

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 December 18, 2012 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor McKenzie extended best wishes for the New Year and is confident that 2013 will be as productive as 2012.

UNFINISHED BUSINESS

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.

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.

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.

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.

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.

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.

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.

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 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.

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 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, which were held over, be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Fahey inquired about the 10 Year Comprehensive Plan for Planning and Zoning. City Manager Robert Herron said that cities are required by law to have a Comprehensive Plan which is strictly for planning and zoning purposes. Mr. Atkinson commented that he is serving on the committee that is working on the Comprehensive Plan and indicated that they are close to preparing a draft for review.

REPORT OF COMMITTEES

FINANCE COMMITTEE REPORT - DECEMBER 18, 2012

The Finance Committee of Wheeling City Council met on Tuesday, December 18, 2012 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, City Clerk Janice Jones and the media.

The following matters were discussed:

Financial Statement - November 30, 2012

City Manager Herron reported that the general fund balance is approximately \$1,966,000, a difference of about \$900,000 compared to last year. This is partially due to the fact that there were three pays in November and also a transfer of \$340,000 was made to the pension fund which is usually done in December. He noted, that from a revenue and expenditure perspective, we are right on budget. Mr. Herron reviewed various line items with the Committee. Following this discussion, Mr. Miller moved, seconded by Mr. Atkinson, to accept the November Financial Statement as presented. Motion carried. Following this, City Manager Robert Herron respectfully requested an Executive Session to discuss pending litigation.

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

Executive Session - Discussion on Pending Litigation

Mr. Atkinson moved, seconded by Mr. Miller, to suspend the regular order of business to conduct an executive session. Motion carried. Time: 5:05 p.m.

Mr. Miller moved, seconded by Mr. Atkinson to resume the regular order of business. Motion carried. Time: 5:16 p.m.

There being no further business to come before the Committee, Mr. Atkinson moved, seconded by Mr. Miller, to adjourn. Motion carried. Time: 5:16 p.m.

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

REPORT OF CITY MANAGER

City Manager Herron reported that the next meeting will be held in the new City Council Chambers on the first floor on January 15, 2013 at 5:30 p.m.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Henry, that the Wheeling Housing Authority Minutes, 11/14/12; Wheeling Traffic Commission Minutes, 12/13/12; Wheeling Municipal Parking System Financial Statement, 11/30/12; Robert C. Byrd Intermodal Transportation Center Financial Statement, 11/30/12; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

ADOPTING TRAFFIC RULE NO. 4418 - HANDICAPPED PARKING ZONE - 220 JEFFERSON AVE.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4418.

ADOPTING TRAFFIC RULE NO. 4419 - HANDICAPPED PARKING ZONE - 3 RICHMOND AVE.

_____The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4419.

ADOPTING TRAFFIC RULE NO. 4420 - 5 HR. PARKING METER ZONE - N. SD. OF 17TH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4420.

ADOPTING TRAFFIC RULE NO. 4421 - UNRESTRICTED PARKING ZONE - 50 GAEWOOD AVE.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4421.

RESOLUTION - BANK OF NEW YORK MELLON - HUD 108 PROGRAM REPAYMENT

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 \$32,936.25 FROM CDBG SECTION 108 LOAN PAYMENT - #1513-011-140 (\$2,840.00) AND #1513-012-140 (\$30,096.25) FOR COSTS ASSOCIATED WITH HUD 108 PROGRAM.

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

In response to a question from Mr. Miller in regard to Item 9/3, Traffic Rule No.
4420, Mr. Herron confirmed that they are requesting five hour meters.

THOSE WISHING TO BE HEARD

There being no further business, Mr. Atkinson moved, seconded by Mrs.
Delbrugge, to adjourn. Motion carried. time: 12:30 p.m.

City Clerk

Mayor

AGENDA

Wheeling, West Virginia
DATE: January 15, 2013

CONVENED: _____

ADJOURNED:

INVOCATION:

ROLL CALL

READING OF THE MINUTES - January 2, 2013

MAYOR'S REPORT

1. CLERK'S REPORT

2. UNFINISHED BUSINESS

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 17th St.
4. Adopting Traffic Rule No. 4421 - Unrestricted Parking Zone - 50 Gaewood Ave.

HELD OVER: Wheeling Housing Authority Minutes - 11/14/12; Wheeling Traffic Commission Minutes - 12/13/12; Wheeling Municipal Parking System Financial Statement - 11/30/12; Robert C. Byrd Intermodal Transportation Center Financial Statement - 11/30/12

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 - 11/06/12
2. CDBG Program Status Report - 12/31/12
3. HOME Program Status Report - 12/31/12
4. Financial Statement - 12/31/12

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Resolution - Prevention Resource Officer Program Grant Application - WVDJCS

THOSE WISHING TO BE HEARD

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

The Police and Fire Color Guards posted the American Flag and the State of West Virginia Flag.

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 January 2, 2013 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor McKenzie welcomed everyone to the new City Council Chambers. Mayor McKenzie recognized former Councilman Vernon Seals, who was in attendance. He also recognized Vic Greco, architect for the Council Chambers Project, who was also in attendance. Mayor McKenzie also commented on meetings he, City Manager Robert Herron and Vice Mayor Fahey had with department heads this past week.

UNFINISHED BUSINESS

ADOPTING TRAFFIC RULE NO. 4418 - HANDICAPPED PARKING ZONE - 220 JEFFERSON AVE.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4418.

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. 4419 - HANDICAPPED PARKING ZONE - 3 RICHMOND AVE.

_____The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4419.

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. 4420 - 5 HR. PARKING METER ZONE - N. SD. OF 17TH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4420.

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

In response to a question from Mr. Henry, City Manager Herron said that these parking meters are for public parking, not just for students attending WVNCC.

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. 4421 - UNRESTRICTED PARKING ZONE - 50 GAEWOOD AVE.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4421.

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 Housing Authority Minutes, 11/14/12; Wheeling Traffic Commission Minutes, 12/13/12; Wheeling Municipal Parking System Financial Statement, 11/30/12; Robert C. Byrd Intermodal Transportation Center Financial Statement, 11/30/12; which were held over, be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Vice Mayor Gene Fahey reported that he, Mayor McKenzie, Councilors Miller and Atkinson, attended the Governor's Inauguration yesterday and what a nice event that it was.

Mr. Atkinson reported that he has received many positive comments in regard to having more police cars throughout the city, with the repeal of the two man per cruiser issue.

REPORT OF CITY MANAGER

City Manager Herron remarked that the implementation of the one man per cruiser issue has gone very well. He complimented Chief Schwertzfefer on the successful implementation of this.

He expressed his appreciation to ECDD Assistant Director Tom Connelly, City Clerk Janice Jones and Architect Vic Greco for their efforts with the design and work on Council Chambers. He noted that a grant for the technology portion of the chambers was received from the State of West Virginia. Mr. Herron pointed out that the general contractor for the project was John Russell Construction, with Yahn Electric and Karras Painting as subcontractors. Ro-Data of Pittsburgh did the technology portion of the project.

City Manager Herron also thanked the Police and Fire Honor Guard for their attendance at tonight's meeting and for a job well done.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Atkinson, that the Historic Landmarks Commission Minutes, 11/06/12; CDBG Program Status Report - 12/31/12; HOME Program Status Report, 12/31/12; Financial Statement, 12/31/12; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

RESOLUTION - PREVENTION RESOURCE OFFICER PROGRAM GRANT APPLICATION - WVDJCS

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 2013 PREVENTION RESOURCE OFFICER PROGRAM GRANT.

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

THOSE WISHING TO BE HEARD

Bill O'Leary, 158 Paxton Avenue, commented on the new Council Chambers and offered a suggestion for the 12:00 noon meeting. He suggested that we have "Lunch with Council," similar to what the Ohio County Library has with "Lunch with Books."

There being no further business, Mr. Atkinson moved, seconded by Mrs. Delbrugge, to adjourn. Motion carried. time: 5:51 p.m.

City Clerk

Mayor

AMENDED AGENDA

Wheeling, West Virginia
DATE: February 5, 2013

CONVENED: _____

ADJOURNED:

INVOCATION:

ROLL CALL

READING OF THE MINUTES - January 15, 2013

MAYOR'S REPORT

1. CLERK'S REPORT

1. Notice of Application to Operate a Private Club - Avenue Eats, LLC - 1201 Valley View Ave.

2. UNFINISHED BUSINESS

HELD OVER: Historic Landmarks Commission Minutes - 11/06/12; CDBG Program Status Report - 12/31/12; HOME Program Status Report - 12/31/12; Financial Statement - 12/31/12.

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

1. Finance Committee Report - 1/15/13

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Comprehensive Planning Committee Minutes - 12/27/12
2. Wheeling Traffic Commission Minutes - 1/10/13
3. Wheeling Housing Authority Minutes - 12/12/12
4. Wheeling-Ohio County Board of Health Minutes - 11/13/12

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Adopting Traffic Rule No. 4422 - Handicapped Parking Zone - 3620 Wood St.
2. Adopting Traffic Rule No. 4423 - 2 Hr. Metered Handicapped Zone - Lane 17 & Market St.
3. Adopting Traffic Rule No. 4424 - No Parking Zone - North Sd. of Eoff St. And Lane 19
4. Adopting Traffic Rule No. 4425 - No Parking Zone - East & West Sd. Of Lane 19 & Lane D
5. Savage Construction Co. - Idabelle Avenue 8" Water Line Extension (**Water**)
6. Ace Truck Equipment - Fascan Crane (**Water**)
7. McKeen Security, Inc. - Safety Coordinator Duties (**Human Resources**)
8. FloWav, Inc. - Long Term Control Plan -CSO Monitoring Equipment (**WPCD**)
9. Resolution - Governor's Community Participation Grant Applic. - WV Birthday Fireworks
10. Resolution - Governor's Community Participation Grant Applic. - Inner City Recreation Development
11. Resolution - Governor's Community Participation Grant Applic. - Wesbanco Arena - Ice/Floor Covering Project
12. Resolution - Governor's Community Participation Grant Applic. - Soup Kitchen of Greater Wheeling
13. Resolution - Governor's Community Participation Grant Applic - Capitol Theatre Renovations
14. Resolution - Authorizing Payment of Invoices - Combined Waterworks & Sewerage System - Series 2010B (**WPCD**)
15. **Doan Ford - Lease Purchase - Four (4) 2013 Ford Police Interceptors (Police)**

THOSE WISHING TO BE HEARD

Mike Maestle - Wheeling Health Right

AGENDA

Wheeling, West Virginia
DATE: February 19, 2013

CONVENED: _____

ADJOURNED:

INVOCATION:

ROLL CALL

READING OF THE MINUTES - February 5, 2013

MAYOR'S REPORT

1. CLERK'S REPORT

1. Zone Change Request - 111 Park View Lane
2. Zone Change Request - 194, 196, and 250 (rear) Bethany Pike - R-1A to C-2

2. UNFINISHED BUSINESS

1. Adopting Traffic Rule No. 4422 - Handicapped Parking Zone - 3620 Wood St.
2. Adopting Traffic Rule No. 4423 - 2 Hr. Metered Handicapped Zone - Lane 17 & Market St.
3. Adopting Traffic Rule No. 4424 - No Parking Zone - North Sd. Of Eoff St. And Lane 19
4. Adopting Traffic Rule No. 4425 - No Parking Zone - East & West Sd. Of Lane 19 & Lane D
5. Savage Construction Co. - Idabelle Avenue 8" Water Line Extension (**Water**)
6. Ace Truck Equipment - Fascan Crane (**Water**)
7. McKeen Security, Inc. - Safety Coordinator Duties (**Human Resources**)
8. FloWay, Inc. - Long Term Control Plan -CSO Monitoring Equipment (**WPCD**)
9. Doan Ford - Lease Purchase - Four (4) 2013 Ford Police Interceptors (**Police**)

HELD OVER: Comprehensive Planning Committee Minutes - 12/27/12; Wheeling Traffic Commission Minutes - 1/10/13; Wheeling Housing Authority Minutes - 12/12/12; Wheeling-Ohio County Board of Health Minutes - 11/13/12

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

1. Development Committee Report - 2/5/13

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Wheeling Municipal Parking System Financial Statement - 12/31/12
2. Robert C. Byrd Intermodal Transportation Center Financial Statement - 12/31/12
3. CDBG Program Status Report - 1/31/13
4. HOME Program Status Report - 1/31/13
5. Planning Commission Minutes - 12/10/12
6. Planning Commission Comprehensive Plan Committee Minutes - 1/8/13
7. Planning Commission Report - 2/11/13
8. Financial Statement - 1/31/13

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Biss Nuss, Inc. - Discflo Pump for Surge Pit (**Water**)
2. Transfer of Property to ADC - Structure/Building Only - Former Lincoln School

THOSE WISHING TO BE HEARD

Lisa Werner - West Virginia Saves

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 January 15, 2013 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor McKenzie commented on the Martin Luther King, Jr. Ceremony that he attended and informed Council that he and the City Manager, along with City Council were recognized for their efforts and contributions in naming Martin Luther King, Jr. Boulevard. He noted, too, that the Upper Ohio Valley Ministerial Association, who hosted the ceremony, has been a good ally in the future plans for East Wheeling.

Mayor McKenzie also noted that he has met with the City of Dunbar in regard to Home Rule and will be traveling to Charleston for the WV Municipal League Conference, at which time he will meet with the Governor and Legislators to discuss the matter of continuing the Home Rule Program, not only to the initial participants but to all the cities throughout the state. He also said that he will be meeting with Morgantown, Clarksburg, Weirton and Parkersburg in regard to Home Rule. Mayor McKenzie announced that the State of the City is scheduled for February 26, 2013 at 11:45 a.m. at the Capitol Theatre Ballroom

CLERK'S REPORT

NOTICE OF APPLICATION TO OPERATE A PRIVATE CLUB - AVENUE EATS, LLC, 1201 VALLEY VIEW AVE.

City Clerk Janice Jones presented Council with a Notice of Application to Operate a Private Club for Avenue Eats, LLC., located at 1201 Valley View Avenue. The applicants are Philip Kendall and Lara Graves.

UNFINISHED BUSINESS

HELD OVER

Mr. Fahey moved, seconded by Mr. Atkinson, that the Historic Landmarks Commission Minutes - 11/06/12; CDBG Program Status Report - 12/31/12; Home Program Status Report - 12/31/12; Financial Statement - 12/31/12; be held over until the next meeting. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Atkinson expressed his appreciation to the Human Resources Department for the recent work-shop they had on Parliamentary Procedure.

REPORT OF COMMITTEES

FINANCE COMMITTEE REPORT - JANUARY 15, 2013

Mr. Fahey moved, seconded by Mr. Atkinson, to dispense with the reading of the Finance Committee Report for January 15, 2013, and accept them as received. Motion carried.

FINANCE COMMITTEE REPORT - JANUARY 15, 2013

The Finance Committee of Wheeling City Council met on Tuesday, January 15, 2013 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, City Clerk Janice Jones and the media.

The following matters were discussed:

Financial Statement - December 31, 2012

City Manager Robert Herron pointed out that this is the half point of the fiscal year. He reported that the General Fund Balance is approximately \$1,388,000, which is a lower than the last couple of years for the same time period; however, it is comparable to three years ago. He noted that the year-to-date revenue is \$118,000 ahead as compared to last years figures. He reviewed several revenue line items that were slightly behind last year's figures for the same time period. Mr. Herron reported that the expenses are about 50% of budget. Mr. Herron believes that we will be slightly ahead of what was budgeted for revenue. Following a short discussion, Mr. Atkinson moved, seconded by Mr. Miller, approval of the December 31, 2012 Financial Statement. Motion carried.

There being no further business to come before the Committee, Mr. Miller moved, seconded by Mr. Atkinson, to adjourn. Motion carried. Time: 5:16 p.m.

REPORT OF CITY MANAGER

City Manager Robert Herron said that there is an amended agenda for today's meeting so that it could include first reading of the purchase of four new police cruisers.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Atkinson, that the Comprehensive Planning Committee Minutes - 12/27/12; Wheeling Traffic Commission Minutes - 1/10/13; Wheeling Housing Authority Minutes - 12/12/12; and Wheeling-Ohio County Board of Health Minutes - 11/13/12; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

ADOPTING TRAFFIC RULE NO. 4422 - HANDICAPPED PARKING ZONE - 3620 WOOD ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING
ADOPTING TRAFFIC RULE NO. 4422.

ADOPTING TRAFFIC RULE NO. 4423 - 2 HR. METERED HANDICAPPED ZONE - LANE 17 & MARKET ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING
ADOPTING TRAFFIC RULE NO. 4423.

ADOPTING TRAFFIC RULE NO. 4424 - NO PARKING ZONE - NORTH SD. OF EOFF ST. AND LANE 19.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING
ADOPTING TRAFFIC RULE NO. 4424.

ADOPTING TRAFFIC RULE NO. 4425 - NO PARKING ZONE - EAST & WEST SD. OF LANE 19 AND LANE D.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING
ADOPTING TRAFFIC RULE NO. 4425.

SAVAGE CONSTRUCTION CO. - IDABELLE AVE. 8" WATER LINE EXTENSION (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN THE AMOUNT OF \$51,509.00 WITH SAVAGE CONSTRUCTION CO., OF WHEELING, WV, FOR IDABELLE AVENUE 8" WATER LINE EXTENSION, TO BE CHARGED TO WATER DISTRIBUTION - 400.4013.04.0665.24.

ACE TRUCK EQUIPMENT - FASCAN CRANE (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$40,557.00 WITH ACE TRUCK EQUIPMENT, OF ZANESVILLE, OH, FOR FASCAN CRANE, PER SPECIFICATIONS, TO BE CHARGED TO WATER DISTRIBUTION - 4013.04.0665.22.

MCKEEN SECURITY INC. - SAFETY COORDINATOR DUTIES (HUMAN RESOURCES)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$34,000.00 WITH MCKEEN SECURITY, INC., OF ST. CLAIRSVILLE, OH, FOR SAFETY COORDINATOR DUTIES FOR THE CITY OF WHEELING, TO BE CHARGED TO HUMAN RESOURCES DEPARTMENT - CONTRACTUAL SERVICES - SAFETY ADMINISTRATION - #001.4422.20.2154.

FLOWAV, INC. - LONG TERM CONTROL PLAN - CSO MONITORING EQUIPMENT (WPCD)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN THE AMOUNT OF \$122,719.00 WITH FLOWAV, INC., OF HUMMELSTOWN, PA, FOR LONG TERM CONTROL PLAN - COMBINED SEWER OVERFLOW MONITORING EQUIPMENT, TO BE CHARGED TO WATER POLLUTION CONTROL DIVISION - #401.4001.04.0301.01.

RESOLUTION - GOVERNOR'S COMMUNITY PARTICIPATION GRANT APPLIC. - WV BIRTHDAY FIREWORKS

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO RECEIVE \$4,800.00 FROM THE FISCAL YEAR 2013 GOVERNOR'S COMMUNITY PARTICIPATION PROGRAM FOR THE CITY OF WHEELING - WV BIRTHDAY FIREWORKS EVENT - PROJECT NO. 13LEDA0643.

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

RESOLUTION - GOVERNOR'S COMMUNITY PARTICIPATION GRANT APPLIC. - INNER CITY RECREATION DEVELOPMENT

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO RECEIVE \$7,200.00 FROM THE FISCAL YEAR 2013 GOVERNOR'S COMMUNITY PARTICIPATION PROGRAM FOR THE CITY OF WHEELING - INNER CITY RECREATION DEVELOPMENT - PROJECT NO. 13LEDA0644.

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

RESOLUTION - GOVERNOR'S COMMUNITY PARTICIPATION GRANT APPLIC - WESBANCO ARENA - ICE/FLOOR COVERING PROJECT

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO RECEIVE \$14,400.00 FROM THE FISCAL YEAR 2013 GOVERNOR'S COMMUNITY PARTICIPATION PROGRAM FOR THE CITY OF WHEELING - WESBANCO ARENA ICE/FLOOR COVERING PROJECT - PROJECT NO. 13LEDA0646.

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

RESOLUTION - GOVERNOR'S COMMUNITY PARTICIPATION GRANT APPLIC. - SOUP KITCHEN OF GREATER WHEELING

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO RECEIVE \$9,600.00 FROM THE FISCAL YEAR 2013 GOVERNOR'S COMMUNITY PARTICIPATION PROGRAM FOR THE CITY OF WHEELING - SOUP KITCHEN OF GREATER WHEELING - PROJECT NO. 13LEDA0642.

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

RESOLUTION - GOVERNOR'S COMMUNITY PARTICIPATION GRANT APPLIC. - CAPITOL THEATRE RENOVATIONS

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO RECEIVE \$7,200.00 FROM THE FISCAL YEAR 2013 GOVERNOR'S COMMUNITY PARTICIPATION PROGRAM FOR THE CITY OF WHEELING - CAPITOL THEATRE RENOVATIONS - PROJECT NO. 13LEDA0645.

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

RESOLUTIONS - 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.

DOAN FORD - LEASE-PURCHASE - FOUR (4) 2013 FORD POLICE INTERCEPTORS (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 \$119,447.96 WITH DOAN FORD, OF BELMONT, OH, FOR THE
LEASE-PURCHASE OF FOUR (4) 2013 FORD POLICE
INTERCEPTORS, PER BID SPECIFICATIONS, TO BE FINANCED
WITH BB & T, WHEELING, WV, TO BE CHARGED TO - POLICE
VEHICLES - 2012-2013 - #001.4976.40.9090.

Mayor McKenzie requested that a motion be made to return to the Mayor's Report. Mr. Fahey moved, seconded by Mr. Henry, to suspend the regular order to return to the Mayor's Report. Motion carried.

Mayor McKenzie asked that the City Clerk send a letter to the Governor's office and also the WV Division of Culture and History requesting annual funds for the WV Birthday Celebration that will take place on West Virginia Day.

Mayor McKenzie also commented on the number of people who have been attending the noon City Council meeting.

THOSE WISHING TO BE HEARD

Mike Maestle, representing the Board of Directors of Wheeling Health Right, addressed Council and asked that Council restore CDBG funding for their clinic. He said that approximately 7,000 Wheeling residents are served by their clinic.

There being no further business, Mr. Henry moved, seconded by Mr. Atkinson, to adjourn. Motion carried. Time: 12:25 p.m.

City Clerk

Mayor

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

The invocation was offered by Vice-Mayor Eugene Fahey.

On roll call, the following were present:

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

Mr. Fahey moved, seconded by Mr. Henry, that the minutes of the March 5, 2013 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor McKenzie presented a proclamation to Sondra Jackson proclaiming March 17-24 as National Safe Place Week in the City of Wheeling. Ms. Jackson expressed gratitude to Council for the proclamation and unveiled the new "Safe Place" logo for the public's awareness.

Mayor McKenzie informed those present that there will not be any discussion from Council on the Planning Commission Report at this evening's meeting.

UNFINISHED BUSINESS

ADOPTING TRAFFIC RULE NO. 4426 - HANDICAPPED PARKING - WARWOOD AVE. NEAR N. 18TH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4426.

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. 4427 - NO PARKING ZONE - S. SIDE OF KENTUCKY STREET, NEAR 32 KENTUCKY STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4427.

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. 4428 - COMMERCIAL LOADING ZONE - EAST SD. OF EOFF NEAR 13TH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4428.

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. 4429 - HANDICAPPED PARKING - EAST SD. OF EOFF NEAR 13TH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4429.

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 - ONE (1) 2013 JEEP CHEROKEE SUV (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN THE AMOUNT OF \$24,561.00 WITH STEPHENS AUTO CENTER, OF DANVILLE, WV, FOR ONE (1) 2013 JEEP CHEROKEE SUV - WV STATE CONTRACT, TO BE CHARGED TO WATER DIVISION VEHICLE REPLACEMENT FUND - #400.1128.05.00.

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, 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 Wheeling Human Rights Commission Minutes - 11/26/12 & 01/28/13; Greater Wheeling Sports and Entertainment Authority Minutes - 12/4/12; Greater Wheeling Sports and Entertainment Authority Income Statement - 12/31/12; Greater Wheeling Sports and Entertainment Authority Audit - FY 2011-2012 (**available in Clerk's office**); Wheeling Traffic Commission Minutes - 2/14/13; Board of Zoning Appeals Minutes - 12/20/12; Wheeling Housing Authority Minutes - 1/9/13; Wheeling Municipal Parking System Financial Statement - 1/31/13; Robert C. Byrd Intermodal Transportation Center Financial Statement - 1/31/13; which were held over, be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Miller congratulated Blake Humphreys, a member of the Wheeling Park High School Debate Team, which recently won their 34th consecutive State Title. He also recognized their coach, Mr. Bill Cornforth.

REPORT OF COMMITTEES

Mr. Fahey moved, seconded by Mrs. Delbrugge, to dispense with the reading of the minutes and accept them as received. Motion carried.

For Council's record, the minutes are as follows:

DEVELOPMENT COMMITTEE REPORT - MARCH 14, 2013

The Development Committee of Wheeling City Council met on Thursday, March 14, 2013 at 12:00 p.m. in City Council Chambers. Committee members present: Mayor Andy McKenzie, Vice Chair Gloria Delbrugge, Member Gene Fahey; Councilors Robert Henry and Donnie Atkinson. Others present: City Manager Robert Herron, City Solicitor Rose Humway-Warmuth, Finance Director Michael Klug, Economic and Community Development Director Nancy Prager, ECD Assistant Director Tom Connelly, City Clerk Janice Jones and the media.

The following matters were discussed:

Request by Sara Dean to have the property located at 2149 Market Street (former Saseen's Restaurant) designated as a Redevelopment Site.

City Manager Robert Herron explained that he had received the request from Sara Dean who would like to use the building for a retail space for a craft and specialty beer store along with an upscale pub and residential apartments on the second and third floors. He reviewed the Land Use Map, showing the distances of schools, churches, and other establishments, with those present. He commented that the Administration believes that this is a worthwhile project and is recommending approval of the redevelopment site. Following this, Mr. Fahey moved, seconded by Mrs. Delbrugge, to approve 2149 Market Street as a redevelopment site. Motion carried.

Lane Abandonment Request - Lotus Lane - Progressive Bank

Assistant Economic and Community Development Director Tom Connelly told the Committee that the lane abandonment request was previously for Prospect Lane, which met with resistance from surrounding land owners and residents; however, Progressive Bank has amended their request to ask for a portion of Lotus Lane between N. 17th St. and Prospect Lane to be abandoned. The majority of city departments and utilities have no objection to the request and several utilities have given conditional approval. Mr. Connelly said that the conditional approval responses indicate the need to retain access to their infrastructure. The applicant has stated that the proposed layout will still allow accessibility because the new building will be entirely on the private property, although the requested area will house a portion of the drive-through facilities. Therefore, based on the understanding all public and private utilities will still have unlimited access to their interests, the staff recommends approving the request to close Lotus Lane between N. 17th Street and Prospect Lane as a public thoroughfare. Mr. Connelly commented that it would still have to go to the Planning Commission for site approval and the Board of Zoning Appeals for variances for setbacks. City Manager Herron indicated that the Administration is recommending approval of the lane abandonment. Following this discussion, Mrs. Delbrugge moved, seconded by Mr. Fahey, approval of the lane abandonment.

Mayor McKenzie commented that these two requests are great projects and thanked the individuals who brought these forward.

Discussion on Schenk Bridge Replacement

City Manager Herron explained that we have been monitoring the bridge for about two years and just recently it has developed another hole on the surface of the bridge. He commented that this bridge is vital to residents of Fulton, East Wheeling and the Peninsula. As this bridge is eligible for CDBG funds, he is recommending reprogramming of CDBG funds in the amount of approximately 219,000.00 for this project. A large portion of the reprogramming would come from the streets and sidewalks line item and street resurfacing line item. He added that this would not cover the total project and we would have to draw funds from the Capital Projects Fund to pay for the remaining portion of the project. He said that the project would take approximately 30 to 60 days. The Committee agreed with the need for this bridge. No action was taken from the Development Committee but Council will hold a public hearing before voting to reprogram CDBG funds, which will take place at the April 2, 2013 City Council meeting.

Discussion of Possible Home Rule Amendment

Mayor McKenzie said that this will not be a topic of discussion at today's meeting; however, he updated everyone on the status of the bill before the Legislature. He said that it looks favorable and will possibly be sent to the Governor by the end of next week. As it stands, Home Rule would be in effect for another five years and will allow smaller cities to participate.

There being no further business to come before the Committee, Mr. Fahey moved, seconded by Mrs. Delbrugge, to adjourn. Time: 12:16 p.m.

REPORT OF CITY MANAGER

City Manager Robert Herron commented that there will be a first reading of a bond ordinance authorizing the issuance of bonds for the Water Treatment Plant. He said that this type of ordinance requires three readings with a public hearing scheduled before the third reading, which will be April 16, 2013. The bid opening for the Water Treatment Plant is scheduled for Friday, March 22, 2013 at 2:00 p.m. If all goes well, we would award the bid in early June, with construction to start at the end of July or early August. In response to a question from Mr. Fahey as to the length of the project, Mr. Herron indicated that it would take at least two years to construct.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Henry, that the Planning Commission Minutes - 2/11/13; Comprehensive Plan Committee Minutes - 2/11/13; Historic Landmarks Commission Minutes - 1/3/13; Planning Commission Report - 3/12/13; Wheeling Housing Authority Minutes - 2/13/13; CDBG Program Status Report - 2/28/13; HOME Program Status Report - 2/28/13; CDBG Building Demolition Status Report - 3/13/13; Wheeling-Ohio County Board of Health Minutes - 1/15/13; Financial Statement - 2/28/13; be held over until the next meeting. Motion carried.

In response to a question from Mr. Miller in regard to the Planning Commission Minutes of 2/11/13, about a Home Occupation that was approved, City Solicitor Rose Humway-Warmuth said that all requirements were met in regard to this application.

ORIGINAL PROPOSITIONS

DESIGNATING DEPOSITORIES - 2013

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 2013, 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.

BOND ORDINANCE - COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS - SERIES 2013- (1ST READING OF THREE)

The following was then read:

AN ORDINANCE AUTHORIZING 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 OF WHEELING AND THE FINANCING OF THE COST THEREOF, NOT OTHERWISE PROVIDED, THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$49,500,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2013 (TAX EXEMPT); PROVIDING FOR THE RIGHTS AND REMEDIES OF, AND THE SECURITY FOR, THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT, AN OFFICIAL STATEMENT, A CONTINUING DISCLOSURE AGREEMENT AND OTHER DOCUMENTS RELATING TO THE BONDS; AND ENACTING OTHER PROVISIONS WITH RESPECT TO SUCH BONDS.

AGREEMENT - HAYS LANDSCAPE ARCHITECTURE STUDIO, LTD. - MARKET PLAZA DESIGN

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$39,950.00 WITH HAYS LANDSCAPE ARCHITECTURE STUDIO, LTD., OF ST. CLAIRSVILLE, OH, FOR MARKET PLAZA DESIGN, TO BE CHARGED TO T. I. F. - PROJECT NO. 4.

RESOLUTION - ADOPTION OF GENERAL FUND BUDGET - FY 2013-2014

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING APPROVING THE FY 2013-2014 GENERAL FUND BUDGET.

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

RESOLUTION - ADOPTION OF COAL SEVERANCE BUDGET - FY 2013-2014

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF

WHEELING APPROVING THE FY 2013-2014 COAL
SEVERANCE BUDGET

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

THOSE WISHING TO BE HEARD

Bill Blair, Ohio Valley Tennis Academy, addressed Council about the need of tennis courts in the City of Wheeling. Mayor McKenzie advised Mr. Blair to set up a meeting with himself and the City Manager to discuss this further.

Stuart Levy, Wendy Scatterday, David Croft, Laura Carter, all residents of the Woodsdale Area, spoke in opposition to the zone change on Bethany Pike. They believe that any type of development on the hillside would damage their properties and lead to devaluation of it. Ms. Scatterday presented a slideshow outlining their concerns.

Geneva Barrax, 89 Finch Avenue; Frank Calabrese, Arlington Drive; spoke in support of funding the Human Rights Commission.

Tom Triveri, 125 N. 19th Street, addressed Council with his opposition about a proposed “fracking plant” that is planning to come to the Warwood area. He vehemently opposes this plant as he believes it would be very detrimental to the City’s drinking water.

Mr. Fahey moved, seconded by Mr. Atkinson, to return the Mayor’s Report.
Motion carried. Mayor McKenzie assured those present that it is his intention to uphold the process of the Planning Commission in regard to their recommendation to deny the zone change for Bethany Pike.

There being no further business, Mr. Henry moved, seconded by Mr. Atkinson, to adjourn. Motion carried. Time:6:15 p.m.

City Clerk

Mayor

AGENDA

Wheeling, West Virginia
DATE: April 2, 2013

CONVENED: _____

ADJOURNED:

INVOCATION:

**“PUBLIC HEARING - REPROGRAMMING FY 2012 COMMUNITY DEVELOPMENT
BLOCK GRANT FUNDS”**

ROLL CALL

READING OF THE MINUTES - March 19, 2013

MAYOR’S REPORT

1. CLERK'S REPORT

2. UNFINISHED BUSINESS

1. Designating Depositories - 2013
2. Bond Ordinance - Combined Waterworks and Sewerage System Revenue Bonds - Series 2013
(2ND reading of three)
3. Agreement - Hays Landscape Architecture Studio, Ltd. - Market Plaza Design

HELD OVER: Planning Commission Minutes - 2/11/13; Comprehensive Plan Committee Minutes - 2/11/13; Historic Landmarks Commission Minutes - 1/3/13; Planning Commission Report - 3/12/13; Wheeling Housing Authority Minutes - 2/13/13; CDBG Program Status Report - 2/28/13; HOME Program Status Report - 2/28/13; CDBG Building Demolition Status Report - 3/13/13; Wheeling-Ohio County Board of Health Minutes - 1/15/13; Financial Statement - 2/28/13.

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

1. Finance Committee Report - 3/19/13

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Wheeling Human Rights Commission Minutes - 2/25/13
2. Board of Zoning Appeals Minutes - 2/21/13 regular meeting & 2/21/13 special meeting
3. Greater Wheeling Sports and Entertainment Authority Minutes - 2/26/13
4. Greater Wheeling Sports and Entertainment Authority - Financial Statement - 01/31/13

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Lane Abandonment - Portion of Lotus Lane between Prospect Lane & 17th Street
2. Municipal Council Levy Estimate - FY 2013 - 2014
3. Resolution - Identifying 2149 Market Street as a Development/Redevelopment Site

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, Atkinson and Fahey - 6

Mr. Miller was absent.

Mr. Fahey moved, seconded by Mr. Henry, that the minutes of the February 5, 2013 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor McKenzie commented on the West Virginia Municipal Leagues Winter Conference that was held this past week-end in Charleston of which all of Council attended. He said that they were able to meet with the Governor, WV Division of Highways, and Senate President, Jeffrey Kessler. He also remarked how beneficial it was to meet with other municipalities throughout the state to discuss common issues.

Mayor McKenzie presented a proclamation to Lisa Werner, proclaiming the month of February as "West Virginia Saves" month in the City of Wheeling.

CLERK'S REPORT

City Clerk Janice Jones presented a zone change request from John A. Hannig for property located at 111 Park View Lane. The present zone is R-1B and the proposed zone is EMO. The proposed use is for offices. Mr. Fahey moved, seconded by Mr. Henry, to refer this to the Planning Commission and the ECD Department. Motion carried.

City Clerk Janice Jones presented a zone change request from Kevin Coyne for property located at 194, 196, and 250 (Rear) Bethany Pike. The present zone is R-1A and the proposed zone is C-2. The proposed use is for commercial. Mr. Fahey moved, seconded by Mr. Henry, to refer this to the Planning Commission and the ECD Department. Motion carried.

UNFINISHED BUSINESS

ADOPTING TRAFFIC RULE NO. 4422 - HANDICAPPED PARKING ZONE - 3620 WOOD STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4422.

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.

ADOPTING TRAFFIC RULE NO. 4423 - 2 HR. METERED HANDICAPPED ZONE - LANE 17 & MARKET ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4423.

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.

ADOPTING TRAFFIC RULE NO. 4424- NO PARKING ZONE - NORTH SIDE OF EOFF ST.
AND LANE 19

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4424

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.

ADOPTING TRAFFIC RULE NO. 4425- NO PARKING ZONE - EAST & WEST SIDES OF
LANE 19 & LANE D

_____ The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4425.

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.

SAVAGE CONSTRUCTION CO. - IDABELLE AVENUE 8" WATER LINE EXTENSION
(WATER)

_____ The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO
ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN
THE AMOUNT OF \$51,509.00 WITH SAVAGE
CONSTRUCTION CO. OF WHEELING, WV FOR IDABELLE

AVENUE 8" WATER LINE EXTENSION, TO BE CHARGED
TO WATER DISTRIBUTION - 400.4013.04.0665.24.

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.

ACE TRUCK EQUIPMENT - FASCAN CRANE (WATER)

_____ The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$40,557.00 WITH ACE TRUCK EQUIPMENT, OF ZANESVILLE, OH, FOR FASCAN CRANE, PER SPECIFICATIONS, TO BE CHARGED TO WATER DISTRIBUTION - 4013.04.0665.22.

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.

MCKEEN SECURITY, INC. - SAFETY COORDINATOR DUTIES (HUMAN RESOURCES)

_____ The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$34,000.00 WITH MCKEEN SECURITY, INC., OF ST. CLAIRSVILLE, OH, FOR SAFETY COORDINATOR DUTIES FOR THE CITY OF WHEELING, TO BE CHARGED TO HUMAN RESOURCES DEPARTMENT - CONTRACTUAL SERVICES - SAFETY ADMINISTRATION - #001.4422.20.2154.

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.

FLOWAV, INC. - LONG TERM CONTROL PLAN - CSO MONITORING EQUIPMENT (WPCD)

_____The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN THE AMOUNT OF \$122,719.00 WITH FLOWAV, INC., OF HUMMELSTOWN, PA, FOR LONG TERM CONTROL PLAN - COMBINED SEWER OVERFLOW MONITORING EQUIPMENT, TO BE CHARGED TO WATER POLLUTION CONTROL DIVISION - #401.4001.04.0301.01.

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, Atkinson, Fahey - 6

NOES: - 0

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

DOAN FORD - LEASE PURCHASE - FOUR (4) 2013 FORD POLICE INTERCEPTORS (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 \$119,447.96 WITH DOAN FORD, OF BELMONT, OH, FOR THE LEASE-PURCHASE OF FOUR (4) 2013 FORD POLICE INTERCEPTORS, PER BID SPECIFICATIONS, TO BE FINANCED WITH BB & T, 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, 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 Comprehensive Planning Committee Minutes - 12/27/12; Wheeling Traffic Commission Minutes - 1/10/13; Wheeling Housing Authority Minutes - 12/12/12; Wheeling-Ohio County Board of Health Minutes - 11/13/12, which were held over, be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Fahey expressed his appreciation to Mayor McKenzie for his leadership in arranging meetings with the Highway Department, Governor and Senate President during the WV Municipal League Conference. He also commented that the Kruger Street turning lane project was discussed at the meeting with the Highway Department.

Mr. Fahey moved seconded by Mrs. Delbrugge, to dispense with the reading of the Development Committee Report for February 5, 2012 and accept them as received. Motion carried.

For the record, the committee report is as follows:

REPORT OF COMMITTEES

DEVELOPMENT COMMITTEE REPORT - FEBRUARY 5, 2013

The Development Committee of Wheeling City Council met on Tuesday, February 5, 2013 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; Councilors Robert Henry and Donnie Atkinson. Others present: City Manager Robert Herron, City Solicitor Rose Humway-Warmuth, Finance Director Michael Klug, and City Clerk Janice Jones.

Mayor McKenzie opened the meeting. 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: 11:40 a.m.

Executive Session - Property Negotiations (Committee Action Possible After Executive Session).

Mr. Fahey moved, seconded by Mrs. Delbrugge, to conclude the executive session and resume the regular order of business.

Mr. Fahey moved, seconded by Mrs. Delbrugge, to recommend to City Council that Youth Services System's Northern Regional Juvenile Detention Center Building, which is located on "City Commons," be transferred to Youth Services System for \$1.00, with all legal restrictions that are necessary to be included in the agreement. Motion carried. Also, there will be a long-term land lease.

There being no further business to come before the Committee, Mr. Fahey moved, seconded by Mrs. Delbrugge, to adjourn. Time: 11:45 a.m.

REPORT OF CITY MANAGER

City Manager Robert Herron reported that, according to the Highway Department, the Kruger Street Project will be advertised on March 28th, awarded on April 28th and construction to begin on May 28th. He also reported that the Water Treatment Plant Project is currently out to bid with the bid opening on March 15th. The first reading of the bond ordinance for the project will be March 5, the second reading will be March 19 with the third reading, public hearing and adoption on April 2, 2013. Assuming the City receives a successful bid, construction could begin in late July.

Mr. Herron reported that there will be a Finance Committee meeting on Tuesday, February 26, 2013 at 11:00 a.m. in the City Manager's Conference Room. At this time the General Fund and Coal Severance Budgets will be presented.

Mr. Fahey commented that, if the Kruger Street Project should be delayed, if the City could at least put an overlay on the street as it is in very bad condition.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Atkinson, that the Wheeling Municipal Parking System Financial Statement - 12/31/12; Robert C. Byrd Intermodal Transportation Center Financial Statement - 12/31/12; CDBG Program Status Report - 1/31/13; HOME Program Status Report - 1/31/13; Planning Commission Minutes - 12/10/12; Planning Commission Comprehensive Plan Committee Minutes - 1/8/13; Planning Commission Report - 2/11/13; and Financial Statement - 1/31/13 be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

BISS NUSS, INC - DISCFLO PUMP FOR SURGE PIT (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO
ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN
THE AMOUNT OF \$20,000.00 WITH BISS NUSS, INC. OF

PITTSBURGH, PA, FOR DISCFLO PUMP FOR SURGE PIT,
TO BE CHARGED TO WATER TREATMENT-
#400.4011.04.0626.23.

TRANSFER OF PROPERTY TO ADC - STRUCTURE/BUILDING ONLY - FORMER
LINCOLN SCHOOL

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING AUTHORIZING THE CONVEYANCE OF
CERTAIN REAL PROPERTY IMPROVEMENTS, REFERRING
TO THE **STRUCTURE/BUILDING ONLY**, LOCATED AT
THE MAILING ADDRESS OF 1000 CHAPLINE 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.

THOSE WISHING TO BE HEARD

Bill O'Leary, Paxton Avenue, informed everyone present that the annual Celtic Festival will be held on March 2, 2013 and everyone is invited to attend.

Sharon Travis, 220 Bethany Pike, spoke in opposition to the Zone Change for 194, 196, and 250 (rear) Bethany Pike that is on this evening's agenda. She cited drainage and slippage problems as her main concerns.

There being no further business, Mr. Henry moved, seconded by Mr. Atkinson, to adjourn. Motion carried. Time: 6:00 p.m.

City Clerk

Mayor

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

The invocation was offered by Vice-Mayor Eugene Fahey.

On roll call, the following were present:

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

Mr. Fahey moved, seconded by Mr. Henry, that the minutes of the February 19, 2013 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor McKenzie presented a proclamation to Stacy Rich, of Florence Crittenton Services, Inc., proclaiming March 16, 2013 as "Paint the Town Pink" Day in the City of Wheeling.

Mayor McKenzie asked for Council's concurrence in the reappointments of Bob Hagedorn, Ned George and Wilkes Kinney to the Municipal Civil Service Commission. Mr. Fahey moved, seconded by Mr. Henry. Motion carried.

As a follow up to remarks made at the State of the City regarding possible changes in various matters, Mayor McKenzie said that he would like to schedule a Council work session soon to discuss this.

Mayor McKenzie commented that a Home Rule Bill will be before the Legislature this week and he is hopeful that it will pass.

He also commented that Council received the proposed budget for Fiscal Year 2013-14 this morning at the Finance Committee meeting. He pointed out that, due to the economy, there may be cuts to various programs and services.

UNFINISHED BUSINESS

BISS NUSS, INC - DISCFLO PUMP FOR SURGE PIT (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN THE AMOUNT OF \$22,685.00 WITH BISS NUSS, INC., OF PITTSBURGH, PA, FOR DISCFLO PUMP FOR SURGE PIT, TO BE CHARGED TO WATER TREATMENT- #400.4011.04.0626.23.

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 TO ADC - STRUCTURE/BUILDING ONLY - FORMER

LINCOLN SCHOOL

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IMPROVEMENTS, REFERRING TO THE **STRUCTURE/BUILDING ONLY**, LOCATED AT THE MAILING ADDRESS OF 1000 CHAPLINE 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.

Mr. Fahey moved, seconded by Mr. Atkinson, that the Wheeling Municipal Parking System Financial Statement - 12/31/12; Robert C. Byrd Intermodal Transportation Center Financial Statement - 12/31/12; CDBG Program Status Report - 1/31/13; HOME Program Status Report - 1/31/13; Planning Commission Minutes - 12/10/12; Planning Commission Comprehensive Plan Committee Minutes - 1/8/13; Planning Commission Report - 2/11/13; and Financial Statement - 1/31/13, which were held over be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Atkinson commended the Water Department for their efforts during the recent water break on 16th Street.

Mr. Fahey reiterated Mayor McKenzie's comments about the turnout at the State of the City Luncheon last week and the citizens' interest on things that are happening in Wheeling.

REPORT OF COMMITTEES

Mr. Atkinson moved, seconded by Mr. Miller, to dispense with the reading of the Finance Committee Report for 2/26/13 and accept them as received. Motion carried.

For the record, the Committee Report is as follows:

FINANCE COMMITTEE REPORT - FEBRUARY 26, 2013

The Finance Committee of Wheeling City Council met on Tuesday, February 26, 2013 at 11:00 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, Ken Imer, and Robert Henry; City Manager Robert Herron, Finance Director Michael Klug, 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 2013-2014

City Manager Robert Herron distributed the Budget to Council. The proposed budget, as presented is \$30,644,000.00, compared to current year's budget of \$31,230,402.00. Mr. Herron pointed out that this year's proposed budget, for the ninth 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. He also pointed out that the proposed budget does not include pay raises for employees nor does it include capitol projects. These items are typically reviewed at the July Finance Committee meeting when the actual budget surplus is known. Mr. Herron briefly reviewed budget discussion points (attached) 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 indicated that he is recommending Wheeling Health Right and the Soup Kitchen, which did not receive funding in last year's budget, receive funding and that the Human Rights Commission receive a reduction in funding. Mr. Herron commented that the first budget work session is scheduled for March 5, 2012 at 11:00 a.m. and, if necessary, a second work session is scheduled for March 12, 2013 at 4:00 p.m. In accordance with State Code, the Budget is proposed to be adopted at the March 19, 2013 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 26, 2013 to consider the unencumbered cash carryover.

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 slightly ahead of where they were for the same period last year. He indicated that we are on track with the current budget. Following a short discussion, Mr. Atkinson moved, seconded by Mr. Miller, to accept the January 31, 2013 Financial Statement as presented. Motion carried.

There being no further business to come before the Committee, Mr. Atkinson moved, seconded by Mr. Miller to adjourn. Time: 11:15 a.m.

REPORT OF CITY MANAGER

Mr. Herron commented that, as a result of the Energy Savings Project, a \$20,000.00 rebate was received by the City.

City Manager Robert Herron commented that the CDBG requests from public service agencies have been distributed he also reviewed the CDBG budget schedule with Council.

Mr. Herron reported that the Suspension Bridge Project is scheduled to begin in July 2014 and last for about one year.

City Manager Herron respectfully requested two readings on Item 9/5 and Item 9/6, as they have to do with wet well replacement for WPCD.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Atkinson, that the Wheeling Human Rights Commission Minutes - 11/26/12 & 01/28/13; Greater Wheeling Sports and Entertainment Authority Minutes - 12/4/12; Greater Wheeling Sports and Entertainment Authority Income Statement - 12/31/12; Greater Wheeling Sports and Entertainment Authority Audit - FY 2011-2012 (**available in Clerk's office**); Wheeling Traffic Commission Minutes - 2/14/13; Board of Zoning Appeals Minutes - 12/20/12; Wheeling Housing Authority Minutes - 1/9/13; Wheeling Municipal Parking System Financial Statement - 1/31/13; Robert C. Byrd Intermodal Transportation Center Financial Statement - 1/31/13; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

ADOPTING TRAFFIC RULE NO. 4426 - HANDICAPPED PARKING - WARWOOD AVE. NEAR N. 18TH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING
ADOPTING TRAFFIC RULE NO. 4426.

NEAR 32 KENTUCKY STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING
ADOPTING TRAFFIC RULE NO. 4427.

ADOPTING TRAFFIC RULE NO. 4428 - COMMERCIAL LOADING ZONE - EAST SD. OF EOFF
NEAR 13TH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING
ADOPTING TRAFFIC RULE NO. 4428.

ADOPTING TRAFFIC RULE NO. 4429 - HANDICAPPED PARKING - EAST SD. OF EOFF NEAR
13TH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING
ADOPTING TRAFFIC RULE NO. 4429.

ROBINSON PIPE CLEANING - WET WELL CLEANING AND REMOVAL OF DEBRIS (WPCD)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO
ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN
THE AMOUNT OF \$19,395.00 WITH ROBINSON PIPE
CLEANING CO., OF PITTSBURGH, PA, FOR CLEANING OF
WET WELL AND REMOVAL OF DEBRIS, TO BE CHARGED
TO WATER POLLUTION CONTROL DIVISION -
#401.4004.04.0304.00.

Mr. Fahey moved, seconded by Mr. Atkinson, that the ordinance be read a second time
this evening and voted upon.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO
ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN
THE AMOUNT OF \$19,395.00 WITH ROBINSON PIPE
CLEANING CO., OF PITTSBURGH, PA, FOR CLEANING OF
WET WELL AND REMOVAL OF DEBRIS, TO BE CHARGED
TO WATER POLLUTION CONTROL DIVISION -
#401.4004.04.0304.00.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, 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.

EDGCO, INC. - WET WELL GATE REPLACEMENT FOR #3 PUMP (WPCD)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO
ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN
THE AMOUNT OF \$33,950.00 WITH EDGCO, INC., OF
LANSING, OH, FOR WET WELL GATE REPLACEMENT FOR
NUMBER 3 PUMP, TO BE CHARGED TO WATER
POLLUTION CONTROL DIVISION - #401.4004.04.0304.00

Mr. Fahey moved, seconded by Mr. Henry, that the ordinance be read for a second time this evening and voted upon.

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN THE AMOUNT OF \$33,950.00 WITH EDGCO, INC., OF LANSING, OH, FOR WET WELL GATE REPLACEMENT FOR NUMBER 3 PUMP, TO BE CHARGED TO WATER POLLUTION CONTROL DIVISION - #401.4004.04.0304.00.

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

The vote on the motion resulted as follows:

AYES: McKenzie, Delbrugge, 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 - ONE (1) 2013 JEEP CHEROKEE SUV (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN THE AMOUNT OF \$24,561.00 WITH STEPHENS AUTO CENTER, OF DANVILLE, WV, FOR ONE (1) 2013 JEEP CHEROKEE SUV - WV STATE CONTRACT, TO BE CHARGED TO WATER DIVISION VEHICLE REPLACEMENT FUND - #400.1128.05.00.

THOSE WISHING TO BE HEARD

The following people spoke in support of full funding for the Wheeling Human Rights Commission: Frank Czerwonka; Rev. Brandon Davis; Rev. Jeremiah Jasper, representing the NAACP; Rabbi Beth Jacowitz Chottiner, Chair of the HRC Board; and David Valentine, Rehabilitation Services.

Roger Lyons, Wheeling Health Right, addressed Council and expressed his appreciation for the proposed funding to Wheeling Health Right that is included in the CDBG budget.

Charles Ballouz, also supported funding for the HRC, but was present to voice his concern about trash in downtown Wheeling and he believes signs should be installed to alert people that there is a fine associated with littering.

There being no further business, Mr. Henry moved, seconded by Mr. Atkinson, to adjourn. Motion carried. time: 12:45 p.m.

City Clerk

Mayor

AGENDA

Wheeling, West Virginia
DATE: March 19, 2013

CONVENED: _____

ADJOURNED:

INVOCATION:

ROLL CALL

READING OF THE MINUTES - March 5, 2013

MAYOR'S REPORT

1. CLERK'S REPORT

2. UNFINISHED BUSINESS

1. Adopting Traffic Rule No. 4426 - Handicapped Parking - Warwood Ave. near N. 18th St.
2. Adopting Traffic Rule No. 4427 - No Parking Zone - S. Side of Kentucky Street, near 32 Kentucky Street
3. Adopting Traffic Rule No. 4428 - Commercial Loading Zone - East Sd. Of Eoff near 13th St.
4. Adopting Traffic Rule No. 4429 - Handicapped Parking - East Sd. Of Eoff near 13th St.
5. Stephens Auto Center - One (1) 2013 Jeep Cherokee SUV (**Water**)

HELD OVER: Wheeling Human Rights Commission Minutes - 11/26/12 & 01/28/13; Greater Wheeling Sports and Entertainment Authority Minutes - 12/4/12; Greater Wheeling Sports and Entertainment Authority Income Statement - 12/31/12; Greater Wheeling Sports and Entertainment Authority Audit - FY 2011-2012 (**available in Clerk's office**); Wheeling Traffic Commission Minutes - 2/14/13; Board of Zoning Appeals Minutes - 12/20/12; Wheeling Housing Authority Minutes - 1/9/13; Wheeling Municipal Parking System Financial Statement - 1/31/13; Robert C. Byrd Intermodal Transportation Center Financial Statement - 1/31/13.

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

1. Development Committee Report - 3/14/13

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Planning Commission Minutes - 2/11/13
2. Comprehensive Plan Committee Minutes - 2/11/13
3. Historic Landmarks Commission Minutes - 1/3/13
4. Planning Commission Report - 3/12/13
5. Wheeling Housing Authority Minutes - 2/13/13
6. CDBG Program Status Report - 2/28/13
7. HOME Program Status Report - 2/28/13
8. CDBG Building Demolition Status Report - 3/13/13
9. Wheeling-Ohio County Board of Health Minutes - 1/15/13
10. Financial Statement - 2/28/13

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Designating Depositories - 2013
2. Bond Ordinance - Combined Waterworks and Sewerage System Revenue Bonds - Series 2013 (**1st reading of three**)
3. Agreement - Hays Landscape Architecture Studio, Ltd. - Market Plaza Design
4. Resolution - Adoption of General Fund Budget - FY 2013-2014
5. Resolution - Adoption of Coal Severance Budget - FY 2013-2014

THOSE WISHING TO BE HEARD

AGENDA

Wheeling, West Virginia
DATE: April 16, 2013

CONVENED: _____

ADJOURNED:

INVOCATION:

ROLL CALL

READING OF THE MINUTES - April 2, 2013

“PUBLIC HEARING - MUNICIPAL COUNCIL LEVY ESTIMATE - FY 2013-2014”

“PUBLIC HEARING - FY 2013 ACTION PLAN - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND THE HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM”

“PUBLIC HEARING - BOND ORDINANCE - COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS - SERIES 2013”

MAYOR’S REPORT

1. CLERK'S REPORT

2. UNFINISHED BUSINESS

1. Bond Ordinance - Combined Waterworks and Sewerage System Revenue Bonds - Series 2013
(3rd reading of three)
2. Lane Abandonment - Portion of Lotus Lane between Prospect Lane & 17th Street
3. Municipal Council Levy Estimate - FY 2013-2014

HELD OVER: Wheeling Human Rights Commission Minutes - 2/25/13; Board of Zoning Appeals Minutes - 2/21/13 regular meeting & 2/21/13 special meeting; Greater Wheeling Sports and Entertainment Authority Minutes - 2/26/13; Greater Wheeling Sports and Entertainment Authority - Financial Statement - 01/31/13.

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 - 3/7/13
2. CDBG Program Status Report - 3/31/13
3. HOME Program Status Report - 3/31/13
4. Wheeling Municipal Parking System Financial Statement - 2/28/13
5. Robert C. Byrd Intermodal Transportation Center Financial Statement - 2/28/13
6. Fire Department Annual Report - 2012
7. Police Civil Service Commission Annual Report - 2012
8. Fire Civil Service Commission Annual Report - 2012
9. Municipal Civil Service Commission Annual Report - 2012
10. Financial Statement -3/31/13

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Shook Construction - Water Treatment Plant Filtration Upgrade and Plant Improvements - Combined Waterworks and Sewerage System Revenue Bonds - Series 2013
2. Resolution - Reprogramming Community Development Block Grant Fund - Schenk Bridge Repair Project
3. Resolution - Authorizing Participation in the Northern Panhandle Home Consortium - FY 2013-2014

THOSE WISHING TO BE HEARD

Council of the City of Wheeling met in Council Chambers, City-County Building on the above date with Vice Mayor Gene Fahey presiding.

The invocation was offered by.

On roll call, the following were present:

Delbrugge, Imer, Henry, Miller, Atkinson and Fahey

- 6

Mayor McKenzie was absent.

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

“PUBLIC HEARING - REPROGRAMMING FY 2012 CDBG BLOCK GRANT FUNDS”

City Manager Robert Herron explained that the reprogramming of approximately \$219,000.00 in various CDBG line items would be used for the Schenk Bridge Replacement Project. This bridge is used by residents of the Fulton area as well as businesses located in the Peninsula. As there was no one who signed up to speak at this public hearing, Mr. Henry moved, seconded by Mr. Atkinson, to conclude the public hearing and resume the regular order of business. Motion carried.

Mr. Atkinson moved, seconded by Mr. Henry, that the minutes of the March 19, 2013 meeting be approved as received. Motion carried.

MAYOR’S REPORT

Vice Mayor Eugene Fahey commented that Mayor McKenzie is in Charleston to attend the Legislative Session dealing with Home Rule and to meet with the Gov/Org Committee. Vice Mayor Fahey presented Economic and Community Development Department Director Nancy Prager with a proclamation designating the month of April, 2013 as Fair Housing Month in the City of Wheeling. He also read a proclamation recognizing April 9, 2013 as Mayors Day of Recognition for National Service in the City of Wheeling.

Vice Mayor Fahey informed the audience that G. C. & P. Development withdrew their zone change request prior to the City Council meeting today.

UNFINISHED BUSINESS

DESIGNATING DEPOSITORIES - 2013

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 2013, 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. Henry moved, seconded by Mrs. Delbrugge, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: Delbrugge, Imer, Henry, 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.

Vice Mayor Fahey commented that the next ordinance is the second reading of three readings and will not be acted upon this evening.

BOND ORDINANCE - COMBINED WATERWORKS AND SEWERAGE SYSTEM
REVENUE BONDS - SERIES 2013- (1ST READING OF THREE)

The following was then read:

AN ORDINANCE AUTHORIZING 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 OF WHEELING AND THE FINANCING OF THE COST THEREOF, NOT OTHERWISE PROVIDED, THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$49,500,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2013 (TAX EXEMPT); PROVIDING FOR THE RIGHTS AND REMEDIES OF, AND THE SECURITY FOR, THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT, AN OFFICIAL STATEMENT, A CONTINUING DISCLOSURE AGREEMENT AND OTHER DOCUMENTS RELATING TO THE BONDS; AND ENACTING OTHER PROVISIONS WITH RESPECT TO SUCH BONDS.

AGREEMENT - HAYS LANDSCAPE ARCHITECTURE STUDIO, LTD. - MARKET PLAZA DESIGN

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$39,950.00 WITH HAYS LANDSCAPE ARCHITECTURE STUDIO, LTD., OF ST. CLAIRSVILLE, OH, FOR MARKET PLAZA DESIGN, TO BE CHARGED TO T. I. F. - PROJECT NO. 4.

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: Delbrugge, Imer, Henry, 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. Miller moved, seconded by Mr. Atkinson, to suspend the regular order of business so that the City Manager could speak about the Planning Commission Report process. Motion carried. Mr. Herron discussed the mechanics and procedures for Zone Change Requests which flow between Council and the Planning Commission. Mr. Miller moved, seconded by Mr. Atkinson, to return to the regular order of business. Motion carried.

Mr. Henry moved, seconded by Mr. Miller, that the Planning Commission Minutes - 2/11/13; Comprehensive Plan Committee Minutes - 2/11/13; Historic Landmarks Commission Minutes - 1/3/13; Planning Commission Report - 3/12/13; Wheeling Housing Authority Minutes - 2/13/13; CDBG Program Status Report - 2/28/13; HOME Program Status Report - 2/28/13; CDBG Building Demolition Status Report - 3/13/13; Wheeling-Ohio County Board of Health Minutes - 1/15/13; Financial Statement - 2/28/13; that were held over, be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

REPORT OF COMMITTEES

Mr. Atkinson moved, seconded by Mr. Miller, to dispense with the reading of the minutes and accept them as received. Motion carried.

As a matter of record and for the minutes, they are as follows:

FINANCE COMMITTEE REPORT - MARCH 19, 2013

The Finance Committee of Wheeling City Council met on Tuesday, March 19, 2013 at 5:00 p.m. in City Council Chambers. Committee Members present: Chair Gene Fahey, Vice Chair David Miller and Member Don Atkinson. Others present: Mayor Andy McKenzie, Councilors Gloria Delbrugge, Ken Imer, and Robert Henry; City Manager Robert Herron, Finance Director Michael Klug, Fire Chief Larry Helms, Economic and Community Development Director Nancy Prager, City Clerk Janice Jones and the media.

The following matters were discussed:

Financial Statement - February 28, 2013

City Manager Robert Herron reported that the balance in the General Fund Budget at the end of February was \$1,899,000.00, down slightly from last year's balance of \$2,172,000.00 but comparable to 2011 balance of \$1,958,000.00. The revenue year-to-date is about \$24,000.00 more than it was for the same time period last year. Mr. Herron pointed out several line items that revenue was anticipated to be less than last year. Among them, were video lottery, CDBG reimbursement, table gaming and health reimbursement accounts. Expenditures are about 2% behind where we were for the same time last year. Relevant to planning for next year's budget, Mayor McKenzie expressed concern about the bill that's before the Legislature in regard to the Wheeling Island Race Track proceeds. Following a short discussion, Mr. Atkinson moved, seconded by Mr. Miller, to accept the February 28, 2013 Financial Statement as presented. Motion carried.

Other Items for Discussion

Mr. Herron reports that at the last City Council meeting, the CDBG public service requests were distributed to Council. He reviewed each public service agency's request for funds. The Administration is recommending the following requests to be approved: Greater Wheeling Coalition for the Homeless, \$5,000; Seeing Hand Association, \$4,250; Soup Kitchen, \$10,000; Wheeling Health Right, \$30,000; Wheeling Human Rights Commission, \$7,000; Nelson Jordan Center, \$33,000 and Wheeling Police Department, \$50,026. A public hearing on this will be held at the April 16, 2013 City Council meeting. No action is required this evening.

There being no further business to come before the Committee, Mr. Atkinson moved, seconded by Mr. Miller to adjourn. Time: 5:20 p.m.

REPORT OF CITY MANAGER

City Manager Herron distributed copies of the Wheeling Water Treatment Plant Improvements Project Cost Summary to those present (a copy of which is contained in Council Meeting Papers for April 2, 2013) and gave a synopsis of the report and process which was required by the City in order to meet the bond covenants and Public Service Commission requirements.

Mr. Herron reported that the WV Department of Highways will be assisting with the remaining funds to fix the Schenk Bridge.

REPORT OF OTHER OFFICERS

Mr. Henry moved, seconded by Mrs. Delbrugge, that the Wheeling Human Rights Commission Minutes, 2/25/13; Board of Zoning Appeals Minutes, 2/21/13 regular meeting and 2/21/13 special meeting; Greater Wheeling Sports & Entertainment Authority Minutes, 2/26/13; and Greater Wheeling Sports & Entertainment Authority Financial Statement, 1/31/13; be held over until the next meeting. Motion carried.

Mr. Miller moved, seconded by Mr. Atkinson, to return to the City Manager's Report. Motion carried. Mr. Atkinson pointed out how important this Water Treatment Plant Improvements Project is to all the residents of Wheeling and outlying areas. He commented that it is long overdue and that the residents will benefit from it for years to come. Mr. Miller moved, seconded by Mr. Atkinson, to resume the regular order of business. Motion carried.

ORIGINAL PROPOSITIONS

LANE ABANDONMENT - PORTION OF LOTUS LANE BETWEEN PROSPECT LANE AND N. 17TH STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING VACATING AND ABANDONING A PORTION OF LOTUS LANE BETWEEN PROSPECT LANE & NORTH 17TH STREET AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH QUITCLAIM DEEDS TO IMPLEMENT THIS ABANDONMENT.

MUNICIPAL COUNCIL LEVY ESTIMATE - FY 2013-2014

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 2013-2014 BUDGET FOR WHEELING MUNICIPALITY, OHIO COUNTY.

RESOLUTION - IDENTIFYING 2149 MARKET STREET AS A DEVELOPMENT - REDEVELOPMENT SITE

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING IDENTIFYING 2149 MARKET STREET AS A DEVELOPMENT/REDEVELOPMENT SITE.

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

THOSE WISHING TO BE HEARD

Robert Slabaugh, Sandra Cowden, Casey Forsch, Tom Triveri, Michael Voelliger and Robin Mahonen, Warwood residents, spoke in opposition to the proposed fracking plant in Warwood, citing an increase in traffic, concerns about air and water quality, etc.

Wendy Scatterday asked Vice Mayor Gene Fahey what was contained in the letter that was given to Council members prior to Council concerning the proposed GCP development project. Vice Mayor Fahey commented that he has not yet had the chance to read it in full as he just received it and is reluctant to make any comments until he reads it thoroughly. Karen Cox, 163 S. Park St., spoke in opposition to the proposed GCP Development, citing drainage and runoff problems.

Jim Taylor, 181 Shawnee Rd., representing the Woodsdale Baseball & Softball Association, requested the City's assistance, either financially or physically, in fixing up the Greggsville, Fulton and Tank Fields.

There being no further business, Mr. Henry moved, seconded by Mr. Atkinson, to adjourn. Motion carried. Time: 12:50 p.m.

City Clerk

Mayor

AGENDA

Wheeling, West Virginia
DATE: March 5, 2013

CONVENED: _____

ADJOURNED:

INVOCATION:

ROLL CALL

READING OF THE MINUTES - February 19, 2013

MAYOR'S REPORT

1. CLERK'S REPORT

2. UNFINISHED BUSINESS

1. Biss Nuss, Inc. - Discflo Pump for Surge Pit (**Water**)
2. Transfer of Property to ADC - Structure/Building Only - Former Lincoln School

HELD OVER: Wheeling Municipal Parking System Financial Statement - 12/31/12; Robert C. Byrd Intermodal Transportation Center Financial Statement - 12/31/12; CDBG Program Status Report - 1/31/13; HOME Program Status Report - 1/31/13; Planning Commission Minutes - 12/10/12; Planning Commission Comprehensive Plan Committee Minutes - 1/8/13; Planning Commission Report - 2/11/13; Financial Statement - 1/31/13

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

1. Finance Committee Report - 2/26/13

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Wheeling Human Rights Commission Minutes - 11/26/12 & 01/28/13
2. Greater Wheeling Sports and Entertainment Authority Minutes - 12/4/12
3. Greater Wheeling Sports and Entertainment Authority Income Statement - 12/31/12
4. Greater Wheeling Sports and Entertainment Authority Audit - FY 2011-2012 (**available in Clerk's office**)
5. Wheeling Traffic Commission Minutes - 2/14/13
6. Board of Zoning Appeals Minutes - 12/20/12
7. Wheeling Housing Authority Minutes - 1/9/13
8. Wheeling Municipal Parking System Financial Statement - 1/31/13
9. Robert C. Byrd Intermodal Transportation Center Financial Statement - 1/31/13

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Adopting Traffic Rule No. 4426 - Handicapped Parking - Warwood Ave. near N. 18th St.
2. Adopting Traffic Rule No. 4427 - No Parking Zone - S. Side of Kentucky Street, near 32 Kentucky Street
3. Adopting Traffic Rule No. 4428 - Commercial Loading Zone - East Sd. Of Eoff near 13th St.
4. Adopting Traffic Rule No. 4429 - Handicapped Parking - East Sd. Of Eoff near 13th St.
5. Robinson Pipe Cleaning - Wet Well Cleaning and Removal of debris (**WPCD**)
6. Edgeo, Inc. - Wet Well Gate Replacement for #3 Pump (**WPCD**)
7. Stephens Auto Center - One (1) 2013 Jeep Cherokee SUV (**Water**)

THOSE WISHING TO BE HEARD

AGENDA

Wheeling, West Virginia

DATE: May 7, 2013

CONVENED: _____

ADJOURNED:

INVOCATION:

ROLL CALL

READING OF THE MINUTES - April 16, 2013

MAYOR'S REPORT

1. CLERK'S REPORT

1. Zone Change Request - 3604, 3605, 3608 Wood Street - R-4 to I-2
2. Zone Change Request - 232-240 Washington Avenue - R-1A to EMO

2. UNFINISHED BUSINESS

1. Shook Construction - Water Treatment Plant Filtration Upgrade and Plant Improvements - Combined Waterworks and Sewerage System Revenue Bonds - Series 2013

HELD OVER: Historic Landmarks Commission Minutes - 3/7/13; CDBG Program Status Report - 3/31/13; HOME Program Status Report - 3/31/13; Wheeling Municipal Parking System Financial Statement - 2/28/13; Robert C. Byrd Intermodal Transportation Center Financial Statement - 2/28/13; Fire Department Annual Report - 2012; Police Civil Service Commission Annual Report - 2012; Fire Civil Service Commission Annual Report - 2012; Municipal Civil Service Commission Annual Report - 2012; Financial Statement - 3/31/13.

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

1. Development Committee Report - 4/15/13
2. Finance Committee Report - 4/16/13

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Wheeling Housing Authority Minutes - 03/6/13
2. Greater Wheeling Sports & Entertainment Authority Income Statement - 02/28/13
3. Greater Wheeling Sports & Entertainment Authority Minutes - 03/26/13
4. Wheeling Traffic Commission Minutes - 04/11/13
5. Wheeling Human Rights Commission Minutes - 03/25/13
6. Wheeling Municipal Parking System Financial Statement - 03/31/13
7. Robert C. Byrd Intermodal Transportation Center Financial Statement - 03/31/13

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Adopting Traffic Rule No. 4430 - Handicapped Parking - 225 29th St.
2. Adopting Traffic Rule No. 4431 - Handicapped Parking - 107 Alice Ave.
3. Adopting Traffic Rule No. 4432 - Handicapped Parking - 110 S. Broadway St.
4. Adopting Traffic Rule No. 4434 - Removal of one hour parking - S. Sd. Of 7th St.
5. Adopting Traffic Rule No. 4435 - No Parking Zone - East Sd. Of Bow St.
6. Zone Change - 111 Park View Lane - R-1B to EMO
7. Transfer of Property to WV Department of Transportation - Division of Highways - Glen Hollin Dr.
8. Franchise Agreement - American Electric Power Ohio & WV
9. Transfer of T.I.F. Funds to OVADC for Stone Center Renovation Project
10. Resolution - Governor's Community Participation Grant - WV Centennial Celebration
11. Resolution - Governor's Community Participation Grant - Independence Hall Sculpting - Gov. Pierpont
12. Resolution - Identifying 260 Bethany Pike as a Development/Redevelopment Site
13. Resolution - Approving FY 2013 CDBG and HOME Investment Partnership Programs - Filing of FY 2013 Action Plan
14. Supplemental Parameters Resolution - Sale of Bonds - Combined Waterworks and Sewerage System Revenue Bonds - Series 2013 (Tax Exempt)

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 April 2, 2013 meeting be approved as received. Motion carried.

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

City Manager Herron explained the process for the levy rates. He commented that the rates are the same as last year.

“PUBLIC HEARING - MUNICIPAL COUNCIL LEVY ESTIMATE - FY 2013-2014”

No one was present to speak at this public hearing. Mr. Henry moved, seconded by Mrs. Delbrugge to conclude this public hearing. Motion carried.

Mr. Fahey moved, seconded by Mr. Henry, to conduct a second public hearing. Motion carried. Mr. Herron explained that correspondence has been received from HUD in regard to this years entitlement. They have indicated that there will be a 5% reduction but it could even go lower than that. HUD has instructed us to submit a budget based on the past year’s entitlement, which is \$1,122,076.00. Mr. Herron reviewed the various line items in the proposed CDBG Budget.

“PUBLIC HEARING - FY 2013 ACTION PLAN - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND THE HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM”

Jerry Craig, John Moses, Geneva Barrax, Jeremiah Jasper, all spoke in favor of full funding to the Wheeling Human Rights Commission. Jerri Sterling, James Singer, Don Rebich, Mark Szafran, Ruth Osborne, all spoke in favor of funding Wheeling Health Right. Stephanie Hall, Island Community Association, thanked Council for the past support of CDBG funds to Wheeling Island.

There being no one else to speak at this public hearing, Mr. Fahey moved, seconded by Mr. Henry, to conclude this public hearing.

Mr. Fahey moved, seconded by Mr. Henry, to conduct a third public hearing. Motion carried. City Manager Herron explained that the bond ordinance to authorize this is on the agenda for third reading and subsequent adoption at tonight’s meeting. The Contract to build the facility is also on the agenda for first reading this evening.

“PUBLIC HEARING - BOND ORDINANCE - COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS - SERIES 2013”

No one being present to speak at this public hearing, Mr. Fahey moved, seconded by Mr. Henry, to conclude the public hearing. Motion carried.

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

MAYOR’S REPORT

Mayor Andy McKenzie announced that WVNCC will be having a ribbon cutting of their new building on May 6 at 11:30 a.m.

Mayor McKenzie recognized Allegro Dance Company and its founder Anna

Pishner Harsh on Allegro Dance Company's 20th Anniversary.

Mayor McKenzie recognized Vincent O'Leary, a Wheeling Central High School Senior, who was recently honored for his research on invasive crayfish at the 2013 Intel Science Talent Search in Washington, DC..

Mayor McKenzie commented that during the Sesquicentennial Celebration, the WV State Legislature will be holding their Interims here in Wheeling, along with a West Virginia Municipal League meeting on Home Rule on June 20, 2013.

UNFINISHED BUSINESS

BOND ORDINANCE - COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS - SERIES 2013- (3rd READING OF THREE)

The following was then read:

AN ORDINANCE AUTHORIZING 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 OF WHEELING AND THE FINANCING OF THE COST THEREOF, NOT OTHERWISE PROVIDED, THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$49,500,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2013 (TAX EXEMPT); PROVIDING FOR THE RIGHTS AND REMEDIES OF, AND THE SECURITY FOR, THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT, AN OFFICIAL STATEMENT, A CONTINUING DISCLOSURE AGREEMENT AND OTHER DOCUMENTS RELATING TO THE BONDS; AND ENACTING OTHER PROVISIONS WITH RESPECT TO SUCH BONDS.

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.

LANE ABANDONMENT - PORTION OF LOTUS LANE BETWEEN PROSPECT LANE AND N. 17TH STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING VACATING AND ABANDONING A PORTION OF LOTUS LANE BETWEEN PROSPECT LANE & NORTH 17TH STREET AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH QUITCLAIM DEEDS TO IMPLEMENT THIS ABANDONMENT.

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.

MUNICIPAL COUNCIL LEVY ESTIMATE - FY 2013-2014

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 2013-2014 BUDGET FOR WHEELING MUNICIPALITY, OHIO COUNTY.

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. Henry moved, seconded by Mrs. Delbrugge, that the Wheeling Human Rights Commission Minutes, 2/25/13; Board of Zoning Appeals Minutes, 2/21/13 regular meeting and 2/21/13 special meeting; Greater Wheeling Sports & Entertainment Authority Minutes, 2/26/13; and Greater Wheeling Sports & Entertainment Authority Financial Statement, 1/31/13; which were held over, be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Atkinson, Council's representative on the Wheeling Hall of Fame Board, announced that the annual dinner will take place on Saturday, April 20, 2013 at Wesbanco Arena at 5:30 p.m.

Mrs. Delbrugge thanked Chief Schwertfeger for allowing the canine unit to come to a function for children that was held at the Soup Kitchen.

Mr. Fahey commented that he appreciated everyone's thoughts on CDBG and how the funds are allocated. He urged people to contact their local delegation in Washington DC to tell them that we oppose the cuts that are being considered by HUD. He also commented on how well the Centre Market area is doing and publicly thanked Kurt Zende for his work in that area. Mr. Fahey congratulated Fire Chief Larry Helms for the Annual Report that was on this evening's agenda. He also thanked the Wheeling newspapers for the two editorials that were in the week-end newspapers supporting the city on various issues.

REPORT OF CITY MANAGER

In regard to the CDBG entitlement, as presented in President Obama's Proposed FY 2014 Budget, Mr. Herron said that trying to get rid of the "grandfathering" provision is clearly a way that the Federal Government is trying to shift funds from smaller cities to larger cities. He also commented that Item 9/2, which is the reprogramming of CDBG funds for the Schenk Bridge Project, that the Department of Highways has indicated that they would fund the remaining portion of the project.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Henry, that the Historic Landmarks Commission Minutes - 3/7/13; CDBG Program Status Report - 3/31/13; HOME Program Status Report - 3/31/13; Wheeling Municipal Parking System Financial Statement - 2/28/13; Robert C. Byrd Intermodal Transportation Center Financial Statement - 2/28/13; Fire Department Annual Report - 2012; Police Civil Service Commission Annual Report - 2012; Fire Civil Service Commission Annual Report - 2012; Municipal Civil Service Commission Annual Report - 2012; Financial Statement -3/31/13; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

SHOOK CONSTRUCTION - WATER TREATMENT PLANT FILTRATION UPGRADE AND PLANT IMPROVEMENTS COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS - SERIES 2013

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN THE AMOUNT OF \$30,548,000.00 WITH SHOOK CONSTRUCTION, OF DAYTON, OH, FOR WATER TREATMENT PLANT FILTRATION UPGRADE AND PLANT IMPROVEMENTS, TO BE CHARGED TO COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS - SERIES 2013.

RESOLUTION - REPROGRAMMING COMMUNITY DEVELOPMENT BLOCK GRANT FUND - SCHENK BRIDGE REPAIR PROJECT

The following was then read:

A RESOLUTION OF WHEELING CITY COUNCIL TO AMEND THE FISCAL YEAR 2012 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) BUDGET TO CREATE A NEW LINE ITEM KNOWN AS THE SCHENK BRIDGE REPAIR PROJECT.

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

RESOLUTION - AUTHORIZING PARTICIPATION IN THE NORTHERN PANHANDLE HOME CONSORTIUM - FY 2013-2014

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, 2013 TO JUNE 30, 2014.

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

THOSE WISHING TO BE HEARD

Mark Eddy, Patricia Jacobsen, Tom Triveri, Dave Cupp and Bob Heier, all spoke in opposition to the proposed fracking plant in Warwood. Jeremiah Jasper, spoke in regard to CDBG funding cuts. Mayor McKenzie told those speaking that if they need to discuss anything further, he would be available following the meeting.

Mr. Fahey moved, seconded by Mr. Atkinson, to return to the City Manager's Report. Motion carried. In regard to Rev. Jasper's remarks, City Manager Herron said that the proposed budget does not include an 8% reduction as HUD has instructed us to submit it as it is currently; however, they did indicate that an 8% reduction is possible. Mr. Herron commented that the CDBG Budget has been cut by 37% over the last two years by HUD. He also remarked that none of the Public Service Agencies were funded at all last year. This budget attempts to restore some funds to various Public Service Agencies.

There being no further business, Mr. Fahey moved, seconded by Mr. Atkinson, to adjourn. Motion carried. time: 6:20 p.m.

City Clerk

Mayor

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

The invocation was offered by Fourth Ward Councilor David Miller.

On roll call, the following were present:

McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson and Fahey - 6

Mr. Fahey was absent. - 1

Mr. Henry moved, seconded by Mrs. Delbrugge, that the minutes of the May 21, 2013 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor McKenzie announced that, prior to today's meeting, there was a press conference that announced some major contributors to the East Wheeling Recreational Complex Project. They were the law firm of Bordas and Bordas and the Chambers Foundation. Each of them contributed \$50,000.00 toward the project. He thanked them for their very generous contribution.

The Mayor reported that our first major event for the summer, the Chili Cook-Off, was a huge success. He congratulated City Solicitor Rosemary Humway-Warmuth for her leadership in coordinating this event. He, along with Ms. Warmuth, presented to Mr. George Smoulder of the United Way a check for over \$8,000.00. Mr. Smoulder expressed gratitude to the City for this event and their generous donation to the United Way Campaign.

Mayor McKenzie also reminded the public about the upcoming 150th Sesquicentennial Celebration that will be taking place on June 20, 2013. In conjunction with the celebration, the WV Legislature will be holding their interims here in Wheeling that week. Mayor McKenzie noted that there will be a reenactment of the vote that took place when Wheeling became a state. This will take place at Independence Hall.

CLERK'S REPORT

Notice of Application to Operate a Private Club - American Legion Post No. 1 dba Coffee & Tanning Hot Spot - 1000 National Road

_____ City Clerk Janice Jones presented Council with a Notice of Application to Operate a Private Club for American Legion Post No. 1 dba Coffee & Tanning Hot Spot, located at 1000 National Road. The applicants are John Brafchak and Robert Wycherley..

Notice of Application to Operate a Private Club - BPOE Lodge No. 28 Association - 562 National Road

_____ City Clerk Janice Jones presented Council with a Notice of Application to Operate a Private Club for BPOE Lodge No. 28 Association, located at 562 National Road. The applicants are Louis Haynes and Jeffrey Miller.

UNFINISHED BUSINESS

ADOPTION OF 2013 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 2013 REPLACEMENT PAGES TO 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 - 6

NOES: - 0

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

Mr. Henry moved, seconded by Mrs. Delbrugge, that the Historic Landmarks Commission Minutes - 4/4/13; Comprehensive Plan Committee Minutes - 5/6/13; Planning Commission Minutes - 3/11/13; CDBG Program Status Report - 4/30/13; HOME Program Status Report - 4/30/13; Board of Zoning Appeals Minutes - 4/18/13; Financial Statement - 4/30/13 which were held over, be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Atkinson commented on the great job the Operations Department crews are doing in maintaining the ballfields and area throughout Dimmeydale.

Mrs. Delbrugge reported on a meeting and tour that she had last Friday at the proposed Green-Hunter site in Warwood. She announced that the Mayor, City Manager and she will be traveling to New Matamoras, OH, to tour a facility that Green Hunter built in that area and to meet with members of that community.

REPORT OF COMMITTEES

Mr. Miller moved, seconded by Mr. Atkinson, to dispense with the reading of the Finance Committee Report of 5/21/13 and accept them as received. Motion carried. However, as a matter of record, the Finance Committee Report is as follows:

Finance Committee Report - 5/21/13

The Finance Committee of Wheeling City Council met on Tuesday, May 21, 2013 at 5:00 p.m. in City Council Chambers. Committee Members present: Chair Gene Fahey, Vice Chair David Miller and Member Don Atkinson. Others present: Mayor Andy McKenzie, Councilors Gloria Delbrugge, Ken Imer, and Robert Henry; City Manager Robert Herron, Finance Director Michael Klug, City Solicitor Rosemary Humway-Warmuth, Public Works Director Russell Jebbia, Economic and Community Development Director Nancy Prager, City Clerk Janice Jones and the media.

The following matters were discussed:

General Fund Budget Revision No. 3

City Manager Robert Herron explained each item in detail. They are as follows:

Mayor for Travel
Market House for Utilities
Police Department for fuel, legal, and equipment grants
Fire Department for fuel, hydrant rental, fire house repairs and equipment grants.
Operations for fuel and paved streets
Central Garage for new/replacement parts.
Public Transit (OVERTA) offset by Excess Levy
Garbage Department for fuel and vehicle maintenance
Recreation and Youth Program for temporary salaries
General Government for energy project
Public Safety for additional police cars.

Mr. Herron explained that for each expenditure, there is a corresponding revenue. Following some questions and answers, Mr. Atkinson moved, seconded by Mr. Miller, to approve General Fund Budget Revision No. 3.

Financial Statement - April 30, 2013

City Manager Robert Herron reported that the balance in the General Fund Budget at the end of April was

\$2,928,000.00, down slightly from last year's balance but slightly ahead of the 2011 balance. He commented that April is typically a big revenue month. Relevant to B & O revenue, Mr. Herron said that we have already exceeded the budgeted amount by about \$58,000, although the April figures do not reflect this. Some areas that were slightly behind what was budgeted, according to Mr. Herron, were Hotel/Motel Tax Revenue, Racetrack Revenue, 911, and J. B. Chambers. Following a short discussion, Mr. Atkinson moved, seconded by Mr. Miller, to accept the April 30, 2013 Financial Statement as presented. Motion carried.

Other Items for Discussion

In response to a question from Mr. Fahey in regard to the use of natural gas as alternative fuel, Mr. Herron said that the Vehicle Maintenance Department has researched this and continues to do so; however, at the current time it is cost prohibitive.

Mr. Herron updated the Committee on the status of the 911 funding from the County.

There being no further business to come before the Committee, Mr. Atkinson moved, seconded by Mr. Miller to adjourn. Time: 5:22 p.m.

REPORT OF CITY MANAGER

Mr. Herron said that the J. B. Chamber Sports Complex is out to bid. There are two separate contracts - the Elks Playground and the actual sports complex. There was a mandatory pre-bid meeting last week and there was a very good turnout. The actual bid opening is June 18, 2013. Also on the agenda today, Item 9/12, is the Consumer Sales and Use Tax. As Council is aware, the City did receive approval from the Municipal Home Rule Board to amend our Home Rule Plan to impose a municipal sales tax within the city limits. Assuming that Council approves the ordinance, the earliest we could start receiving it would be around October 1st. However, January 1, 2014 is also a possibility.

REPORT OF OTHER OFFICERS

Mr. Henry moved, seconded by Mrs. Delbrugge, that the Wheeling Traffic Commission Minutes - 05/09/13; Wheeling Human Rights Commission Minutes - 4/29/13; Wheeling-Ohio County Board of Health Minutes - 03/12/13; Greater Wheeling Sports & Entertainment Authority Income Statement - 03/31/13 & 04/30/13; and Greater Wheeling Sports & Entertainment Authority Minutes - 04/23/13, be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

JCI JONES CHEMICAL, INC. - LIQUID CHLORINE (WPCD)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$15,450.00, WITH JCI JONES CHEMICAL INC. , OF BARBERTON, OH, FOR THE PURCHASE OF 50 TONS OF LIQUID CHLORINE, TO BE CHARGED TO WATER POLLUTION CONTROL DIV.- 401.4003.02.0743.19 - CHEMICALS (FY 2013-2014).

SAL CHEMICAL - SODIUM BILSULFITE (WPCD)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$28,800.00 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 (FY 2013-2014).

UNIVAR - POWDERED ACTIVATED CARBON (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$61,600.00, WITH UNIVAR, OF BUNOLA, PA, FOR THE PURCHASE OF 80,000 LBS. OF POWDERED ACTIVATED CARBON, TO BE CHARGED TO WATER TREATMENT - 400.4012.03.0641.00.(FY 2013-2014).

UNIVAR - POTASSIUM PERMANGANATE (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$35,364.00 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 2013-2014).

SAL CHEMICAL - CATIONIC POLYMER (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$7,668.00 WITH SAL CHEMICAL, OF WEIRTON, WV, FOR THE PURCHASE OF 13,500 LBS. OF CATIONIC POLYMER, TO BE CHARGED TO WATER TREATMENT - 400-4012-03-0641-00 (FY 2013-2014).

JCI JONES CHEMICAL, INC. - CHLORINE (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$16,068.00, WITH JCI JONES CHEMICAL INC. , OF BARBERTON, OH, FOR THE PURCHASE OF 52 TONS OF CHLORINE, TO BE CHARGED TO WATER TREATMENT - 400.4012.03.0641.00 (FY 2013-2014).

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 2013-2014).

CARUS CORPORATION - PHOSPHATE LIQUID CORROSION INHIBITOR (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$41,400.00 WITH CARUS CORPORATION, OF PERU, IL, FOR THE PURCHASE OF 100,000 LBS. OF PHOSPHATE LIQUID CORROSION INHIBITOR, TO BE CHARGED TO WATER TREATMENT - 400.4012.03.0641.00.(FY 2013-2014).

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 \$18,700.00 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 2013-2014).

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 \$27,400.00 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 2013-2014).

JAMES WHITE CONSTRUCTION - MARKET PLAZA WATER TAPS (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN THE AMOUNT OF \$149,590.00 WITH JAMES WHITE CONSTRUCTION CO., OF WEIRTON, WV, FOR MARKET PLAZA WATER TAPS, TO BE CHARGED TO WATER DISTRIBUTION - 400.4013.04.0665.01.

AMENDING CODIFIED ORDINANCES - ARTICLE 796 - CONSUMERS SALES AND USE TAXES

The following was then read:

AN ORDINANCE TO AMEND THE ORDINANCES FOR THE CITY OF WHEELING, WEST VIRGINIA, BY ENACTING A NEW ARTICLE UNDER PART SEVEN OF THE BUSINESS AND TAXATION CODE TO PROVIDE FOR ARTICLE 796 UNDER CHAPTER FIVE ENTITLED: CONSUMERS SALES AND USE TAXES, TO IMPOSE A COMPLIMENTARY CONSUMERS SALES AND SERVICE TAX AND A COMPLIMENTARY USE TAX.

AMENDING CODIFIED ORDINANCES - ARTICLE 787 - MODIFICATIONS TO PRIVILEGE TAX

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING THE CODIFIED ORDINANCES OF THE CITY OF WHEELING BY AMENDING AND REENACTING SECTIONS OF ARTICLE 787, PRIVILEGE TAX, TO PROVIDE FOR MODIFICATIONS IN THE AMOUNT OF PRIVILEGE TAX PURSUANT TO THE AUTHORITY PROVIDED IN WEST VIRGINIA CODE § 8-13 et seq. FOR THREE CATEGORIES OF TAXPAYERS AS CLASSIFIED UNDER SECTIONS 787.03(b) (c) AND (e) OF THE BUSINESS REGULATION AND TAXATION CODE OF THE CITY OF WHEELING.

ADOPTING TRAFFIC RULE NO. 4435 - ELIMINATE 2 HR. PARKING - N. & S. SIDES OF 13TH STREET BETWEEN JACOB & BYRON STREETS

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4435.

ADOPTING TRAFFIC RULE NO. 4436 - ELIMINATE 2 HR. PARKING - EAST & WEST SIDES OF JACOB STREET

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4436.

ADOPTING TRAFFIC RULE NO. 4437 - ELIMINATE 2 HR. PARKING - EAST & WEST SIDES OF BYRON STREET

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4437.

ADOPTING TRAFFIC RULE NO. 4438 - HANDICAPPED PARKING - 1903 WARWOOD AVENUE

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4438.

ADOPTING TRAFFIC RULE NO. 4439 - NO PARKING ZONE - ACROSS FROM 13 PALLISTER ROAD

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4439.

ADOPTING TRAFFIC RULE NO. 4440 - NO PARKING FIRE ZONE - WEST SIDE OF RIDGE STREET

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4440

ADOPTING TRAFFIC RULE NO. 4441 - NO PARKING ZONE - IN THE ALLEY ON LANE 14

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4441.

RESOLUTION - AGREEMENT - COMMUNITY PARTICIPATION GRANT - WV'S BIRTHDAY FIREWORKS EVENT

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO ACCEPT THE TERMS AND CONDITIONS OF THE CONTRACT RELATING TO THE 2013 COMMUNITY PARTICIPATION GRANT IN THE AMOUNT OF \$4,800.00 TO THE CITY OF WHEELING FOR WEST VIRGINIA'S BIRTHDAY FIREWORKS EVENT - PROJECT NO. 13LEDA0643.

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

RESOLUTION - AGREEMENT - COMMUNITY PARTICIPATION GRANT - CONVENTION & VISITOR'S BUREAU - CAPITOL

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO ACCEPT THE TERMS AND CONDITIONS OF THE CONTRACT RELATING TO THE 2013 COMMUNITY PARTICIPATION GRANT IN THE AMOUNT OF \$7,200.00 TO THE CITY OF WHEELING TO ASSIST THE WHEELING CONVENTION AND VISITOR'S BUREAU WITH RENOVATING THE CAPITOL THEATRE - PROJECT NO. 13LEDA0645.

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

RESOLUTION - AGREEMENT - COMMUNITY PARTICIPATION GRANT -
CONVENTION & VISITOR'S BUREAU - CAPITOL

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO ACCEPT THE TERMS AND CONDITIONS OF THE CONTRACT RELATING TO THE 2013 COMMUNITY PARTICIPATION GRANT IN THE AMOUNT OF \$25,000.00 TO THE CITY OF WHEELING TO ASSIST THE WHEELING CONVENTION AND VISITOR'S BUREAU WITH RENOVATING THE CAPITOL THEATRE - PROJECT NO. 13LEDA0248.

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

RESOLUTION - GENERAL FUND BUDGET REVISION NO. 3

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING DIRECTING THAT THE GENERAL FUND BUDGET BE REVISED AS PER BUDGET REVISION NO. BR118001.03

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

Mr. Miller moved, seconded by Mr. Atkinson, to suspend the regular order of Council to return to the Mayor's Report. Motion carried.

Relevant to the announcement earlier in regard to the East Wheeling Sports Complex, Mayor McKenzie said that he was remiss in not mentioning the significant contributions of several properties within the complex area that were donated by Fred and Julie Grewe, owners of the old Keg and Kraut Restaurant that was located on the corner of 16th and Wood Sts.

Mr. Miller moved, seconded by Mr. Atkinson, to resume the regular order of business. Motion carried.

THOSE WISHING TO BE HEARD

Mr. Charles Ballouz, Windsor Manor, 1143 Main Street, addressed Council about the noise and vibrations from Boom Boxes that are installed in cars. He believes a special fine should be assessed against these offenders.

Robin Mahonen, presented a petition to Council, with signatures of people who are opposed to the Green-Hunter Project in Warwood.

Ann Bowers, 198 Mozart Road, spoke to Council about concern about radium in the water.

Bill O'Leary, 158 Paxton Avenue, addressed Council about several traffic problems in the Elm Grove area. One area was off Exit 5 in Elm Grove. He is aware that this is under State jurisdiction but asked that Council intercede with the State and County Commission to resolve this problem.

There being no further business, Mr. Atkinson moved, seconded by Mr. Miller, to adjourn. Motion carried. Time: 12.40 p.m.

City Clerk

Mayor

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

The invocation was offered by Vice Mayor Gene Fahey. A moment of silence was observed in memory of the tornado victims in Oklahoma and the passing of City Clerk Janice Jones' mother.

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 May 7, 2013 regular meeting and May 14, 2013 Special 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 - Franchise Agreement - American Electric Power - Ohio/WV”

City Manager Robert Herron explained that this is a renegotiation of an existing agreement with American Electric Power. The proposed agreement would be in line with current Public Service Commission regulations which will go into effect with this particular franchise when it expires in four years. In return, American Electric Power will seed a significant relocation project in East Wheeling. Mayor McKenzie noted that no one signed up to speak 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 reminded everyone that WV's 150th Birthday will be celebrated here in Wheeling on June 20th and that there will be numerous events and festivities in conjunction with the celebration. He also announced that the Chili-Cook-Off will take place on June 1, 2013, starting off a series of summer events. He also announced that Green Hunter will be holding an informational meeting in Council Chambers tomorrow evening at 7:00 p.m. He pointed out that this is not a City meeting.

CLERK'S REPORT

Notice of Application to Operate a Private Club - Major Savings, Inc. dba Hole in One Wings and Brew - 260C Bethany Pike

_____ City Clerk Janice Jones presented Council with a Notice of Application to Operate a Private Club for Major Savings, Inc., dba Hole in One Wings and Brew, located at 260 C Bethany Pike. The applicant is Mark Charles Busack.

Notice of Application to Operate a Private Club - Grindhouse WV LLC, dba Grindhouse Coffee & Tea - 2085 National Road

_____ City Clerk Janice Jones presented Council with a Notice of Application to Operate a Private Club for Grindhouse WV LLC, dba Grindhouse Coffee & Tea, located at 2085 National Road. The applicants are Kelly Zambito and Anthony Joseph Zambito III.

UNFINISHED BUSINESS

ADOPTING TRAFFIC RULE NO. 4430 - HANDICAPPED PARKING - 225 29TH STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING
ADOPTING TRAFFIC RULE NO. 4430.

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. 4431- HANDICAPPED PARKING - 107 ALICE AVENUE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING
ADOPTING TRAFFIC RULE NO. 4431.

The ordinance was read a second time by title. Mr. Miller 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. 4432- HANDICAPPED PARKING - 110 S. BROADWAY STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING
ADOPTING TRAFFIC RULE NO. 4432.

The ordinance was read a second time by title. Mr. Imer 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. 4433 - NO PARKING ZONE - EAST SIDE OF BOW STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING
ADOPTING TRAFFIC RULE NO. 4433.

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. 4434 - REMOVAL OF ONE HOUR PARKING - SOUTH SIDE OF 7TH STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING
ADOPTING TRAFFIC RULE NO. 4434.

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

ZONE CHANGE - 111 PARK VIEW LANE - R-1B TO EMO

The following was then read:

AN ORDINANCE CHANGING THE ZONING DISTRICT
CLASSIFICATION OF LOTS 9,10,11,12 ON THE PLAT OF
PARK VIEW (111 PARK VIEW LANE) FROM R-1B SINGLE
FAMILY RESIDENTIAL TO EMO EDUCATIONAL MEDICAL
OFFICE.

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 TO WV DEPARTMENT OF TRANSPORTATION - DIVISION OF HIGHWAYS - GLEN HOLLIN DRIVE

The following was then read:

AN ORDINANCE FOR THE TRANSFER TO THE WEST
VIRGINIA DEPARTMENT OF TRANSPORTATION,
DIVISION OF HIGHWAYS, THAT CERTAIN PARCEL OF
PROPERTY OWNED BY THE CITY OF WHEELING,
CONTAINING APPROXIMATELY 6,384 SQUARE FEET,
MORE OR LESS, AND AUTHORIZING THE CITY MANAGER
TO EXECUTE AND THE CITY CLERK TO ATTEST ANY
AND ALL LEGAL INSTRUMENTS AND DOCUMENTS
NECESSARY TO EFFECTUATE SAID TRANSFER; AND
PROVIDING FOR THE RECORDING OF THIS ORDINANCE.

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

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

FRANCHISE AGREEMENT - AMERICAN ELECTRIC POWER OHIO & WV

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO ENTER INTO THE NECESSARY NEGOTIATIONS CONCERNING THE STATUS OF THE FRANCHISE AGREEMENT OF 1988 WITH WHEELING POWER COMPANY, A CORPORATION , SUCCESSORS AND ASSIGNS BEING AMERICAN ELECTRIC POWER OHIO AND WV, TO ACQUIRE, CONSTRUCT, MAINTAIN, AND OPERATE THE ELECTRIC SYSTEM IN THIS CITY AND TO AUTHORIZE THE CITY MANAGER TO RESCIND THE 1988 AGREEMENT AND TO EXECUTE SUCH NEW AGREEMENTS BETWEEN THE CITY OF WHEELING AND AMERICAN ELECTRIC POWER AS MAY BE DEEMED NECESSARY PURSUANT TO THE LAWS OF THE STATE OF WEST VIRGINIA.

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 T.I.F. FUNDS TO OVADC FOR STONE CENTER RENOVATION PROJECT

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE TRANSFER OF THREE HUNDRED THOUSAND DOLLARS (\$300,000) FROM THE MONIES ASSOCIATED WITH THE CITY'S TAX INCREMENT FINANCING PROJECT #4 TO THE OHIO VALLEY AREA DEVELOPMENT CORPORATION (OVADC), TO BE USED FOR THE STONE CENTER RENOVATION PROJECT WITHIN THE T.I.F. 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, 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.

AMENDMENT TO THE CITY OF WHEELING'S MUNICIPAL HOME RULE PLAN - REQUESTING APPROVAL TO ENACT A MUNICIPAL SALES AND SERVICE TAX AND MUNICIPAL USE TAX

The following was then read:

AN ORDINANCE AUTHORIZING THE GOVERNING BODY OF THE CITY OF WHEELING TO SUBMIT TO THE MUNICIPAL HOME RULE BOARD A PROPOSED AMENDMENT TO THE CITY OF WHEELING'S MUNICIPAL HOME RULE PLAN CONSISTENT WITH W.VA. CODE §8-1-5a REQUESTING APPROVAL TO ENACT A MUNICIPAL SALES AND SERVICE TAX AND MUNICIPAL USE TAX

UNDER THE CITY'S HOME RULE POWERS.

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 Housing Authority Minutes - 03/6/13; Greater Wheeling Sports & Entertainment Authority Income Statement - 02/28/13; Greater Wheeling Sports & Entertainment Authority Minutes - 03/26/13; Wheeling Traffic Commission Minutes - 04/11/13; Wheeling Human Rights Commission Minutes - 03/25/13; Wheeling Municipal Parking System Financial Statement - 03/31/13; Robert C. Byrd Intermodal Transportation Center Financial Statement - 03/31/13, which were held over, be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Miller commented on the many positive comments about the City of Wheeling that he received while in Charleston recently. He also commented on the dedication of the Miracle Field that took place this past Saturday and what an inspiring event it was. He also stressed that recreational activities are an important component to our economy.

Mr. Fahey commented on vandalism that has been occurring around the Kruger Street area in Elm Grove.

REPORT OF CITY MANAGER

City Manager Robert Herron reported that bids were opened for the Market Plaza Water Taps. He said that three bids were received, with the winning bid going to James White Construction of Weirton, WV. Their bid was \$149,590.00 and the work is scheduled to begin prior to the paving of Main and Market Sts.

Mr. Herron distributed figures dealing with the sale of bonds for the Water Infrastructure Improvement Project. He said that Bloomberg News had an article about Wheeling being the first city in the nation to issue Revenue Bonds for an Infrastructure Project. The last time this was done was in 1885. He also noted that the City received an "A" rating and that the timing was done at an optimal time, thus saving the City \$1,368,000.00 in interest. Mayor McKenzie reiterated Mr. Herron's remarks and praised his leadership and management in accomplishing this.

Mr. Miller moved, seconded by Mr. Fahey, to suspend the order of business to return to Remarks from Members of Council. Motion carried.

Mr. Fahey commented on the Police Memorial that took place on Friday, May 15, 2013 at Heritage Port and what a moving experience it was. He commended the Police Department, Phil Redford and the honor guard for a fine job.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Henry, that the Historic Landmarks Commission Minutes - 4/4/13; Comprehensive Plan Committee Minutes - 5/6/13; Planning Commission Minutes - 3/11/13; CDBG Program Status Report - 4/30/13; HOME Program Status Report - 4/30/13; Board of Zoning Appeals Minutes - 4/18/13; and Financial Statement - 4/30/13, be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

ADOPTION OF 2013 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 2013
REPLACEMENT PAGES TO THE CODIFIED ORDINANCES
OF THE CITY OF WHEELING.

RESOLUTION - GOVERNOR'S COMMUNITY PARTICIPATION GRANT AGREEMENT -
WV SESQUICENTENNIAL CELEBRATION

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING
TO ACCEPT THE TERMS AND CONDITIONS OF THE
CONTRACT RELATING TO THE 2013 COMMUNITY
PARTICIPATION GRANT IN THE AMOUNT OF \$15000.00 TO
THE CITY OF WHEELING FOR THE FIREWORKS
CELEBRATION FOR WEST VIRGINIA'S 150TH BIRTHDAY -
PROJECT NO. 13LEDA0249.

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

THOSE WISHING TO BE HEARD

Three people had signed up to speak but declined to do so as they said they would
be coming to the Green Hunter meeting tomorrow evening.

There being no further business, Mr. Henry moved, seconded by Mr. Atkinson, to
adjourn. Motion carried. Time: 6:00 p.m.

City Clerk

Mayor

AGENDA

Wheeling, West Virginia

DATE: June 18, 2013

CONVENED: _____

ADJOURNED:

INVOCATION:

ROLL CALL

READING OF THE MINUTES - June 4, 2013

“Public Hearing - Amending Codified Ordinances - Article 787 - Modifications to Privilege Tax”

“Public Hearing - Amending Codified Ordinances - Article 796 - Consumers Sales & Use Tax”

“Public Hearing - Lease with Youth Service System, Inc. - Former Lincoln School Property”

MAYOR’S REPORT

1. CLERK'S REPORT

1. Notice of Application to Operate a Private Club - Later Alligator, LLC, located at 2145 Market St.

2. UNFINISHED BUSINESS

1. JCI Jones Chemical, Inc. - Liquid Chlorine **(WPCD)**
2. Sal Chemical - Sodium Bisulfite **(WPCD)**
3. Univar - Powdered Activated Carbon **(Water)**
4. Univar - Potassium Permanganate **(Water)**
5. Sal Chemical - Cationic Polymer **(Water)**
6. JCI Jones Chemical, Inc. - Chlorine **(Water)**
7. Kemira Water Solutions - Ferric Chloride **(Water)**
8. Carus Corporation - Phosphate Liquid Corrosion Inhibitor **(Water)**
9. Greer Lime Co. - Lime **(Water)**
10. Key Chemical Inc. - Hydrofluosilicic Acid **(Water)**
11. James White Construction - Market Plaza Water Taps **(Water)**
12. Amending Codified Ordinances - Article 796 - Consumers Sales and Use Taxes
13. Amending Codified Ordinances - Article 787 - Modifications to Privilege Tax
14. Adopting Traffic Rule No. 4435 - Eliminate 2 Hr. Parking - N. & S. Sides of 13th St. Between Jacob & And Byron Streets
15. Adopting Traffic Rule No. 4436 - Eliminate 2 Hr. Parking - East & West Sides of Jacob St.
16. Adopting Traffic Rule No. 4437 - Eliminate 2 Hr. Parking – East & West Sides of Byron St.
17. Adopting Traffic Rule No. 4438 - Handicapped Parking - 1903 Warwood Ave.
18. Adopting Traffic Rule No. 4439 - No Parking Zone - Across from 13 Pallister Road
19. Adopting Traffic Rule No. 4440 - No Parking Fire Zone - W. Side of Ridge St.
20. Adopting Traffic Rule No. 4441 - No Parking Zone - in the Alley on Lane 14

HELD OVER: Wheeling Traffic Commission Minutes - 05/09/13; Wheeling Human Rights Commission Minutes - 4/29/13; Wheeling-Ohio County Board of Health Minutes - 03/12/13; Greater Wheeling Sports & Entertainment Authority Income Statement - 03/31/13 & 04/30/13; Greater Wheeling Sports & Entertainment Authority Minutes - 04/23/13.

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

1. Development Committee Report - June 4, 2013

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Historic Landmarks Commission Minutes - 5/2/13
2. Planning Commission Minutes
3. Planning Commission Report
4. CDBG Building Demolition Report - 6/10/13
5. CDBG Program Status Report - 5/31/13
6. HOME Program Status Report - 5/31/13
7. Wheeling Municipal Parking System Financial Statement - 4/30/13
8. Robert C. Byrd Intermodal Transportation Center Financial Statement - 4/30/13
9. Wheeling Housing Authority Minutes - 4/10/13
10. Financial Statement - 5/31/13

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. SNF Polydyne - Polymer **(WPCD)**
2. Resolution - Community Participation Grant Application - Sesquicentennial Activities
3. Resolution-Community Participation Grant Application-Whg. Symphony-Sesquicentennial Performance
4. Resolution - Lease - Youth Service Systems, Inc. - Former Lincoln School Property
5. Resolution - Authorizing Payment of Invoices - Combined Waterworks and Sewerage System Revenue

Bonds - Series 2013

THOSE WISHING TO BE HEARD

AGENDA

Wheeling, West Virginia

DATE: June 4, 2013

CONVENED: _____

ADJOURNED:

INVOCATION:

ROLL CALL

READING OF THE MINUTES - May 21, 2013

MAYOR'S REPORT

1. CLERK'S REPORT

1. Notice of Application to Operate a Private Club - American Legion Post No. 1 dba Coffee & Tanning Hot Spot - 1000 National Road
2. Notice of Application to Operate a Private Club - BPOE Lodge No. 28 Association - 562 National Rd.

2. UNFINISHED BUSINESS

1. Adoption of 2013 Replacement Pages to the Codified Ordinances

HELD OVER: Historic Landmarks Commission Minutes - 4/4/13; Comprehensive Plan Committee Minutes - 5/6/13; Planning Commission Minutes - 3/11/13; CDBG Program Status Report - 4/30/13; HOME Program Status Report - 4/30/13; Board of Zoning Appeals Minutes - 4/18/13; Financial Statement - 4/30/13

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

1. Finance Committee Report - May 21, 2013

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Wheeling Traffic Commission Minutes - 05/09/13
2. Wheeling Human Rights Commission Minutes - 4/29/13
3. Wheeling-Ohio County Board of Health Minutes - 03/12/13
4. Greater Wheeling Sports & Entertainment Authority Income Statement - 03/31/13 & 04/30/13
5. Greater Wheeling Sports & Entertainment Authority Minutes - 04/23/13

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. JCI Jones Chemical, Inc. - Liquid Chlorine (**WPCD**)
2. Sal Chemical - Sodium Bisulfite (**WPCD**)
3. Univar - Powdered Activated Carbon (**Water**)
4. Univar - Potassium Permanganate (**Water**)
5. Sal Chemical - Cationic Polymer (**Water**)
6. JCI Jones Chemical, Inc. - Chlorine (**Water**)
7. Kemira Water Solutions - Ferric Chloride (**Water**)
8. Carus Corporation - Phosphate Liquid Corrosion Inhibitor (**Water**)
9. Greer Lime Co. - Lime (**Water**)
10. Key Chemical Inc. - Hydrofluosilicic Acid (**Water**)
11. James White Construction - Market Plaza Water Taps (**Water**)
12. Amending Codified Ordinances - Article 796 - Consumers Sales and Use Taxes
13. Amending Codified Ordinances - Article 787 - Modifications to Privilege Tax
14. Adopting Traffic Rule No. 4435 - Eliminate 2 Hr, Parking - N. & S. Sides of 13th St. Between Jacob & And Byron Streets
15. Adopting Traffic Rule No. 4436 - Eliminate 2 Hr. Parking - East & West Sides of Jacob St.
16. Adopting Traffic Rule No. 4437 - Eliminate 2 Hr. Parking - East & West Sides of Byron St.
17. Adopting Traffic Rule No. 4438 - Handicapped Parking - 1903 Warwood Ave.
18. Adopting Traffic Rule No. 4439 - No Parking Zone - Across from 13 Pallister Road
19. Adopting Traffic Rule No. 4440 - No Parking Fire Zone - W. Side of Ridge St.
20. Adopting Traffic Rule No. 4441 - No Parking Zone - in the Alley on Lane 14
21. Resolution - Agreement - Community Participation Grant - WV's Birthday Fireworks Event
22. Resolution - Agreement - Community Participation Grant - Convention & Visitor's Bureau - Capitol
23. Resolution - Agreement - Community Participation Grant - Convention & Visitor's Bureau - Capitol
24. Resolution - General Fund Budget Revision No. 3.

THOSE WISHING TO BE HEARD

Council of the City of Wheeling met in Special Session 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, Atkinson and Fahey

- 6

Mr. Miller was absent.

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

**“PUBLIC HEARING - AMENDMENT TO CITY OF WHEELING’S
MUNICIPAL HOME RULE PLAN”**

City Manager Robert Herron explained that the City via WV Code §8-1-5a is proposing to amend their Municipal Home Rule Plan by implementing a 0.5 percent sales tax on goods sold in the City of Wheeling, with the exception of unprepared foods, cars and gasoline. This proposal is expected to generate \$2.4 million in revenue, half of which would be allocated for infrastructure projects with the other half set aside to repay bonds for future upgrades and possible convention space at WesBanco Arena and surrounding properties. Mr. Herron indicated that the City also plans to consider a separate ordinance process to review the Business and Occupation tax structure. That separate process could include revisions and reductions in the B & O tax rates. Mr. Herron also stressed that the Home Rule Application concerns instituting a municipal sales and services tax and municipal use tax pursuant to the City’s Home Rule powers. He said that if Council adopts the proposed amendment ordinance at the May 21, 2013 Council meeting, it will be forwarded to the Home Rule Board, which is scheduled to meet in Clarksburg on May 24, 2013.

Mayor McKenzie supports this proposal wholeheartedly as he believes a B & O tax places an unfair burden on job creation because it is imposed on gross revenue, regardless of how profitable a company may be.

Mayor McKenzie asked if there was anyone who wished to speak at the public hearing.

Tom Dailer, a Warwood resident, spoke in favor of the amendment as he is believes the revenue this would generate would be used for much needed infrastructure improvements, such as paving, sidewalk repairs, bridge replacement and maintenance, etc.

Charles Ballouz, Windsor Manor, also spoke in favor. He hopes that Council will eventually use some of the additional revenue for infrastructure improvements such as replacing the Manchester Bridge that had connected Rock Point Rd. with East Wheeling before it was demolished years ago.

As there was no one else to speak, Mr. Fahey moved, seconded by Mr. Henry, to conclude the public hearing and resume the regular order of business.

ORIGINAL PROPOSITIONS

AMENDMENT TO THE CITY OF WHEELING’S MUNICIPAL HOME RULE PLAN -

REQUESTING APPROVAL TO ENACT A MUNICIPAL SALES AND SERVICE TAX AND MUNICIPAL USE TAX

The following was then read:

AN ORDINANCE AUTHORIZING THE GOVERNING BODY OF THE CITY OF WHEELING TO SUBMIT TO THE MUNICIPAL HOME RULE BOARD A PROPOSED AMENDMENT TO THE CITY OF WHEELING'S MUNICIPAL HOME RULE PLAN CONSISTENT WITH W.VA. CODE §8-1-5a REQUESTING APPROVAL TO ENACT A MUNICIPAL SALES AND SERVICE TAX AND MUNICIPAL USE TAX UNDER THE CITY'S HOME RULE POWERS.

Mr. Fahey moved, seconded by Mr. Henry, to suspend the regular order of business to conduct an executive session to discuss a personnel matter. Motion carried. Time: 12:15 p.m.

Mr. Fahey moved, seconded by Mr. Henry, to resume the regular order of business. Motion carried. Time 12:35 p.m.

Mayor McKenzie announced that no decisions were made in Executive Session and asked for a motion to adjourn.

There being no further business, Mr. Fahey moved, seconded by Mr. Henry, to adjourn. Motion carried. Time: 12:36 p.m.

City Clerk

Mayor

AGENDA

Wheeling, West Virginia

DATE: May 21, 2013

CONVENED: _____

ADJOURNED:

INVOCATION:

ROLL CALL

READING OF THE MINUTES - May 7, 2013 and May 14, 2013 (Special Meeting)

“PUBLIC HEARING - FRANCHISE AGREEMENT - AMERICAN ELECTRIC POWER OHIO & WV”

MAYOR’S REPORT

1. CLERK'S REPORT

1. Notice of Application to Operate a Private Club - Major Savings, Inc. dba Hole In One Wings And Brew - 260C Bethany Pike
2. Notice of Application to Operate a Private Club - Grindhouse WV LLC, dba Grindhouse Coffee & Tea 2085 National Road

2. UNFINISHED BUSINESS

1. Adopting Traffic Rule No. 4430 - Handicapped Parking - 225 29th St.
2. Adopting Traffic Rule No. 4431 - Handicapped Parking - 107 Alice Ave.
3. Adopting Traffic Rule No. 4432 - Handicapped Parking - 110 S. Broadway St.
4. Adopting Traffic Rule No. 4433 - No Parking Zone - East Sd. Of Bow St.
5. Adopting Traffic Rule No. 4434 - Removal of one hour parking - S. Sd. Of 7th St.
6. Zone Change - 111 Park View Lane - R-1B to EMO
7. Transfer of Property to WV Department of Transportation - Division of Highways -Glen Hollin Dr.
8. Franchise Agreement - American Electric Power Ohio & WV
9. Transfer of T.I.F. Funds to OVADC for Stone Center Renovation Project
10. Amendment to the City of Wheeling’s Municipal Home Rule Plan - Requesting Approval to enact A Municipal Sales and Service Tax and Municipal Use Tax.

HELD OVER: Wheeling Housing Authority Minutes - 03/6/13; Greater Wheeling Sports & Entertainment Authority Income Statement - 02/28/13; Greater Wheeling Sports & Entertainment Authority Minutes - 03/26/13; Wheeling Traffic Commission Minutes - 04/11/13; Wheeling Human Rights Commission Minutes - 03/25/13; Wheeling Municipal Parking System Financial Statement - 03/31/13; Robert C. Byrd Intermodal Transportation Center Financial Statement - 03/31/13.

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 - 4/4/13
2. Comprehensive Plan Committee Minutes - 5/6/13
3. Planning Commission Minutes - 3/11/13
4. CDBG Program Status Report - 4/30/13
5. HOME Program Status Report - 4/30/13
6. Board of Zoning Appeals Minutes - 4/18/13
7. Financial Statement - 4/30/13

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Adoption of 2013 Replacement Pages to the Codified Ordinances
2. Resolution - Governor’s Community Participation Grant Agreement- WV Sesquicentennial Celebration

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 Wheeling Jesuit President, Father Fleming.

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 April 16, 2013 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor McKenzie announced that Council will hold a special meeting on May 14, 2013 to conduct a public hearing and first reading of a proposed ordinance for an Amendment to the Home Rule Plan. He also announced that a Police Memorial Ceremony will be held on May 17, 2013 at 5:00 p.m. at Heritage Port.

Mayor McKenzie also reminded Council and the public about the Sesquicentennial Celebration that will take place on June 20, 2013 in Wheeling. Many events will be taking place at Independence Hall and Heritage Port. He also said that the Legislature will be holding interims here in Wheeling during that time.

Mayor McKenzie commented on the ribbon cutting for WVNCC that took place yesterday in Downtown Wheeling.

CLERK'S REPORT

Zone Change Request - 3604 3605 & 3608 Wood Street - R-4 to I-2

City Clerk Janice Jones presented Council with a Zone Change Request for property located at 3604, 3605 & 3608 Wood Street. The present zone is R-4 and the proposed zone is I-2. The proposed use is for commercial. The applicant is Ronald Nixon, Jr. Mr. Fahey moved, seconded by Mr. Henry, to forward this request to the Planning Commission. Motion carried.

Zone Change Request - 232-240 Washington Avenue - R-1A to EMO

City Clerk Jones presented Council with a Zone Change Request for property located at 232-240 Washington Avenue. The present zone is R-1A and the proposed zone is EMO. The proposed use is multi-family residential. The applicant is Jonathan Bedway. Mr. Fahey moved, seconded by Mr. Henry, to forward this request to the Planning Commission. Motion carried.

UNFINISHED BUSINESS

SHOOK CONSTRUCTION - WATER TREATMENT PLANT FILTRATION UPGRADE AND PLANT IMPROVEMENTS COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS - SERIES 2013

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN THE AMOUNT OF \$30,548,000.00 WITH SHOOK CONSTRUCTION, OF DAYTON, OH, FOR WATER TREATMENT PLANT FILTRATION UPGRADE AND PLANT IMPROVEMENTS, TO BE CHARGED TO COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE

BONDS - SERIES 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.

Mr. Fahey moved, seconded by Mr. Henry, that the Historic Landmarks Commission Minutes - 3/7/13; CDBG Program Status Report - 3/31/13; HOME Program Status Report - 3/31/13; Wheeling Municipal Parking System Financial Statement - 2/28/13; Robert C. Byrd Intermodal Transportation Center Financial Statement - 2/28/13; Fire Department Annual Report - 2012; Police Civil Service Commission Annual Report - 2012; Fire Civil Service Commission Annual Report - 2012; Municipal Civil Service Commission Annual Report - 2012; Financial Statement -3/31/13; which were held over, be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Fahey announced that the Elm Grove Neighborhood Watch will be sponsoring an Appalachian Outreach Day on Saturday, May 18, 2013 from noon until 3:00.

REPORT OF COMMITTEES

Mrs. Delbrugge moved, seconded by Mr. Henry, to dispense with the reading of the Development Committee Report of 4/15/13; however, as a matter of record, they are as follows:

DEVELOPMENT COMMITTEE REPORT - APRIL 15, 2013

The Development Committee of Wheeling City Council met on Monday , April14, 2013 at 12:00 p.m. in City Coouncil Chambers. Committee members present: Mayor Andy McKenzie, Vice Chair Gloria Delbrugge, Member Gene Fahey; Councilor Donnie Atkinson. Others present: City Manager Robert Herron, Finance Director Michael Klug, Economic and Ecommunity Development Director Nancy Prager, ECD Assistant Director Tom Connelly, City Clerk Janice Jones and the media.

The following matter was discussed:

Request by Mark Busack to have the property located at 260 Bethany Pike designated as a Redevelopment Site for the purpose of obtaining beer only licensing.

City Manager Robert Herron explained that Assistant ECD Director Tom Connelly has done a review of the proposal as it pertains to the 1,000 ft. rule. Mr. Connelly then reviewed this with the committee. He indicated that Mr. Busack is requesting this so that he can obtain beer only licensing. Mr. Busack has also indicated that he does not plan to have any video lottery machines at this location. Mr. Busack appeared before the Committee and explained his project. He commented that his goal is to expand his restaurant business. The Committee thanked Mr. Busack for his continued investment in that area. Following a short discussion, Mr. Fahey moved, seconded by Mrs. Delbrugge, to designate 260 Bethany Pike as a Development/Redevelopment Site. Motion carried.

There being no further business to come before the Committee, Mr. Fahey moved, seconded by Mrs. Delbrugge, to adjourn. Time: 12:07 p.m.

Mr. Fahey moved, seconded by Mr. Miller to dispense with the reading of the Finance Committee Minutes of 4/16/13; however, as a matter of record, they are as follows:

FINANCE COMMITTEE REPORT - APRIL 16, 2013

The Finance Committee of Wheeling City Council met on Tuesday, April 16, 2013 at 5:10 p.m. in City Council Chambers. Committee Members present: Chair Gene Fahey, Vice Chair David Miller and Member Don Atkinson. Others present: Mayor Andy McKenzie, Councilors Gloria Delbrugge, Ken Imer, and Robert Henry; City Manager Robert Herron, Finance Director Michael Klug, Fire Chief Larry Helms, Economic and Community Development Director Nancy Prager, City Clerk Janice Jones and the media.

The following matters were discussed:

General Fund Budget Revision No. 3

City Manager Robert Herron requested that this matter be tabled so that a more detailed revision could be presented at the May 7, 2013 City Council meeting. Mr. Miller moved, seconded by Mr. Atkinson, that this General Fund Budget Revision No. 3 be tabled until the May 7, 2013 City Council meeting. Motion carried.

Financial Statement - March 31, 2013

City Manager Robert Herron reported that the balance in the General Fund Budget at the end of March was \$2,063,000.00, down slightly from last year's balance but slightly ahead of the 2011 balance. In response to a question from Chairman Fahey in regard to the cash carryover, Mr. Herron said that it is typically earmarked for infrastructure improvements. The cash carryover is discussed at the 2nd meeting in July, based on recommendations from the City Manager. City Council then has the option to modify or accept those recommendations. City Manager Herron briefly discussed the impact that a reduction of CDBG funds would have on our budget. Following this, Mr. Atkinson moved, seconded by Mr. Miller, to accept the March 31, 2013 Financial Statement as presented. Motion carried.

There being no further business to come before the Committee, Mr. Atkinson moved, seconded by Mr. Miller to adjourn. Time: 5:20 p.m.

REPORT OF CITY MANAGER

City Manager Robert Herron announced that the Wheeling Fire Department's Emergency Medical Services scored a perfect score on their Annual Review by the State EMSFire Department.

Mr. Herron commented that, prior to renovations on Market Plaza, extensive waterline work will have to be done in that area and 11th Street. He would like to get the water tap portion of this work done prior to the Department of Highway's paving of Market and Main Streets. This project will be bid out soon and a confirming ordinance for the project will be coming to Council.

Mr. Herron also commented on Ordinance 9/8, relevant to the Franchise Agreement with American Electric Power. He said that this ordinance deals with the East Wheeling Recreational Project. He stated that significant electrical work has to be done in this area and they have been working with AEP for the last few months trying to negotiate this matter. Mr. Herron indicated that we are working to change the franchise agreement now and then enter into another long term agreement that will bring it into current status. Once AEP begins working on the East Wheeling site, it should take 60 to 90 days to complete. The bids for the East Wheeling Recreational Complex Project will go out to bid on May 15, with bid opening on June 18.

Relevant to the Resolution approving the CDBG Action Plan and HOME Program, Mr. Herron reviewed proposed amendments to certain line items in that budget. The proposed budget still remains at \$1,122,076.00.

Mr. Fahey asked if the waterline work on Market Plaza is strictly a timing issue and Mr. Herron indicated that it was.

In regard to the increase to \$14,000 to the Human Rights Commission line item, Mr. Fahey asked if rent is included in this amount and Mr. Herron said that the City would be absorbing the rent by moving the part time person to either Finance or Economic and

Community Development.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Henry, that the Wheeling Housing Authority Minutes, 3/6/13; Greater Wheeling Sports & Entertainment Authority Income Statement, 2/28/13; Greater Wheeling Sports & Entertainment Authority Minutes, 3/26/13; Wheeling Traffic Commission Minutes, 4/11/13; Wheeling Human Rights Commission Minutes, 3/25/13; Wheeling Municipal Parking System Financial Statement, 3/31/13; Robert C. Byrd Intermodal Transportation Center Financial Statement, 3/31/13; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

ADOPTING TRAFFIC RULE NO. 4430 - HANDICAPPED PARKING - 225 29TH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4430.

ADOPTING TRAFFIC RULE NO. 4431 - HANDICAPPED PARKING - 107 ALICE AVE.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4431.

ADOPTING TRAFFIC RULE NO. 4432 - HANDICAPPED PARKING - 110 S. BROADWAY ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4432.

ADOPTING TRAFFIC RULE NO. 4433 - NO PARKING ZONE - EAST SIDE OF BOW STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4433.

ADOPTING TRAFFIC RULE NO. 4434 - REMOVAL OF ONE HOUR PARKING - S. SIDE OF 7TH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4434.

ZONE CHANGE - 111 PARK VIEW LANE - R1B TO EMO

The following was then read:

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF LOTS 9,10,11,12 ON THE PLAT OF PARK VIEW (111 PARK VIEW LANE) FROM R-1B SINGLE FAMILY RESIDENTIAL TO EMO EDUCATIONAL MEDICAL OFFICE.

TRANSFER OF PROPERTY TO WV DEPARTMENT OF TRANSPORTATION - DIVISION

OF HIGHWAYS - GLEN HOLLIN DR.

The following was then read:

AN ORDINANCE FOR THE TRANSFER TO THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS, THAT CERTAIN PARCEL OF PROPERTY OWNED BY THE CITY OF WHEELING, CONTAINING APPROXIMATELY 6,384 SQUARE FEET, MORE OR LESS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND THE CITY CLERK TO ATTEST ANY AND ALL LEGAL INSTRUMENTS AND DOCUMENTS NECESSARY TO EFFECTUATE SAID TRANSFER; AND PROVIDING FOR THE RECORDING OF THIS ORDINANCE.

FRANCHISE AGREEMENT - AMERICAN ELECTRIC POWER OHIO & WV

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO ENTER INTO THE NECESSARY NEGOTIATIONS CONCERNING THE STATUS OF THE FRANCHISE AGREEMENT OF 1988 WITH WHEELING POWER COMPANY, A CORPORATION , SUCCESSORS AND ASSIGNS BEING AMERICAN ELECTRIC POWER OHIO AND WV, TO ACQUIRE, CONSTRUCT, MAINTAIN, AND OPERATE THE ELECTRIC SYSTEM IN THIS CITY AND TO AUTHORIZE THE CITY MANAGER TO RESCIND THE 1988 AGREEMENT AND TO EXECUTE SUCH NEW AGREEMENTS BETWEEN THE CITY OF WHEELING AND AMERICAN ELECTRIC POWER AS MAY BE DEEMED NECESSARY PURSUANT TO THE LAWS OF THE STATE OF WEST VIRGINIA.

TRANSFER OF T.I.F. FUNDS TO OVADC FOR STONE CENTER RENOVATION PROJECT

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE TRANSFER OF THREE HUNDRED THOUSAND DOLLARS (\$300,000) FROM THE MONIES ASSOCIATED WITH THE CITY'S TAX INCREMENT FINANCING PROJECT #4 TO THE OHIO VALLEY AREA DEVELOPMENT CORPORATION (OVADC), TO BE USED FOR THE STONE CENTER RENOVATION PROJECT WITHIN THE T.I.F. DISTRICT.

RESOLUTION - GOVERNOR'S COMMUNITY PARTICIPATION GRANT - WV CENTENNIAL CELEBRATION

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO RECEIVE \$20,000.00 FROM THE FISCAL YEAR 2010 GOVERNOR'S COMMUNITY PARTICIPATION PROGRAM FOR THE CITY OF WHEELING - WV CENTENNIAL CELEBRATION - PROJECT NO. 10CPGP0988N.

Mr. Fahey moved, seconded by Mr. Henry, 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 2011 GOVERNOR'S COMMUNITY PARTICIPATION PROGRAM FOR THE CITY OF WHEELING - INDEPENDENCE HALL SCULPTING OF GOVERNOR FRANCES PIERPONT - PROJECT NO. 11LEDA1746N.

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

RESOLUTION - IDENTIFYING 260 BETHANY PIKE AS A DEVELOPMENT-
REDEVELOPMENT SITE

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING IDENTIFYING 260 BETHANY PIKE AS A DEVELOPMENT OR A REDEVELOPMENT SITE.

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

RESOLUTION - APPROVING FY 2013 CDBG & HOME INVESTMENT PARTNERSHIP
PROGRAMS - FILING OF FY 2013 ACTION PLAN

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING APPROVING THE FISCAL YEAR 2013 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAMS, AND AUTHORIZING THE FILING OF THE FY 2013 ANNUAL ACTION PLAN WITH THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).

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

SUPPLEMENTAL PARAMETERS RESOLUTION - SALE OF BONDS
- COMBINED WATERWORKS AND
SEWERAGE SYSTEM REVENUE BONDS -
SERIES 2013 (TAX EXEMPT)

The following was then read:

SUPPLEMENTAL RESOLUTION AUTHORIZING AND APPROVING CERTAIN PARAMETERS AS TO DATES, AMOUNTS, MATURITIES, INTEREST RATES, REDEMPTION PROVISIONS, PURCHASE PRICE AND OTHER DETAILS AS TO THE COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2013 (TAX EXEMPT) OF THE CITY OF WHEELING; AUTHORIZING AND APPROVING A BOND PURCHASE AGREEMENT, A CONTINUING DISCLOSURE AGREEMENT, A REGISTRAR AGREEMENT, A PRELIMINARY OFFICIAL STATEMENT; AN OFFICIAL STATEMENT, A CERTIFICATE OF DETERMINATIONS AND OTHER INSTRUMENTS RELATING TO THE BONDS, APPOINTING A REGISTRAR,

PAYING AGENT, AND DEPOSITORY BANK; AND MAKING
OTHER PROVISIONS AS THE BONDS.

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

RESOLUTION - WHEELING ISLAND PIER PROJECT APPLICATION - WV DIVISION OF
HIGHWAYS

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF
WHEELING TO SUPPORT THE WHEELING ISLAND PIER
PROJECT APPLICATION - WV DIVISION OF HIGHWAYS.

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

THOSE WISHING TO BE HEARD

Charles Ballouz, Windsor Manor, addressed Council about enforcement of the
vicious dog ordinance.

Sam Marshall and Kate Marshall, 113 N. 21st St.; Patricia Jacobson, 20 Fairfax
Drive; Grace Norton, 427 Hazlett Avenue and Bob Heier, spoke against the Green Hunter
Project in Warwood. Ms. Jacobson presented a petition that contained typed signatures to
Council in opposition to the fracking plant.

Geneva Barrax, 89 Finch Avenue and Reverend Jeremiah Jasper, 5 Poplar
Avenue, spoke in opposition to reducing the Human Rights Commission Budget.

There being no further business, Mr. Henry moved, seconded by Mr. Atkinson, to
adjourn. Motion carried. Time: 12:50 p.m.

City Clerk

Mayor

AGENDA

Wheeling, West Virginia
DATE: July 2, 2013

CONVENED: _____

ADJOURNED: _____

INVOCATION:

ROLL CALL

READING OF THE MINUTES - June 18, 2013

MAYOR'S REPORT

1. CLERK'S REPORT

1. Notice of Application to Operate a Private Club - Cilantro, LLC, located at 56 Carmel Road

2. UNFINISHED BUSINESS

1. SNF Polydyne - Polymer (WPCD)

HELD OVER: Historic Landmarks Commission Minutes - 5/2/13; Planning Commission Minutes - 5/13/13; Planning Commission Report - 6/13/13; CDBG Building Demolition Report - 6/10/13; CDBG Program Status Report - 5/31/13; HOME Program Status Report - 5/31/13; Wheeling Municipal Parking System Financial Statement - 4/30/13; Robert C. Byrd Intermodal Transportation Center Financial Statement - 4/30/13; Wheeling Housing Authority Minutes - 4/10/13; Financial Statement - 5/31/13.

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

1. Finance Committee Report - June 18, 2013

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Historic Landmarks Commission - Report to Council 6/17/13
2. Wheeling Housing Authority Minutes - 5/8/13
3. Board of Zoning Appeals Minutes - 5/16/13
4. Human Rights Commission Minutes - 5/20/13
5. Greater Wheeling Sports & Entertainment Authority Minutes - 5/28/13
6. Greater Wheeling Sports & Entertainment Authority Income Statement - 5/31/13
7. Greater Wheeling Sports & Entertainment Authority Budget - FY 2013-14

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Wheeling Area Chamber of Commerce - 2013 City of Lights
2. Zone Change - 3604, 3606, 3608 Wood Street - R-4 to I-2
3. Wells Fargo Insurance - Excess Liability Workers Compensation Policy - FY 2013-2014
4. Ohio County Board of Education - Garden Park Recreation Complex - FY 2013-14
5. Staley Communications - Digital Portable Radios (**Fire**)
6. Resolution - Identifying 56 Carmel Road as a Development/Redevelopment Site.

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 June 4, 2013 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 - Amending Codified Ordinances - Article 787 - Modifications to Privilege Tax”

City Manager Robert Herron explained that this proposed ordinance modifies the Business and Occupation Tax that is imposed on manufacturing, retail and amusement. He stated that it eliminates the B & O taxes on manufacturing and amusement and reduces the B & O Tax on retail from .39% to .29%.

Mr. Fahey thanked the City Manager for going forward with this effort to reduce the burden on businesses. The Mayor noted that no one signed up to speak at this public hearing.

Mr. Fahey moved, seconded by Mr. Henry, to conclude this public hearing and begin the next public hearing. Motion carried.

“Public Hearing - Amending Codified Ordinances - Article 796 - Consumers Sales & Use Tax”

City Manager Herron explained that the City went before the Home Rule Board to request an amendment to the City’s Consumer’s Sales & Use Tax. The proposal before City Council today is to impose a .05 percent tax. The exclusions are prepared foods, automobiles, and gasoline. John Lane spoke in opposition to this increase. Martha Carra, 124 Columbia Avenue, addressed Council, not in opposition, but for an explanation of the proposed change.

Mr. Fahey moved, seconded by Mr. Henry, to conclude this public hearing and begin the next public hearing. Motion carried.’

“Public Hearing - Lease with Youth Service System, Inc. - Former Lincoln School Property”

City Manager Herron explained that anytime the City enters into a lease for city-owned property, a public hearing is required. Mr. Herron said that the building was transferred to Youth Service System, Inc. several weeks ago; however, this is a land lease for the property.

As no one signed up to speak at this public hearing, Mr. Fahey moved, seconded by Mr. Henry, to conclude the public hearing and return to the regular order of business. Motion carried.

MAYOR’S REPORT

Mayor McKenzie reminded everyone about the Sesquicentennial Events that will be taking place this week, starting tomorrow. The Governor and Legislature will all be in town and many public events will be taking place. A schedule of events is available on the city’s website.

CLERK’S REPORT

Notice of Application to Operate a Private Club - Later Alligator, LLC, located at 2145 Market St.

City Clerk Janice Jones presented Council with a Notice of Application to

Operate a Private Club for Later Alligator, located at 2145 Market St. The applicant is Susan Haddad.

UNFINISHED BUSINESS

JCI JONES CHEMICAL, INC. - LIQUID CHLORINE (WPCD)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$15,450.00, WITH JCI JONES CHEMICAL INC. , OF BARBERTON, OH, FOR THE PURCHASE OF 50 TONS OF LIQUID CHLORINE, TO BE CHARGED TO WATER POLLUTION CONTROL DIV.- 401.4003.02.0743.19 - CHEMICALS (FY 2013-2014).

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 BILSULFITE (WPCD)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$28,800.00 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 (FY 2013-2014).

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 - POWDERED ACTIVATED CARBON (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$61,600.00, WITH UNIVAR, OF BUNOLA, PA, FOR THE PURCHASE OF 80,000 LBS. OF POWDERED ACTIVATED CARBON, TO BE CHARGED TO WATER TREATMENT - 400.4012.03.0641.00.(FY 2013-2014).

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 - POTASSIUM PERMANGANATE (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$35,364.00 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 2013-2014).

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 - CATIONIC POLYMER (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$7,668.00 WITH SAL CHEMICAL, OF WEIRTON, WV, FOR THE PURCHASE OF 13,500 LBS. OF CATIONIC POLYMER, TO BE CHARGED TO WATER TREATMENT - 400-4012-03-0641-00 (FY 2013-2014).

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.

JCI JONES CHEMICAL, INC. - CHLORINE (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$16,068.00, WITH JCI JONES CHEMICAL INC. , OF BARBERTON, OH, FOR THE PURCHASE OF 52 TONS OF CHLORINE, TO BE CHARGED TO WATER TREATMENT - 400.4012.03.0641.00 (FY 2013-2014).

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 2013-2014).

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.

CARUS CORPORATION - PHOSPHATE LIQUID CORROSION INHIBITOR (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$41,400.00 WITH CARUS CORPORATION, OF PERU, IL, FOR THE PURCHASE OF 100,000 LBS. OF PHOSPHATE LIQUID CORROSION INHIBITOR, TO BE CHARGED TO WATER TREATMENT - 400.4012.03.0641.00.(FY 2013-2014).

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 \$18,700.00 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 2013-2014).

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.

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 \$27,400.00 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 2013-2014).

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.

JAMES WHITE CONSTRUCTION - MARKET PLAZA WATER TAPS (WATER)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN THE AMOUNT OF \$149,590.00 WITH JAMES WHITE CONSTRUCTION CO., OF WEIRTON, WV, FOR MARKET PLAZA WATER TAPS, TO BE CHARGED TO WATER DISTRIBUTION - 400.4013.04.0665.01.

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.

AMENDING CODIFIED ORDINANCES - ARTICLE 796 - CONSUMERS SALES AND USE TAXES

The following was then read:

AN ORDINANCE TO AMEND THE ORDINANCES FOR THE CITY OF WHEELING, WEST VIRGINIA, BY ENACTING A NEW ARTICLE UNDER PART SEVEN OF THE BUSINESS AND TAXATION CODE TO PROVIDE FOR ARTICLE 796 UNDER CHAPTER FIVE ENTITLED: CONSUMERS SALES AND USE TAXES, TO IMPOSE A COMPLIMENTARY CONSUMERS SALES AND SERVICE TAX AND A COMPLIMENTARY USE TAX.

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 787 - MODIFICATIONS TO PRIVILEGE TAX

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING THE CODIFIED ORDINANCES OF THE CITY OF WHEELING BY AMENDING AND REENACTING SECTIONS OF ARTICLE 787, PRIVILEGE TAX, TO PROVIDE FOR MODIFICATIONS IN THE AMOUNT OF PRIVILEGE TAX PURSUANT TO THE AUTHORITY PROVIDED IN WEST VIRGINIA CODE § 8-13 et seq. FOR THREE CATEGORIES OF TAXPAYERS AS CLASSIFIED UNDER SECTIONS 787.03(b) (c) AND (e) OF THE BUSINESS REGULATION AND TAXATION CODE 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.

ADOPTING TRAFFIC RULE NO. 4435 - ELIMINATE 2 HR. PARKING - N. & S. SIDES OF 13TH STREET BETWEEN JACOB & BYRON STREETS

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF

WHEELING ADOPTING TRAFFIC RULE NO. 4435.

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. 4436 - ELIMINATE 2 HR. PARKING - EAST & WEST SIDES OF JACOB STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4436.

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. 4437 - ELIMINATE 2 HR. PARKING - EAST & WEST SIDES OF BYRON STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4437.

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. 4438 - HANDICAPPED PARKING - 1903 WARWOOD AVENUE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4438.

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. 4439 - NO PARKING ZONE - ACROSS FROM 13 PALLISTER ROAD

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4439.

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. 4440 - NO PARKING FIRE ZONE - WEST SIDE OF RIDGE STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4440

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. 4441 - NO PARKING ZONE - IN THE ALLEY ON LANE 14

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4441.

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 Wheeling Traffic Commission Minutes - 05/09/13; Wheeling Human Rights Commission Minutes - 4/29/13; Wheeling-Ohio County Board of Health Minutes - 03/12/13; Greater Wheeling Sports & Entertainment Authority Income Statement - 03/31/13 & 04/30/13; and Greater Wheeling Sports & Entertainment Authority Minutes - 04/23/13, which were held over, be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Miller reported that the 4th Ward meeting scheduled for tomorrow, June 19th, has been postponed until July. He commented that he has received many positive comments about the planning for the Sesquicentennial Celebration.

Mr. Fahey reported that he had received a letter from Dr. Ben Stout, professor at WJU in regard to the proposed Green Hunter proposed project. He said that he disagrees with Dr. Stout that the "City is on its own." He said that it is well beyond the scope of authority of City Council to make decisions based on the Clean Air Act or the Clean Water Act. The decision before us is merely zoning compliance.

REPORT OF COMMITTEES

DEVELOPMENT COMMITTEE REPORT - JUNE 4, 2013

The Development Committee of Wheeling City Council met on Tuesday, June 4, 2013 at 12:40 p.m. in City Council Chambers. Committee members present: Mayor Andy McKenzie and Vice Chair Gloria Delbrugge. Others present: Councilor Donnie Atkinson. Others present: City Manager Robert Herron, Finance Director Michael Klug, Economic and Ecommunity Development Director Nancy Prager, ECD Assistant Director Tom Connelly, City Clerk Janice Jones and the media.

The following matter was discussed:

Request by Bruce Wilson that the City consider selling/leasing the old railroad property behind their building on 31st St., near the old LaBelle Plant.

Mr. Wilson called prior to the meeting and indicated that he was unable to attend.

Request by Cilantro, LLC, Charles Schlegel, to have the property located at 56 Carmel Road designated as a Redevelopment Site for the purpose of obtaining beer only licensing.

City Manager Robert Herron explained that Assistant ECD Director Tom Connelly has done a review of the proposal as it pertains to the 1,000 ft. rule. Mr. Connelly then reviewed this with the committee. Mr. Jacob Altmeyer, attorney for Mr. Schlegel, addressed the Committee on his behalf. In response to a question from Mrs. Delbrugge about video lottery machines, Mr. Altmeyer indicated that they have no plans to install video lottery machines at this location. He also said that there are not many tables and it will mainly be a take out business. Following a short discussion, Mayor McKenzie moved, seconded by Mrs. Delbrugge, to designate 56 Carmel Road as a Development/Redevelopment Site. Motion carried.

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

There being no further business to come before the Committee, Mrs. Delbrugge moved, seconded by Mayor McKenzie, to adjourn. Time: 12:50 p.m.

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

REPORT OF CITY MANAGER

City Manager Robert Herron reported to Council that nine proposals were received in regard to the update of the Comprehensive Plan. The Comprehensive Plan Committee will meet on June 25th to review the proposals and to make recommendations as to the top firms that will be submitted to the Planning Commission on July 8 and the Planning Commission will forward its recommendation to Council on July 16. The ordinance will then be

prepared and submitted for two readings in August.

Mr. Herron also reported, in regard to the sales tax increase, that a parcel map of all parcels within the city has been created and will be submitted to the State Tax Department. This will enable the State Tax Department to start giving notice to businesses that will be affected by this change. There is a 60 day waiting period for businesses and 120 day waiting period for catalog sales. It is anticipated that the revenue should start coming in around October 1, 2013, with full implementation by January 1, 2014.

City Manager Herron also reported that several members of Council visited Green Hunter's Plant in New Matamoras, OH a couple of weeks ago. This plant is similar to what they are planning on building in Warwood.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Atkinson, that the Historic Landmarks Commission Minutes, 5/2/13; Planning Commission Minutes - 5/13/13; Planning Commission Report - 6/13/13; CDBG Building Demolition Status Report, 6/10/13; CDBG Program Status Report, 5/31/13; HOME Program Status Report - 5/31/13; Wheeling Municipal Parking System Financial Statement - 4/30/13; Robert C. Byrd Intermodal Transportation Centre; Wheeling Housing Authority Minutes, 4/10/13 and Financial Statement, 5/31/13; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

SNF POLYDYNE - POLYMER (WPCD)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$163,744.00 WITH SNF POLYDYNE, OF RICEBORO, GA, FOR THE PURCHASE OF 16,000 GALLONS OF POLYMER, TO BE CHARGED TO WATER POLLUTION CONTROL DIVISION - 401.4003.02.0743.19. CHEMICALS (FY 2013-2014).

RESOLUTION - COMMUNITY PARTICIPATION GRANT APPLICATION - SESQUICENTENNIAL ACITIVITIES

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 - SESQUICENTENNIAL ACTIVITIES - PROJECT NO. 12CPGP0719N.

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

RESOLUTION - COMMUNITY PARTICIPATION GRANT APPLICATION - WHG SYMPHONY SESQUICENTENNIAL PERFORMANCE

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO RECEIVE \$10,000.00 FROM THE FISCAL YEAR 2013 GOVERNOR'S COMMUNITY PARTICIPATION PROGRAM FOR THE CITY OF WHEELING FOR THE WHEELING SYMPHONY ORCHESTRA SESQUICENTENNIAL PERFORMANCE - PROJECT NO. 11LEDA1756N.

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

RESOLUTION - LEASE - YOUTH SERVICE SYSTEMS, INC. - FORMER LINCOLN SCHOOL PROPERTY

The following as then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO EXECUTE A LONG TERM LEASE WITH YOUTH SERVICE SYSTEM, INC. FOR THE MUNICIPALLY OWNED REAL ESTATE UPON WHICH THE BUILDINGS, STRUCTURES AND IMPROVEMENTS, FORMERLY KNOWN AS LINCOLN SCHOOL, LOCATED ON CHAPLINE STREET/STONE BLVD. IN THE CITY OF WHEELING.

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

RESOLUTION - AUTHORIZING PAYMENT OF INVOICES - COMBINED WATERWORKS & SEWERAGE SYSTEM REVENUE BONDS - SERIES 2013

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING APPROVING INVOICES RELATING TO THE CONSTRUCTION AND OTHER SERVICES FOR THE WATER TREATMENT PLANT PROJECT AND AUTHORIZING PAYMENT THEREOF.

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

THOSE WISHING TO BE HEARD

Jane Hackett, Carmel Road, appeared before Council and submitted a petition in opposition to the opening of a new dining facility at 56 Carmel Road because of the noise and destruction of property.

Barbara Sweeney, 49 Birch Avenue, also spoke in opposition to the redevelopment site at 56 Carmel Road.

Charlie Schlegel, owner of the proposed restaurant, spoke and clarified that the restaurant will only be open until 8:00 p.m. daily. He also stated that it is mainly an eat in or take out restaurant.

There being no further business, Mr. Henry moved, seconded by Mr. Atkinson, to adjourn. Motion carried. Time: 6:10 p.m.

City Clerk

Mayor

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

The invocation was offered by Vice-Mayor Eugene Fahey.

On roll call, the following were present:

McKenzie, Delbrugge, Imer, Henry, Atkinson and Fahey - 6

Mr. Fahey moved, seconded by Mr. Henry, that the minutes of the June 18, 2013 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor McKenzie asked for Council's concurrence in the appointment of Jeanne Finstein to the Arts & Culture Commission. Mr. Fahey moved, seconded by Mr. Henry, Council's concurrence in the appointment. Motion carried.

Mayor McKenzie said that he received a very nice letter from Delegate Moore who was in Wheeling for the 150th Celebration and for the Legislative Interims. He also commended all those involved with the 150th Celebration for a great job.

He reminded everyone of the upcoming July 4th Celebration at the Heritage Port, with the Wheeling Symphony and Fireworks.

CLERK'S REPORT

City Clerk Janice Jones presented Council with a Notice of Application to Operate a Private Club for Cilantro, LLC, located at 56 Carmel Road. The applicant is Charles Schlegel.

UNFINISHED BUSINESS

SNF POLYDYNE - POLYMER (WPCD)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$163,744.00 WITH SNF POLYDYNE, OF RICEBORO, GA, FOR THE PURCHASE OF 16,000 GALLONS OF POLYMER, TO BE CHARGED TO WATER POLLUTION CONTROL DIVISION - 401.4003.02.0743.19. CHEMICALS (FY 2013-2014).

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 Historic Landmarks Commission Minutes, 5/2/13; Planning Commission Minutes - 5/13/13; Planning Commission

Report - 6/13/13;CDBG Building Demolition Status Report, 6/10/13; CDBG Program Status Report, 5/31/13;HOME Program Status Report - 5/31/13; Wheeling Municipal Parking System Financial Statement - 4/30/13; Robert C. Byrd Intermodal Transportation Centre; Wheeling Housing Authority Minutes, 4/10/13 and Financial Statement, 5/31/13; which were held over, be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Atkinson said that he also received positive feedback about the 150th Event. In addition, he reminded those present of the Car Show at Heritage Port on Sunday.

Mr. Fahey commented on the various roadway projects that are going on throughout the city and suggested that more traffic control might alleviate some of the congestion.

Mr. Herron said that he is aware of it and has talked to the Police Chief about it. He said that the WVDOH does not give us much notice when they close streets.

REPORT OF COMMITTEES

Mr. Fahey moved, seconded by Mr. Atkinson, to dispense with the reading of the minutes and accept them as received. Motion carried. For the record, they are as follows:

FINANCE COMMITTEE REPORT - JUNE 18, 2013

The Finance Committee of Wheeling City Council met on Tuesday, June 18, 2013 at 5:10 p.m. in City Council Chambers. Committee Members present: Chair Gene Fahey, Vice Chair David Miller and Member Don Atkinson. Others present: Mayor Andy McKenzie, Councilors Gloria Delbrugge, Ken Imer, and Robert Henry; City Manager Robert Herron, Finance Director Michael Klug, City Solicitor Rosemary Humway-Warmuth, Economic and Community Development Director Nancy Prager, City Clerk Janice Jones and the media.

The following was discussed:

Financial Statement - May 31, 2013

City Manager Robert Herron said that this statement reflects three payrolls in May as compared to last year's statement that reflected three payrolls in June. Mr. Herron reported, as of yesterday, that the revenue amount was \$31,127,000, which is \$90,000.00 below the budgeted amount. He commented that he feels confident that we will meet the budgeted amount before the end of the fiscal year. As for expenditures, we are at 95.3% of budget; however, he feels that we still have expenditures that will put us fairly close to what was budgeted. Following a short discussion, Mr. Atkinson moved, seconded by Mr. Miller, to accept the May 31, 2013 Financial Statement as presented. Motion carried.

Other Items for Discussion

Mr. Herron reported that bids were open this afternoon for the J. B. Chambers Sports Complex in East Wheeling. This project was bid in two different contracts. The Elks Playground, which is one of the contracts, is federally funded and based upon that, there are some matching funds that are required by Land, Water and Conservation Grants. The field portion of the project is the other contract for the project. The field portion came in at \$1,520,825.00 and the Elks Playground came in at \$560,985.00. Mr. Herron said that the City had budgeted \$400,000.00 for the Elk Playground portion of the contract, with \$22,000.00 coming from a Governor's Community Participation Grant. He is recommending that Council reprogram \$100,000.00, which was set aside for demolition, from the 2013 CDBG Budget to make up a portion of the difference for the Elks Playground with the balance of \$40,000.00 coming from other line items. There still would be \$115,000.00 remaining for demolition in the 2012 CDBG Budget. City Manager Herron explained to Council the State Historic Preservation requirements that are associated with any demolition project funded by CDBG. Following a short discussion, Mr. Atkinson moved, seconded by Mr. Miller, to approve the amendment to the CDBG budget. Motion carried.

There being no further business to come before the Committee, Mr. Atkinson moved, seconded by Mr. Miller to adjourn. Time: 5:22 p.m.

REPORT OF CITY MANAGER

City Manager Robert Herron reported that, in case of rain, the July 4th Wheeling

Symphony Program will be held in Wesbanco Arena. They will make the call fairly early in the day on the 4th. The event is free and open to the public.

Mr. Herron respectfully requested two readings on the ordinance with Staley Communications for digital radios for the Fire Department because of timing issues.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Henry, that the Historic Landmarks Commission Minutes, 6/17/13; Wheeling Housing Authority Minutes, 5/8/13; Board of Zoning Appeals Minutes, 5/16/13; Human Rights Commission Minutes, 5/20/13; Greater Wheeling Sports & Entertainment Authority Minutes, 5/28/13; Greater Wheeling Sports and Entertainment Authority Income Statement, 5/31/13; Greater Wheeling Sports & Entertainment Authority Budget - FY 2013-14 (available in the Clerk's Office); be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

WHEELING AREA CHAMBER OF COMMERCE - 2013 CITY OF LIGHTS

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$17,500.00 WITH THE WHEELING AREA CHAMBER OF COMMERCE FOR SUPPORT OF THE 2013 CITY OF LIGHTS FESTIVAL TO BE CHARGED TO COAL SEVERANCE 002.4412.50.2262.

ZONE CHANGE - 3604, 3606, 3608 WOOD STREET - R-4 TO I-2

The following was then read:

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF 3604, 3606, 3608 WOOD STREET FROM R-4 RESIDENTIAL, HIGH DENSITY TO I-2 GENERAL INDUSTRY.

WELLS FARGO INSURANCE - EXCESS LIABILITY WORKERS COMPENSATION POLICY - FY 2013-14

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$70,319.00 WITH WELLS FARGO INSURANCE SERVICES, OF WHEELING, WV, FOR EXCESS LIABILITY WORKERS' COMPENSATION POLICY (FY 2013 TO 2014), TO BE CHARGED TO CUSTODY ACCOUNT - WORKERS' COMPENSATION #2335830788.

OHIO COUNTY BOARD OF EDUCATION - GARDEN PARK RECREATION COMPLEX - FY 2013-14

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 2013-2014.

STALEY COMMUNICATION - DIGITAL PORTABLE RADIOS (**FIRE**)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO

EXPEND FUNDS IN THE AMOUNT OF \$36,590.48 WITH STALEY COMMUNICATION, OF WHEELING, WV, FOR 6 DIGITAL PORTABLE RADIOS AND ACCESSORIES, TO BE CHARGED TO FIREFIGHTER GRANT - 001.4706.20.2271.

Mr. Fahey moved, seconded by Mr. Henry, that this ordinance be read for a second time this evening and then voted upon. Motion carried.

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$36,590.48 WITH STALEY COMMUNICATION, OF WHEELING, WV, FOR 6 DIGITAL PORTABLE RADIOS AND ACCESSORIES, TO BE CHARGED TO FIREFIGHTER GRANT - 001.4706.20.2271.

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, Atkinson, Fahey - 6

NOES: - 0

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

RESOLUTION - IDENTIFYING 56 CARMEL ROAD AS A DEVELOPMENT /REDEVELOPMENT SITE

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING IDENTIFYING 56 CARMEL ROAD AS A DEVELOPMENT OR A REDEVELOPMENT SITE.

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

THOSE WISHING TO BE HEARD

Charles Ballous, 1143 Main Street, addressed Council about trash outside of a bar in the 1000 block of Main Street and the condition of the former Peking Garden restaurant which he said has been empty for more than 15 years.

Tristan Kim, 821 Main St., addressed Council to ask the City reconsider the use of flouride as an additive to promote dental health in the water treatment process. He distributed information to Council.

Mr. Atkinson moved, seconded by Mr. Miller, to return to the regular order of business. Motion carried. Mr. Fahey remarked that he, too, has done research on these chemicals and found that there are as many positive remarks about flouride as there are negative. Council must be open to hear from both sides.

There being no further business, Mr. Henry moved, seconded by Mr. Atkinson, to adjourn. Motion carried. time: 12:30 p.m.

City Clerk

Mayor

AGENDA

Wheeling, West Virginia

DATE: July 16, 2013

CONVENED: _____

ADJOURNED:

INVOCATION:

ROLL CALL

READING OF THE MINUTES - July 2, 2013

“PUBLIC HEARING - REPROGRAMMING FY 2012 CDBG FUNDS - ELKS PLAYGROUND”

MAYOR’S REPORT

1. CLERK'S REPORT

2. UNFINISHED BUSINESS

1. Wheeling Area Chamber of Commerce - 2013 City of Lights
2. Zone Change - 3604, 3606, 3608 Wood Street - R-4 to I-2
3. Wells Fargo Insurance - Excess Liability Workers Compensation Policy - FY 2013-2014
4. Ohio County Board of Education - Garden Park Recreation Complex - FY 2013-14

HELD OVER: Historic Landmarks Commission - Report to Council 6/17/13; Wheeling Housing Authority Minutes - 5/8/13; Board of Zoning Appeals Minutes - 5/16/13; Human Rights Commission Minutes - 5/20/13; Greater Wheeling Sports & Entertainment Authority Minutes - 5/28/13; Greater Wheeling Sports & Entertainment Authority Income Statement - 5/31/13; Greater Wheeling Sports & Entertainment Authority Budget - FY 2013-14.

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

1. Development Committee Report - July 2, 2013
2. Rules Committee Report - July 8, 2013

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Planning Commission Minutes - 6/10/13
2. Planning Commission - Comprehensive Plan Committee - 6/25/13
3. Planning Commission - Report to Council - 7/11/13
4. Wheeling Municipal Parking System Financial Statement - 5/31/13
5. Robert C. Byrd Intermodal Transportation Center Financial Statement - 5/31/13
6. CDBG Program Status Report - 6/30/13
7. HOME Program Status Report - 6/30/13
8. Financial Statement - 6/30/13

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Berry, Bippus, Chison & Foose - General Liability Insurance - Various Depts. - FY 2013-2014
2. Resolution - HUD 108 Program- CDBG Section 108 Loan Repayment - Bank of New York Mellon
3. Resolution - Agreement - Governor’s Community Participation Grant - WV Day Concert
4. Resolution - Approving Invoices - Combined Waterworks and Sewerage System Revenue Bonds Series 2010B
5. Inducement Resolution for Windsor Manor Bonds
6. Resolution - Governor’s Community Participation Grant Application - Sesquicentennial Celebration
7. Progressive Bank - Refinancing Agreement - Centre Market Maintenance of Equipment
8. James White Construction - 15th Street Sidewalks Project (CDBG)
9. James White Construction - J.B. Chambers Recreation Park - Cont. I - Sports Field
10. James White Construction - J.B. Chambers Recreation Park - Cont. II - Elks Playground
11. Agreement - Financing - J. B. Chambers Recreation Park

THOSE WISHING TO BE HEARD

AGENDA

Wheeling, West Virginia

DATE: August 6, 2013

CONVENED: _____

ADJOURNED: _____

INVOCATION:

ROLL CALL

READING OF THE MINUTES - July 16, 2013

MAYOR'S REPORT

1. CLERK'S REPORT

2. UNFINISHED BUSINESS

1. Progressive Bank - Refinancing Agreement - Centre Market Maintenance of Equipment
2. James White Construction - 15th Street Sidewalks Project (CDBG)
3. James White Construction - J.B. Chambers Recreation Park - Cont. I - Sports Field
4. James White Construction - J.B. Chambers Recreation Park - Cont. II - Elks Playground
5. Agreement - Financing - J. B. Chambers Recreation Park

HELD OVER: Planning Commission Minutes - 6/10/13; Planning Commission - Comprehensive Plan Committee - 6/25/13; Planning Commission - Report to Council - 7/11/13; Wheeling Municipal Parking System Financial Statement - 5/31/13; Robert C. Byrd Intermodal Transportation Center Financial Statement - 5/31/13; CDBG Program Status Report - 6/30/13; HOME Program Status Report - 6/30/13; Financial Statement - 6/30/13.

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

1. Finance Committee Report - July 16, 2013

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Historic Landmarks Commission Minutes - 6/6/13
2. Wheeling-Ohio County Board of Health Minutes - 5/14/13
3. Wheeling Housing Authority Minutes - 6/12/13
4. Board of Zoning Appeals Minutes - 6/24/13
5. Wheeling Traffic Commission Minutes - 7/11/13
6. Wheeling Human Rights Commission Annual Report - FY 2012-2013
7. Wheeling Human Rights Commission Minutes - 6/24/13
8. Wheeling Municipal Parking System Financial Statement - 6/30/13
9. Robert C. Byrd Intermodal Transportation Center Financial Statement - 6/30/13

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Adopting Traffic Rule No. 4443 - Handicapped Parking - 514 Lane B
2. Adopting Traffic Rule No. 4444 - Handicapped Parking - 2513 Eoff St.
3. Adopting Traffic Rule No. 4445 - Handicapped Parking - 504 Richland Ave.
4. Adopting Traffic Rule No. 4446 - Handicapped Parking - 151 - 19th St.
5. Adopting Traffic Rule No. 4447 - Handicapped Parking - 64 - 22nd St.
6. Adopting Traffic Rule No. 4448 - No Parking Zone across from 30 Ridgewood Ave.
7. Adopting Traffic Rule No. 4449 - No Parking Zone - East & West Sds. Of Water St.
8. Adopting Traffic Rule No. 4450 - 2 Hr. Parking Meter Zone - East Sd. Of Water St.
9. Adopting Traffic Rule No. 4451 - 2 Hr. Parking Meter Zone - West Sd. Of Water St.
10. Adopting Traffic Rule No. 4452 - No Parking Zone - West Side of Summit St.
11. Adopting Traffic Rule No. 4453 - Unrestricted Parking Zone - South Sd. Of 14th St.
12. Reclaim Company, LLC - Remediation and Demolition of Wheeling Island Shooting Range (RCIP)
13. Resolution - Amending CDBG FY 2012 Budget - Elks Playground Project
14. Resolution - Approving Invoices - Combined Waterworks and Sewerage System Revenue Bonds Series 2010B
15. Resolution - Approving Invoices - Combined Waterworks and Sewerage System Revenue Bonds Series 2010B
16. Resolution - Approving Invoices - Combined Waterworks and Sewerage System Revenue Bonds Series 2013

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 July 2, 2013 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.

“PUBLIC HEARING - REPROGRAMMING FY 2012 CDBG FUNDS - ELKS PLAYGROUND”

City Manager Robert Herron explained that this proposed amendment to the CDBG budget includes transferring of \$42,619.00 from the Building Demolition Line Item to the Elks Playground Project Line Item. He noted that, under Original Propositions on this evening’s agenda, there is an ordinance awarding the contract for the Elks Playground Construction to James White Construction. Mr. Herron pointed out that some concern has been expressed about using building demolition funds for this project, however, Mr. Herron said that there are funds still available in the FY 2012 General Fund Budget for demolition. He remarked, however, that the state historic preservation process required for use of CDBG funds for building demolition is very lengthy and administratively intense. Economic Development Director Nancy Prager explained the SHPO process that buildings utilizing federal funds are required to go through.

Charles Ballouz, 1143 Main Street, spoke in opposition of using CDBG funds for the Elks Playground.

Stephanie Hall, Wheeling Island resident, addressed Council and said that several of her questions were answered with Mr. Herron’s explanation of the process.

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 asked for Council’s concurrence in the reappointments of David Croft, Kevin Duffin, R. Clark Morton, Edward George III, to the Greater Wheeling Sports and Entertainment Authority. Mr. Fahey moved, seconded by Mr. Henry, Council’s concurrence in the reappointments. Motion carried. All in favor. Mr. Fahey moved, seconded by Mr. Henry, Council’s concurrence in the reappointment of Kimberly Miller to the Greater Wheeling Sports and Entertainment Authority. Motion carried. Mr. Miller abstained as Kimberly Miller is his wife.

UNFINISHED BUSINESS

WHEELING AREA CHAMBER OF COMMERCE - 2013 CITY OF LIGHTS

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$17,500.00 WITH THE WHEELING AREA CHAMBER OF COMMERCE FOR SUPPORT OF THE 2013 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.

ZONE CHANGE - 3604, 3606, 3608 WOOD STREET - R-4 TO I-2

The following was then read:

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF 3604, 3606, 3608 WOOD STREET FROM R-4 RESIDENTIAL, HIGH DENSITY TO I-2 GENERAL INDUSTRY.

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.

WELLS FARGO INSURANCE - EXCESS LIABILITY WORKERS COMPENSATION POLICY - FY 2013-14

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$70,319.00 WITH WELLS FARGO INSURANCE SERVICES, OF WHEELING, WV, FOR EXCESS LIABILITY WORKERS' COMPENSATION POLICY (FY 2013 TO 2014), TO BE CHARGED TO CUSTODY ACCOUNT - WORKERS' COMPENSATION #2335830788.

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 - 6

NOES: - 0

A majority of all those elected to Council having voted in favor, the Mayor thereupon declared the ordinance adopted. Mayor McKenzie abstained from voting due to a possible conflict of interest.

OHIO COUNTY BOARD OF EDUCATION - GARDEN PARK RECREATION COMPLEX - FY 2013-14

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 2013-2014.

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 - 6

NOES: - 0

A majority of all those elected to Council having voted in favor, the Mayor thereupon declared the ordinance adopted. Mr. Miller abstained from voting as his wife is employed by Ohio County Schools.

Mr. Fahey moved, seconded by Mr. Henry, that the Historic Landmarks Commission Minutes, 6/17/13; Wheeling Housing Authority Minutes, 5/8/13; Board of Zoning Appeals Minutes, 5/16/13; Human Rights Commission Minutes, 5/20/13; Greater Wheeling Sports & Entertainment Authority Minutes, 5/28/13; Greater Wheeling Sports and Entertainment Authority Income Statement, 5/31/13; Greater Wheeling Sports & Entertainment Authority Budget - FY 2013-14 (available in the Clerk's Office); which were held over, be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mrs. Delbrugge inquired about the start date of the Water Treatment Plant Project. Mr. Herron said that a Notice to Proceed has been issued and construction is to begin very soon.

Mr. Fahey commented on various highway projects throughout the city and the fact that traffic is flowing normally again.

REPORT OF COMMITTEES

Mr. Fahey moved, seconded by Mrs. Delbrugge, to dispense with the reading of the minutes and accept them as received. As a matter of record, they are as follows:

DEVELOPMENT COMMITTEE REPORT - JULY 2, 2013

The Development Committee of Wheeling City Council met on Tuesday, July 2, 2013 at 11:30 a.m. in City Council Chambers. Committee members present: Mayor Andy McKenzie, Vice Chair Gloria Delbrugge and Member Gene Fahey. Others present: Councilors Donnie Atkinson, Robert Henry, Ken Imer; City Manager Robert Herron, Finance Director Michael Klug, City Solicitor Rosemary Humway-Warmuth, Economic and Community Development Director Nancy Prager, ECD Assistant Director Tom Connelly, City Clerk Janice Jones and the media.

The following matter was discussed:

Discussion of Church of God and Saints of Christ interest in Tank Field.

City Manager Robert Herron said that he had received a letter from Melvin Williams, on behalf of the Church of God and Saints of Christ, to lease or purchase the property at Tank Field. Mr. Williams explained that the church's plans include construction of a building near the baseball field to host its summer camps and other community outreach activities, as well as renovation of the field, basketball and tennis courts for continued public use. Committee Member Gene Fahey questioned whether the church would move to this location as their current location is in deteriorating condition. City Manager Robert Herron informed Mr. Williams that there is a deed restriction that requires it be used for outdoor recreation - a condition attached to the use of a Federal Land and Water Conservation Grant used to build the park. Mr. Herron also pointed out that the city would require assurance that the Woodsdale Baseball Association, which has scheduled games at this location and has contributed financially to its maintenance, would still be able to use the facility. Mayor McKenzie commented that an outright transfer would not be possible; however, a lease agreement could be an option. The committee decided to have the Engineering Department determine the property's boundaries and the committee will revisit the issue at a later date.

There being no further business to come before the Committee, Mrs. Delbrugge moved, seconded by Mayor McKenzie, to adjourn. Time: 11:46 a.m.

Mr. Miller moved, seconded by Mr. Henry, to dispense with the reading of the Rules Committee Report and accept them as received. For the record, they are as follows:

RULES COMMITTEE REPORT - JULY 8, 2013

The Rules Committee of Wheeling City Council met on Monday, July 8, 2013 at 9:030 a.m. in City Council Chambers. Committee members present: Chair David Miller, Vice Chair Gene Fahey, Member Robert Henry. Others present: Councilors Donnie Atkinson and Gloria Delbrugge; City Manager Robert Herron, City Solicitor Rosemary Humway-Warmuth, Clerk Janice Jones and the media.

The following matter was discussed:

Human Rights Commission - Duties and Responsibilities

City Manager Robert Herron presented a draft of a new ordinance to replace the one that was enacted to create the commission more than 50 years ago. Mr. Herron explained that the changes he is proposing reflects Council's decision earlier this year to cut the local commission's budget by 79% and would avoid duplication of services offered by the WV Human Rights Commission. Human Rights Commission Chair, Rabbi Beth Jacowitz Chottiner, addressed the Committee. Mayor McKenzie asked the HRC Commission members present if they thought they could effectively operate on the reduced budget of \$14,000.00 to which it appeared that the Commission wished to have an opportunity to do so. Various comments were made by members of the Committee, as well as the Mayor. Some of the suggestions included reducing the number of commissioners from nine to seven and that the City Manager will be the appointing authority. Mr. Fahey moved, seconded by Mr. Henry, to have the City Manager and the Legal Department work to incorporate the suggestions made at the Committee meeting into a revised ordinance for consideration of City Council.

There being no further business to come before the Committee, Mr. Fahey moved, seconded by Mr. Henry, to adjourn. Time: 9: 40 a.m.

REPORT OF CITY MANAGER

City Manager Robert Herron respectfully requested that Item 9/1, under Original Propositions, for the City's General Liability Insurance be read two times this evening as it was received late and needs to be paid by July 26, 2013. Mr. Herron explained that Item 9/5, Inducement Resolution for Windsor Manor, are old industrial revenue bonds where qualified projects can come to a municipality or governmental agency and request that the city or county serve as a pass through for bonds for a qualified project. The Windsor Manor Renovation Project is about an \$8 million dollar project. There is no obligation to the city - it is purely a mechanism that provides low interest financing for qualified projects.

City Manager Herron recognized Assistant Fire Chief Tony Campbell and Public Works Director Russell Jebbia on their 35 years with the City of Wheeling. Mayor McKenzie offered his congratulations also and thanked both of them for their many years of dedicated service.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Henry, that the Planning Commission Minutes, 6/10/13; Planning Commission - Comprehensive Plan Committee Minutes, 6/25/13; Planning Commission - Report to Council, 7/11/13; Wheeling Municipal Parking System Financial Statement, 5/31/13; Robert C. Byrd Intermodal Transportation Center Financial Statement, 5/31/13; CDBG Program Status Report, 6/30/13; HOME Program Status Report, 6/30/13; Financial Statement, 6/30/13; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

BERRY, BIPPUS, CHISON & FOOSE - GENERAL LIABILITY INSURANCE - VARIOUS DEPTS. - FY 2013-14

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, 2013 - JUNE 30, 2014, IN THE AMOUNT OF \$897,100.00 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. Henry, that this ordinance be read for the 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, 2013 - JUNE 30, 2014, IN THE AMOUNT OF \$897,100.00 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. 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 - 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 \$157,936.25 FROM CDBG 2012-13 SECTION 108 LOAN REPAYMENT - #1513-012-140 FOR COSTS ASSOCIATED WITH HUD 108 PROGRAM.

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

RESOLUTION - AGREEMENT - GOVERNORS COMMUNITY PARTICIPATION GRANT - WV DAY CONCERT.

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO ACCEPT THE TERMS AND CONDITIONS OF THE CONTRACT RELATING TO THE 2013 COMMUNITY PARTICIPATION GRANT IN THE AMOUNT OF \$20,000.00 TO THE CITY OF WHEELING TO CONDUCT THE WEST VIRGINIA DAY CONCERT AT HERITAGE PORT- PROJECT NO. 10CPGP0988N.

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

RESOLUTION - APPROVING INVOICES - COMBINED WATERWORKS & SEWERAGE SYSTEM REVENUE BONDS - 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. Henry moved, seconded by Mrs. Delbrugge, that the Resolution be adopted.
Motion carried.

INDUCEMENT RESOLUTION FOR WINDSOR MANOR

The following was then read:

A RESOLUTION AUTHORIZING THE INITIAL APPROVAL
OF THE ISSUANCE OF BONDS FOR THE ACQUISITION,
REHABILITATION AND EQUIPPING OF WINDSOR MANOR.

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

RESOLUTION - GOVERNOR'S COMMUNITY PARTICIPATION GRANT APPLICATION -
SESQUICENTENNIAL CELEBRATION

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING
TO RECEIVE \$20,000.00 FROM THE FISCAL YEAR 2011
COMMUNITY PARTICIPATION GRANT PROGRAM FOR
THE CITY OF WHEELING SESQUICENTENNIAL
CELEBRATION - PROJECT NO. 11LEDA1764N.

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

PROGRESSIVE BANK - REFINANCING AGREEMENT - CENTRE MARKET
MAINTENANCE OF EQUIPMENT

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO
ENTER INTO AND EXECUTE THE APPROPRIATE RE-
FINANCING AGREEMENT TO EXPEND FUNDS IN AN
AMOUNT NOT TO EXCEED SEVENTY FIVE THOUSAND
DOLLARS (\$75,000.00) FOR THE PAYMENT OF
EQUIPMENT AND SERVICES RELATED TO
MAINTENANCE AT THE CENTRE MARKET, TO BE
FINANCED WITH PROGRESSIVE BANK, OF WHEELING,
WV.

JAMES WHITE CONSTRUCTION - 15TH STREET SIDEWALKS PROJECT (CDBG)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO
ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN
THE AMOUNT OF \$84,000.00 WITH JAMES WHITE
CONSTRUCTION CO., OF WEIRTON, WV, FOR THE 15TH
STREET SIDEWALKS PROJECT, TO BE CHARGED TO
CDBG - FY 2013 - #1507-013-220.

JAMES WHITE CONSTRUCTION - J.B. CHAMBERS RECREATION PARK - CONT. I -
SPORTS FIELD

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO

ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN THE AMOUNT OF \$1,520,825.00 WITH JAMES WHITE CONSTRUCTION CO., OF WEIRTON, WV, FOR CONSTRUCTION SERVICES FOR THE J. B. CHAMBERS RECREATION PARK - CONTRACT NUMBER I, PARTICULAR TO THE CONSTRUCTION OF THE SPORTS FIELD, TO BE CHARGED TO J. B. CHAMBERS PROJECT FUND.

JAMES WHITE CONSTRUCTION - J. B. CHAMBERS RECREATION PARK - CONT. II - ELKS PLAYGROUND

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN THE AMOUNT OF \$560,985.00 WITH JAMES WHITE CONSTRUCTION CO., OF WEIRTON, WV, FOR CONSTRUCTION SERVICES FOR THE J. B. CHAMBERS RECREATION PARK - CONTRACT NUMBER II, PARTICULAR TO THE CONSTRUCTION OF THE ELKS PLAYGROUND, TO BE CHARGED TO CDBG - FY 2013 - #1509-013-110.

AGREEMENT - FINANCING - J. B. CHAMBERS RECREATION PARK

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE THE APPROPRIATE FINANCING AGREEMENT TO EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED ONE MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$1,150,000.00) FOR THE PAYMENT OF CONSTRUCTION SERVICES RELATED TO THE J. B. CHAMBERS RECREATION PARK, TO BE FINANCED WITH VARIOUS CITY LENDERS, INCLUDING MAIN STREET BANK AND PROGRESSIVE BANK OF WHEELING, WV.

THOSE WISHING TO BE HEARD

Bill O'Leary, 158 Paxton Avenue, addressed Council and reported that the National Night Out will be held on August 6, 2013 from 6:00 to 8:00 at Wheeling Park. He thanked all that helped with the event, especially Councilor Gloria Delbrugge. The second announcement was that Irish Road Bowling will be taking place on September 7, 2013 at Sonneborn Shelter.

There being no further business, Mr. Henry moved, seconded by Mr. Atkinson, to adjourn. Motion carried. Time: 6:10 p.m.

City Clerk

Mayor

AGENDA

Wheeling, West Virginia

DATE: August 20, 2013

CONVENED: _____

ADJOURNED:

INVOCATION:

ROLL CALL

READING OF THE MINUTES - August 6, 2013

MAYOR'S REPORT

1. CLERK'S REPORT

2. UNFINISHED BUSINESS

1. Adopting Traffic Rule No. 4443 - Handicapped Parking - 514 Lane B
2. Adopting Traffic Rule No. 4444 - Handicapped Parking - 2513 Eoff St.
3. Adopting Traffic Rule No. 4445 - Handicapped Parking - 504 Richland Ave.
4. Adopting Traffic Rule No. 4446 - Handicapped Parking - 151 - 19th St.
5. Adopting Traffic Rule No. 4447 - Handicapped Parking - 64 - 22nd St.
6. Adopting Traffic Rule No. 4448 - No Parking Zone across from 30 Ridgewood Ave.
7. Adopting Traffic Rule No. 4449 - No Parking Zone - East & West Sds. Of Water St.
8. Adopting Traffic Rule No. 4450 - 2 Hr. Parking Meter Zone - East Sd. Of Water St.
9. Adopting Traffic Rule No. 4451 - 2 Hr. Parking Meter Zone - West Sd. Of Water St.
10. Adopting Traffic Rule No. 4452 - No Parking Zone - West Side of Summit St.
11. Adopting Traffic Rule No. 4453 - Unrestricted Parking Zone - South Sd. Of 14th St.
12. Reclaim Company, LLC - Remediation and Demolition of Wheeling Island Shooting Range (**RCIP**)

HELD OVER: Historic Landmarks Commission Minutes - 6/6/13; Wheeling-Ohio County Board of Health Minutes - 5/14/13; Wheeling Housing Authority Minutes - 6/12/13; Board of Zoning Appeals Minutes - 6/24/13; Wheeling Traffic Commission Minutes - 7/11/13; Wheeling Human Rights Commission Annual Report - FY 2012-2013; Wheeling Human Rights Commission Minutes - 6/24/13;

Wheeling Municipal Parking System Financial Statement - 6/30/13; Robert C. Byrd Intermodal Transportation Center Financial Statement - 6/30/13

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Planning Commission Minutes - 7/8/13
2. Planning Commission Minutes - 7/11/13
3. Planning Commission Report - 8/14/13
4. Historic Landmarks Commission Minutes - 7/11/13
5. Board of Zoning Appeals Minutes - 7/18/13
6. CDBG Program Status Report - 7/31/13
7. HOME Program Status Report - 7/31/13
8. Planning Commission Annual Report - FY 2012-2013
9. Financial Statement - 7/31/13

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Agreement -HUD - Community Development Block Grant EY 2013 (**CDBG**)
2. Agreement - HUD - Home Investment Partnership Program (**CDBG**)
3. First Time Homebuyer Program - Northern Panhandle HOME Consortium - 2013 EY (**CDBG**)
4. Wheeling Police Department (**CDBG**)
5. Nelson Jordan Center (**CDBG**)
6. Wheeling Human Rights Commission (**CDBG**)
7. Seeing Hand Association (**CDBG**)
8. Soup Kitchen (**CDBG**)
9. Greater Wheeling Coalition for the Homeless (**CDBG**)
10. Wheeling Health Right (**CDBG**)
11. Demolition Liens - 2013
12. Agreement - Urban Design Ventures - CDBG/HOME Programs (**CDBG**)
13. Resolution - 2013 Community Participation Grant Agreement - Wesbanco Arena Ice/Floor Covering
14. Resolution - Approving Invoices - Combined Waterworks and Sewerage System Revenue Bonds Series 2013
15. Resolution - General Fund Budget Revision No. 1 - FY 2013-14
16. Resolution - Coal Severance Budget Revision No. 1 - FY 2013-14
17. Resolution - Approving Invoices - Combined Waterworks and Sewerage System Revenue Bonds Series 2006A

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 choir from the Church of God Saints of Christ opened the meeting with a song.

Mayor McKenzie expressed his gratitude to them for sharing their talent with us.

On roll call, the following were present:

McKenzie, Delbrugge, Imer, Henry, Atkinson and Fahey

- 6

Councilman Miller was absent.

Mr. Fahey moved, seconded by Mr. Henry, that the minutes of the July 16, 2013 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor McKenzie reported that there will be a reception for Deputy Chief Michael Van Kirk on Friday as he is retiring from the Police Department. Several other members of the Fire Department and Police Department will also be recognized at the reception.

UNFINISHED BUSINESS

PROGRESSIVE BANK - REFINANCING AGREEMENT - CENTRE MARKET MAINTENANCE OF EQUIPMENT

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE THE APPROPRIATE RE-FINANCING AGREEMENT TO EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00) FOR THE PAYMENT OF EQUIPMENT AND SERVICES RELATED TO MAINTENANCE AT THE CENTRE MARKET, TO BE FINANCED WITH PROGRESSIVE BANK, OF WHEELING, WV.

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.

JAMES WHITE CONSTRUCTION - 15TH STREET SIDEWALK PROJECT (CDBG)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN THE AMOUNT OF \$84,000.00 WITH JAMES WHITE CONSTRUCTION CO., OF WEIRTON, WV, FOR THE 15TH STREET SIDEWALKS PROJECT, TO BE CHARGED TO CDBG - FY 2013 - #1507-013-220.

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.

JAMES WHITE CONSTRUCTION - J.B. CHAMBERS RECREATION PARK - CONT. I - SPORTS FIELD

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN THE AMOUNT OF \$1,520,825.00 WITH JAMES WHITE CONSTRUCTION CO., OF WEIRTON, WV, FOR CONSTRUCTION SERVICES FOR THE J. B. CHAMBERS RECREATION PARK - CONTRACT NUMBER I, PARTICULAR TO THE CONSTRUCTION OF THE SPORTS FIELD, TO BE CHARGED TO J. B. CHAMBERS PROJECT 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, Atkinson, Fahey - 6

NOES: - 0

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

JAMES WHITE CONSTRUCTION - J.B. CHAMBERS RECREATION PARK - CONT. II - ELKS PLAYGROUND

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN THE AMOUNT OF \$560,985.00 WITH JAMES WHITE CONSTRUCTION CO., OF WEIRTON, WV, FOR CONSTRUCTION SERVICES FOR THE J. B. CHAMBERS RECREATION PARK - CONTRACT NUMBER II, PARTICULAR TO THE CONSTRUCTION OF THE ELKS PLAYGROUND, TO BE CHARGED TO CDBG - FY 2013 - #1509-013-110.

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, Atkinson, Fahey - 6

NOES: - 0

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

AGREEMENT - FINANCING - J.B. CHAMBERS RECREATION PARK

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE THE APPROPRIATE FINANCING AGREEMENT THROUGH ITS DEVELOPMENT PARTNER, THE OVADC, INC., TO EXPEND FUNDS IN AN

AMOUNT NOT TO EXCEED ONE MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$1,150,000.00) FOR THE PAYMENT OF CONSTRUCTION SERVICES RELATED TO THE J. B. CHAMBERS RECREATION PARK, TO BE FINANCED WITH VARIOUS CITY LENDERS, INCLUDING MAIN STREET BANK AND PROGRESSIVE BANK OF WHEELING, WV.

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, 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. Henry, that the Planning Commission Minutes - 6/10/13; Planning Commission - Comprehensive Plan Committee - 6/25/13; Planning Commission - Report to Council - 7/11/13; Wheeling Municipal Parking System Financial Statement - 5/31/13; Robert C. Byrd Intermodal Transportation Center Financial Statement - 5/31/13; CDBG Program Status Report - 6/30/13; HOME Program Status Report - 6/30/13; and Financial Statement - 6/30/13 which were held over, be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mrs. Delbrugge reminded everyone about "National Night Out" that will be taking place this evening at Wheeling Park Ice Rink from 6:00 p.m. to 8:00 p.m.

Mr. Atkinson congratulated Jeremy Morris and his committee on obtaining a grant of \$25,000 for a Dog Park in the City of Wheeling. He encouraged the City and Council to support their efforts in any way possible.

REPORT OF COMMITTEES

Mr. Fahey moved, seconded by Mrs. Delbrugge, to dispense with the reading of the Finance Committee Report for July 16, 2013 and accept them as received. As a matter of record, they are as follows:

FINANCE COMMITTEE REPORT - JULY 16, 2013

The Finance Committee of Wheeling City Council met on Tuesday, July 16, 2013 at 4:45 p.m. in City Council Chambers. Committee Members present: Chair Gene Fahey, Vice Chair David Miller and Member Don Atkinson. Others present: Mayor Andy McKenzie, Councilors Gloria Delbrugge, Ken Imer, and Robert Henry; City Manager Robert Herron, Finance Director Michael Klug, City Solicitor Rosemary Humway-Warmuth, Economic and Community Development Director Nancy Prager, Public Works Director Russell Jebbia, Fire Chief Larry Helms, City Clerk Janice Jones and the media.

The following was discussed:

Financial Statement - June 30, 2013

City Manager Robert Herron distributed an overview of FY 2012-2013 Revenues (see attached). He noted that it was a record year for revenues with the total for the fiscal year at \$30,702,473.00. That figure combined with the cash carryover of \$1,012,540.00, totalled \$31,715,013.00. He pointed out that the B & O revenue, along with the Bed Tax revenue, was slightly higher than the last two years. From an expenditure perspective, the revised amount, which included budget revisions, was \$31,459,880.00, slightly higher than the last two years. He indicated that the budget stabilization amount stayed the same as the past couple of years. The cash carryover for the General Fund Budget, as of June 30, 2013, is \$255,133.00 and the carryover for Coal Severance Budget is \$1,006.00. Mr. Atkinson moved, seconded by Mr. Miller, to approve the June 30, 2013 Financial Statement as presented. A question and answer period ensued.

General Fund Budget Revision No. 1 - FY 2013-14

City Manager Herron said that, included in the overview that was distributed (attached), are various line items that he is proposing be revised. He reviewed each line item and explained each proposed revision,

along with proposed Capitol Projects. He pointed out that the Capitol Projects are a result of anticipated sales tax revenue. Also included is a possible 2% wage increase for employees. Mr. Atkinson moved, seconded by Mr. Miller, to forward General Fund Budget Revision No. 1 to Council for final approval. Motion carried.

There being no further business to come before the Committee, Mr. Atkinson moved, seconded by Mr. Miller to adjourn. Time: 5:22 p.m.

REPORT OF CITY MANAGER

City Manager Robert Herron reminded Council that the Employee Appreciation Picnic will be taking place this Sunday at Wheeling Park. Mr. Herron recognized and presented a plaque to Operations Superintendent Joe Forrester for his 40 years of dedicated service to the City of Wheeling.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Henry, that the Historic Landmarks Commission Minutes - 6/6/13; Wheeling-Ohio County Board of Health Minutes - 5/14/13; Wheeling Housing Authority Minutes - 6/12/13; Board of Zoning Appeals Minutes - 6/24/13; Wheeling Traffic Commission Minutes - 7/11/13; Wheeling Human Rights Commission Annual Report - FY 2012-2013; Wheeling Human Rights Commission Minutes - 6/24/13; Wheeling Municipal Parking System Financial Statement - 6/30/13; Robert C. Byrd Intermodal Transportation Center Financial Statement - 6/30/13, be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

ADOPTING TRAFFIC RULE NO. 4443 - HANDICAPPED PARKING - 514 LANE B

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4443.

ADOPTING TRAFFIC RULE NO. 4444 - HANDICAPPED PARKING - 2513 EOFF ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4444.

ADOPTING TRAFFIC RULE NO. 4445 - HANDICAPPED PARKING - 504 RICHLAND AVE..

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4445.

ADOPTING TRAFFIC RULE NO. 4446 - HANDICAPPED PARKING - 151 - 19TH STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4446.

ADOPTING TRAFFIC RULE NO. 4447 - HANDICAPPED PARKING - 64 - 22ND ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4447.

ADOPTING TRAFFIC RULE NO. 4448 - NO PARKING ZONE ACROSS FROM 30 RIDGEWOOD AVENUE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4448.

ADOPTING TRAFFIC RULE NO. 4449 - NO PARKING ZONE - EAST & WEST SIDES OF
WATER STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4449.

ADOPTING TRAFFIC RULE NO. 4450 - 2 HOUR PARKING METER ZONE - EAST SIDE
OF WATER STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4450.

ADOPTING TRAFFIC RULE NO. 4451 - 2 HOUR PARKING METER ZONE - WEST SIDE
OF WATER STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4451.

ADOPTING TRAFFIC RULE NO. 4452 - NO PARKING ZONE - WEST SIDE OF SUMMIT
ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4452.

ADOPTING TRAFFIC RULE NO. 4453 - UNRESTRICTED PARKING ZONE - SOUTH SIDE
OF 14TH STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4453.

RECLAIM COMPANY, LLC - REMEDIATION AND DEMOLITION OF WHEELING
ISLAND SHOOTING RANGE (RCIP)

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO
ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN
THE AMOUNT OF \$75,000.00 WITH RECLAIM COMPANY,
LLC, OF FAIRMONT, WV, FOR REMEDIATION AND
DEMOLITION OF THE WHEELING ISLAND SHOOTING
RANGE, TO BE CHARGED TO RCIP ACCOUNT.

RESOLUTION - AMENDING CDBG FY 2012 BUDGET - ELKS PLAYGROUND PROJECT

The following was then read:

A RESOLUTION OF WHEELING CITY COUNCIL TO AMEND
THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
PROGRAM'S FISCAL YEAR 2012 BUDGET TO PROVIDE
ADDITIONAL FUNDING NEEDED TO PROCEED WITH THE
ELKS PLAYGROUND PROJECT.

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

RESOLUTION - APPROVING INVOICES - COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS 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. Henry moved, seconded by Mrs. Delbrugge, that the Resolution be adopted.
Motion carried.

RESOLUTION - APPROVING INVOICES - COMBINED WATERWORKS & SEWERAGE SYSTEM REVENUE BONDS - 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. Henry moved, seconded by Mrs. Delbrugge, that the Resolution be adopted.
Motion carried.

RESOLUTION - APPROVING INVOICES - COMBINED WATERWORKS & SEWERAGE SYSTEM REVENUE BONDS - SERIES 2013

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

Charles Ballouz, 1143 Main Street, appeared before Council to express his concern about litter in the downtown area.

There being no further business, Mr. Henry moved, seconded by Mr. Atkinson, to adjourn. Motion carried. Time: 12:25 p.m.

City Clerk

Mayor

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

The invocation was offered by Vice-Mayor Eugene Fahey.

On roll call, the following were present:

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

Mr. Fahey moved, seconded by Mr. Henry, that the minutes of the August 6, 2013 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor McKenzie asked for Council's concurrence in the appointment of Michael Hooper to the Wheeling Housing Authority. Mr. Fahey moved, seconded by Mr. Henry, Council's concurrence in the appointment of Michael Hooper to the Wheeling Housing Authority. Motion carried.

Mayor McKenzie announced that the Wine and Jazz Festival will take place on Saturday, August 24th at the Heritage Port. He also announced that the River City Music Festival will be celebrating its 4th year starting on Thursday, August 22nd.

Mayor McKenzie commented on the recent West Virginia Municipal League Conference that was held on August 6 through 9 in Charleston, WV. A lot of the topics of discussion dealt with Home Rule and the role the City of Wheeling played in bringing this to the forefront.

UNFINISHED BUSINESS

ADOPTING TRAFFIC RULE NO. 4443 - HANDICAPPED PARKING - 514 LANE B

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4443.

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. 4444 - HANDICAPPED PARKING - 2513 EOFF ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4444.

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. 4445 - HANDICAPPED PARKING - 504 RICHLAND AVE..

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4445.

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. 4446 - HANDICAPPED PARKING - 151 - 19TH STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4446.

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. 4447 - HANDICAPPED PARKING - 64 - 22ND ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4447.

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. 4448 - NO PARKING ZONE ACROSS FROM 30 RIDGEWOOD AVENUE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4448.

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

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

ADOPTING TRAFFIC RULE NO. 4449 - NO PARKING ZONE - EAST & WEST SIDES OF WATER STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4449.

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. 4450 - 2 HOUR PARKING METER ZONE - EAST SIDE OF WATER STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4450.

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. 4451 - 2 HOUR PARKING METER ZONE - WEST SIDE OF WATER STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4451.

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. 4452 - NO PARKING ZONE - WEST SIDE OF SUMMIT ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4452.

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. 4453 - UNRESTRICTED PARKING ZONE - SOUTH SIDE OF 14TH STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4453.

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.

RECLAIM COMPANY, LLC - REMEDIATION AND DEMOLITION OF WHEELING ISLAND SHOOTING RANGE (RCIP)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN THE AMOUNT OF \$75,000.00 WITH RECLAIM COMPANY, LLC, OF FAIRMONT, WV, FOR REMEDIATION AND DEMOLITION OF THE WHEELING ISLAND SHOOTING

RANGE, TO BE CHARGED TO RCIP ACCOUNT.

The ordinance was read a second time by title. Mr. Imer 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 - 6/6/13; Wheeling-Ohio County Board of Health Minutes - 5/14/13; Wheeling Housing Authority Minutes - 6/12/13; Board of Zoning Appeals Minutes - 6/24/13; Wheeling Traffic Commission Minutes - 7/11/13; Wheeling Human Rights Commission Annual Report - FY 2012-2013; Wheeling Human Rights Commission Minutes - 6/24/13; Wheeling Municipal Parking System Financial Statement - 6/30/13; Robert C. Byrd Intermodal Transportation Center Financial Statement - 6/30/13, which were held over be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Atkinson brought to the Administration's attention the many signs that are polluting National Rd.

REPORT OF CITY MANAGER

City Manager Robert Herron reported that the City has received from the DEP Stormwater Management permit. On August 27th at 1:00 in City Council Chambers, a representative from the DEP will be here to talk about stormwater management and review the standards that are required. Staff members will participate; however, Council is also invited to attend.

He also talked about the Wine and Jazz Festival that will be held this coming week-end at Heritage Port and also the pre-event that will take place on Friday evening at Centre Market.

City Manager Herron said that a Request for Qualifications have been sent out for architectural design for improvements at Wesbanco Arena in anticipation of revenue from the new sales tax.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Atkinson, that the Planning Commission Minutes, 7/8/13; Planning Commission Minutes, 7/11/13; Planning Commission Report, 8/14/13; Historic Landmarks Commission Minutes, 7/11/13; Board of Zoning Appeals Minutes, 7/18/13; CDBG Program Status Report, 7/31/13; HOME Program Status Report, 7/31/13; Planning Commission Annual Report FY 2012-13; Financial Statement, 7/31/13; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

AGREEMENT - HUD - COMMUNITY DEVELOPMENT BLOCK GRANT EY 2013 (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

\$1,155,997.00 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 \$296,900.00 FOR 2013 EY HOME INVESTMENT PARTNERSHIP PROGRAM.

FIRST TIME HOMEBUYER PROGRAM - NORTHERN PANHANDLE HOME CONSORTIUM - 2013 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 \$296,900.00, AS PER HOUSING CONSORTIUM COOPERATION AGREEMENT, TO BE CHARGED TO 2013 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 \$50,026.00 WITH WHEELING POLICE DEPARTMENT, TO BE CHARGED TO CDBG 2013 EY PUBLIC SERVICES #1511-013-165.

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 \$33,000.00 WITH NELSON JORDAN CENTER, TO BE CHARGED TO CDBG 2013 EY PUBLIC SERVICES #1511-013-170.

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 \$14,000.00 WITH WHEELING HUMAN RIGHTS COMMISSION, TO BE CHARGED TO CDBG 2013 EY PUBLIC SERVICES #1511-013-160.

SEEING HAND ASSOCIATION (CDBG)

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$4,250.00 WITH SEEING HAND ASSOCIATION, TO BE CHARGED TO CDBG 2013 EY PUBLIC SERVICES #1511-013-180.

SOUP KITCHEN (CDBG)

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$5,000.00 WITH THE SOUP KITCHEN, TO BE CHARGED TO CDBG 2013 EY PUBLIC SERVICES #1511-013-140.

GREATER WHEELING COALITION FOR THE HOMELESS (CDBG)

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$5,000.00 WITH GREATER WHEELING COALITION FOR THE HOMLESS, TO BE CHARGED TO CDBG 2013 EY PUBLIC SERVICES #1511-013-130.

WHEELING HEALTH RIGHT (CDBG)

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$28,000.00 WITH WHEELING HEALTH RIGHT, TO BE CHARGED TO CDBG 2013 FY PUBLIC SERVICES #1511-013-150.

DEMOLITION LIENS 2013

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.

AGREEMENT - URBAN DESIGN VENTURES - CDBG/HOME PROGRAMS (CDBG)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO THE SECOND 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 2013 EY GENERAL ADMIN. - CONSULTING SERVICES - #1501-013-180.

RESOLUTION - 2013 COMMUNITY PARTICIPATION GRANT AGREEMENT - WESBANCO ARENA ICE/FLOOR COVERING

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO ACCEPT THE TERMS AND CONDITIONS OF THE CONTRACT RELATING TO THE 2013 COMMUNITY PARTICIPATION GRANT IN THE AMOUNT OF \$14,400.00 TO THE CITY OF WHEELING - WESBANCO ARENA ICE/FLOOR COVERING PROJECT - PROJECT NO. 13LEDA0646.

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

RESOLUTION - APPROVING INVOICES - COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE - SERIES 2013

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING APPROVING INVOICES RELATING TO THE CONSTRUCTION AND OTHER SERVICES FOR THE WATER TREATMENT PLANT PROJECT AND AUTHORIZING PAYMENT THEREOF.

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

RESOLUTION - GENERAL FUND BUDGET REVISION NO. 1 - FY 2013-14

The following was then read:

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

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

RESOLUTION - COAL SEVERANCE BUDGET REVISION NO. 1 - FY 2013-14

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. 1.

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

RESOLUTION - APPROVING INVOICES - COMBINED WATERWORKS & SEWERAGE SYSTEM REVENUE BONDS - SERIES 2006A

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

Bill O'Leary, Paxton Avenue, reiterated Mr. Atkinson's remarks about the number of signs on National Road. He also commented that we was glad to see security guards at the entrance for the City Council meeting.

There being no further business, Mr. Fahey moved, seconded by Mr. Atkinson, to adjourn. Motion carried. Time: 6:15 p.m.

AGENDA

Wheeling, West Virginia
DATE: September 3, 2013

CONVENED: _

ADJOURNED:

INVOCATION:

ROLL CALL

READING OF THE MINUTES - August 20, 2013

MAYOR'S REPORT

1. CLERK'S REPORT

1. Notice of Application to Operate a Private Club - Coffee & Tanning Hot Spot II - 1000 National Rd.

2. UNFINISHED BUSINESS

1. Agreement -HUD - Community Development Block Grant EY 2013 **(CDBG)**
2. Agreement - HUD - Home Investment Partnership Program **(CDBG)**
3. First Time Homebuyer Program - Northern Panhandle HOME Consortium - 2013 EY **(CDBG)**
4. Wheeling Police Department **(CDBG)**
5. Nelson Jordan Center **(CDBG)**
6. Wheeling Human Rights Commission **(CDBG)**
7. Seeing Hand Association **(CDBG)**
8. Soup Kitchen **(CDBG)**
9. Greater Wheeling Coalition for the Homeless **(CDBG)**
10. Wheeling Health Right **(CDBG)**
11. Demolition Liens - 2013
12. Agreement - Urban Design Ventures - CDBG/HOME Programs **(CDBG)**

HELD OVER: Planning Commission Minutes - 7/8/13; Planning Commission Minutes - 7/11/13; Planning Commission Report - 8/14/13; Historic Landmarks Commission Minutes - 7/11/13; Board of Zoning Appeals Minutes - 7/18/13; CDBG Program Status Report - 7/31/13; HOME Program Status Report - 7/31/13; Planning Commission Annual Report - FY 2012-2013; Financial Statement - 7/31/13.

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

1. Development Committee Report - 8/20/13
2. Finance Committee Report - 8/20/13

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Wheeling Housing Authority Minutes - 7/10/13
2. Wheeling Municipal Parking System Financial Statement - 7/31/13
3. Robert C. Byrd Intermodal Transportation Center Financial Statement - 7/31/13

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Adopting Traffic Rule No. 4454 - Handicapped Parking - 12 Cromwell St.
2. Adopting Traffic Rule No. 4455 - Handicapped Parking - 991 McColloch St.
3. Adopting Traffic Rule No. 4456 - No Parking Zone - 323 Chestnut St.
4. Adopting Traffic Rule No. 4457 - Commercial Loading Zone - Corner of 22nd & Main St.
5. Adopting Traffic Rule No. 4458 - 2 Hr. Parking Meter Zone - 20th & Market St.
6. Adopting Traffic Rule No. 4459 - 5 Hr. Parking Meter Zone - 16th & Market St.
7. Agreement - Tyler Technologies, Inc. - Web Services - On-Line Utility Billing
8. Agreement - Compass Point Planning, LLC - Comprehensive Plan Update
9. Zone Change - 200 - 406 Washington Ave & 1106 & 1108 Washington Ave. - R-1A to R-4
10. Transfer of 14 - 17th Street to ADC
11. Resolution - Agreement - Governor's Community Participation Grant - Governor Pierpont Statue
12. Resolution - Agreement - Governor's Community Participation Grant - Soup Kitchen
13. Resolution - Governor's Community Participation Grant Application - Heritage Port

THOSE WISHING TO BE HEARD

AGENDA

Wheeling, West Virginia
DATE: September 17, 2013

CONVENED: _____
ADJOURNED:

INVOCATION:

ROLL CALL

READING OF THE MINUTES - September 3, 2013

“PUBLIC HEARING - WINDSOR MANOR APARTMENTS PROJECT - CONDUIT MULTI-FAMILY HOUSING REVENUE BONDS - SERIES 2013”

“PUBLIC PERFORMANCE HEARING - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) AND HOME PARTNERSHIP PROGRAM (HOME) - FY 2012 AND FY 2012 CONSOLIDATED ACTION PLAN & EVALUATION (CAPER) REPORT”

MAYOR’S REPORT

1. CLERK'S REPORT

2. UNFINISHED BUSINESS

1. Adopting Traffic Rule No. 4454 - Handicapped Parking - 12 Cromwell St.
2. Adopting Traffic Rule No. 4455 - Handicapped Parking - 991 McColloch St.
3. Adopting Traffic Rule No. 4456 - No Parking Zone - 323 Chestnut St.
4. Adopting Traffic Rule No. 4457 - Commercial Loading Zone - Corner of 22nd & Main St.
5. Adopting Traffic Rule No. 4458 - 2 Hr. Parking Meter Zone - 20th & Market St.
6. Adopting Traffic Rule No. 4459 - 5 Hr. Parking Meter Zone - 16th & Market St.
7. Agreement - Tyler Technologies, Inc. - Web Services - On-Line Utility Billing
8. Agreement - Compass Point Planning, LLC - Comprehensive Plan Update
9. Transfer of 14 - 17th Street to ADC

HELD OVER: Wheeling Housing Authority Minutes - 7/10/13; Wheeling Municipal Parking System Financial Statement - 7/31/13; Robert C. Byrd Intermodal Transportation Center Financial Statement - 7/31/13.

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Wheeling Traffic Commission Minutes - 8/8/13
2. Wheeling-Ohio County Board of Health Minutes - 7/30/13
3. Greater Wheeling Sports & Entertainment Authority Minutes - 6/25/13
4. Greater Wheeling Sports & Entertainment Authority Financial Statement 7/31/13
5. CDBG Program Status Report - 8/31/13
6. HOME Program Status Report - 8/31/13
7. Financial Statement - 8/31/13
8. CDBG Building Demolition Status Report - 9/11/13

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Resolution - WV Department of Transportation - Safe Community/DUI Enforcement Grant
2. Resolution - Approving Invoices - Combined Waterworks and Sewerage System Revenue Bonds Series 2010B
3. Resolution - Approving Invoices - Combined Waterworks and Sewerage System Revenue Bonds Series 2013
4. Zone Change - 200 - 406 Washington Ave. - R-1A to R-4

THOSE WISHING TO BE HEARD

Wheeling, West Virginia
September 3, 2013

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 Wheeling Jesuit University student Kevin Figanik, who was tragically killed this week-end.

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 20, 2013 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor McKenzie presented Joan Wildpret, wife of Bob Wildpret, who courageously fought and lost his battle with prostate cancer, a proclamation recognizing September as National Prostate Cancer Awareness Month.

Mayor McKenzie expressed his appreciation to the Wheeling Police Department and their efforts in the tragic event that occurred this past week-end.

Mayor McKenzie announced that the First Friday event in downtown Wheeling will take place this upcoming week-end.

NOTICE OF APPLICATION TO OPERATE A PRIVATE CLUB - COFFEE & TANNING HOT SPOT II - 1000 NATIONAL ROAD

City Clerk Janice Jones presented Council with a Notice of Application to Operate a Private Club for Coffee & Tanning Hot Spot II, located at 1000 National Road. The applicants are Joseph Tellitocci and Jerry Nixon.

UNFINISHED BUSINESS

AGREEMENT - HUD - COMMUNITY DEVELOPMENT BLOCK GRANT EY 2013 (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 \$1,155,997.00 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 \$296,900.00 FOR 2013 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

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

FIRST TIME HOMEBUYER PROGRAM - NORTHERN PANHANDLE HOME CONSORTIUM - 2013 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 \$296,900.00, AS PER HOUSING CONSORTIUM COOPERATION AGREEMENT, TO BE CHARGED TO 2013 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

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

WHEELING POLICE DEPARTMENT (CDBG)

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$50,026.00 WITH WHEELING POLICE DEPARTMENT, TO BE CHARGED TO CDBG 2013 EY PUBLIC SERVICES #1511-013-165.

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

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

NELSON JORDAN CENTER (CDBG)

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$33,000.00 WITH NELSON JORDAN CENTER, TO BE CHARGED TO CDBG 2013 EY PUBLIC SERVICES #1511-013-170.

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

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

WHEELING HUMAN RIGHTS COMMISSION (CDBG)

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$14,000.00 WITH WHEELING HUMAN RIGHTS COMMISSION, TO BE CHARGED TO CDBG 2013 EY PUBLIC SERVICES #1511-013-160.

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

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

SEEING HAND ASSOCIATION (CDBG)

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$4,250.00 WITH SEEING HAND ASSOCIATION, TO BE CHARGED TO CDBG 2013 EY PUBLIC SERVICES #1511-013-180.

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.

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

SOUP KITCHEN (CDBG)

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$5,000.00 WITH THE SOUP KITCHEN, TO BE CHARGED TO CDBG 2013 EY PUBLIC SERVICES #1511-013-140.

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.

GREATER WHEELING COALITION FOR THE HOMELESS (CDBG)

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$5,000.00 WITH GREATER WHEELING COALITION FOR THE HOMLESS, TO BE CHARGED TO CDBG 2013 EY PUBLIC SERVICES #1511-013-130.

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 HEALTH RIGHT (CDBG)

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$28,000.00 WITH WHEELING HEALTH RIGHT, TO BE CHARGED TO CDBG 2013 FY PUBLIC SERVICES #1511-013-150.

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.

DEMOLITION LIENS 2013

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. 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 - URBAN DESIGN VENTURES - CDBG/HOME PROGRAMS (CDBG)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO THE SECOND 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 2013 EY GENERAL ADMIN. - CONSULTING SERVICES - #1501-013-180.

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, 7/8/13; Planning Commission Minutes, 7/11/13; Planning Commission Report, 8/14/13; Historic Landmarks Commission Minutes, 7/11/13; Board of Zoning Appeals Minutes, 7/18/13; CDBG Program Status Report, 7/31/13; HOME Program Status Report, 7/31/13; Planning Commission Annual Report FY 2012-13; Financial Statement, 7/31/13; which were held over, be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Atkinson brought to the Council's attention that he will be making a motion to amend Item 9/9, Zone Change Ordinance listed under Original Propositions on tonight's agenda. The motion will be to delete the two addresses on West Washington Avenue and have the amended ordinance read for a first time at the September 17 City Council meeting.

REPORT OF COMMITTEES

Mrs. Delbrugge moved, seconded by Mr. Fahey to dispense with the reading of the Development Committee minutes of 8/20/13 and accept them as received. Motion carried. For the record, they are as follows:

DEVELOPMENT COMMITTEE REPORT - AUGUST 20, 2013

The Development Committee of Wheeling City Council met on Tuesday, August 20, 2013 at 4:45 p.m. in City Council Chambers. Committee members present: Mayor Andy McKenzie, Vice Chair Gloria Delbrugg and Member Gene Fahey. Others present: Councilors Donnie Atkinson, Robert Henry, Ken Imer and David Miller; City Manager Robert Herron, Finance Director Michael Klug, City Solicitor Rosemary Humway-Warmuth, Economic and Community Development Director Nancy Prager, City Clerk Janice Jones and the media.

The following matters were discussed:

Discussion of Proposal from Marty Wachs for an Agroforest Center at Vineyard Hills.

Mr. Martin Wach was present to discuss and present his plans for the Vineyard Hills property and how he intends to utilize that which the city has control over. He is requesting permission to utilize the former Vineyard Hills site to establish an Agroforest Center. The hillside is divided into numerous parcels, some of which are owned by the Urban Renewal Authority, the City of Wheeling, the Wheeling Housing Authority and numerous private property owners. Mr. Wach is seeking permission to start preparing the garden areas and begin stock piling plant materials. A copy of his proposal is attached. A question and answer period ensued. Mayor McKenzie asked City Manager Herron what the process would be to move forward with this request. Mr. Herron said that if the Development Committee wished to move forward, then the Administration could develop a Request for Proposals so that other interested parties would have the opportunity to submit a proposal for a project. The proposals would then be reviewed by City Council and a decision would be made. In response to a question from Mr. Fahey, Mr. Herron said that we would have to verify ownership and uses as some of the property may be on City Commons and have deed restrictions associated with it. In response to another question from Mr. Fahey, Mr. Herron said that reasonable time frame parameters could be included in the lease. Mr. Fahey moved, seconded by Mrs. Delbrugge, to request that the City Manager, develop a Request for Proposal for this site. Motion carried.

Discussion of Historic Landmarks Commission's Request for Proposals

City Manager Robert Herron said that the Mayor's Committee on Historic Preservation put together a Request for Proposals for eight properties that the City owns. Several proposals have been received and the Mayor's Committee on Historic Preservation has made recommendations, which will be discussed in an executive session. Prior to going into executive session, the Development Committee recognized Heather Slack of Kristoffy Real Estate, who presented her proposals for 126 15th Street and 1513, 1515, and 1517 Wood Street. Mr. Fahey moved, seconded by Mrs. Delbrugge, to suspend the regular order of business to conduct an executive session. Time 5:05 p.m.

Executive Session to Discuss Property Acquisition.

Mr. Fahey moved, seconded by Mrs. Delbrugge, to conclude the executive session and return to the regular order of business. Time: 5:25 p.m. The following motions were a result of the discussion

that occurred in executive session: Mr. Fahey moved, seconded by Mrs. Delbrugge, to transfer 14 17th Street to the Area Development Corporation and be sold for an amount of \$7,500.00. Motion carried. Mr. Fahey then moved, seconded by Mrs. Delbrugge, to create a purchase option for Vandalia Heritage Foundation dependant upon satisfactory funding arrangements being in place prior to December 31, 2013 related to their submittal for the redevelopment of tax parcel W51-443 (134 Fourteenth Street). Motion carried. Mr. Fahey moved, seconded by Mrs. Delbrugge, to create a purchase option for Kristoffy Real Estate dependant upon satisfactory funding arrangements being in place prior to December 31, 2012 related to their submittal for the redevelopment of tax parcels W51-487 (126 Fifteenth Street), W51-493 (1517 Wood Street), W51-491 (1515 Wood Street) and W51-492 (1513 Wood Street). Motion carried. No action was taken regarding the other parcels included in the Request for Proposals #2013-1 (RFP 2013-1). There being no further business to come before the Committee, Mrs. Delbrugge moved,

seconded by Mr. Fahey, to adjourn. Time: 5:30 p.m.

Mr. Fahey moved, seconded by Mr. Miller to dispense with the reading of the Finance Committee Report and accept them as received. Motion carried. For the record, they are as follows:

FINANCE COMMITTEE REPORT - AUGUST 20, 2013

The Finance Committee of Wheeling City Council met on Tuesday, August 20, 2013 at 5:15 p.m. in City Council Chambers. Committee Members present: Chair Gene Fahey, Vice Chair David Miller and Member Don Atkinson. Others present: Mayor Andy McKenzie, Councilors Gloria Delbrugge, Ken Imer, and Robert Henry; City Manager Robert Herron, Finance Director Michael Klug, City Solicitor Rosemary Humway-Warmuth, Economic and Community Development Director Nancy Prager, Public Works Director Russell Jebbia, Fire Chief Larry Helms, City Clerk Janice Jones and the media.

The following was discussed:

Financial Statement - July 31, 2013

City Manager Robert Herron explained that this statement represents the first month of the fiscal year. He noted that with the transfer to the Budget Stabilization Fund, the revenues are very similar to where they were for the same time period last year. He also noted that the B & O revenue is about \$140,000 ahead of last year's revenues for the same time period; however, this could be a timing issue and the August 2013 Financial Statement would give a more accurate picture. Mr. Herron is optimistic with the initial statement and believes we are starting to rebound. He stated that the B & O reduction and the additional sales tax implementation will give us a truer picture also. Mr. Atkinson moved, seconded by Mr. Miller, to approve the July 31, 2013 Financial Statement as presented

There being no further business to come before the Committee, Mr. Atkinson moved, seconded by Mr. Miller to adjourn. Time: 5:30 p.m.

REPORT OF CITY MANAGER

City Manager Robert Herron updated Council on three on-going projects that are occurring. The first one is the Capital Theatre seat replacement project and ADA improvements that began today and will be completed in mid-September, in time for the Wheeling Symphony season. Relevant to the 1100 Block Demolition, the City's portion has been completed and restoration of the site, such as topsoil and seeding, will be occurring soon. Also, contracts have been signed for the J. B. Chambers Recreational Complex and financing is in place. A pre-construction meeting has taken place and construction should begin in the next couple of weeks. He noted that it is a 120 day project and should be completed by the end of this construction season.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Henry, that the Wheeling Housing Authority Minutes, 7/10/13; Wheeling Municipal Parking System Financial Statement, 7/31/13; and Robert C. Byrd Intermodal Transportation Center Financial Statement, 7/31/13; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

ADOPTING TRAFFIC RULE NO. 4454 - HANDICAPPED PARKING - 12 CROMWELL ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4454.

ADOPTING TRAFFIC RULE NO. 4455 - HANDICAPPED PARKING - 991 MC COLLOCH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4455.

ADOPTING TRAFFIC RULE NO. 4456 - NO PARKING ZONE - 323 CHESTNUT ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4456.

ADOPTING TRAFFIC RULE NO. 4457 - COMMERCIAL LOADING ZONE - CORNER OF 22ND & MAIN STS.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4457.

ADOPTING TRAFFIC RULE NO. 4458 - 2 HR. PARKING METER ZONE - 20TH & MARKET STS.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4458.

ADOPTING TRAFFIC RULE NO. 4459 - 5 HR. PARKING METER ZONE - 16TH & MARKET ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4459.

AGREEMENT - TYLER TECHNOLOGIES, INC. - WEB SERVICES - ON-LINE UTILITY BILLING

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A SYSTEMS AGREEMENT WITH TYLER TECHNOLOGIES, INC., OF LUBBOCK, TX, FOR COMPANY WEB SERVICES FOR ON-LINE UTILITY BILLING, TO BE CHARGED TO FINANCE, WATER AND WATER POLLUTION CONTROL DIVISION.

AGREEMENT - COMPASS POINT PLANNING, LLC - COMPREHENSIVE PLAN UPDATE

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH COMPASS POINT PLANNING, LLC, OF BLUE ASH, OH, FOR COMPREHENSIVE PLAN UPDATE, IN AN AMOUNT NOT TO EXCEED \$81,010.00, TO BE CHARGED TO COMMUNITY DEVELOPMENT BLOCK GRANT 2013 EY GENERAL ADMIN. - COMPREHENSIVE PLAN UPDATE - #1501-013-190.

ZONE CHANGE - 200-406 WASHINGTON AVENUE & 1106 & 1108 WEST WASHINGTON AVENUE

The following was then read:

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF LOTS 5 THROUGH 25 AS THEY APPEAR ON THE MAP OF STEENROD PLACE CONSISTING OF THE ADDRESS RANGE BETWEEN 200 and 406 WASHINGTON AVENUE (INCLUDING REAR ADDRESSES) AND 1106 AND 1108 WEST WASHINGTON AVENUE FROM

R-1A SINGLE FAMILY RESIDENTIAL TO R-4 HIGH
DENSITY RESIDENTIAL.

Mr. Atkinson moved, seconded by Mr. Miller, to amend this ordinance by removing the two addresses, 1106 and 1108 West Washington Avenue, from the ordinance and ask that the clerk prepare this for the first reading at the September 17, 2013 City Council meeting. Motion carried.

TRANSFER OF 14TH - 17TH 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 14 - SEVENTEENTH 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.

RESOLUTION - 2013 COMMUNITY PARTICIPATION GRANT AGREEMENT - GOVERNOR PIERPONT STATUE

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 \$20,000.00 TO THE CITY OF WHEELING - GOVERNOR PIERPONT STATUE AT INDEPENDENCE HALL - PROJECT NO. 11LEDA1746N.

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

RESOLUTION - 2013 COMMUNITY PARTICIPATION GRANT AGREEMENT - SOUP KITCHEN

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 \$9,600.00 TO THE SOUP KITCHEN OF GREATER WHEELING FOR REPAIRS AND UPGRADES - PROJECT NO. 13LEDA0642.

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

RESOLUTION - GOVERNOR'S COMMUNITY PARTICIPATION GRANT APPLICATION - HERITAGE PORT

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO RECEIVE \$10,000.00 FROM THE GOVERNOR'S COMMUNITY PARTICIPATION PROGRAM FOR THE CITY OF WHEELING FOR HERITAGE PORT - CAPITAL IMPROVEMENTS- PROJECT NO. 08LEDA0819N.

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

THOSE WISHING TO BE HEARD

Tina Birkett, 406 Washington Avenue; Serita Dofka, 1106 West Washington Avenue;
Ed Vossen, Sr., 220 Jefferson Avenue; Diane McCollough, 1204 Steenrod Avenue; Mary Lou Birkett, 406 Washington Avenue; all spoke in opposition to the proposed zone change on Washington Avenue. Terry Sterling, Executive Director of the Wheeling Area Chamber of Commerce, spoke in support of the zone change on Washington Avenue.

Charles Ballouz, Windsor Manor, addressed Council about the condition of the Heritage Port Playground.

Robin Mahonen, Warwood resident, spoke in opposition to the proposed Green Hunter Plant in the Warwood area.

Bill O’Leary, Paxton Avenue, invited everyone to attend the Irish Road Bowling event that will be held on September 7, 2013. It is sponsored by the Ancient Order of Hibernians. Please contact Craig O’Leary for more information or if you would like to register to participate in this event.

There being no further business, Mr. Fahey moved, seconded by Mr. Atkinson, to adjourn. Motion carried. Time: 6:10 p.m.

City Clerk

Mayor

Wheeling, West Virginia
September 17, 2013

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 September 3, 2013 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 - WINDSOR MANOR APARTMENTS PROJECT - CONDUIT MULTI-FAMILY HOUSING REVENUE BONDS - SERIES 2013”

City Manager Robert Herron said that this project is for the acquisition and renovation of the Windsor Manor Apartments. Some of the upgrades include exterior brick repair, roof repair, replacement of windows, modernization of elevators, and upgrades to the interiors of all the apartments in the building as well as addressing Americans with Disabilities Act compliance issues. Also included is a Preliminary Sources of Uses of Funds Schedule, which includes the proposed tax exempt bond proceeds towards this project that is estimated at about \$4,500,000. Mr. Herron pointed out that the City would only act as a conduit only tax exempt financing on this qualified project under Federal regulations. It would not be an obligation on the City in any way. It is simply a conduit for qualified projects to qualify for a portion of the project costs that are eligible for tax exempt financing.

Mayor McKenzie said that no one signed up to speak at the public hearing.

Mr. Fahey moved, seconded by Mr. Henry to conclude the first public hearing. Motion carried.

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

“PUBLIC PERFORMANCE HEARING - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM(CDBG) AND HOME PARTNERSHIP PROGRAM (HOME) - FY 2012 AND FY 2012 CONSOLIDATED ACTION PLAN & EVALUATION (CAPER) REPORT”

City Manager Robert Herron said that the City is required to do an annual evaluation of these programs under Federal regulations. The plan has been on display to the public for the past thirty days and there are no comments that were received. Mayor McKenzie said that no one has signed up to speak at this public hearing.

Mr. Fahey moved, seconded by Mr. Henry to conclude the first public hearing. Motion carried.

MAYOR'S REPORT

Mayor McKenzie read a proclamation declaring September 17 through 23 as Constitution Week in the City of Wheeling.

Mayor McKenzie reported that Peebles Department Store will be opening in the Warwood Plaza on Thursday, September 19, 2013.

UNFINISHED BUSINESS

ADOPTING TRAFFIC RULE NO. 4454 - HANDICAPPED PARKING - 12 CROMWELL ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4454.

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. 4455 - HANDICAPPED PARKING - 991 MC COLLOCH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4455.

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. 4456 - NO PARKING ZONE - 323 CHESTNUT ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4456.

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. 4457 - COMMERCIAL LOADING ZONE - CORNER OF
22ND & MAIN STS.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4457.

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. 4458 - 2 HR. PARKING METER ZONE - 20TH & MARKET STS.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4458.

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. 4459 - 5 HR. PARKING METER ZONE - 16TH & MARKET ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4459.

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 - TYLER TECHNOLOGIES, INC. - WEB SERVICES - ON-LINE UTILITY BILLING

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A SYSTEMS AGREEMENT WITH TYLER TECHNOLOGIES, INC., OF LUBBOCK, TX, FOR COMPANY WEB SERVICES FOR ON-LINE UTILITY BILLING, TO BE CHARGED TO FINANCE, WATER AND WATER POLLUTION CONTROL DIVISION.

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 - COMPASS POINT PLANNING, LLC - COMPREHENSIVE PLAN UPDATE

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH COMPASS POINT PLANNING, LLC, OF BLUE ASH, OH, FOR COMPREHENSIVE PLAN UPDATE, IN AN AMOUNT NOT TO EXCEED \$81,010.00, TO BE CHARGED TO COMMUNITY DEVELOPMENT BLOCK GRANT 2013 EY GENERAL ADMIN. - COMPREHENSIVE PLAN UPDATE - #1501-013-190.

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 14TH - 17TH 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 14 - SEVENTEENTH 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.

Mr. Fahey moved, seconded by Mr. Henry, that the Wheeling Housing Authority Minutes, 7/10/13; Wheeling Municipal Parking System Financial Statement, 7/31/13; and Robert C. Byrd Intermodal Transportation Center Financial Statement, 7/31/13; which were held over, be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mrs. Delbrugge commented that the opening of Peebles Department Store in Warwood is a "shot in the arm" for Warwood and the entire city.

Mr. Fahey congratulated City Manager Herron and Finance Director Klug on finalizing the on-line utility billing and he commented on what a great service this is to the residents of the City. He also commented on the condition of Courtland Avenue and encouraged the Administration to make this paving a priority.

REPORT OF CITY MANAGER

City Manager Herron reported that, starting tomorrow in the area around the J. B. Chambers Recreational Complex, 16th Street will go from being two way to one way going west. Construction on the complex is starting and this change will be in effect for at least a couple of months. Relevant to Courtland Avenue paving, Mr. Herron said that the upper half was completed last year and it is our intention and priority to do the bottom half this year.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Henry, that the Traffic Commission Minutes, 8/8/13; Wheeling-Ohio County Board of Health Minutes, 7/30/13; Greater Wheeling Sports & Entertainment Authority Minutes, 6/25/13; Greater Wheeling Sports & Entertainment Financial Statement, 7/31/13; CDBG Program Status Report, 8/31/13; HOME Program Status Report, 8/31/13; Financial Statement, 8/31/13 and CDBG Building Demolition Status Report, 9/11/13; be held over until the next meeting. Motion carried.

PETITIONS

City Clerk Janice Jones read petitions from Courtland Avenue residents requesting that the lower half of Courtland Avenue be paved.

She also read a petition from Washington Avenue area residents opposing the zone change from R-1A to R-4.

ORIGINAL PROPOSITIONS

RESOLUTION - WV DEPARTMENT 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 - #F14-HS-04 IN THE AMOUNT OF \$627,000.00.

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

RESOLUTION - APPROVING INVOICES - COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS - 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. Henry moved, seconded by Mrs. Delbrugge, that the Resolution be adopted. Motion carried.

RESOLUTION - APPROVING INVOICES - COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS - SERIES 2013

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING APPROVING INVOICES RELATING TO THE

CONSTRUCTION AND OTHER SERVICES FOR THE WATER
TREATMENT PLANT PROJECT AND AUTHORIZING
PAYMENT THEREOF.

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

ZONE CHANGE - 200 - 406 WASHINGTON AVENUE - R-1A TO R-4

The following was then read:

AN ORDINANCE CHANGING THE ZONING DISTRICT
CLASSIFICATION OF LOTS 5 THROUGH 24 AS THEY
APPEAR ON THE MAP OF STEENROD PLACE CONSISTING
OF THE ADDRESS RANGE BETWEEN 200 and 406
WASHINGTON AVENUE (INCLUDING REAR ADDRESSES)
FROM R-1A SINGLE FAMILY RESIDENTIAL TO R-4 HIGH
DENSITY RESIDENTIAL.

THOSE WISHING TO BE HEARD

In regard to the proposed zone change on Washington Avenue, Amy Carlson Meisal, 402 Washington Ave., voiced her concern about preserving the safety and character of the neighborhood.

Barbara Jennings and Chuck Vanyo, Courtland Avenue residents, appeared before Council and asked that the City repair the lower half of Courtland Avenue sooner than later as winter is approaching.

Tina Birkett, 406 rear Washington Avenue, and Diane McCullough, 1204 Steenrod Avenue, spoke in opposition to the proposed rezoning on Washington Avenue.

Hazel Bibbee, 57 East 4th Street, appeared before Council about garbage pick-up on her street. She said that she has to take the garbage down the hill in order for them to pick it up. She would like for them to pick it up closer to her house.

Father James Fleming, President of Wheeling Jesuit University, spoke in favor of the proposed rezoning. He believes that the new construction will enhance the neighborhood. Father Fleming explained WJU's position on this issue and lauded the students and faculty for their many contributions to the community.

There being no further business, Mr. Henry moved, seconded by Mr. Atkinson, to adjourn. Motion carried. time: 6:15 p.m.

City Clerk

Mayor

AGENDA

CONVENED: _____
ADJOURNED: _____

Wheeling, West Virginia
DATE: October 1, 2013

INVOCATION:

ROLL CALL

READING OF THE MINUTES - September 17, 2013

“PUBLIC HEARINGS - STATE REQUIRED CODE ADOPTIONS”

INTERNATIONAL BUILDING CODE 2012

INTERNATIONAL PLUMBING CODE 2012

MECHANICAL CODE 2012

FUEL GAS CODE 2012

PROPERTY MAINTENANCE CODE 2012

ENERGY CONSERVATION CODE 2009

RESIDENTIAL CODE 2012

EXISTING BUILDING CODE 2012

AMERICAN NATIONAL STANDARDS FOR ACCESSIBILITY 2009

“NATIONAL ELECTRIC CODE, NFPA 70 2011

BY REFERENCE WV CODE § 87-4-5 FIRE PROTECTION OF FLOORS IN RESIDENTIAL
BUILDINGS AND OTHER APPLICABLE WV CODES

MAYOR'S REPORT

1. CLERK'S REPORT

1. Notice of Application to Operate a Private Club - Shaker's Lounge - 703 Warwood Avenue

2. UNFINISHED BUSINESS

1. Zone Change - 200 - 406 Washington Ave. - R-1A to R-4

HELD OVER: Wheeling Traffic Commission Minutes - 8/8/13; Wheeling-Ohio County Board of Health Minutes - 7/30/13; Greater Wheeling Sports & Entertainment Authority Minutes - 6/25/13; Greater Wheeling Sports & Entertainment Authority Financial Statement 7/31/13; CDBG Program Status Report - 8/31/13; HOME Program Status Report - 8/31/13; Financial Statement - 8/31/13; CDBG Building Demolition Status Report - 9/11/13.

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

1. Finance Committee Report - 9/17/13

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Board of Zoning Appeals Minutes - 8/15/13
2. Traffic Commission Minutes - 9/12/13

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Amending Codified Ordinances - Article 169 - Human Rights Commission
2. Amending Codified Ordinances - Article 1721 - Adopting International Building Code 2012
3. Amending Codified Ordinances - Article 1723 - Adopting International Existing Building Code 2012
4. Amending Codified Ordinances - Article 1724 - Adopting International Fuel Gas Code 2012
5. Amending Codified Ordinances - Article 1725 - Adopting International Mechanical Code 2012
6. Amending Codified Ordinances - Article 1726 - Adopting American National Standards for Accessibility 2009.
7. Amending Codified Ordinances - Article 1729 - Adopting International Plumbing Code 2012
8. Amending Codified Ordinances - Article 1731 - Adopting International Residential Code 2012
9. Amending Codified Ordinances - Article 1733 - Adopting National Electric Code 2011
10. Amending Codified Ordinances - Article 1735 - International Energy Conservation Code 2009
11. Amending Codified Ordinances - Article 1771 - International Property Maintenance Code 2012
12. Adopting Traffic Rule No. 4460 - Handicapped Parking - 2803 Warwood Ave.
13. Adopting Traffic Rule No. 4461 - One Way Street - Monroe Avenue
14. Adopting Traffic Rule No. 4462 - No Parking Zone - 159 Elm Street - Tuesday 4:00 a.m. to 8:00 a.m.
15. Adopting Traffic Rule No. 4463 - No Parking Zone - East Side of Main St. At 22nd & Main St.
16. Resolution-WV Division of Justice & Community Services-Application - Prevention Resources Officer
17. Resolution - Governor's Community Participation Grant Agreement - Governor Pierpont Statue
18. Resolution - Approving Invoices - Combined Waterworks and Sewerage System Revenue Bonds Series 2006A.

THOSE WISHING TO BE HEARD

AMENDED AGENDA

CONVENED: _____
ADJOURNED: _____

Wheeling, West Virginia
DATE: October 15, 2013

INVOCATION:

ROLL CALL
READING OF THE MINUTES - October 1, 2013

MAYOR'S REPORT

1. CLERK'S REPORT

2. UNFINISHED BUSINESS

1. Amending Codified Ordinances - Article 169 - Human Rights Commission
2. Amending Codified Ordinances - Article 1721 - Adopting International Building Code 2012
3. Amending Codified Ordinances - Article 1723 - Adopting International Existing Building Code 2012
4. Amending Codified Ordinances - Article 1724 - Adopting International Fuel Gas Code 2012
5. Amending Codified Ordinances - Article 1725 - Adopting International Mechanical Code 2012
6. Amending Codified Ordinances - Article 1726 - Adopting American National Standards for Accessibility 2009.
7. Amending Codified Ordinances - Article 1729 - Adopting International Plumbing Code 2012
8. Amending Codified Ordinances - Article 1731 - Adopting International Residential Code 2009
9. Amending Codified Ordinances - Article 1733 - Adopting National Electric Code 2011
10. Amending Codified Ordinances - Article 1735 - International Energy Conservation Code 2009
11. Amending Codified Ordinances - Article 1771 - International Property Maintenance Code 2012
12. Adopting Traffic Rule No. 4460 - Handicapped Parking - 2803 Warwood Ave.
13. Adopting Traffic Rule No. 4461 - One Way Street - Monroe Avenue
14. Adopting Traffic Rule No. 4462 - No Parking Zone - 159 Elm Street - Tuesday 4:00 a.m. to 8:00 a.m.
15. Adopting Traffic Rule No. 4463 - No Parking Zone - East Side of Main St. At 22nd & Main St.

HELD OVER: Board of Zoning Appeals Minutes, 8/15/13; Traffic Commission Minutes, 9/12/13.

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

1. Development Committee Report - 10/09/13

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Historic Landmarks Commission Minutes - 8/1/13
2. Wheeling Municipal Parking System Financial Statement - 8/31/13
3. Robert C. Byrd Intermodal Transportation Center Financial Statement
4. CDBG Program Status Report - 9/30/13
5. HOME Program Status Report - 9/30/13
6. Financial Statement - 9/30/13
7. Wheeling Housing Authority Minutes - 8/14/13

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Liberty Environmental Services - 2013 Asbestos Inspections (CDBG)
2. Resolution - Approving Invoices - Combined Waterworks and Sewerage System Revenue Bonds Series 2013.
3. Resolution - Designating 76 - 29th Street as a Development/Redevelopment Site
4. Resolution - Designating 703 Warwood Avenue as a Development/Redevelopment Site
5. Resolution - Designating 106 N. 17th Street as a Development/Redevelopment Site
6. Resolution - Agreement - WVDOT - Funding for Schenk Bridge Project
7. Resolution - Lease Agreement - WVDOT - Center Wheeling Property
8. **Doan Ford-(4)2104 Police Pursuit Vehicles, (1) 2014 Police Utility Vehicle, (1) 2014 Ford Taurus**

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 September 17, 2013 meeting be approved as received. Motion carried.

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

“PUBLIC HEARINGS - STATE REQUIRED CODE ADOPTIONS”

City Manager Robert Herron said that every three years or so the State Legislature adopts various International Building Codes and subsequently, cities with Building Code Departments follow with local adoption of the various codes. Charles Ballouz, 1143 Main Street, voiced concern about the conditions of several buildings in the downtown area and asked whether the adoption of these codes would affect our ability to enforce stricter regulations of these properties. Mayor McKenzie told Mr. Ballouz the City Manager would address this matter during his report to Council. Mr. Fahey moved, seconded by Mr. Henry, to conclude the public hearings and resume the regular order of business. Motion carried.

MAYOR’S REPORT

Mayor McKenzie reported that the City Manager, Fire and Police Chiefs and City Council attended a luncheon and a tour of the Wheeling Country Day Facility yesterday.

Mayor McKenzie presented a proclamation to Fire Chief Larry Helms proclaiming the month of October as Fire Prevention Month. Chief Helms that various fire stations throughout the city will be hosting activities throughout the month.

CLERK’S REPORT

Notice of Application to Operate a Private Club - Shaker’s Lounge - 703 Warwood Avenue

City Clerk Janice Jones presented Council with a Notice of Application to Operate a Private Club for Shaker’s Lounge, located at 703 Warwood Avenue. The applicant is Drema Bontempo.

Notice of Application to Operate a Private Club - Major Savings, Inc. - 202 Kruger Street

City Clerk Jones presented Council with a Notice of Application to Operate a Private Club for Major Savings, Inc., located at 202 Kruger Street. The applicant is Mark Busack.

UNFINISHED BUSINESS

ZONE CHANGE - 200-406 WASHINGTON AVENUE - R-1A TO R-4

The following was then read:

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF LOTS 5 THROUGH 24 AS THEY APPEAR ON THE MAP OF STEENROD PLACE CONSISTING OF THE ADDRESS RANGE BETWEEN 200 AND 406 WASHINGTON AVENUE (INCLUDING REAR ADDRESSES) FROM R-1A SINGLE FAMILY RESIDENTIAL TO R-4 HIGH DENSITY RESIDENTIAL.

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

by Mr. Henry, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: McKenzie, Henry, Atkinson, Fahey - 4

NOES: Delbrugge, Imer, Miller - 3

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 Traffic Commission Minutes, 8/8/13; Wheeling-Ohio County Board of Health Minutes, 7/30/13; Greater Wheeling Sports & Entertainment Authority Minutes, 6/25/13; Greater Wheeling Sports & Entertainment Financial Statement, 7/31/13; CDBG Program Status Report, 8/31/13; HOME Program Status Report, 8/31/13; Financial Statement, 8/31/13 and CDBG Building Demolition Status Report, 9/11/13; which were held over, be approved as received. Motion carried.

REPORT OF COMMITTEES

Mr. Fahey moved seconded by Mr. Atkinson, that the reading of the Finance Committee Report of 9/17/13 be dispensed with and the report accepted as received. For the record the report is placed in Council minutes as follows:

FINANCE COMMITTEE REPORT - SEPTEMBER 17, 2013

The Finance Committee of Wheeling City Council met on Tuesday, September 17, 2013 at 5:00 p.m. in City Council Chambers. Committee Members present: Chair Gene Fahey, Vice Chair David Miller and Member Don Atkinson. Others present: Mayor Andy McKenzie, Councilors Gloria Delbrugge, Ken Imer, and Robert Henry; City Manager Robert Herron, Finance Director Michael Klug, City Solicitor Rosemary Humway-Warmuth, Economic and Community Development Director Nancy Prager, Public Works Director Russell Jebbia, City Clerk Janice Jones and the media.

The following matters were discussed:

Financial Statement - August 31, 2013

City Manager Robert Herron explained that the revenue to date is approximately \$250,000 ahead of where we were at the same time last year. As for expenditures, Mr. Herron said that the expenditures are at \$4,544, 000 as compared to last year's figures of \$4,539,000. The General Fund Balance at the end of August is \$2,058,000. Mr. Herron believes we are off to a fair start. Mr. Atkinson moved, seconded by Mr. Miller, to approve the August 31, 2013 Financial Statement as presented.

Audit Scoring - FY 2012 -2013 and FY 2013 - 2014

City Manager Robert Herron Finance explained that six proposals were submitted for the annual audit for the General Fund, Water, Wastewater and Sports and Entertainment Authority for FY 2012-2013, as per State requirements. The companies were Bodkin, Wilson and Kozicki; Perry and Associates; Teed & Associates; Suttle & Stalnaker, Caudill & Associates, and David Howell, CPA. He explained that the Finance Director Michael Klug used the state audit proposal score sheet, and as a result of this scoring, Bodkin, Wilson & Kozicki is being recommended to perform the audit for FY 2012-13 and FY 2013-2014. Mr. Herron noted that this proposal is for a two-year period. Mr. Atkinson moved, seconded by Mr. Miller, to accept the Administration's recommendation of Bodkin, Wilson, & Kozicki. Motion carried.

There being no further business to come before the Committee, Mr. Atkinson moved, seconded by Mr. Miller to adjourn. Time: 5:20 p.m.

REPORT OF CITY MANAGER

City Manager Herron informed the public of the various events that will be held at fire stations throughout the city next week.

Relevant to question earlier from Mr. Ballouz about changes in enforcement in regard to the Building Codes, Mr. Herron said that there are no significant changes; however, there are minor changes in the various codes in regard to standards.

Mr. Herron presented the Quiet Strength Award to Mayor Andy McKenzie. Mayor McKenzie was recognized by the West Virginia Municipal League at the Summer Conference held in Charleston this past August.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Henry, that the Board of Zoning Appeals Minutes, 8/15/13; and the Traffic Commission Minutes, 9/12/13; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

AMENDING CODIFIED ORDINANCES - ARTICLE 169 - HUMAN RIGHTS COMMISSION

The following was then read:

AN ORDINANCE BY THE CITY OF WHEELING
RESCINDING THE CURRENT ARTICLE 169 OF THE
ADMINISTRATIVE CODE AND REPLACING IT WITH A
NEW ARTICLE 169 ENTITLED HUMAN RIGHTS
COMMISSION.

AMENDING CODIFIED ORDINANCES - ARTICLE 1721 - ADOPTING INTERNATIONAL BUILDING CODE 2012

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING AMENDING AND REENACTING ORDINANCE
14087 AND ADOPTING THAT PART OF THE STATE
BUILDING CODE ENTITLED INTERNATIONAL BUILDING
CODE, 2012.

AMENDING CODIFIED ORDINANCES - ARTICLE 1723 - INTERNATIONAL EXISTING BUILDING CODE 2012

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING AMENDING AND REENACTING ORDINANCE
14088 AND ADOPTING THAT PART OF THE STATE
BUILDING CODE ENTITLED INTERNATIONAL EXISTING
BUILDING CODE, 2012.

AMENDING CODIFIED ORDINANCES - ARTICLE 1724 - ADOPTING INTERNATIONAL FUEL GAS CODE 2012

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING AMENDING AND REENACTING ORDINANCE
14089 AND ADOPTING THAT PART OF THE STATE
BUILDING CODE ENTITLED INTERNATIONAL FUEL GAS
CODE, 2012.

AMENDING CODIFIED ORDINANCES - ARTICLE 1725 - ADOPTING INTERNATIONAL MECHANICAL CODE 2012

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING AMENDING AND REENACTING ORDINANCE
14090 AND ADOPTING THAT PART OF THE STATE
BUILDING CODE ENTITLED INTERNATIONAL
MECHANICAL CODE, 2012.

AMENDING CODIFIED ORDINANCES - ARTICLE 1726 - ADOPTING AMERICAN NATIONAL STANDARDS FOR ACCESSIBILITY 2009

The following was then read:

AN ORDINANCE AMENDING AND REENACTING PART 17 OF THE CODIFIED ORDINANCES OF THE CITY OF WHEELING BY REENACTING ARTICLE 1726 THERETO ENTITLED AMERICAN NATIONAL STANDARDS FOR ACCESSIBILITY, 2009.

AMENDING CODIFIED ORDINANCES - ARTICLE 1729 - ADOPTING INTERNATIONAL PLUMBING CODE 2012

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ORDINANCE 14092 AND ADOPTING THAT PART OF THE STATE BUILDING CODE ENTITLED INTERNATIONAL PLUMBING CODE, 2012.

AMENDING CODIFIED ORDINANCES - ARTICLE 1731 - ADOPTING INTERNATIONAL RESIDENTIAL CODE 2012

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ORDINANCE 14093 AND ADOPTING THAT PART OF THE STATE BUILDING CODE ENTITLED INTERNATIONAL RESIDENTIAL CODE, 2012.

AMENDING CODIFIED ORDINANCES - ARTICLE 1733 - ADOPTING NATIONAL ELECTRIC CODE 2011

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ORDINANCE NO. 14094 OF THE CITY OF WHEELING BY AMENDING AND REENACTING SECTION 1733.01 OF ARTICLE 1733, NATIONAL ELECTRIC CODE, 2011.

AMENDING CODIFIED ORDINANCES - ARTICLE 1735 - ADOPTING INTERNATIONAL ENERGY CONSERVATION CODE 2009

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ORDINANCE 14095 AND ADOPTING THAT PART OF THE STATE BUILDING CODE ENTITLED INTERNATIONAL ENERGY CONSERVATION CODE, 2009.

AMENDING CODIFIED ORDINANCES - ARTICLE 1771 - ADOPTING INTERNATIONAL PROPERTY MAINTENANCE CODE 2012

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ORDINANCE 14096 AND ADOPTING THAT PART OF THE STATE BUILDING CODE ENTITLED INTERNATIONAL PROPERTY MAINTENANCE CODE, 2012 AND ADOPTING WV. CODE §87-4-6 AND §87-4-7.

ADOPTING TRAFFIC RULE NO. 4460 - HANDICAPPED PARKING 2803 WARWOOD AVE.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4460.

ADOPTING TRAFFIC RULE NO. 4461 - ONE WAY STREET - MONROE AVENUE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4461.

ADOPTING TRAFFIC RULE NO. 4462 - NO PARKING ZONE - 159 ELM ST. - TUESDAY
4:00 A.M. TO 8:00 A.M.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4462.

ADOPTING TRAFFIC RULE NO. 4463 - NO PARKING ZONE - EAST SIDE OF MAIN ST.
AT 22ND & MAIN ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4463.

RESOLUTION - WV DIVISION OF JUSTICE & COMMUNITY SERVICES - AGREEMENT
- PREVENTION RESOURCES OFFICER

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 2013-14
PREVENTION RESOURCE OFFICER PROGRAM GRANT -
13-JAG-16.

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

RESOLUTION - GOVERNOR'S COMMUNITY PARTICIPATION GRANT AGREEMENT -
GOVERNOR PIERPONT STATUE

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 \$20,000.00 TO THE CITY OF WHEELING - GOVERNOR
PIERPONT STATUE AT INDEPENDENCE HALL - PROJECT
NO. 11LEDA1731N.

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

RESOLUTION - APPROVING INVOICES - COMBINED WATERWORKS & SEWERAGE
SYSTEM REVENUE BONDS - SERIES 2006A

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

Mr. Fahey moved, seconded by Mr. Henry, to return to the City Manager's
Report. Motion carried. Mr. Herron reported that the 1100 block is being seeded and a
temporary snow fence will be erected/

THOSE WISHING TO BE HEARD

Randy Berisford, spoke in opposition to the Washinton Avenue Zone Change.
Charles Ballous spoke in support of the Wheeling Human Rights Commission.

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

City Clerk

Mayor

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

The invocation was offered by Vice-Mayor Eugene Fahey.

On roll call, the following were present:

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

Mr. Fahey moved, seconded by Mr. Henry, that the minutes of the October 1, 2013 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor Andy McKenzie presented a proclamation to Lori Jones, Executive Director of the YWCA, recognizing the week of October 14 - 20, 2013 at the "YWCA Week Without Violence." He also presented a proclamation to Robert Kinnick, Rehabilitation Services, recognizing the month of October as "Disability Employment Awareness Month."

UNFINISHED BUSINESS

AMENDING CODIFIED ORDINANCES - ARTICLE 169 - HUMAN RIGHTS COMMISSION

The following was then read:

AN ORDINANCE BY THE CITY OF WHEELING
RESCINDING THE CURRENT ARTICLE 169 OF THE
ADMINISTRATIVE CODE AND REPLACING IT WITH A
NEW ARTICLE 169 ENTITLED HUMAN RIGHTS
COMMISSION.

City Manager Robert Herron said that two minor changes have been made to this ordinance: (1) The charter specifies that there shall be nine (9) members on the Commission and not seven (7) and (2) The portion that says the City Manager "may" appoint a secretary to serve the Commission should read that the City Manager "shall" appoint a secretary.

Mr. Fahey moved, seconded by Mr. Henry, to authorize the changes to be made. Motion carried.

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 1721 - ADOPTING INTERNATIONAL BUILDING CODE 2012

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING
AMENDING AND REENACTING ORDINANCE 14087 AND
ADOPTING THAT PART OF THE STATE BUILDING CODE
ENTITLED INTERNATIONAL BUILDING CODE, 2012.

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 1723 - INTERNATIONAL EXISTING BUILDING CODE 2012

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING
AMENDING AND REENACTING ORDINANCE 14088 AND
ADOPTING THAT PART OF THE STATE BUILDING CODE
ENTITLED INTERNATIONAL EXISTING BUILDING CODE, 2012.

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 1724 - ADOPTING INTERNATIONAL FUEL GAS CODE 2012

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING
AMENDING AND REENACTING ORDINANCE 14089 AND
ADOPTING THAT PART OF THE STATE BUILDING CODE
ENTITLED INTERNATIONAL FUEL GAS CODE, 2012.

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 1725 - ADOPTING INTERNATIONAL MECHANICAL CODE 2012

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING
AMENDING AND REENACTING ORDINANCE 14090 AND
ADOPTING THAT PART OF THE STATE BUILDING CODE
ENTITLED INTERNATIONAL MECHANICAL CODE, 2012.

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 1726 - ADOPTING AMERICAN NATIONAL STANDARDS FOR ACCESSIBILITY 2009

The following was then read:

AN ORDINANCE AMENDING AND REENACTING PART 17 OF THE CODIFIED ORDINANCES OF THE CITY OF WHEELING BY REENACTING ARTICLE 1726 THERETO ENTITLED AMERICAN NATIONAL STANDARDS FOR ACCESSIBILITY, 2009.

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 1729 - ADOPTING INTERNATIONAL PLUMBING CODE 2012

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ORDINANCE 14092 AND ADOPTING THAT PART OF THE STATE BUILDING CODE ENTITLED INTERNATIONAL PLUMBING CODE, 2012.

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 1731 - ADOPTING INTERNATIONAL RESIDENTIAL CODE 2009

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ORDINANCE 14093 AND ADOPTING THAT PART OF THE STATE BUILDING CODE ENTITLED INTERNATIONAL RESIDENTIAL CODE, 2009.

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 1733 - ADOPTING NATIONAL ELECTRIC CODE 2011

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ORDINANCE NO. 14094 OF THE CITY OF WHEELING BY AMENDING AND REENACTING SECTION 1733.01 OF ARTICLE 1733, NATIONAL ELECTRIC CODE, 2011.

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 1735 - ADOPTING INTERNATIONAL ENERGY CONSERVATION CODE 2009

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ORDINANCE 14095 AND ADOPTING THAT PART OF THE STATE BUILDING CODE ENTITLED INTERNATIONAL ENERGY CONSERVATION CODE, 2009.

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 1771 - ADOPTING INTERNATIONAL PROPERTY MAINTENANCE CODE 2012

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ORDINANCE 14096 AND ADOPTING THAT PART OF THE STATE BUILDING CODE ENTITLED INTERNATIONAL PROPERTY MAINTENANCE CODE, 2012 AND ADOPTING WV. CODE §87-4-6 AND §87-4-7.

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. 4460 - HANDICAPPED PARKING 2803 WARWOOD AVE.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING
ADOPTING TRAFFIC RULE NO. 4460.

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. 4461 - ONE WAY STREET - MONROE AVENUE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING
ADOPTING TRAFFIC RULE NO. 4461.

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, 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. 4462 - NO PARKING ZONE - 159 ELM ST. - TUESDAY 4:00
A.M. TO 8:00 A.M.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING
ADOPTING TRAFFIC RULE NO. 4462.

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. 4463 - NO PARKING ZONE - EAST SIDE OF MAIN ST. AT 22ND
& MAIN ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING
ADOPTING TRAFFIC RULE NO. 4463.

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 Board of Zoning Appeals Minutes, 8/15/13; and the Traffic Commission Minutes, 9/12/13; which were held over be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Atkinson announced that the Comprehensive Plan Committee will host open meetings on October 29 from 7:00 p.m. to 9:00 p.m. and October 30 from 2:30 p.m. to 4:30 p.m. at WVNCC to receive public input.

Mr. Fahey announced that the Taste of Elm Grove will take place on Thursday, October 17th from 6 to 8 at the Monument Place.

REPORT OF COMMITTEES

Mrs. Delbrugge moved, seconded by Mr. Fahey, to dispense with the reading of the Development Committee Report and accept it as received. Motion carried. As a matter of record the Development Committee Report is as follows:

DEVELOPMENT COMMITTEE REPORT - OCTOBER 9, 2013

The Development Committee of Wheeling City Council met on Wednesday, October 9, 2013 at 12:00 p.m. in City Council Chambers. Committee members present: Mayor Andy McKenzie, Vice Chair Gloria Delbrugge and Member Gene Fahey. Others present: Councilors Donnie Atkinson; City Manager Robert Herron, City Solicitor Rosemary Humway-Warmuth, Assistant Economic and Community Development Director Tom Connelly, City Clerk Janice Jones and the media.

The following matters were discussed:

Request by Jie Lin, Bridgelin, LLC., to have the property located at 76-29th Street designated as a Redevelopment Site for ABCA License only at new restaurant. City Manager Robert Herron explained that Assistant ECD Director Tom Connelly has done a review of the proposal as it pertains to the 1,000 ft. rule. Mr. Connelly then reviewed this with the committee. He said that the property is already zoned for a restaurant but the new designation is necessary for the alcohol license. Following a short discussion, Member Fahey moved, seconded by Mrs. Delbrugge, to approve the request. Motion carried. All in favor.

Request by Drema Bonetempo to have the property located at 703 Warwood Avenue designated as a Redevelopment Site to add video lottery to existing ABCA location. Mr. Connelly reviewed the 1000 ft. rule with the committee for this location also. Mrs. Delbrugge voiced concern about parking in the area; however, it was pointed out that the location can operate as a bar currently; this request for a redevelopment site is necessary to add video lottery. Property owner, David Shriver, told the Committee that the plans are for one video lottery machine at first with the possibility of adding two more maximum. Mayor McKenzie added that this bar is currently allowed to operate and the only issue before the committee was the matter of allowing the video lottery machines. Following some additional discussion, Mr. Fahey moved, seconded by Mayor McKenzie, to approve the request. Motion carried. Mrs. Delbrugge voted no.

Request by Patsy Bussey to have the property located at 106 N. 17th Street designated as a Redevelopment Site to add video lottery to existing ABCA location.. Mr. Connelly reviewed the 1000 ft. rule with the committee for this location. Again, Mayor McKenzie stressed that this bar is an established business and the issue before the committee today was to make this a redevelopment area for the purpose of adding video lottery machines. David Shriver, operator for the video lottery machines, said that initially there will be one video lottery machine, with the possibility of a maximum of three in the future. Mr. Fahey moved, seconded by Mrs. Delbrugge, to approve the request. Motion carried. All in favor.

Executive Session to Discuss Property Acquisition.

Mr. Fahey moved, seconded by Mrs. Delbrugge, to suspend the regular order of business to conduct an executive session. Motion carried. Time: 12:25 p.m.

Mr. Fahey moved, seconded by Mrs. Delbrugge, to conclude the executive session and return to the regular order of business. Motion carried. Time: 12:45 p.m.

There being no further business to come before the Committee, Mr. Fahey moved, seconded by Mrs. Delbrugge, to adjourn. Time: 12:45 p.m.

REPORT OF CITY MANAGER

City Manager Robert Herron explained that there are two Resolutions on this evening's agenda that deal with the WV Department of Transportation. The first is to enter into a contract with them for the Schenk Bridge Project. The City will contribute \$219,000.00 of CDBG money toward the project and the DOH will fund the remaining portion. The second Resolution is an agreement to lease property near OVMC to build another parking lot near OVMC. Mr. Herron updated Council on the Kruger Street Turning Lane Project. He said that he anticipates that construction will begin in Spring 2014.

Mr. Herron praised the Police Department for their handling of some very critical situations during the past several weeks.

Mr. Herron also updated Council on the East Wheeling Sports Complex Project and also on the 11th Street Project.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Henry, that the Historic Landmarks Commission Minutes, 8/1/13; Wheeling Municipal Parking System Financial Statement, 8/31/13; Robert C. Byrd Intermodal Transportation Center Financial Statement, 8/31/13; CDBG Program Status Report, 9/30/13; HOME Program Status Report, 9/30/13; Financial Statement, 9/30/13; and Wheeling Housing Authority Minutes, 8/14/13; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

LIBERTY ENVIRONMENTAL SERVICES - 2013 ASBESTOS INSPECTIONS (CDBG)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$8,380.00 WITH LIBERTY ENVIRONMENTAL SERVICES, OF MOUNDSVILLE, WV, FOR 2013 ASBESTOS INSPECTIONS, TO BE CHARGED TO CDBG 2011 EY DEMOLITION #1503-011-200.

RESOLUTION - APPROVING INVOICES - COMBINED WATERWORKS & SEWERAGE SYSTEM REVENUE BONDS - SERIES 2013

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING APPROVING INVOICES RELATING TO THE CONSTRUCTION AND OTHER SERVICES FOR THE WATER TREATMENT PLANT PROJECT AND AUTHORIZING PAYMENT THEREOF.

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

RESOLUTION - DESIGNATING 76 - 29TH STREET AS A DEVELOPMENT - REDEVELOPMENT SITE

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING IDENTIFYING 76 - 29TH STREET AS A

DEVELOPMENT OR A REDEVELOPMENT SITE.

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

RESOLUTION - DESIGNATING 703 WARWOOD AVENUE AS A DEVELOPMENT -
REDEVELOPMENT SITE

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF
WHEELING IDENTIFYING 703 WARWOOD AVENUE AS A
DEVELOPMENT OR A REDEVELOPMENT SITE.

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

RESOLUTION - DESIGNATING 106 N. 17TH STREET AS A DEVELOPMENT -
REDEVELOPMENT SITE

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF
WHEELING IDENTIFYING 106 N. 17TH STREET AS A
DEVELOPMENT OR A REDEVELOPMENT SITE.

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

RESOLUTION - AGREEMENT -WVDOT - FUNDING FOR SCHENK BRIDGE PROJECT

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF
WHEELING, WEST VIRGINIA ("CITY"), AUTHORIZING
THE EXECUTION OF AN AGREEMENT WITH THE WEST
VIRGINIA DEPARTMENT OF TRANSPORTATION,
DIVISION OF HIGHWAYS ("DIVISION"), WITH REGARD TO
FUNDING ASSOCIATED WITH THE REPLACEMENT OF
THE SUPERSTRUCTURE OF THE SCHENK BRIDGE IN
OHIO COUNTY, WEST VIRGINIA.

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

RESOLUTION - LEASE AGREEMENT - WVDOT - CENTER WHEELING PROPERTY

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF
WHEELING APPROVING THE LEASING OF
APPROXIMATELY 19,910 SQUARE FEET OF REAL
PROPERTY FROM THE STATE OF WEST VIRGINIA,
DEPARTMENT OF TRANSPORTATION, LOCATED IN
CENTER WHEELING, IN THE CITY OF WHEELING, FOR
THE PURPOSE OF UTILIZING THE LEASED PREMISES FOR
PARKING NEAR OHIO VALLEY MEDICAL CENTER.

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

DOAN FORD - LEASE-PURCHASE - (4) 2015 FORD POLICE PURSUIT VEHICLES, (1)
2014 FORD POLICE UTILITY VEHICLE AND (1) FORD TAURUS (POLICE)

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 \$175,854.30 WITH DOAN FORD, OF BELMONT, OH, FOR THE LEASE-PURCHASE OF FOUR (4) 2014 FORD POLICE PURSUIT VEHICLES, ONE (1) 2014 FORD POLICE UTILITY VEHICLE AND ONE (1) 2014 FORD TAURUS, PER BID SPECIFICATIONS, TO BE FINANCED WITH UNITED BANK, WHEELING, WV, TO BE CHARGED TO - POLICE VEHICLES - 2013-14 - #001.4976.40.9096 AND CERF ACCOUNT.

THOSE WISHING TO BE HEARD

Tina Birkett, Washington Avenue, appeared before Council and thanked them for the free concerts that are held at Heritage Port, Garden Park and Wheeling Park throughout the summer months.

Bill O’Leary commented that he was very concerned and upset that there again was no security at the front door of the City Building this evening, especially in light of the tragic event that took place last week at the Federal Building. He said that he has been contacting the County Commission since 2009 with this matter.

Jerry Watkins, 1426 Warwood Avenue thanked Fire Chief Larry Helms and the Fire Department for hosting the recent Open Houses at the various Fire Stations throughout the City during Fire Prevention Week.

Mr. Fahey moved, seconded by Mr. Atkinson, to return to the City Manager’s Report. Motion carried.

City Manager Herron said that the Ohio County Sheriff’s Office has agreed to provide security for the 5:30 p.m. Council meetings. He will make sure that he reminds them of the next 5:30 meeting. The City does currently provide two police officers at our 5:30 meeting.

Mr. Fahey moved, seconded by Mr. Atkinson, to return to “Those Wishing to Be Heard.” Motion carried.

There being no further business, Mr. Henry moved, seconded by Mr. Atkinson, to adjourn. Motion carried. time: 6:10 p.m.

City Clerk

Mayor

AGENDA

Wheeling, West Virginia
DATE: November 5, 2013

CONVENED:_

ADJOURNED:

INVOCATION:

ROLL CALL

READING OF THE MINUTES - October 15, 2013

MAYOR'S REPORT

1. CLERK'S REPORT

1. Notice of Application to Operate a Private Club - Bridgeline, LLC - 76 29th Street

2. UNFINISHED BUSINESS

1. Liberty Environmental Services - 2013 Asbestos Inspections (**CDBG**)
2. Doan Ford-(4)2104 Police Pursuit Vehicles, (1) 2014 Police Utility Vehicle, (1) 2014 Ford Taurus

HELD OVER: Historic Landmarks Commission Minutes - 8/1/13; Wheeling Municipal Parking System Financial Statement - 8/31/13; Robert C. Byrd Intermodal Transportation Center Financial Statement; CDBG Program Status Report - 9/30/13; HOME Program Status Report - 9/30/13; Financial Statement - 9/30/13; Wheeling Housing Authority Minutes - 8/14/13.

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

1. Finance Committee Report - 10/15/13

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Planning Commission Minutes - 8/12/13
2. Wheeling Housing Authority Minutes - 9/4/13
3. Board of Zoning Appeals Minutes - 9/19/13
4. Wheeling Traffic Commission Minutes - 10/10/13
5. Greater Wheeling Sports & Entertainment Authority Minutes - 9/3/13 & 10/1/13
6. Greater Wheeling Sports & Entertainment Authority Financial Statement - 8/31/13
7. Wheeling Municipal Parking System Financial Statement - 9/30/13
8. Robert C. Byrd Intermodal Transportation Center Financial Statement - 9/30/13

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Wheeling Symphony - July 4th Funfest Fireworks
2. WSG & Solutions - Roller Chain for Guardian Bar Screen (**WPCD**)
3. Adopting Traffic Rule No. 4464 - Handicapped Parking - 1 Hawk Court
4. Adopting Traffic Rule No. 4465 - No Parking Zone - North Side of Springdale Ave.
5. Authorizing Agreement with Ohio County for Transfer of 911 Communication Center Operations
6. Resolution Governor's Community Participation Grant - WV Sesquicentennial Celebration
7. Resolution - General Fund Budget Revision No. 2
8. Resolution - Approving Invoices - Combined Waterworks and Sewerage System Revenue Bonds Series 2006A.
9. Resolution Governor's Community Participation Grant - Whg. Symphony - Sesquicentennial Celebration

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 5, 2013 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor McKenzie asked for Council's concurrence in the appointment of Maureen Zambito to the Wheeling Hall of Fame Board. Mr. Fahey moved, seconded by Mr. Henry, Council's concurrence in the appointment. He also asked for Council's concurrence in the reappointments of Kate Quinn, Bob DeFrancis, and Bill Nutting, to the Wheeling Hall of Fame Board for another six year terms. Mr. Fahey moved, seconded by Mr. Henry, Council's concurrence in the reappointments. In addition, Mayor McKenzie asked for reappointment of Robert Herron and Gloria Delbrugge to the OVRTA Board. Mr. Fahey moved, seconded by Mr. Henry, Council's concurrence in the reappointments.

Mayor McKenzie commented on the passing of the pastor of St. Alphonsus Church, Fr. Frances O'Kruta.

UNFINISHED BUSINESS

WHEELING SYMPHONY - JULY 4TH FUNFEST FIREWORKS

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$40,000.00 WITH WHEELING SYMPHONY OF WHEELING, WV, FOR THE CITY'S SHARE OF JULY 4, 2013 FUNFEST FIREWORKS TO BE CHARGED TO #001.4412.20.2142 (\$30,000.00) AND #002.4412.50.2263 (\$10,000.00).

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

WSG & SOLUTIONS - ROLLER CHAIN FOR GUARDIAN BAR SCREEN (WPCD)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$19,424.00 WITH WSG & SOLUTIONS, OF MONTGOMERY, PA, FOR STAINLESS STEEL ROLLER CHAIN FOR GUARDIAN BAR SCREEN, TO BE CHARGED TO WATER POLLUTION CONTROL DIVISION - #401.4004.03.0746.23.

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. 4464 - HANDICAPPED PARKING - 1 HAWK COURT

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING
ADOPTING TRAFFIC RULE NO. 4464.

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. 4465 - NO PARKING ZONE - NORTH SIDE OF SPRINGDALE AVE.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING
ADOPTING TRAFFIC RULE NO. 4465.

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, Atkinson, Fahey - 7

NOES: - 0

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

AUTHORIZING AGREEMENT WITH OHIO COUNTY FOR TRANSFER OF 911 COMMUNICATIONS CENTER OPERATIONS

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING
AUTHORIZING THE CITY MANAGER TO ENTER INTO THE
NECESSARY NEGOTIATIONS CONCERNING THE TRANSFER OF
THE 911 COMMUNICATIONS CENTER OPERATIONS TO OHIO
COUNTY, WV, AND TO EXECUTE SUCH NEW AGREEMENTS
BETWEEN THE CITY OF WHEELING AND OHIO COUNTY, WV,
THROUGH ITS ADMINISTRATOR AND COMMISSIONERS AS
MAY BE DEEMED NECESSARY TO EFFECTUATE SUCH
TRANSFER.

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

Mr. Fahey moved, seconded by Mr. Henry, that the Planning Commission Minutes, 8/12/13; Wheeling Housing Authority Minutes, 9/4/13; Board of Zoning Appeals Minutes, 9/19/13; Wheeling Traffic Commission Minutes, 10/10/13; Greater Wheeling Sports & Entertainment Authority Minutes, 9/3/13; & 10/1/13; Greater Wheeling Sports & Entertainment Authority Financial Statement, 8/31/13; Wheeling Municipal Parking System Financial Statement, 9/30/13; Robert C. Byrd Intermodal Transportation Center Financial Statement, 9/30/13; which were held over, be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Atkinson requested that the City send a letter to Senator Manchin, Senator Rockefeller and Congressman McKinley, expressing our concern about flood insurance and the impact that any change would have on our community. Mr. Imer made a motion to do so, seconded by Mr. Atkinson. All in favor.

Mr. Fahey commented on the ongoing events and activities that are going on in the downtown area. He also wished everyone a Happy Thanksgiving.

REPORT OF CITY MANAGER

City Manager Robert Herron reported that the Wheeling Christmas Parade will be held Friday evening, November 22. He also reported that prior to the parade, there will be a concert on 14th Street from 5:00 to 6:00, in honor of the State's Sesquicentennial Celebration, starring the Joseph Sisters.

Mr. Herron also respectfully requested that Item 9/1 under Original Propositions be withdrawn per a request from the Water Accounting Supervisor.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Henry, that the Wheeling-Ohio County Board of Health Minutes, 9/10/13; CDBG Program Status Report, 10/31/13; HOME Program Status Report, 10/31/13; and Financial Statement, 10/31/13; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

RESOLUTION - APPROVING INVOICES - COMBINED WATERWORKS & SEWERAGE SYSTEM REVENUE BONDS - SERIES 2013

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING
APPROVING INVOICES RELATING TO THE CONSTRUCTION
AND OTHER SERVICES FOR THE WATER TREATMENT PLANT
PROJECT AND AUTHORIZING PAYMENT THEREOF.

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

THOSE WISHING TO BE HEARD

Bill O'Leary, 158 Paxton Avenue, thanked Council and the Administration for their part in assisting with security at the front door prior to City Council meetings. He added that he hopes the Kruger Street turning lane will be proceeding soon.

Mr. Miller moved, seconded by Mr. Atkinson, to return to the regular order of business. Motion carried. Mr. Fahey thanked City Clerk, Janice Jones, for the new voting hardware that was recently changed.

There being no further business, Mr. Henry moved, seconded by Mr. Atkinson, to adjourn. Motion carried. time: 5:45 p.m.

City Clerk

Mayor

AGENDA

Wheeling, West Virginia
DATE: December 3, 2013

CONVENED:

ADJOURNED:

INVOCATION:

ROLL CALL

READING OF THE MINUTES - November 19, 2013

MAYOR'S REPORT

1. CLERK'S REPORT

2. UNFINISHED BUSINESS

HELD OVER: Wheeling-Ohio County Board of Health Minutes - 9/10/13; CDBG Program Status Report - 10/31/13; HOME Program Status Report - 10/31/13; Financial Statement - 10/31/13

3. REMARKS FROM MEMBERS OF COUNCIL

4. REPORT OF COMMITTEES

1. Finance Committee Report - 11/19/13
2. Development Committee Report - 11/26/13

5. REPORT OF CITY MANAGER

6. REPORT OF OTHER OFFICERS

1. Board of Zoning Appeals Minutes - 10/17/13
2. Wheeling Traffic Commission Minutes - 11/14/13
3. Wheeling Municipal Parking System Financial Statement - 10/31/13
4. Robert C. Byrd Intermodal Transportation Center Financial Statement -10/31/13
5. Greater Wheeling Sports & Entertainment Authority Minutes - 10/29/13
6. Greater Wheeling Sports & Entertainment Authority Financial Statement - 10/31/13

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Edgco, Inc. - Repair of Manholes at 44th & 45th Sts. **(WPCD)**
2. Adopting Traffic Rule No. 4466 - Handicapped Parking - 817 Market St.
3. Adopting Traffic Rule No. 4467 - Handicapped Parking - 313 Warwood Ave
4. Adopting Traffic Rule No. 4468 - No Parking Zone - East Side of Betty St.
5. Adopting Traffic Rule No. 4469 - No Parking - Fire Lane - South Sd. Springdale Ave.
6. Edgco, Inc. - Abatement and Demolition of 100 S. Penn Street

THOSE WISHING TO BE HEARD

AGENDA

Wheeling, West Virginia
DATE: December 17, 2013

CONVENED:

ADJOURNED:

INVOCATION:

ROLL CALL

READING OF THE MINUTES - December 3, 2013

MAYOR'S REPORT

1. CLERK'S REPORT

2. UNFINISHED BUSINESS

1. Edgco, Inc. - Repair of Manholes at 44th & 45th Sts. **(WPCD)**
2. Adopting Traffic Rule No. 4466 - Handicapped Parking - 817 Market St.
3. Adopting Traffic Rule No. 4467 - Handicapped Parking - 313 Warwood Ave
4. Adopting Traffic Rule No. 4468 - No Parking Zone - East Side of Betty St.
5. Adopting Traffic Rule No. 4469 - No Parking - Fire Lane - South Sd. Springdale Ave.

HELD OVER: Board of Zoning Appeals Minutes - 10/17/13; Wheeling Traffic Commission Minutes - 11/14/13; Wheeling Municipal Parking System Financial Statement - 10/31/13; Robert C. Byrd Intermodal Transportation Center Financial Statement -10/31/13; Greater Wheeling Sports & Entertainment Authority Minutes - 10/29/13; Greater Wheeling Sports & Entertainment Authority Financial Statement - 10/31/13

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 - 10/3/13
2. Planning Commission Minutes - 10/21/13
3. CDBG Building Demolition Status Report - 12/11/13
4. CDBG Program Status Report - 11/30/13
5. HOME Program Status Report - 11/30/13
6. Financial Statement - 11/30/13

7. PETITIONS OF REDRESS OR GRIEVANCE

8. PETITIONS OF ALL OTHER KINDS

9. ORIGINAL PROPOSITIONS

1. Lane Abandonment and Relocation - Corliss Terrace
2. Jarvis, Downing & Emch - Market Plaza Waterline **(Water)**
3. Lecal Equipment - 2009 Pelican N.P. Sweeper **(Operations)**
4. Resolution - Approving Invoices - Combined Waterworks and Sewerage System Revenue Bonds Series 2013.
5. Resolution - Governor's Community Participation Grant Agreement - WV Day Concert
6. Resolution - Governor's Community Participation Grant Agreement - Elks Playground - Equipment
7. Bond Authorizing Resolution & Ordinance - Authorizing Refinancing of the City's Tax Increment Revenue Bonds - Series 2005A and Subordinate Tax Increment Revenue Bonds - Series 2011 through Along with other monies of the pledged therefor, the issuance of not more than \$4,000,000 Aggregate Principal Amount of Tax Increment Refunding Revenue Bonds, Series 2013A (Non-Bank Qualified) And not more than \$3,000,000 Aggregate Principal Amount of Tax Increment Refunding Revenue Bonds, Series 2013B (Bank Qualified).

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, Atkinson and Fahey

- 6

Mr. Fahey moved, seconded by Mr. Henry, that the minutes of the November 19, 2013 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor Andy McKenzie asked for Council's concurrence in the appointments of Chris Villamagna, Bonnie Thurston and Cheryl Harshman to the Arts & Culture Commission and Steve Novotney to the Wheeling Human Rights Commission. Mr. Fahey moved, seconded by Mr. Henry, Council's concurrence in the appointments. Motion carried.

Mayor McKenzie introduced Delegate Ryan Ferns who presented a Governor's Community Participation Grant in the amount of \$7,200.00 to the City of Wheeling for use at the Historic Elks Playground in East Wheeling. Delegate Ferns also announced that he and Delegate Erikka Storch will be holding a Town Meeting on Saturday, December 14, 2013 at Wheeling Jesuit University in the CET Building. Vice Mayor Gene Fahey thanked Delegate Ferns for the grant and commended he and Delegate Storch for conducting the very informative Town meetings.

Mr. Fahey moved, seconded by Mr. Henry, that the Wheeling-Ohio County Board of Health Minutes, 9/10/13; CDBG Program Status Report, 10/31/13; HOME Program Status Report, 10/31/13; and Financial Statement, 10/31/13; which were held over be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Atkinson gave an update on the Comprehensive Plan meetings which he regularly attends. Mayor McKenzie thanked Mr. Atkinson and Mr. Imer for their diligence in keeping abreast of flood insurance issues.

In light of the recent hit and run tragedy that occurred at Washington Avenue, Mr. Fahey asked the Administration to contact the State about the light at that intersection to make sure that it is working properly.

REPORT OF COMMITTEES

Mr. Fahey moved, seconded by Mr. Atkinson, that the Finance Committee Report be accepted as received and the reading of the minutes dispensed with. Motion carried. For the record, they are as follows:

FINANCE COMMITTEE REPORT - NOVEMBER 19, 2013

The Finance Committee of Wheeling City Council met on Tuesday, November 19, 2013 at 5:15 p.m. in City Council Chambers. Committee Members present: Chair Gene Fahey, Vice Chair David Miller and Member Don Atkinson. Others present: Mayor Andy McKenzie, Councilors Gloria Delbrugge, Ken Imer, and Robert Henry; City Manager Robert Herron, Finance Director Michael Klug, Public Works Director Russell Jebbia, Economic and Community Development Director Nancy Prager,, City Clerk Janice Jones and the media.

The following matters were discussed:

Financial Statement - October 31, 2013

City Manager Robert Herron reported that revenues to date are \$12,594,000.00 compared to last year's figures of \$12,184,000.00, attributable, in part, to an increase in B & O revenue and Building Permit

revenue. He reported that the cash carryover for October is approximately \$3.2 million, minus the police and fire pension payments and OVRTA payments, which were made in November, leaving a cash carryover to date of approximately 2.2 million. He noted that this is a little lower when compared to last year at the same time; however, the beginning cash balance for this fiscal year was lower initially. From a budget perspective; however, Mr. Herron noted that we are right on track. In response to a question from Mr. Fahey, relevant to the increase in sales tax that began October 1, 2013, Mr. Herron said that we would most likely realize the increases from the WV State Tax Department sometime in January or February, 2014. Following this discussion, Mr. Atkinson moved, seconded by Mr. Miller, to approve the October 31, 2013 Financial Statement as presented.

There being no further business to come before the Committee, Mr. Atkinson moved, seconded by Mr. Miller to adjourn. Time: 5:20 p.m.

Mr. Fahey moved, seconded by Mayor McKenzie, that the Development Committee Report be accepted as received and the reading of the minutes dispensed with. Motion carried. For the record, they are as follows:

DEVELOPMENT COMMITTEE REPORT - NOVEMBER 27, 2013

The Development Committee of Wheeling City Council met on Wednesday, November 27, 2013 at 9:00 a.m. in City Council Chambers. Committee members present: Mayor Andy McKenzie and Member Gene Fahey. Others present: Robert Herron, City Solicitor Rosemary Humway-Warmuth, Assistant Economic and Community Development Director Tom Connelly, City Clerk Janice Jones and the media.

The following matters were discussed:

Discussion on Tax Increment Financing Bonds

City Manager Robert Herron presented information regarding refunding of the City's outstanding Series 2005 and Series 2011 Tax Increment Financing Revenue Bonds as shown on the attached Preliminary Debt Service Schedule. Following a question and answer period, Mr. Fahey moved, seconded by Mayor McKenzie, to forward this bond issue to City Council with the appropriate ordinances. Motion carried.

Lane Abandonment/Relocation Request - Corliss Terrace

Kayafas Architects, on behalf of the Hampton Inn, has requested the abandonment of Corliss Terrace Road between Park Road and Corliss Avenue. The purpose of the request is to allow for future development of the site. Tom Connelly, Assistant Director of Economic and Community Development, explained that this request is unique in that the developer will be providing a new right of way to be dedicated public to replace the area requested for development. Following a short discussion, Mr. Fahey moved, seconded by Mayor McKenzie, approval of the request to abandon the right of way with the following conditions:

1. The final road construction specifications be approved by the Public Works Director, City Engineer and Fire Chief and inspection occur during construction.
2. The new road be completed prior to the existing road being closed.
3. The comments submitted by AEP and WPCD be addressed by the developer.
4. The new road be screened and landscaped as depicted on the submittal plan.

The Legal Department will craft the Ordinance to included these contingencies be met.

Motion carried.

There being no further business to come before the Committee, Mr. Fahey moved, seconded by Mayor McKenzie, to adjourn. Time: 12:45 p.m.

REPORT OF CITY MANAGER

City Manager Robert Herron commented on Item 9/6, the ordinance with Edgco, Inc. for abatement and demolition of 100 S. Penn Street. He indicated that if CDBG funds were used for this project, historic preservation guidelines would have to be followed which would delay the project and add considerably to the cost of the project. He respectfully requested that two readings of this ordinance be held this evening.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Henry, that the Board of Zoning Appeals Minutes, 10/17/13; Wheeling Traffic Commission Minutes, 11/14/13; Wheeling Municipal Parking System Financial Statement, 10/31/13; Robert C. Byrd Intermodal Transportation Center Financial Statement, 10/29/13; Greater Wheeling Sports & Entertainment Authority Minutes, 10/29/13; Greater Wheeling Sports & Entertainment Authority Financial Statement, 10/31/13; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

EDGCO, INC. - REPAIR OF MANHOLES AT 44TH & 45TH STREETS (WPCD)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$15,800.00 WITH EDGCO, INC., OF LANSING, OH, FOR MANHOLE REPAIR AT 44TH & 45TH STREETS, TO BE CHARGED TO WATER POLLUTION CONTROL DIVISION - #4006.03.0762.59.

ADOPTING TRAFFIC RULE NO. 4466 - HANDICAPPED PARKING - 817 MARKET ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4466.

ADOPTING TRAFFIC RULE NO. 4467 - HANDICAPPED PARKING - 313 WARWOOD AVENUE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4467.

ADOPTING TRAFFIC RULE NO. 4468 - NO PARKING ZONE - EAST SIDE OF BETTY ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4468.

ADOPTING TRAFFIC RULE NO. 4469 - NO PARKING - FIRE LANE - SOUTH SD. OF SPRINGDALE AVE.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4469.

EDGCO, INC. - ABATEMENT AND DEMOLITION - 100 S. PENN STREET (RCIP)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$26,695.00 WITH EDGCO, INC., OF LANSING, OH, FOR ASBESTOS ABATEMENT AND DEMOLITION OF 100 S. PENN STREET, TO BE CHARGED TO RCIP.

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 \$26,695.00 WITH EDGCO, INC., OF LANSING, OH, FOR ASBESTOS ABATEMENT AND DEMOLITION OF 100 S. PENN STREET, 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, Atkinson, Fahey - 6

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

Doug Huff, resident of Corliss Terrace Apartments, appeared before Council and spoke in opposition to the Corliss Terrace lane abandonment and relocation. He believes that the traffic will greatly increase because of this.

There being no further business, Mr. Henry moved, seconded by Mr. Atkinson, to adjourn. Motion carried. Time: 12:20 p.m.

City Clerk

Mayor