

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 November 3, 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 - OGLEBAY PARK REFUNDING BONDS - SERIES 2015”

City Manager Robert Herron explained that this is a refunding of bonds that were issued in 2003 and 2004. The reason for this refunding is that interest rates have lowered and a significant savings will be realized. The City serves as a conduit for these bonds and there is absolutely no liability at all to the City.

As no one signed up or wished to speak at this public hearing, Mayor McKenzie asked for a motion to close the 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 read a proclamation for Small Business Saturday which will take place on Saturday, November 28, 2015. He announced, that in conjunction with Small Business Saturday, River City will have a kick-off Breakfast starting at 9:30 a.m. Mayor McKenzie also announced that a “Show of Hands” will take place tomorrow night at the Capitol Theater Ballroom. The mayor wished everyone a Happy Thanksgiving.

CLERK’S REPORT

NOTICE OF APPLICATION TO OPERATE A PRIVATE CLUB - OZZIE’S BAR & GRILL & HOT SPOT - 135 VIRGINIA ST.

City Clerk Janice Jones presented Council with a Notice of Application to Operate a Private Club for Ozzie’s Bar & Grill & Hot Spot, located at 135 Virginia St. The applicant is Osvle Hyde.

UNFINISHED BUSINESS

AUTHORIZING ISSUANCE OF OGLEBAY PARK REFUNDING REVENUE BONDS - SERIES 2015 FOR THE REFUNDING OF OGLEBAY PARK REVENUE REFUNDING BONDS, SERIES 2003, AMENDED, THE OGLEBAY PARK IMPROVEMENT REVENUE BONDS, SERIES 2004 AMENDED AND THE OGLEBAY PARK IMPROVEMENT AND REVENUE BONDS SERIES 2004B AMENDED.

The following was then read:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT MORE THAN \$6,815,000.00 AGGREGATE PRINCIPAL AMOUNT OF OGLEBAY PARK REFUNDING REVENUE BONDS, SERIES 2015, FOR THE REFUNDING OF THE OGLEBAY PARK REVENUE REFUNDING BONDS, SERIES 2003 AMENDED, THE OGLEBAY PARK IMPROVEMENT REVENUE BONDS, SERIES 2004 AMENDED AND THE OGLEBAY PARK IMPROVEMENT AND REVENUE BONDS, SERIES 2004B AMENDED; PROVIDING FOR THE COSTS OF ISSUANCE OF THE ABOVE BONDS; PROVIDING FOR THE

RIGHTS AND REMEDIES OF AND SECURITY FOR THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING THE SALE AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH BONDS; AND ENACTING OTHER PROVISIONS RELATING THERETO.

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. 4536 - NO PKG. N. SD. OF HAWTHORNE CT.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4536.

Mr. Miller moved, seconded by Mr. Atkinson, that this Ordinance be tabled. Motion carried.

ADOPTING TRAFFIC RULE NO. 4537 - HANDICAPPED PKG. - 3517 EOFF ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4537.

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. 4538 - HANDICAPPED PKG. - 19 - 7TH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4538.

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. 4539 - COMMERCIAL LOADING ZONE - 600 FULTON

ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4539.

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. 4540 - MAKING SHORT MARKET ST. ONE WAY

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4540.

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. 4541 - 11TH ST. BETWEEN MAIN & MARKET - ONE WAY

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4541.

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. 4542 - COMMERCIAL LOADING ONLY - 11TH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4542.

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.

BADGER METERS, INC. - WATER METERS & CONNECTORS

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$18,090.62 WITH BADGER METERS, INC., OF MILWAUKEE, WI, FOR WATER METERS AND CONNECTORS, TO BE CHARGED TO WATER DISTRIBUTION - 400.4013.06.0620.01.

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.

METRON-FARNIER, LLC - VARIOUS MATERIALS FOR METER CONVERSIONS

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$37,652.40 WITH METRON-FARNIER, LLC, OF BOULDER, CO, FOR VARIOUS MATERIALS FOR METER CONVERSIONS TO REMOTE READ, TO BE CHARGED TO WATER DISTRIBUTION - 400.4013.06.0620.01.

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.

HORIBA SCIENTIFIC - SPECTOMETER AND EQUIPMENT

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$39,939.00 WITH HORIBA SCIENTIFIC, OF EDISON, NJ, FOR SPECTOMETER AND EQUIPMENT, TO BE CHARGED TO WATER TREATMENT - 400.4012.03.0620.01.

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 501.99 PENALTY

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING PART FIVE - GENERAL OFFENSES CODE, ARTICLE 501 - ADMINISTRATION AND LAW ENFORCEMENT, SECTION 501.99 ENTITLED PENALTY.

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. ASBESTOS ABATEMENT 2015 (RCIP)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$17,885.00 WITH EDGCO, INC., OF LANSING, OH, FOR 2015 ASBESTOS ABATEMENT, TO BE CHARGED TO RCIP.

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

The vote on the motion resulted as follows:

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

NOES: - 0

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

EDGCO, INC. - BUILDING DEMOLITION 2015 (RCIP)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$120,000.00 WITH EDGCO, INC., OF LANSING, OH, FOR 2015 BUILDING DEMOLITION, TO BE CHARGED TO RCIP.

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

The vote on the motion resulted as follows:

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

NOES: - 0

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

Mr. Fahey moved, seconded by Mr. Henry, that the Human Rights Commission Minutes, 8/18/15; Wheeling Housing Authority Minutes, 9/9/15; Wheeling Traffic Commission Minutes, 10/8/15; Greater Wheeling Sports & Entertainment Authority Minutes, 8/25/15; Greater Wheeling Sports & Entertainment Authority Income Statement, 8/31/15; Wheeling Municipal Parking System Financial Report, 9/30/15; and Robert C. Byrd Intermodal Transportation Center Financial Report, 9/30/15; which were held over, be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mrs. Delbrugge presented Mayor McKenzie with a plaque that was presented to the City in appreciation of the Veterans' Day Race.

Mr. Atkinson expressed his appreciation to the Public Works Director Rusty Jebbia and the Water Department for the quick response to a water problem that they had at Georgetown on Veterans Day.

Mr. Miller reminded the public that there may be some traffic congestion with the Festival of Lights Parade and the football playoffs that will take place on Wheeling Island.

Mr. Fahey added that the Oglebay Park Festival of Lights will also be going on from now to January, 2016 and he remarked what a great event the Festival of Trees was that took place last week at Oglebay.

Mayor McKenzie also wished our local teams, Wheeling Central and Wheeling Park, lots of luck in the football playoffs this week-end.

REPORT OF CITY MANAGER

City Manager Robert Herron reported that the Fall paving project being done by Lash Paving will begin on Thursday. In response to a question from Mr. Fahey, Mr. Herron indicated that the Kruger Street paving will take place at night. Mayor McKenzie added that the road to Wheeling Park and a portion of Rt. 88 to Oglebay will also be paved by the WV Department of Highways.

In response to a question from Mrs. Delbrugge about the property behind the Water Treatment Plant and construction of the new tennis courts, City Manager Herron indicated that our plan is to have that project under construction this summer and completed by early fall.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Henry, that the Human Rights Commission Annual Report, FY 2014; Human Rights Commission Minutes, 9/22/15; Historic Landmarks Commission Minutes, 10/01/15; Wheeling-Ohio County Board of Health Minutes, 9/15; 9/29; and 10/29/15; CDBG Program Status Report, 10/31/15; HOME Program Status Report, 10/31/15; Financial Statement, 10/31/15; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

PENN CARE, INC. - 2014 AMBULANCE

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$132,060.00 WITH PENN CARE, INC., OF NILES, OH, FOR 2014 AMBULANCE (DEMO), TO BE CHARGED TO RCIP.

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

Patricia Jacobsen, 20 Fairfax Drive, spoke to Council about disposal of fracking waste and radioactive waste into the Ohio River. She submitted a CD that contained a report from the WV DEP and Marshall University in regard to leachate, drill cuttings and related environmental, economic and technical aspects associated with Solid Waste Facilities in West Virginia and also submitted a letter from the Ohio Department of Health.

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

City Clerk

Mayor