Motion carried.

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

### **Other Items for Discussion**

Mr. Herron recommended that, if Council would like to provide all full time employees with a Kroger or Riesbeck Gift Certificate, that this be included in the budget revision that will be presented at the November 7, 2012 meeting. Mr. Atkinson moved, seconded by Mr. Miller, approval for this item to be included in the budget revision.

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, seconded by Mr. Miller, to adjourn. Motion carried. Time: 5:13 p.m.

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

## **REPORT OF CITY MANAGER**

City Manager Robert Herron updated Council on the Council Chamber renovation project. He said that the County has been using the room for the past few weeks for the election and work will resume tomorrow with an expected completion date of early January 2013.

Mr. Herron also updated Council on the Paving Project which he said is about 50% completed and is anticipating that the project will be completed before the end of the year.

He also gave an update the 1100 block demolition project.

## **REPORT OF OTHER OFFICERS**

Mr. Fahey moved, seconded by Mr. Henry, that the Planning Commission Minutes, 9/10/12; Board of Zoning Appeals Minutes, 9/20/12; Wheeling Municipal Parking System Financial Statement, 9/30/12; Robert C. Byrd Intermodal Transportation Center Financial Statement, 9/30/12; Greater Wheeling Sports & Entertainment Authority Minutes, 9/28/12; and Greater Wheeling Sports & Entertainment Income Statement, 9/30/12; be held over until the next meeting. Motion carried.

## **ORIGINAL PROPOSITIONS**

### **PORTION OF LANE 13 & PORTION OF LANE G - CLOSURE OF PUBLIC THOROUGHFARE (DESC. IN ORDINANCE)**

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING CLOSING AS A PUBLIC THOROUGHFARE A PORTION OF LANE 13 BETWEEN WOOD STREET AND McCOLLOCH STREET AND LANE G BETWEEN 15<sup>th</sup> AND 16<sup>th</sup> STREETS AND AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH QUITCLAIM DEEDS TO IMPLEMENT CLOSURE OF THE PUBLIC THOROUGHFARE.

### **ERB ELECTRIC - BOOSTER PUMP EQUIPMENT (WATER)**

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$26,112.00 WITH ERB ELECTRIC CO., OF BRIDGEPORT, OHIO, FOR BOOSTER PUMP STATION EQUIPMENT, TO BE CHARGED TO WATER TREATMENT - #400.4011.04.0626.01.

RESOLUTION - GOVERNOR'S COMMUNITY PARTICIPATION GRANT AGREEMENT - MARKETING - CITY OF WHEELING

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO ACCEPT THE TERMS AND CONDITIONS OF THE CONTRACT RELATING TO THE GOVERNOR'S COMMUNITY PARTICIPATION GRANT IN THE AMOUNT OF \$15,333.00 TO THE CITY OF WHEELING TO MARKET THE CITY OF WHEELING - PROJECT NO. 12LEDA0195.

Mr. Fahey moved, seconded by Mr. Atkinson, that the Resolution be adopted.  
Motion carried.

RESOLUTION - GENERAL FUND BUDGET REVISION NO. 2

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. Fahey moved, seconded by Mr. Atkinson, that the Resolution be adopted.  
Motion carried.

RESOLUTION - AUTHORIZING PAYMENT OF INVOICES - COMBINED WATERWORKS & SEWERAGE SYSTEM - SERIES 2010B

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

Mr. Fahey moved, seconded by Mr. Atkinson, to return to "Remarks from Members of Council." Motion carried.

Mr. Fahey congratulated the Stohl Family, owners of McDonald's in Elm Grove, for their renovation project and their community involvement.

Mr. Fahey also suggested that congratulatory letters be sent to Governor Tomblin, Senator Manchin and Congressman McKinley on their re-election to office.

**THOSE WISHING TO BE HEARD**

Wilkes Kinney, representing the Kiwanis Club, thanked Council and the Administration for its contribution in helping in the renovation of the Mingo Indian that is located at the top of Wheeling Hill. Personally, he thanked the Street Department and the Sanitation Department for the disposal of the leaves that were piled in the streets near his home.

John Saunders, 681 Stone Church Road, spoke on behalf of Health Right. He asked that Council reconsider CDBG funding for Health Right. He reminded Council of the hundreds of Wheeling residents that they serve. Mr. Saunders commented that the money that Council has approved in the past has made a huge difference. After checking with City Manager Robert Herron, Mayor McKenzie said that we will discuss the possible reprogramming of CDBG funds at the next Finance Committee meeting.

There being no further business, Mr. Henry moved, seconded by Mr. Atkinson, to adjourn. Motion carried. time: 12:30 p.m.

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City Clerk

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Mayor

## AGENDA

Wheeling, West Virginia  
DATE: December 4, 2012

CONVENED: \_\_

ADJOURNED:

INVOCATION:

ROLL CALL

READING OF THE MINUTES - November 20, 2012

### MAYOR'S REPORT

#### 1. CLERK'S REPORT

1. Notice of Application to Operate a Private Club - Capszalay, LLC, dba The New 19<sup>th</sup> Hole, 780 National Road

#### 2. UNFINISHED BUSINESS

1. Metron-Farnier, LLC - Wireless Water Meter Registers and Accessories

**HELD OVER:** Wheeling Historic Landmarks Commission Report - 11/1/12; Wheeling Historic Landmarks Commission Minutes - 10/4/12; Wheeling Housing Authority Minutes - 9/19/12; Wheeling-Ohio County Board of Health Minutes - 9/11/12; Wheeling Human Rights Commission Minutes - 9/24/12; CDBG Program Status Report - 10/31/12; HOME Program Status Report - 10/31/12; Financial Statement - 10/31/12.

#### 3. REMARKS FROM MEMBERS OF COUNCIL

#### 4. REPORT OF COMMITTEES

1. Finance Committee Report - 11/20/12

#### 5. REPORT OF CITY MANAGER

#### 6. REPORT OF OTHER OFFICERS

1. Planning Commission Minutes - 10/15/12
2. Planning Commission Report - 11/20/12
3. Wheeling Traffic Commission Minutes - 11/8/12
4. Wheeling Municipal Parking System Financial Statement - 10/31/12
5. Robert C. Byrd Intermodal Transportation Center Financial Statement - 10/31/12

#### 7. PETITIONS OF REDRESS OR GRIEVANCE

#### 8. PETITIONS OF ALL OTHER KINDS

#### 9. ORIGINAL PROPOSITIONS

1. Adopting Traffic Rule No. 4408 - Handicapped Parking Zone - 2519 Warwood Avenue
2. Adopting Traffic Rule No. 4410 - Handicapped Parking Zone - 2317 Eoff Street
3. Adopting Traffic Rule No. 4411 - Handicapped Parking Zone - 39 Kentucky Street
4. Adopting Traffic Rule No. 4412 - Two Hour Parking Meter Zone - West Sd. Of Market St. Near 16<sup>th</sup> Street
5. Adopting Traffic Rule No. 4413 - Two Way Street - Market St. between 16<sup>th</sup> & 18<sup>th</sup> Sts.
6. Adopting Traffic Rule No. 4414 - No Left Turn Intersection - South St. & Market St.
7. Adopting Traffic Rule No. 4415 - No Parking Zone - N. Sd. Of 16<sup>th</sup> Near Lane E & 16<sup>th</sup> St.
8. Adopting Traffic Rule No. 4416 - No Parking Zone - S. Sd. Of 24<sup>th</sup> St. to Lane A
9. Adopting Traffic Rule No. 4417 - No Parking Zone - N. Sd. Of 24<sup>th</sup> St. Near Main & 24<sup>th</sup> Sts.
10. Amending Codified Ordinances - Article 176 - Arts & Cultural Provision - §176.07
11. Resolution - Agmt.- Governor's Community Participation Grant - East Wheeling Playground Improvements
12. Resolution - Authorizing Payment of Invoices - Combined Waterworks & Sewerage System - Series 2010B (WPCD)

#### 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, Imer, Henry, Miller, Atkinson and Fahey - 7

Mr. Fahey moved, seconded by Mr. Henry, that the minutes of the November 7, 2012 meeting be approved as received. Motion carried.

### **MAYOR'S REPORT**

Mayor McKenzie asked for Council's concurrence in the reappointments of Rabbi Beth Jacowitz Chottiner, George Blum, and Shawn Fluharty to the Human Rights Commission. Mr. Fahey moved, seconded by Mr. Henry, Council's concurrence in the reappointments. He then asked for Council's concurrence in the reappointment of Reverend Willie Nevels to the Wheeling Housing Authority. Mr. Fahey moved, seconded by Mr. Henry, Council's concurrence in the reappointment.

Mayor McKenzie asked for Council's and the public's support in shopping locally on Small Business Saturday, which will be held on November 24, 2012.

Mayor McKenzie mentioned an article that appeared in a national magazine about the success Orrick has had in Wheeling. He also said that he has had several inquiries about what will be done with the North Park Landfill. Mayor McKenzie said that before any decision is made, public input will be sought and considered but any decision is a long way off.

He also encouraged all of Council to attend the West Virginia Municipal League Winter meeting that will take place in February, 2013 in Charleston.

### **CLERK'S REPORT**

#### **NOTICE OF APPLICATION TO OPERATE A PRIVATE CLUB - THE MARKET HOUSE BAR & GRILL DBA CD'S IRISH PUB AND HOT SPOT - 30 JUNIOR AVENUE**

City Clerk Janice Jones presented Council with a Notice of Application to Operate a Private Club for The Market House Bar & Grill dba CD's Irish Pub and Hot Spot located at 30 Junior Avenue. The applicant is Shauna Lee McKeever.

### **UNFINISHED BUSINESS**

#### **ERB ELECTRIC - BOOSTER PUMP EQUIPMENT (WATER)**

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$26,112.00 WITH ERB ELECTRIC CO., OF BRIDGEPORT, OHIO, FOR BOOSTER PUMP STATION EQUIPMENT, TO BE CHARGED TO WATER TREATMENT - #400.4011.04.0626.01.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 7

NOES:

- 0

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

PORTION OF LANE 13 & PORTION OF LANE G - CLOSURE OF PUBLIC THOROUGHFARE (DESC. IN ORDINANCE)

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING CLOSING AS A PUBLIC THOROUGHFARE A PORTION OF LANE 13 BETWEEN WOOD STREET AND McCOLLOCH STREET AND LANE G BETWEEN 15th AND 16th STREETS AND AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH QUITCLAIM DEEDS TO IMPLEMENT CLOSURE OF THE PUBLIC THOROUGHFARE.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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 Planning Commission Minutes, 9/10/12; Board of Zoning Appeals Minutes, 9/20/12; Wheeling Municipal Parking System Financial Statement, 9/30/12; Robert C. Byrd Intermodal Transportation Center Financial Statement, 9/30/12; Greater Wheeling Sports & Entertainment Authority Minutes, 9/28/12; and Greater Wheeling Sports & Entertainment Income Statement, 9/30/12; which were held over, be approved as received. Motion carried.

**REMARKS FROM MEMBERS OF COUNCIL**

Mr. Miller thanked the Public Works Department for their efforts in cleaning up the many piles of leaves that residents gathered and placed in the streets throughout the City. He said that he received many positive comments.

**REPORT OF CITY MANAGER**

City Manager Robert Herron commented that the Paving Project is now completed. He also updated Council on the progress of the new City Council Chambers, which is expected to be completed in January 2013.

Mr. Herron also updated Council and the public on the Wheeling Nailers. He said there have been quite a few improvements that have been made to Wesbanco Arena.

At the request of Mayor McKenzie, Mr. Fahey moved, seconded by Mr. Henry, to return to the Mayor's Report. Motion carried.

Mayor McKenzie introduced Delegate Erikka Storch who was in attendance at this evening's meeting. Delegate Storch presented a citation from the House of Delegates to Elizabeth Mae Parsons, recognizing her many accomplishments in raising funds for those less fortunate and for her volunteer services. A proclamation from the Governor recognizing Elizabeth as a Distinguished Mountaineer was also read and presented to her.

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

**REPORT OF OTHER OFFICERS**

Mr. Fahey moved, seconded by Mr. Atkinson, that the Wheeling Historic Landmarks Commission Report, 11/1/12; Wheeling Historic Landmarks Commission Minutes, 10/4/12; Wheeling Housing Authority Minutes, 9/19/12; Wheeling-Ohio County Board of Health Minutes, 9/11/12; Wheeling Human Rights Commission Minutes, 9/24/12; CDBG Program Status Report, 10/31/12; HOME Program Status Report, 10/31/12; and Financial Statement, 10/31/12; be held over until the next meeting. Motion carried.

**ORIGINAL PROPOSITIONS**

METRON-FARNIER, LLC = WIRELESS WATER METER REGISTERS AND ACCESSORIES

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$55,884.75.00 WITH METRON-FARNIER, LLC, OF BOULDER,CO, FOR WIRELESS WATER METER REGISTERS AND ACCESSORIES, TO BE CHARGED TO WATER DISTRIBUTION - (#4013.04.0665.04 - \$35,000.00) AND (4013.04.0665.07 - \$20,884.75.)

**THOSE WISHING TO BE HEARD**

There being no further business, Mr. Fahey moved, seconded by Mrs. Delbrugge, to adjourn. Motion carried. Time: 5:47 p.m.

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City Clerk

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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. A moment of silence was observed for Councilor Don Atkinson's father, who recently passed away.

On roll call, the following were present:

McKenzie, Delbrugge, Imer, Henry, Miller, and Fahey - 6

Mr. Atkinson was absent. - 1

Mr. Fahey moved, seconded by Mr. Henry, that the minutes of the November 20, 2012 meeting be approved as received. Motion carried.

### **MAYOR'S REPORT**

Mayor McKenzie reported on a recent meeting in Charleston with the Governor and Legislators in regard to Home Rule. He commented that it was a very positive meeting and that they indicated that, at this point, it will be a full continuation of existing powers for the original four cities. The West Virginia Municipal League would like to see four more municipalities added to the original four cities. One aspect of Home Rule that he is advocating is the ability to address taxes or fees at the local level. Mayor McKenzie commented that he would like to review successes that the other Home Rule cities have experienced and consider some of these for possible implementation here in Wheeling.

Mayor McKenzie reported that Med Express is opening another business in the Elm Grove section of Wheeling. He also reported that Wheeling Park High School will be having their Festival of Sound next week and encouraged everyone to attend.

### **CLERK'S REPORT**

#### **NOTICE OF APPLICATION TO OPERATE A PRIVATE CLUB - CAPSZALAY, LLC, DBA THE NEW 19<sup>TH</sup> HOLE - 780 NATIONAL ROAD**

City Clerk Janice Jones presented Council with a Notice of Application to Operate a Private Club for Capszalay, LLC, dba The New 19<sup>th</sup> Hole, located at 780 National Road. The applicant is Angela Szalay.

### **UNFINISHED BUSINESS**

#### **METRON-FARNIER, LLC = WIRELESS WATER METER REGISTERS AND ACCESSORIES**

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$55,884.75 WITH METRON-FARNIER, LLC, OF BOULDER, CO, FOR WIRELESS WATER METER REGISTERS AND ACCESSORIES, TO BE CHARGED TO WATER DISTRIBUTION - (#4013.04.0665.04 - \$35,000.00) AND (4013.04.0665.07 - \$20,884.75.)

City Manager Robert Herron explained that these wireless meters would be a great benefit to the City as water meters can be read from the street.

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, Imer, Henry, Miller, 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. Henry, that the Wheeling Historic Landmarks Commission Report, 11/1/12; Wheeling Historic Landmarks Commission Minutes, 10/4/12; Wheeling Housing Authority Minutes, 9/19/12; Wheeling-Ohio County Board of Health Minutes, 9/11/12; Wheeling Human Rights Commission Minutes, 9/24/12; CDBG Program Status Report, 10/31/12; HOME Program Status Report, 10/31/12; and Financial Statement, 10/31/12; which were held over, be approved as received. Motion carried.

### **REMARKS FROM MEMBERS OF COUNCIL**

Mr. Fahey commented on the recent closing, after over 90 years in business, of Louis Hot Dogs. He said that they will certainly be missed.

### **REPORT OF COMMITTEES**

#### **FINANCE COMMITTEE REPORT - NOVEMBER 20, 2012**

The Finance Committee of Wheeling City Council met on Tuesday, November 20 at 5:00 p.m. in the Office of the City Manager. Committee members present: Chair Gene Fahey, Vice Chair David Miller and Member Don Atkinson. Others present: Mayor Andy McKenzie, Councilors Gloria Delbrugge, Robert Henry and Ken Imer; City Manager Robert Herron, City Solicitor Rosemary Humway-Warmuth; Finance Director Michael Klug, Public Works Director Rusty Jebbia, Economic and Community Development Director Nancy Prager, Fire Chief Larry Helms, Police Chief Shawn Schwertfeger, Marketing Specialist Allison O’Konski, City Clerk Janice Jones and the media.

The following matters were discussed:

#### **Financial Statement - October 31, 2012**

City Manager Herron reported that the month of October is almost identical to last year’s figures. He reported that revenues to date are \$12,184,000, compared to \$12,234,000 for the same time period last year. Mr. Herron also reported that expenditures are slightly behind as compared to last year’s figures. He said that this year we are at 33% of budget compared to 36% for last year. He reported that the General Fund Cash Balance is \$3,021,000 compared to last year’s balance of \$2,672,000; however, we have not yet made a budgeted transfer of \$300,000 to the RCIP fund yet. Mr. Herron reviewed various line items with the Committee. Following this discussion, Mr. Miller moved, seconded by Mr. Atkinson, to accept the October Financial Statement as presented. Motion carried.

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

#### **Executive Session - Discussion on Property Acquisition**

Mr. Atkinson moved, seconded by Mr. Miller, to suspend the regular order of business to conduct an executive session. Motion carried. Time: 5:07 p.m.

Mr. Atkinson moved, seconded by Mr. Miller, to resume the regular order of business. Motion carried. Time: 5:15 p.m.

There being no further business to come before the Committee, Mr. Atkinson moved, seconded by Mr. Miller, to adjourn. Motion carried. Time: 5:15 p.m.

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

## REPORT OF CITY MANAGER

City Manager Robert Herron reported that ridership for OVRTA is up about 5.1% this year with the vast majority being in the City of Wheeling. Mr. Herron reported on a recent meeting with the WVDOH regarding a number of future projects, such as the Kruger Street Widening Project; County Line Bridge; Main, Market, 16<sup>th</sup> Streets Paving; I-70 Resurfacing Project (both east and westbound from Mile Marker 2 to Mile Marker 5); I-470 and Rt. 250 Lighting Project; Suspension Bridge Project; Replacement of Bridges and Bridge Decks on I-70; etc.

Mr. Herron also reported that there will be information forthcoming on financing for the proposed Water Treatment Plant. The bid opening is scheduled for March 15, 2013 and the goal is to have all the financing in place prior to that date.

Mr. Herron congratulated the Super Six Committee on another great job in hosting the Super Six Football Championships this past week-end.

## REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Henry, that the Planning Commission Minutes, 10/15/12; Planning Commission Report, 11/20/12; Wheeling Traffic Commission Minutes, 11/8/12; Wheeling Municipal Parking System Financial Statement, 10/31/12; Robert C. Byrd Intermodal Transportation Center Financial Statement, 10/31/12; be held over until the next meeting. Motion carried.

## ORIGINAL PROPOSITIONS

### ADOPTING TRAFFIC RULE NO. 4408 - HANDICAPPED PARKING ZONE - 2519 WARWOOD AVENUE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4408.

### ADOPTING TRAFFIC RULE NO. 4410 - HANDICAPPED PARKING ZONE - 2317 EOFF STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4410.

### ADOPTING TRAFFIC RULE NO. 4411 - HANDICAPPED PARKING ZONE - 39 KENTUCKY STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4411.

### ADOPTING TRAFFIC RULE NO. 4412 - TWO HOUR PARKING METER ZONE-WEST SIDE OF MARKET ST., NEAR 16<sup>TH</sup> STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4412.

### ADOPTING TRAFFIC RULE NO. 4413 - TWO-WAY STREET - MARKET ST. BETWEEN 16<sup>TH</sup> & 18<sup>TH</sup> STS.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4413.

ADOPTING TRAFFIC RULE NO. 4414 - NO LEFT TURN INTERSECTION - SOUTH ST. &  
MARKET STS.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4414.

ADOPTING TRAFFIC RULE NO. 4415 - NO PARKING ZONE - N. SIDE OF 16<sup>TH</sup> NEAR  
LANE E & 16<sup>TH</sup> ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4415.

ADOPTING TRAFFIC RULE NO. 4416 - NO PARKING ZONE - S. SD. OF 24<sup>TH</sup> ST. TO  
LANE A

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4416.

ADOPTING TRAFFIC RULE NO. 4417- NO PARKING ZONE - N. SIDE OF 24<sup>TH</sup> ST. NEAR  
MAIN & 24<sup>TH</sup> STS.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4417.

AMENDING CODIFIED ORDINANCES - ARTICLE 176 - ARTS & CULTURAL  
PROVISION - §176.07

The following was then read:

AN ORDINANCE AMENDING AND REENACTING ARTICLE  
176 ENTITLED, ARTS & CULTURAL COMMISSION, OF THE  
CODIFIED ORDINANCES OF THE CITY OF WHEELING, TO  
DELETE SUBSECTION 176.07, ENTITLED SUNSET  
PROVISION, AND TO REENACT THE REMAINDER OF THE  
ARTICLE.

RESOLUTION - AGREEMENT - GOVERNOR'S COMMUNITY PARTICIPATION GRANT -  
EAST WHEELING PLAYGROUND IMPROVEMENTS

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING  
TO ACCEPT THE TERMS AND CONDITIONS OF THE  
CONTRACT RELATING TO THE GOVERNOR'S  
COMMUNITY PARTICIPATION GRANT IN THE AMOUNT  
OF \$8,000.00 TO THE CITY OF WHEELING TO MAKE  
IMPROVEMENTS AT THE EAST WHEELING PLAYGROUND  
- PROJECT NO. 12LEDA0555.

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

RESOLUTION - AUTHORIZING PAYMENT OF INVOICES - COMBINED WATERWORKS  
& SEWERAGE SYSTEM - 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. Fahey moved, seconded by Mr. Henry, that the Resolution be adopted.  
Motion carried.

**THOSE WISHING TO BE HEARD**

Bill O'Leary, 158 Paxton Avenue, addressed Council about the closing of Louis'  
Hot Dogs after 93 years in business.

There being no further business, Mr. Henry moved, seconded by Mr. Fahey, to  
adjourn. Motion carried. time: 12:25 p.m.

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City Clerk

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Mayor

## AGENDA

Wheeling, West Virginia  
DATE: December 18, 2012

CONVENED: \_\_\_\_\_

ADJOURNED: \_\_\_\_\_

### INVOCATION:

### ROLL CALL

READING OF THE MINUTES - December 4, 2012

### MAYOR'S REPORT

#### 1. CLERK'S REPORT

#### 2. UNFINISHED BUSINESS

1. Adopting Traffic Rule No. 4408 - Handicapped Parking Zone - 2519 Warwood Avenue
2. Adopting Traffic Rule No. 4410 - Handicapped Parking Zone - 2317 Eoff Street
3. Adopting Traffic Rule No. 4411 - Handicapped Parking Zone - 39 Kentucky Street
4. Adopting Traffic Rule No. 4412 - Two Hour Parking Meter Zone - West Sd. of Market St Near 16<sup>th</sup> St
5. Adopting Traffic Rule No. 4413 - Two Way Street - Market St. between 16<sup>th</sup> & 18<sup>th</sup> Sts.
6. Adopting Traffic Rule No. 4414 - No Left Turn Intersection - South St. & Market St.
7. Adopting Traffic Rule No. 4415 - No Parking Zone - N. Sd. Of 16<sup>th</sup> Near Lane E & 16<sup>th</sup> St.
8. Adopting Traffic Rule No. 4416 - No Parking Zone - S. Sd. Of 24<sup>th</sup> St. to Lane A
9. Adopting Traffic Rule No. 4417 - No Parking Zone - N. Sd. Of 24<sup>th</sup> St. Near Main & 24<sup>th</sup> Sts.
10. Amending Codified Ordinances - Article 176 - Arts & Cultural Provision - §176.07

**HELD OVER:** Planning Commission Minutes - 10/15/12; Planning Commission Report - 11/20/12; Wheeling Traffic Commission Minutes - 11/8/12; Wheeling Municipal Parking System Financial Statement - 10/31/12; Robert C. Byrd Intermodal Transportation Center Financial Statement - 10/31/12

#### 3. REMARKS FROM MEMBERS OF COUNCIL

#### 4. REPORT OF COMMITTEES

1. Development Committee Report - 12/04/12

#### 5. REPORT OF CITY MANAGER

#### 6. REPORT OF OTHER OFFICERS

1. Historic Landmarks Commission Minutes - 11/01/12
2. Planning Commission Minutes - 11/19/12
3. Wheeling Housing Authority Minutes - 10/17/12
4. CDBG Program Status Report - 11/30/12
5. HOME Program Status Report - 11/30/12
6. CDBG Building Demolition Status Report - 12/11/12
7. Financial Statement - 11/30/12

#### 7. PETITIONS OF REDRESS OR GRIEVANCE

#### 8. PETITIONS OF ALL OTHER KINDS

#### 9. ORIGINAL PROPOSITIONS

1. Zone Change - 891 Ivy Avenue - R-1A to R-2
2. Amending Codified Ordinances - Articles 1339.05(a); Article 1339.06(a) and Article 1339.07  
To delete language that restricts residential living on first floors in Downtown District.
3. Dump Truck, Inc. - 2012 Building Demolition
4. Edgco, Inc. - 2012 Asbestos Abatement
5. Amending Agreement - CT Consultants - Professional Services-Water Dept.

### THOSE WISHING TO BE HEARD

## AGENDA

Wheeling, West Virginia  
DATE: January 2, 2013

CONVENED: \_\_\_\_\_

ADJOURNED:

INVOCATION:

ROLL CALL

READING OF THE MINUTES - December 18, 2012

### MAYOR'S REPORT

#### 1. CLERK'S REPORT

#### 2. UNFINISHED BUSINESS

1. Zone Change - 891 Ivy Avenue - R-1A to R-2
2. Amending Codified Ordinances - Articles 1339.05(a); Article 1339.06(a) and Article 1339.07  
To delete language that restricts residential living on first floors in Downtown District.
3. Dump Truck, Inc. - 2012 Building Demolition
4. Edgco, Inc. - 2012 Asbestos Abatement
5. Amending Agreement - CT Consultants - Professional Services-Water Dept.

**HELD OVER:** Historic Landmarks Commission Minutes - 11/01/12; Planning Commission Minutes - 11/19/12; Wheeling Housing Authority Minutes - 10/17/12; CDBG Program Status Report - 11/30/12; HOME Program Status Report - 11/30/12; CDBG Building Demolition Status Report - 12/11/12; Financial Statement - 11/30/12.

#### 3. REMARKS FROM MEMBERS OF COUNCIL

#### 4. REPORT OF COMMITTEES

1. Finance Committee Report - 12/18/12

#### 5. REPORT OF CITY MANAGER

#### 6. REPORT OF OTHER OFFICERS

1. Wheeling Housing Authority Minutes - 11/14/12
2. Wheeling Traffic Commission Minutes - 12/13/12
3. Wheeling Municipal Parking System Financial Statement - 11/30/12
4. Robert C. Byrd Intermodal Transportation Center Financial Statement - 11/30/12

#### 7. PETITIONS OF REDRESS OR GRIEVANCE

#### 8. PETITIONS OF ALL OTHER KINDS

#### 9. ORIGINAL PROPOSITIONS

1. Adopting Traffic Rule No. 4418 - Handicapped Parking Zone - 220 Jefferson Ave.
2. Adopting Traffic Rule No. 4419 - Handicapped Parking Zone - 3 Richmond Ave.
3. Adopting Traffic Rule No. 4420 - 5 Hr. Parking Meter Zone - N. Sd. Of 17<sup>th</sup> St.
4. Adopting Traffic Rule No. 4421 - Unrestricted Parking Zone - 50 Gaewood Ave.
5. Resolution - Bank of New York Mellon - HUD 108 Program
6. Resolution - Authorizing Payment of Invoices - Combined Waterworks & Sewerage System - Series 2010B (WPCD)

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 the tragedy that occurred at Sandy Hook Elementary School in Connecticut.

On roll call, the following were present:

McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson and Fahey - 7

Mr. Fahey moved, seconded by Mr. Henry, that the minutes of the December 4, 2012 meeting be approved as received. Motion carried.

### **MAYOR'S REPORT**

Mayor McKenzie asked for Council's concurrence in the appointments of Joshua Benyo and Elizabeth Paulhus to the Arts & Cultural Commission. Mr. Fahey moved, seconded by Mr. Henry, Council's concurrence in the appointments. Motion carried.

Mayor McKenzie announced that the next regularly scheduled City Council meeting will take place on Wednesday, January 2, 2013 at 12:00 noon in the City Manager's Conference Room due to the first Tuesday of the month falling on January 1, 2013.

Mayor McKenzie asked Council members to inform City Clerk Janice Jones whether they will be attending the WV Municipal League Winter Meeting, which will be held on February 17, 18, and 19, 2013. He also announced that the State of the City event will be taking place on Tuesday, February 26, 2013 at the Capitol Theatre Ballroom at 12:00 noon. He reminded Council members to submit names of potential people or businesses to be recognized. He also informed Council and the public that the Governor's Inauguration will take place January 14, 2013.

Mayor McKenzie commented on the tragedy that took place at Sandy Hook Elementary and how it affects all of us. He asked everyone to keep them in our prayers.

### **UNFINISHED BUSINESS**

#### ADOPTING TRAFFIC RULE NO. 4408 - HANDICAPPED PARKING ZONE - 2519 WARWOOD AVENUE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4408.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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. 4410 - HANDICAPPED PARKING ZONE - 2317 EOFF STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4410.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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. 4411 - HANDICAPPED PARKING ZONE - 39  
KENTUCKY STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4411.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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. 4412 - TWO HOUR PARKING METER ZONE - WEST  
SIDE OF MARKET ST. NEAR 16<sup>TH</sup> STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4412.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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. 4413 - TWO WAY STREET - MARKET ST. BETWEEN  
16<sup>TH</sup> & 18<sup>TH</sup> STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING ADOPTING TRAFFIC RULE NO. 4413.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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. 4414 - NO LEFT TURN INTERSECTION - SOUTH ST. & MARKET ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4414.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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. 4415 - NO PARKING ZONE - N. SIDE OF 16<sup>TH</sup> NEAR LANE E & 16<sup>TH</sup> ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4415.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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. 4416 - NO PARKING ZONE - S. SIDE OF 24<sup>TH</sup> ST. TO LANE A

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4416.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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. 4417 - NO PARKING ZONE - N. SIDE OF 24<sup>TH</sup> ST. NEAR MAIN & 24<sup>TH</sup> STS.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4417.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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 176 - ARTS & CULTURAL PROVISION - §176.07

The following was then read:

AN ORDINANCE AMENDING AND REENACTING ARTICLE 176 ENTITLES, ARTS & CULTURAL COMMISSION, OF THE CODIFIED ORDINANCES OF THE CITY OF WHEELING, TO DELETE SUBSECTION 176.07, ENTITLED SUNSET PROVISION, AND TO REENACT THE REMAINDER OF THE ARTICLE.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, Imer, Henry, Miller, 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. Atkinson, that the Planning Commission Minutes - 10/15/12; Planning Commission Report - 11/20/12; Wheeling Traffic Commission Minutes - 11/8/12; Wheeling Municipal Parking System Financial Statement - 10/31/12; Robert C. Byrd Intermodal Transportation Center Financial Statement - 10/31/12; hich were held over, be approved as received. Motion carried.

**REMARKS FROM MEMBERS OF COUNCIL**

Mr. Atkinson thanked everyone for their kindness and expressions of sympathy during the recent passing of his father.

**REPORT OF COMMITTEES**

**DEVELOPMENT COMMITTEE REPORT - DECEMBER 4, 2012**

The Development Committee of Wheeling City Council met on Tuesday, December 4, 2012 at 11:30 a.m. in the Office of the City Manager. Committee members present: Mayor Andy McKenzie, Vice Chair Gloria Delbrugge, Member Gene Fahey; Councilor Robert Henry. Others present: City Manager Robert Herron, City Solicitor Rose Humway-Warmuth, Finance Director Michael Klug, ECD Director Nancy Prager, Assistant ECD Director Tom Connelly. and City Clerk Janice Jones.

The following matters were discussed:

**Discussion on Amendments to Zoning Text to Allow for Residential Uses - Article 1339.05; Article 1339.06; and Article 1339.07**

City Manager Robert Herron explained that the current Zoning Regulations do not permit first floor housing in downtown Wheeling. He said that interested developers have contacted him about developing housing in the downtown area and it would be very helpful if there was the option to permit residential housing on the first floor. Assistant Director of Economic and Community Development, Tom Connelly, explained that this would require minor text amendments. He distributed a map of the downtown area showing the areas that first floor housing is permitted and the areas where it is not permitted. Mr. Connelly further stated that this proposed amendment would allow the D-1 and D-2 Zones to be treated in similar fashion as the D-3 zones. Heather Slack, 113 East Lawn, St. Clairsville, OH, an interested developer, commented that this change would make the rehabilitating of buildings more profitable. Following this discussion, Mr. Fahey moved, seconded by Mrs. Delbrugge, to amend the residential uses as presented and forward it to Council. 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 to adjourn. Time: 11:45 a.m.

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

**REPORT OF CITY MANAGER**

City Manager Robert Herron distributed the 2013-14 Budget Schedule to Council. He asked Council to submit requests for capital projects to be considered for this year's budget. Mr. Herron said that the budget will be presented to City Council on February 26 and a Finance Committee meeting has tentatively been scheduled for that date at 5:00 p.m. The adoption of the budget will take place at the March 19, 2013 City Council meeting.

Mr. Herron announced that there are two significant events taking place in downtown this evening. One is the Nailers game and the other is a major event at the Capitol Theatre. These two events, along with the Oglebay Lights, may present some traffic delays in the downtown and on I-70.

**REPORT OF OTHER OFFICERS**

Mr. Fahey moved, seconded by Mr. Atkinson, that the Historic Landmarks Commission Minutes - 11/01/12; Planning Commission Minutes - 11/19/12; Wheeling Housing Authority Minutes - 10/17/12; CDBG Program Status Report - 11/30/12; HOME Program Status Report - 11/30/12; CDBG Building Demolition Status Report - 12/11/12; Financial Statement - 11/30/12 be held over until the next meeting. Motion carried.

**ORIGINAL PROPOSITIONS**

**ZONE CHANGE - 891 IVY AVENUE - R-1A TO R-2**

The following was then read:

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF LOT 18 ON THE PLAT OF ALTENHEIM (891 IVY AVENUE) FROM R-1A SINGLE FAMILY RESIDENTIAL TO R-2 TWO FAMILY RESIDENTIAL.

**AMENDING CODIFIED ORDINANCES - ARTICLES 1339.05(a); ARTICLE 1339.06 (a) AND ARTICLE 1339.07**

The following was then read:

AN ORDINANCE AMENDING AND REENACTING ARTICLE

1339.05 (a), D-1 DOWNTOWN, HIGH DENSITY; ARTICLE 1339.06 (a), D-2 DOWNTOWN, MEDIUM DENSITY AND ARTICLE 1339.07, D-3 RIVERFRONT DISTRICT OF THE CODIFIED ORDINANCES OF THE CITY OF WHEELING TO DELETE LANGUAGE THAT RESTRICTS RESIDENTIAL LIVING ON FIRST FLOORS.

DUMP TRUCK, INC. - 2012 BUILDING DEMOLITION

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$36,090.00 WITH DUMP TRUCK, INC., OF WHEELING, WV, FOR 2012 BUILDING DEMOLITION, TO BE CHARGED TO CDBG 2011 EY DEMOLITION #1503-011-200.

EDGCO, INC. - 2012 ASBESTOS ABATEMENT

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$9,185.00 WITH EDGCO, INC., OF LANSING, OH, FOR 2012 ASBESTOS ABATEMENT, TO BE CHARGED TO CDBG 2011 EY DEMOLITION #1503-011-200.

AMENDING AGREEMENT - CT CONSULTANTS - PROFESSIONAL SERVICES - WATER DEPT.

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE EXHIBIT K1, AMENDMENT 1, TO THE JULY 18, 2007 AGREEMENT WITH CT CONSULTANTS, INC., OF MENTOR, OH, AND WHEELING, WV, FOR MODIFIED AND ADDITIONAL PROFESSIONAL SERVICES ASSOCIATED WITH WATER TREATMENT PLANT CONSTRUCTION FOR THE CITY OF WHEELING'S WATER DEPARTMENT, AT A COST NOT TO EXCEED \$2,370,000.00.

**THOSE WISHING TO BE HEARD**

No one was present to speak.

Mayor McKenzie extended holiday wishes to those present and again reminded everyone that the next regularly scheduled City Council meeting will be held on Wednesday, January 2, 2013 at 12:00 noon as January 1, 2013 is a holiday.

There being no further business, Mr. Henry moved, seconded by Mr. Fahey, to adjourn. Motion carried. Time: 5:49 p.m.

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City Clerk

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Mayor