

Wheeling, West Virginia  
September 15, 2015

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 Kenneth Imer.

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 1, 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 - Community Development Block Grant (CDBG) Program and Home Investment Partnership (HOME) Program - Performance Hearing Fiscal Year 2014 (July 1, 2014 to June 30, 2015)**

City Manager Robert Herron explained that this is the annual performance hearing for the City’s CDBG Program and HOME Program, wherein citizens are offered the opportunity to assess and comment on the City’s administration of the two Federal programs relative to FY 2014 (7/1/14 to 6/30/15).

As 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 Andy McKenzie commented that Leadership West Virginia is at Oglebay for their monthly meeting. He also announced that the Arts Commission is going to paint parking meters in Center Market. Anyone is welcome to submit a proposal to them.

Two events that will take place this week-end are Irish Road Bowling and the Sternwheel Festival.

Mayor Andy McKenzie introduced Larry Ridgeway, President of the George Washington Chapter of the Sons of the American Revolution who presented Sergeant John Schultz with a Law Enforcement Commendation Medal for his many unselfish and heroic efforts performed in the line of duty.

**UNFINISHED BUSINESS**

**FIRST TIME HOMEBUYER PROGRAM - NORTHERN PANHANDLE HOME CONSORTIUM 2015 (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 \$245,326.00, AS PER HOUSING CONSORTIUM COOPERATION AGREEMENT, TO BE CHARGED TO 2015 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 \$65,000.00 WITH WHEELING POLICE DEPARTMENT, TO BE CHARGED TO CDBG 2015 EY PUBLIC SERVICES #1511-015-165.

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.

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 \$5,000.00 WITH WHEELING HUMAN RIGHTS COMMISSION, TO BE CHARGED TO CDBG 2015 EY PUBLIC SERVICES #1511-015-160.

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 \$2,500.00 WITH SEEING HAND ASSOCIATION, TO BE CHARGED TO CDBG 2015 EY PUBLIC SERVICES #1511-

015-180.

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.

**SOUP KITCHEN (CDBG)**

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$4,000.00 WITH THE SOUP KITCHEN, TO BE CHARGED TO CDBG 2015 EY PUBLIC SERVICES #1511-015-140.

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 \$4,500.00 WITH GREATER WHEELING COALITION FOR THE HOMELESS, TO BE CHARGED TO CDBG 2015 EY PUBLIC SERVICES #1511-015-130.

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 \$18,000.00 WITH WHEELING HEALTH RIGHT, TO BE CHARGED TO CDBG 2015 FY PUBLIC SERVICES #1511-015-150.

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.

**FAMILY SERVICES OF THE UPPER OHIO VALLEY (CDBG)**

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$4,000.00 WITH FAMILY SERVICES OF THE UPPER OHIO VALLEY, TO BE CHARGED TO CDBG 2015 EY PUBLIC SERVICES #1511-015-120.

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.

**EAST WHEELING POOL OPERATIONS (CDBG)**

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$15,000.00 WITH EAST WHEELING POOL OPERATIONS, TO BE CHARGED TO CDBG 2015 EY PUBLIC SERVICES #1511-015-190.

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.

**CATHOLIC CHARITIES (CDBG)**

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND

EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED  
\$4,000.00 WITH CATHOLIC CHARITIES, TO BE CHARGED  
TO CDBG 2015 EY PUBLIC SERVICES #1511-015-115.

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.

KING'S DAUGHTERS (CDBG)

The following was then read:

AN ORDINANCE TO ENTER INTO AN AGREEMENT AND  
EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED  
\$4,000.00 WITH KING'S DAUGHTERS, TO BE CHARGED TO  
CDBG 2015 EY PUBLIC SERVICES #1511-015-135.

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.

ROBERT C. BYRD INTERMODAL TRANSPORTATION CENTER - SHORTFALL - FY 2014

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE  
CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF  
\$63,125.35 WITH THE ROBERT C. BYRD INTERMODAL  
TRANSPORTATION CENTER FOR THE INTERMODAL  
TRANSPORTATION CENTER SHORTFALL - FY 2014, TO BE  
CHARGED TO #001.4414.50.5134.

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 - 2518 EOFF STREET - EMO TO C-2

The following was then read:

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF LOTS 61, 62 AND 63 AS DESIGNATED ON THE PLAT OF CALDWELL'S ADDITION FROM EMO EDUCATIONAL MEDICAL OFFICE TO C-2 GENERAL COMMERCIAL.

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, 6/18/15; Greater Wheeling Sports & Entertainment Authority Minutes, 6/19/15; Greater Wheeling Sports & Entertainment Authority Income Statement, 7/31/15; Wheeling Human Rights Commission Minutes, 7/21/15; Planning Commission Annual Report, FY 2014-2015; Wheeling Municipal Parking System Financial Report, 7/31/15; and Robert C. Byrd Intermodal Transportation Center Financial Report, 7/31/15; which were held over, be approved as received. Motion carried.

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

Mr. Fahey commented on the Rededication of the Upper Market Plaza and what a great project it is and a great example of reuse of public space.

#### **REPORT OF CITY MANAGER**

City Manager Robert Herron respectfully requests two readings on Items 9/2 and 9/3, with Lash Excavating for Contract 2 for Street Paving so that they can start as soon as possible. He also reported that Phase II at the WesBanco Arena is 99% complete and Phase III is slated for completion June, 2016.

#### **REPORT OF OTHER OFFICERS**

Mr. Fahey moved, seconded by Mr. Henry, that the Wheeling Housing Authority Minutes, 7/8/15; Historic Landmarks Commission Minutes, 8/6/15; CDBG Program Status Report, 8/21/15; HOME Program Status Report, 8/31/15; and Financial Statement, 8/31/15; be held over until the next meeting. Motion carried.

#### **ORIGINAL PROPOSITIONS**

AMENDING AND REENACTING PART FIVE - GENERAL OFFENSES CODE - TO PROVIDE FOR A PROVISION FOR POLICE DEPARTMENT FALSE ALARMS VIOLATIONS AND ENFORCEMENT

The following was then read:

AN ORDINANCE TO AMEND THE ORDINANCES FOR THE CITY OF WHEELING, WEST VIRGINIA, AMENDING PART FIVE OF THE GENERAL OFFENSES CODE TO PROVIDE FOR AN AMENDMENT TO ARTICLE 501 ENTITLED: ADMINISTRATION AND LAW ENFORCEMENT WITH SUCH NEW SECTION TO BE ADDED AS SECTION 501.11 - POLICE DEPARTMENT FALSE ALARMS.

LASH PAVING CO. - STREET RESURFACING 2015 - CONTRACT 2 (GF)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$224,398.50 WITH LASH PAVING CO., OF BRIDGEPORT, OH, FOR STREET RESURFACING 2015 - CONTRACT 2, TO BE CHARGED TO RCIP - INFRASTRUCTURE.

Mr. Fahey moved, seconded by Mr. Henry, that the Ordinance be read for a second time this evening. Motion carried.

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$224,398.50 WITH LASH PAVING CO., OF BRIDGEPORT, OH, FOR STREET RESURFACING 2015 - CONTRACT 2, TO BE CHARGED TO RCIP - INFRASTRUCTURE.

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

The vote on the motion resulted as follows:

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

NOES: - 0

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

LASH PAVING CO. - STREET RESURFACING 2015 - CONTRACT 2 (CDBG)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$266,520.40 WITH LASH PAVING CO., OF BRIDGEPORT, OH, FOR STREET RESURFACING 2015 - CONTRACT 2, TO BE CHARGED TO CDBG 2015 EY STREET PAVING - #1507-015-110.

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

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$266,520.40 WITH LASH PAVING CO., OF BRIDGEPORT, OH, FOR STREET RESURFACING 2015 - CONTRACT 2, TO BE CHARGED TO CDBG 2015 EY STREET PAVING - #1507-015-110.

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

The vote on the motion resulted as follows:

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

NOES: - 0

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

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

Mr. Fahey moved, seconded by Mr. Henry, to return to the Mayor's Report.  
Motion carried.

Mayor McKenzie commented on a note that he received from residents of  
Washington, PA, about how much they enjoyed our summer concerts at Heritage Port and trying  
new restaurants in our City.

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

**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: 6:00 p.m.

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City Clerk

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Mayor