

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 - 7

Mr. Fahey moved, seconded by Mr. Henry, that the minutes of the August 18, 2015 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor McKenzie introduced Anthony Sunseri and Joseph Blalock to Council as prospective appointees to the Wheeling Human Rights Commission. He then asked for Council's concurrence in their appointments. Mr. Fahey moved, seconded by Mr. Henry, Council's concurrence in the appointments. Motion carried.

Mayor McKenzie commented on the Dragon Boat Races that were held at Heritage Port this past week-end and what a unique event it was. He also announced that the Riverboat Regatta will take place this coming week-end.

UNFINISHED BUSINESS

TRANSFER OF FUNDS TO ADC - ECONOMIC DEVELOPMENT

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE TRANSFER OF FIFTY THOUSAND DOLLARS (\$50,000) FROM THE GENERAL FUND #001.4414.50.5136 TO THE OHIO VALLEY AREA DEVELOPMENT CORPORATION (OVADC), TO BE USED FOR ECONOMIC DEVELOPMENT.

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 Planning Commission Minutes, 5/11/15; Planning Commission Report, 8/12/15; Wheeling Housing Authority Minutes, 6/10/15; Human Rights Commission Minutes, 6/16/15; Historic Landmarks Commission Minutes, 7/2/15; Wheeling Municipal Parking System Financial Report, 6/30/15; Robert C. Byrd Intermodal Transportation Center Financial Report, 6/30/15; CDBG Program Status Report, 7/31/15; HOME Program Status Report, 7/31/15; Financial Report, 7/31/15; which were held over, be approved as received. Motion carried.

REPORT OF COMMITTEES

Mr. Miller moved, seconded by Mr. Henry, that the Rules Committee Report be accepted as received and the reading of the minutes dispensed with. Motion carried. For the record, they are as follows:

RULES COMMITTEE REPORT - AUGUST 18, 2015

The Rules Committee of Wheeling City Council met on Tuesday, August 18, 2015 at 4:45 p.m. in City Council Chambers. Committee members present: Chair David Miller, Vice Chair Gene Fahey, Member Robert Henry. Others present: Mayor Andy McKenzie; Councilors Donnie Atkinson, Gloria Delbrugge and Ken Imer; City Manager Robert Herron, City Solicitor Rosemary Humway-Warmuth, Finance Director Jill Willey, and Clerk Janice Jones.

The following matter was discussed:

Proposed False Alarm Ordinance

As a follow up to the Rules Committee meeting of July 13, 2015, committee members reviewed the proposed ordinance as submitted by the administration (attached). City Solicitor Rosemary Humway-Warmuth explained the draft ordinance and where it would be included in the Codified Ordinances. She explained that all alarm users would be required to register their systems with the city and update their information on a yearly basis. The draft ordinance does not include a fee to register; however a fine would be imposed for failure to register. Also, there would be no penalty for the first false alarm but fines would start at \$50 for a second offense and escalate to a maximum of \$400 for a ninth or subsequent false alarm in a year's time. The administration of the program would be done by a third party company and paid a portion of revenue from the fee. The ordinance would be effective upon its passage; however, enforcement would not begin until January, 2016. Following discussion, Mr. Fahey moved, seconded by Mr. Henry, to proceed with the ordinance, including the suggestions that were discussed. Motion carried.

In another matter, Ms. Humway indicated that there may be another ordinance that could come to the Rules Committee regarding Civil Penalties as contained in the Codified Ordinances.

There being no further business to come before the Committee, Mr. Fahey moved, seconded by Mr. Henry, to adjourn. Time: 5:00 p.m.

Mr. Fahey moved, seconded by Mr. Atkinson, that the reading of the Finance Committee Report be dispensed with and accepted as received. Motion carried. For the record, they are as follows:

FINANCE COMMITTEE REPORT - AUGUST 18, 2015

The Finance Committee of Wheeling City Council met on Tuesday, August 18, 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:

Financial Statement - July 31, 2015

City Manager Robert Herron commented that, as this is the first month of the Fiscal Year, we are off to a good start. He reported that the cash balance as of 7/31/15 is approximately \$3,000,000, compared to last year's cash balance of approximately \$2,200,000. Following a short discussion in regard to funding the Budget Stabilization Line Item and the timeliness of receipt of revenues, Mr. Miller moved, seconded by Mr. Atkinson, to approve the July 31, 2015 Financial Statement. Motion carried.

There being no further business to come before the Committee, Mr. Atkinson moved, seconded by Mr. Fahey, to adjourn. Time: 5:21 p.m.

REPORT OF CITY MANAGER

City Manager Robert Herron recognized the Rusty Jebbia, Dave Nickerson and Lori Siburt of the Water Department and their expertise in handling the algae situation that occurred in the Ohio River a couple of weeks ago. The new Water Treatment Plant handled the situation brilliantly. With the addition of two new wells, Mr. Herron said that we are in excellent shape to handle any situation.

City Manager Herron respectfully requested two readings of the two ordinances

authorizing the agreements with HUD and the HOME Program.

In response to a question from Mr. Fahey about the Idabelle Avenue area flooding that occurred several weeks ago. Mr. Herron said that it is cleared up; however, there is a Gabian basket that needs repaired and we are in the process of exploring who is responsible for that.

Mr. Miller requested an update on the Civic Center from Mr. Herron. He commented that the seating project is slated to be completed by September 14th. He reported that Phase 3, which is the addition to the front, it is still on schedule and is slated to be completed in June, 2016.

In response to a question from Mrs. Delbrugge about the Warwood Pool Roof Project, Mr. Herron said that we are going to try to get that done before winter. She also inquired about the damage to the alley behind the new Water Treatment Plant caused by the large trucks that were working in that area. Mr. Herron indicated that any damage to that alley will be fixed.

REPORT OF OTHER OFFICERS

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; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

AGREEMENT - HUD - COMMUNITY DEVELOPMENT BLOCK GRANT EY 2015 (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 \$1,103,364.00 FOR COMMUNITY DEVELOPMENT BLOCK GRANT.

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

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 \$1,103,364.00 FOR COMMUNITY DEVELOPMENT BLOCK GRANT.

The ordinance was read a second time by title. Mr. Henry moved, seconded by Mr. Imer, 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 - 2015 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 \$245,326.00 FOR 2015 EY HOME INVESTMENT PARTNERSHIP PROGRAM.

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

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 \$245,326.00 FOR 2015 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 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

THOSE WISHING TO BE HEARD

Mr. Bill O'Leary, 158 Paxton Avenue, appeared before Council and distributed pictures of the creek near his house which is blocked up. He asked if the City could help him contact the proper authorities. Mr. Herron indicated that Mr. Martin, from the WV Conservation Agency, was here today to assess the situation but he has not had a chance to talk to him yet.

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

City Clerk

Mayor