

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, Miller, Atkinson and Fahey -

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Mr. Fahey moved, seconded by Mr. Henry, that the minutes of the December 15, 2015 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 - RESOLUTION & ORDINANCE
Authorizing Refunding of City of Wheeling Tax Increment Refunding Revenue Bonds, Series 2013A and 2013B and Authorizing Issuance of Not more than \$16,000,000 in Original Aggregate Principal Amount of Tax Increment Revenue Refunding Bonds in one or more series, collectively referred to as the Series 2016 Bonds.

City Manager Robert Herron explained that this bond issue is a refunding of Tax Increment Refunding Revenue Bonds, Series 2013A and 2013B and the issuance of \$16,000,000 in original aggregate principal amount of Tax Increment Revenue Refunding Bonds collectively referred to as Series 2016 Bonds. Mr. Herron said that the City has the ability to issue up to \$10,000,000 in tax exempt or bank qualified bonds this year. The amount this year of bank qualified debt under this bond issue will be approximately \$9,000,000. The remaining \$6,000,000 of bonds will be used to pay off the existing debt, with a portion being used for building acquisition, demolition, street scaping and new infrastructure improvement for the Health Plan Project. City Manager Herron added that the refinancing of the Series 2013 A & B Bonds will save the City an estimated \$554,000 in future interest costs. Mayor McKenzie asked if there was anyone present who wished to speak at this public hearing. As there was no one who wished to speak, Mr. Fahey moved, seconded by Mr. Henry, to conclude the public hearing and resume the regular order of business. Motion carried.

UNFINISHED BUSINESS

MEMO OF UNDERSTANDING PERTAINING TO TRANSFER AND SALE OF PARKING AREAS ADJACENT TO WAGNER BUILDING

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO NEGOTIATE, ENTER INTO, AND EXECUTE THE APPROPRIATE MEMORANDUM OF UNDERSTANDING (MOU) TO PROVIDE FOR TRANSFER AND SALE OF PARKING LOTS LOCATED AT OR NEAR THE WAGNER BUILDING IN THE CITY OF WHEELING AND TO AUTHORIZE THE TRANSFER OF REAL PROPERTY, COMPRISING SUCH PARKING LOTS AND AREAS, TO THE OVADC TO CARRY OUT THE INTENT OF THE MEMORANDUM OF UNDERSTANDING.

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

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NOES:

- 0

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

RESOLUTION AND ORDINANCE AUTHORIZING THE REFUNDING OF CITY OF WHEELING TAX INCREMENT REFUNDING REVENUE BONDS, SERIES 2013A AND SERIES 2013B AND ISSUANCE OF TAX INCREMENT REVENUE REFUNDING BONDS, COLLECTIVELY REFERRED TO AS SERIES 2016 BONDS.

The following was then read:

A RESOLUTION AND ORDINANCE AUTHORIZING THE REFUNDING OF THE CITY OF WHEELING TAX INCREMENT REFUNDING REVENUE BONDS SERIES 2013A (NON-BANK QUALIFIED) (THE SERIES 2013A BONDS) AND THE CITY OF WHEELING TAX INCREMENT REFUNDING REVENUE BONDS SERIES 2013B (BANK QUALIFIED) (THE SERIES 2013 B BONDS, AND TOGETHER WITH THE SERIES 2013 A BONDS, THE "PRIOR BONDS"); AUTHORIZING THE ISSUANCE OF NOT MORE THAN \$16,000,000 IN ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF TAX INCREMENT REVENUE BONDS SERIES 2016, IN ONE OR MORE SERIES (COLLECTIVELY, THE "SERIES 2016 BONDS"), OF THE CITY OF WHEELING A PORTION OF THE PROCEEDS OF WHICH SHALL BE EXPENDED TO REFINANCE AND PAY IN FULL THE PRIOR BONDS, TO FUND ONE OR MORE DEBT SERVICE RESERVE FUNDS FOR THE SERIES 2016 BONDS, TO FINANCE COSTS OF PROPERTY ACQUISITION AND THE DESIGN, ACQUISITION, CONSTRUCTION AND EQUIPPING OF PROJECT COSTS IN THE CITY OF WHEELING REDEVELOPMENT PROJECT DISTRICT NO. 1 AND ALL NECESSARY APPURTENANCES AND RELATED FACILITIES, AND OTHER EXPENSES AND COSTS RELATED THERETO AND TO PAY COSTS OF ISSUANCE OF THE SERIES 2016 BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE OF TRUST, A BOND PURCHASE AGREEMENT AND ANY OTHER DOCUMENTS RELATING THERETO; AUTHORIZING DISTRIBUTION OF A PRIVATE PLACEMENT MEMORANDUM OR OTHER OFFERING DOCUMENT; AUTHORIZING EXECUTION AND DELIVERY OF OTHER DOCUMENTS, INSTRUMENTS, AGREEMENTS AND CERTIFICATES; AUTHORIZING AND DIRECTING THE EXECUTION AND DELIVERY OF SUCH SERIES 2016 BONDS; PROVIDING PARAMETERS FOR THE PRINCIPAL AMOUNTS, MATURITIES, INTEREST RATES AND OTHER TERMS OF THE SERIES 2016 BONDS; AUTHORIZING THE MAYOR TO APPROVE A CERTIFICATE OF DETERMINATIONS RELATING TO THE FINAL TERMS OF THE SERIES 2016 BONDS; APPOINTING A TRUSTEE, REGISTRAR, PAYING AGENT AND OTHER PARTICIPANTS IN THE FINANCING; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS RELATING TO THE ISSUANCE OF THE SERIES 2016 BONDS.

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 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 Human Rights Commission minutes, 10/20/15; Historic Landmarks Commission Minutes, 11/5/15; Wheeling Municipal Parking System Financial Statement, 10/31/15; Robert C. Byrd Intermodal Transportation Center Financial Statement, 10/31/15; CDBG Program Status Report, 11/30/15; HOME Program Status Report, 11/30/15; Financial Statement, 11/30/15; which were held over, be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Miller congratulated Oglebay for another successful season of the Festival of Lights. He also congratulated Dr. Greg Merrick for the Cancer Research Classic that was held at Wheeling Jesuit University this past week-end.

Mr. Atkinson reported that the Fitzsimmons Family has very generously donated \$25,000 to the Dog Park Project in the City of Wheeling and he expressed our appreciation to them.

REPORT OF COMMITTEES

Mr. Fahey moved, seconded by Mr. Atkinson, to dispense with the reading of the minutes of the Finance Committee Minutes for 12/15/15 and accept them as received. Motion carried. For the record, they are as follows:

FINANCE COMMITTEE REPORT - DECEMBER 15, 2015

The Finance Committee of Wheeling City Council met on Tuesday, December 15, 2015 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, Robert Henry and Ken Imer; City Manager Robert Herron, City Solicitor Rosemary Humway-Warmuth; Finance Director Jill Willey, City Clerk Janice Jones and the media.

The following matters were discussed:

General Fund Budget Revision No. 2

City Manager explained the Budget Revision in detail. He said that the Budget Revision is necessary for the following:

1. To offset ECD, City Manager, City Clerk, City Attorney, Market House Expense with Gas & Oil
Severance tax, IRP fees, Parks & Recreation Charges to other entities, P.I.L.O.T. and Credit Card Processing Fees Revenue.
2. To offset Streets and Highways, Central Garage, Garbage Department, Youth Program, Public Safety and Streets and Transportation with Contingencies.
3. To offset Fire Department expenses with Federal Grants and Misc. Income.

Following a short discussion, Mr. Miller moved, seconded by Mr. Atkinson, to approve Budget Revision No. 2 as received. Motion carried.

Financial Statement - November 30, 2015

City Manager Robert Herron reported that the General Fund Balance at the end of November is \$2,961,000.00, with \$504,000.00 in the budget stabilization fund. Last year's balance for the same time period was \$2,600,000.00. From an expenditure perspective, we are at 41% of budget. From a revenue perspective, we are at 46% of budget. Mr. Herron added that we are about \$142,000 behind where we were at the same time last year. The B & O tax revenue is approximately 6.8 % less than for the same time period as last year. Mr. Miller moved, seconded by Mr. Atkinson, to accept the November 30, 2015 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: 5:25 p.m.

REPORT OF CITY MANAGER

City Manager Herron said that, under Original Propositions, Item No. 5, is a Reimbursement Resolution. In accordance with Tax Increment Financing Rules, you can advance a project funding but in order to get that money back from the debt you have to have a Reimbursement Resolution within 60 days of that advance. We are going to be incurring some property acquisition costs in January and we anticipate the bond sale to occur around the second week in February so this will be a short term reimbursement from the infrastructure account.

Mrs. Delbrugge asked Mr Herron for an update on the Tennis Court Project in Warwood. Mr. Herron said that the money is available, the design is complete and it will be put out to bid soon but he will find out exactly when and let Mrs. Delbrugge know.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Henry, that the Planning Commission Minutes, 9/14/15; Wheeling Housing Authority Minutes, 10/14/15; Greater Wheeling Sports & Entertainment Authority Income Statement, 10/31/15; Human Rights Commission Minutes, 11/17/15; and Board of Zoning Appeals Minutes, 11/19/15; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

APS ADVANCED PUBLIC SAFETY - CITATION PRINTERS AND SUPPLIES (POLICE)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$82,925.00 WITH APS ADVANCED PUBLIC SAFETY OF DEERFIELD BEACH, FL. FOR CITATION PRINTERS AND PAPER FOR NORTHERN REGIONAL HIGHWAY SAFETY PROGRAM, TO BE CHARGED TO POLICE DEPARTMENT - WV HIGHWAY SAFETY PROGRAM.

DESIGNATING DEPOSITORIES - 2016

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 2016, 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.

RESOLUTION - BANK OF NEW YORK MELLON - SECTION 108 LOAN 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 \$22,793.75 FROM CDBG 2014 EY - SECTION 108 LOAN REPAYMENT - #1513-014-140 (\$16,185.00) AND CDBG 2015 EY - SECTION 108 LOAN REPAYMENT - #1513-015-140 (\$ 6,608.75) FOR COSTS ASSOCIATED WITH HUD 108 PROGRAM.

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

RESOLUTION - GENERAL FUND BUDGET REVISION NO. 2

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF
WHEELING DIRECTING THAT THE GENERAL FUND
BUDGET BE REVISED AS PER BUDGET REVISION NO. 2.

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

RESOLUTION - ADOPTION OF A REIMBURSEMENT RESOLUTION OF THE CITY
WHICH WOULD APPROVE THE REIMBURSEMENT OF COSTS INCURRED BY THE
CITY IN CONNECTION WITH COSTS OF CERTAIN PROPERTY ACQUISITION,
DEMOLITION AND DESIGN ACQUISITION AND CONSTRUCTION OF CERTAIN
BETTERMENTS AND IMPROVEMENTS, SPECIFICALLY INCLUDING, BUT NOT
LIMITED TO, STREET SCAPING, ALL LOCATED IN, OR FOR THE BENEFIT OF, THE
TIF DISTRICT, FROM THE PROCEEDS OF TAX INCREMENT BONDS TO BE ISSUED BY
THE CITY IN A PRINCIPAL AMOUNT NOT TO EXCEED \$4,000,000.

The following was then read:

RESOLUTION OF THE CITY OF WHEELING, WEST
VIRGINIA DECLARING ITS OFFICIAL INTENT TO
REIMBURSE EXPENDITURES MADE FROM PROCEEDS OF
BONDS OR OTHER OBLIGATIONS.

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

Mr. Fahey moved, seconded by Mr. Henry, to suspend the regular order of
business to conduct an executive session dealing with a personnel issue. Motion carried. Time:
12:17 p.m.

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

THOSE WISHING TO BE HEARD

No one signed up to speak.

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

City Clerk

Mayor