

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

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Mr. Fahey moved, seconded by Mr. Henry, that the minutes of the September 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

Amending and Reenacting Part Five - General Offenses Code to Provide for a Provision for Police Department False Alarms Violations and Enforcement.

City Manager Robert Herron explained that, because there are fees associated with this ordinance, a public hearing is required. In addition, the Rules Committee has met several times to discuss this ordinance and is recommending the final version to Council. Glen Mallory, a representative from Security Industry Alarm Coalition, was present to explain the procedures and answer questions. No one signed up to speak at this public hearing. Chief Schwertfeger explained that this ordinance requires a mandatory registration and failure to register may result in a fine. There are various fees associated with false alarms after the first one.

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 McKenzie announced that on Friday, the Arts Commission will be hosting a painting project at Center Market. He also commented on Woda Development's announcement of the Loft Apartments at the Boury Building and what a great project it is. He publicly thanked Jeff Woda for his great investment in the City. Mayor McKenzie asked for Council's concurrence in the reappointment of Jerry Craig to the Wheeling Housing Authority. Mr. Fahey moved, seconded by Mr. Henry, Council's concurrence. Motion carried.

CLERK'S REPORT

NOTICE OF APPLICATION TO OPERATE A PRIVATE CLUB - SHINE PUB, LLC - 703 WARWOOD AVENUE

City Clerk Janice Jones presented Council with a Notice of Application to Operate a Private Club for Shine Pub, LLC, located at 703 Warwood Avenue. The applicant is Hazel Alloway.

UNFINISHED BUSINESS

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

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 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; which were held over, be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Miller expressed his gratitude to all involved in the cleaning and dredging to Elm Creek. Mr. Atkinson also expressed his thanks to the Water Pollution Control Department for their hard work also.

Mr. Fahey also announced that there will be an Open House at WesBanco Arena this afternoon at 4:30 to showcase all the improvements that have been done to date. He also thanked the Elm Grove Crime Watch for their inventive efforts in having their last meeting on the bleachers at the Patterson Field.

REPORT OF COMMITTEES

Mrs. Delbrugge moved, seconded by Mr. Fahey to dispense with the reading of the Development Committee Minutes for 9/15/15 and accept them as received. Motion carried. For the record they are as follows:

DEVELOPMENT COMMITTEE REPORT - SEPTEMBER 15, 2015

The Development Committee of Wheeling City Council met on Tuesday, September 15, 2015 at 4:30 p.m. in Council Chambers. Committee members present: Mayor Andy McKenzie, Vice-Chair Gloria Delbrugge, Member Gene Fahey. Others present: Councilors Imer, Miller and Atkinson; City Manager Robert Herron, City Solicitor Rosemary Humway-Warmuth, Finance Director Jill Willey, Assistant ECD Director Tom Connelly and City Clerk Janice Jones.

The following matters were discussed:

Executing Reversion Clause in Deed Relative to 2014 Property Transfer of 126 15th St. To Kristoffy Real Estate

City Manager Robert Herron explained that a couple of years ago Kristoffy Real Estate submitted a proposal to develop property located at 126th 15th Street. Since then, however, they have indicated that they no longer are going to pursue that project and will give the property back to the City, as stated in the reversionary clause contained in the property transfer. Mr. Fahey moved, seconded by Mrs. Delbrugge, to execute the reversion clause in the deed for 126 15th St. Motion carried.

Authority to Transfer Ohio Street property received from the State of West Virginia to Adjacent Landowners

Mr. Herron explained that he has been approached by residents on Ohio Street, whose front yards are on the "Old Steel Bridge" right-of-way, to purchase that property. The State of West Virginia owns the property and is willing to deed it over to the City and the City, in turn, would deed it over to the individual property owners. Following a short discussion, Mr. Fahey moved, seconded by Mrs. Delbrugge, to accept the transfer of properties on Ohio Street from the State of West Virginia. Motion carried.

Mr. Fahey moved, seconded by Mrs. Delbrugge, to suspend the regular order of business to conduct an executive session. Motion carried. Time: 4:35 p.m.

Mr. Fahey moved, seconded by Mrs. Delbrugge, to conclude the executive session and return to the regular order of business. Motion carried. Time: 4:55 p.m.

Following the executive session, Mr. Fahey moved, seconded by Mrs. Delbrugge, to transfer property located at 3700 - 3724 Jacob Street, to the Ohio Valley Area Development Corporation. Motion carried.

There being no further business to come before the Committee, Mr. Fahey moved, seconded by Mrs. Delbrugge, to adjourn. Time: 4:57 p.m.

Mr. Fahey moved, seconded by Mr. Miller, to dispense with the reading of the Finance Committee Minutes for 9/15/15 and accept them as received. Motion carried. For the record, they are as follows:

FINANCE COMMITTEE REPORT - SEPTEMBER 15, 2015

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

Financial Statement - August 31, 2015

City Manager Robert Herron commented that, after two months into the fiscal year, we are right on target. He also commented that, even with the 6% reduction in B & O rates, we are still at approximately \$14,000.00 more than at the same time period as last year. As for expenses, we are about \$28,000.00 less than for the same period last year. The cash balance at the end of August is \$2,553,000, compared to last year's balance \$1,900,000. Following a question and answer period, Mr. Miller moved, seconded by Mr. Atkinson, to approve the August 31, 2015 Financial Statement. Motion carried.

Audit Scoring - Fiscal Year 2014-2015

City Manager Robert Herron explained that five proposals were submitted for the annual audit for the General Fund, Water, Wastewater and Sports and Entertainment Authority for FY 2014-2015, as per State requirements. The companies were Wilson, Kozicki and Gwynn; Perry and Associates; Suttle & Stalnaker, Balestra, Harr & Scherrer; and Tetrick & Bartlett. He explained that the Finance Director Jill Willey used the state audit proposal score sheet, and as a result of this scoring, Wilson, Kozicki & Gwynn is being recommended to perform the audit for FY 2014-15. Mr. Miller moved, seconded by Mr. Atkinson to accept the Administration's recommendation of Wilson, Kozicki & Gwynn. 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.

Mrs. Delbrugge moved, seconded by Mr. Fahey to dispense with the reading of the Development Committee Minutes for 9/24/15 and accept them as received. Motion carried. For the record they are as follows:

DEVELOPMENT COMMITTEE REPORT - SEPTEMBER 24, 2015

The Development Committee of Wheeling City Council met on Thursday, September 24, 2015 at 12:00 p.m. in the City Manager's Conference Room. Committee members present: Mayor Andy McKenzie, Vice-Chair Gloria Delbrugge, Member Gene Fahey. Others present: Councilor Don Atkinson; City Manager Robert Herron, City Solicitor Rosemary Humway-Warmuth, ECDD Director Nancy Prager, City Clerk Janice Jones and the media.

The following matters were discussed:

Lane Abandonment - Portion of Lane 15 - Ziegenfelders, Inc.

beginning at its intersection with Jacob Street and continuing west approximately 100 ft. The purpose of the request is to allow for building expansion. Lizzie Eisenhower, M&G Architects and Ed Flowers, Facility Manager, were present to answer questions and explain the project. Mr. Flowers pointed out that no traffic uses the alley. Based on information provided by the applicant, the comments received from the City departments, public and private utilities and neighbors, it appears as though this right-of-way does not serve a public interest. The staff, therefore, recommends granting the request. The Committee concurred with the staff recommendations. Mr. Fahey moved, seconded by Mrs. Delbrugge, to approve the Lane Abandonment. Motion carried.

Executive Session to Discuss Property Acquisition

Mr. Fahey moved, seconded by Mrs. Delbrugge, to suspend the regular order of business to conduct an executive session. Motion carried. Time: 12:07 p.m.

Mr. Fahey moved, seconded by Mrs. Delbrugge, to conclude the executive session and return to the regular order of business. Motion carried. Time: 12:43 p.m. No action was taken in the executive session.

There being no further business to come before the Committee, Mr. Fahey moved, seconded by Mrs. Delbrugge, to adjourn. Time: 12:43 p.m.

REPORT OF CITY MANAGER

City Manager Robert Herron clarified that the Ordinance that will be read for the first time this evening transferring property to the OVADC. He has since found out that the City also owns property adjacent to the ones contained in the ordinance and would like to expand the ordinance to include that property. In essence the property being transferred will now include 3700 to 3726 Jacob Street.

In response to a question from Mrs. Delbrugge about the Water Treatment Plant Grand Opening, Mr. Herron said that it will be held on Thursday, October 8, 2015 at 12:00 noon at the plant and tours will be given to those interested in seeing it.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Henry, that the Wheeling Human Rights Commission Minutes, 7/21/15; Wheeling-Ohio County Board of Health Minutes, 7/21/15; Planning Commission Minutes, 8/10/15; Wheeling Traffic Commission Minutes, 9/10/15; Wheeling Municipal Parking System Financial Statement, 8/31/15; and Robert C. Byrd Intermodal Transportation Center Financial Statement, 8/31/15; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

ADOPTING TRAFFIC RULE NO. 4531 - HANDICAPPED PARKING - 433 WARWOOD AVE.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4531.

ADOPTING TRAFFIC RULE NO. 4532 - HANDICAPPED PARKING - 2314 EOFF STREET.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4532.

ADOPTING TRAFFIC RULE NO. 4533 - HANDICAPPED PARKING - 28FAIRVIEW AVE.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4533.

ADOPTING TRAFFIC RULE NO. 4534- NO. PKG. ZONE - E. SD. OF RICHLAND AVE.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4534.

ADOPTING TRAFFIC RULE NO. 4535 - NO PKG. ZONE - W. SD. OF RICHLAND AVE.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4535.

TRANSFER OF PROPERTY TO THE OVADC - 3700-3726 JACOB ST.

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 3700 THROUGH 3726 JACOB STREET TO THE OHIO VALLEY ADC AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER SUCH DEEDS AND OTHER DOCUMENTS TO EFFECTUATE THIS CONVEYANCE.

LANE ABANDONMENT - PORTION OF LANE 15 - ZIEGENFELDER'S INC.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING VACATING AND ABANDONING PORTION OF LANE 15 BEGINNING AT ITS INTERSECTION WITH JACOB STREET AND CONTINUING WEST APPROXIMATELY 100 FT., AND AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH QUITCLAIM DEEDS TO IMPLEMENT THIS ABANDONMENT.

BBR DRILLING CO. - ANGLE AVENUE PILING WALL

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$138,250.00 WITH BBR DRILLING CO., OF BELMONT, OH, FOR ANGLE AVENUE PILING WALL, TO BE CHARGED TO RCIP - INFRASTRUCTURE.

RESOLUTION - WVDOH - SAFE COMMUNITY DUI ENFORCEMENT PROJECT GRANT

The Following was then read:

A RESOLUTION AUTHORIZING THE CITY OF WHEELING TO ACCEPT THE TERMS AND CONDITIONS OF THE CONTRACT RELATING TO THE SAFE COMMUNITY/DUI ENFORCEMENT PROJECT GRANT - #F16-HS-04-402 IN THE AMOUNT OF \$524,000.00.

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

RESOLUTION - APPROVING INVOICES - COMBINED WATERWORKS & SEWERAGE SYSTEM REVENUE BONDS SERIES 2013

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

No one signed up to speak.

There being no further business, Mr. Atkinson moved, seconded by Mr. Henry, to
adjourn. Motion carried. Time: 12:25 p.m.

City Clerk

Mayor