

Wheeling, West Virginia
July 1, 2014

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

The invocation was offered by Second Ward Councilor Ken Imer.

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 17, 2014 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor McKenzie asked for Council's concurrence in the reappointments of three individuals to the Northern Panhandle Home Consortium - they are: Wyatt Hoffman, Lisa Werner and Randy Geese. Mr. Fahey moved, seconded by Mr. Henry, Council's concurrence in the reappointments. Motion carried.

He announced that the Wheeling Symphony will be holding their annual 4th of July concert at the Heritage Port on Friday evening, followed by fireworks.

CLERK'S REPORT

NOTICE OF APPLICATION TO OPERATE A PRIVATE CLUB - MORGANTOWN PIZZA, LLC DBA PIZZA HUT NO. 401 - 2345 NATIONAL ROAD

City Clerk Janice Jones presented Council with a Notice of Application to Operate a Private Club for Morgantown Pizza, LLC, dba Pizza Hut No. 401, located at 2345 National Road. The applicant is Daniel Wright.

UNFINISHED BUSINESS

SAVAGE CONSTRUCTION CO. - 11TH STREET GATEWAY PARK (TIF)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$51,469.00 WITH SAVAGE CONSTRUCTION CO., OF WHEELING, WV, FOR 11TH STREET GATEWAY PARK, TO BE CHARGED TO T.I.F. ACCOUNT.

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.

TRANSFER OF 126 - 15TH STREET TO OVADC

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 126 - 15TH 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, Atkinson, Fahey - 6

NOES: - 0

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

TRANSFER OF 134 - 14TH STREET TO OVADC

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 134 - 14TH 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, 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 CO. - MARKET PLAZA REHABILITATION (TIF)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$634,560.00 WITH JAMES WHITE CONSTRUCTION CO., OF WEIRTON, WV, FOR MARKET PLAZA REHABILITATION, TO BE CHARGED TO T.I.F. ACCOUNT.

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. Henry, that the Historic Landmarks Commission Minutes, 5/1/14; Historic Landmark Commission Report, 6/6/14; Comprehensive Plan Committee Minutes, 5/22/14; Planning Commission Minutes, 5/19/14; CDBG Building Demolition Status Report, 6/9/14; CDBG Program Status Report, 5/31/14; HOME Program Status Report, 5/31/14; and Financial Statement, 5/31/14; which were held over, be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mrs. Delbrugge said that she has received numerous phone calls about a business that is abusing the garbage collection ordinance. She will provide the City Manager with the address after the meeting. She also has received many phone calls about the proposed cuts to the Fiscal Year 2014-2015 budget. She encouraged residents to come to Council and speak.

Mr. Atkinson announced that the Car Show will be held this weekend at the Heritage Port and encouraged everyone to attend.

REPORT OF COMMITTEES

Mr. Atkinson moved, seconded by Mr. Fahey, to dispense with the reading of the Finance Committee Minutes and accept them as received. However, for the record, they are as follows:

FINANCE COMMITTEE REPORT - JUNE 17, 2014

The Finance Committee of Wheeling City Council met on Tuesday, June 17, 2014 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 Ken Imer, Gloria Delbrugge and Robert Henry; City Manager Robert Herron, Finance Director Michael Klug, City Solicitor Rosemary Humway-Warmuth, 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 - May 2014

City Manager Robert Herron reported that the General Fund Balance is approximately \$1.2 million. Although this is a very tight budget, he is anticipating that we will finish the year close to where we were last year. Focus of the 2014 - 2015 Budget will be to reduce spending. Sales tax revenue is improving and is better than we anticipated. Following a brief discussion about several line items in the report, Mr. Miller moved, seconded by Mr. Atkinson, to accept the May, 2014 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: 5:27 p.m.

REPORT OF CITY MANAGER

City Manager Robert Herron reported that the FY 2013-2014 Budget Year ended with a \$232,798.00 carryover, slightly less than last year, of which \$32,700.00 is unencumbered.

Mr. Herron asked for Council's concurrence in the reappointment of Barry Crow to the Planning Commission. Mr. Fahey moved, seconded by Mr. Atkinson, Council's concurrence in the reappointment. Motion carried.

City Manager Herron announced that Finance Director Mike Klug will be retiring in August. Mr. Herron congratulated Mr. Klug and thanked him for his many years of service and wished him well in his retirement.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Henry, that the Wheeling Human Rights Commission Minutes, 5/20/14; Wheeling Housing Authority Minutes, 5/14/14; Board of Zoning Appeals Minutes, 5/15/14; and Wheeling Traffic Commission Minutes, 6/12/14; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

ADOPTING TRAFFIC RULE NO. 4490 - HANDICAPPED PARKING ZONE - 4720 EOFF ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4490.

ADOPTING TRAFFIC RULE NO. 4491 - HANDICAPPED PARKING ZONE - 611 N. ERIE ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4491.

ADOPTING TRAFFIC RULE NO. 4492 - NO PARKING - EAST SIDE OF BEVERLY DRIVE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4492.

AGREEMENT - OHIO COUNTY BOARD OF EDUCATION - GARDEN PARK RECREATIONAL COMPLEX - FY 2014-15

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 2014-2015.

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 - AGREEMENT - GOVERNOR'S COMMUNITY PARTICIPATION GRANT - WESBANCO ARENA IMPROVEMENTS

The following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO ACCEPT THE TERMS AND CONDITIONS OF THE CONTRACT RELATING TO THE GOVERNOR'S COMMUNITY PARTICIPATION GRANT IN THE AMOUNT OF \$15,000.00 TO THE CITY OF WHEELING FOR WESBANCO ARENA IMPROVEMENTS - PROJECT NO. 14LEDA0205.

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

RESOLUTION - AGREEMENT - GOVERNOR'S COMMUNITY PARTICIPATION GRANT
- HERITAGE PORT ELECTRICAL UPGRADES

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 \$5,000.00 TO THE CITY OF WHEELING FOR HERITAGE PORT ELECTRICAL UPGRADES - PROJECT NO. 14LEDA0203.

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

THOSE WISHING TO BE HEARD

Charles Ballouz, Windsor Manor; Tom Howard, President of Local 38; John Romick, 90 Lincoln Drive; Alex Coogan, 11 Maryland Street; Tina Birkette, 406 Washington Avenue; Tom Haluscak, 100 Harding Avenue, on behalf of Local 12; Mary Lou Birkette, 406 Washington Avenue, Robb Bauer, 62 G C & P Road; all spoke in opposition to the proposed budget cuts of safety services.

Stephanie Hall, 201 N. Broadway Street, voiced concern about CDBG funding for Police Patrols on Wheeling Island.

Eric Fecat, Work Force West Virginia, talked about a "Standout" for Homeless Veterans, that will be held at the Ohio Valley Medical Center Nurses' Residence on October 11, 2014.

Mr. Fahey moved, seconded by Mr. Atkinson, to return to the City Manager's Report. Motion carried.

Mr. Herron addressed some of the concerns raised by residents who spoke previously. He told Stephanie Hall that the CDBG allocation has increased from \$50,000 to \$70,000. Relevant to the PRO in schools, the proposed 72 officers does include the PROs that are currently in the schools. He also pointed out that in the City Code, the City Manager has the responsibility and duty to insure that expenses do not exceed revenues in the budget and one of those duties is to determine the number of employees each department has. He noted that we have been operating, generally, since January, at the level of employees that is being proposed.

Mr. Fahey moved, seconded by Mr. Atkinson, to return to the Mayor's Report. Mayor McKenzie commended City Manager Herron and his ability to fiscally manage the City. He also praised Mr. Herron for his support of employees over the years. Mayor McKenzie remarked that he would be available to the public after the meeting for any questions they may have.

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

City Clerk

Mayor