

Council of the City of Wheeling met in Council Chambers, City-County Building on the above date with Vice Mayor Gene Fahey presiding.

The invocation was offered by Third Ward Councilor Ken Imer.

On roll call, the following were present:

Delbrugge, Imer, Henry, Miller, Atkinson and Fahey

- 6

Mayor McKenzie was absent.

Mr. Henry moved, seconded by Mrs. Delbrugge, that the minutes of the March 4, 2014 meeting be approved as received. Motion carried.

Mr. Henry moved, seconded by Mrs. Delbrugge, to suspend the regular order of business to conduct a public hearing. Motion carried.

**“PUBLIC HEARING - AMENDING & REENACTING SECTIONS OF ARTICLE 787 -
PRIVILEGE TAX - MODIFICATIONS IN THE AMOUNT
OF PRIVILEGE TAX, SECTION 787.02(c), RETAIL”**

Vice Mayor Gene Fahey asked City Manager Robert Herron to explain the issue that is the topic of the public hearing. Mr. Herron said that a public hearing is necessary anytime a rate or tax is changed. This amendment delays the implementation of any reduction of B & O for retail businesses. The budget that is being presented this evening does not include the reduction of B & O for retail businesses. He indicated that we will be doing a thorough review of the B & O structure within the next three months followed by a recommendation to Council. If there are to be any significant reductions in the retail B & O, there may need to be some Home Rule Amendments that need to go into place to make sure that any reduction in the B & O tax is as fair as it could be to everyone.

Mr. Atkinson moved, seconded by Mr. Henry, to conclude the public hearing and resume the regular order of business. Motion carried.

MAYOR'S REPORT

Vice Mayor Fahey congratulated the State Journal's 2014 Generation Next, 40 under 40, Winners from Wheeling. They are Allison Skibo, City of Wheeling; Amanda Cummins, Wheeling Health Right; Zachary Loughman, West Liberty University; Sara Koegler, Teach for America; Healy Bumgardner-Nardone, Mona Lisa Communications; Jeremy Morris, Wheeling National Heritage Area Corporation; Amanda Castle, Town & Country Animal Hospital; Kristie Barnett, WesBanco; and Stacy Rich, Florence Crittenton Services.

Vice Mayor Fahey announced that the City of Wheeling was named No. 2 in the top ten Arts Communities in the State of West Virginia.

Vice Mayor Fahey welcomed Mr. Smay and Mr. Medovic, along with several boy scouts, to this evening's meeting.

Vice Mayor Fahey announced that there will be a special City Council meeting next Tuesday, March 25, 2014, for the purpose of conducting a public hearing and proposed adoption of Ordinance 9/3, that is on this evening's agenda.

CLERK'S REPORT

NOTICE OF APPLICATION TO OPERATE A PRIVATE CLUB - BITTERSWEET BAR - 40 ZANE ST.

City Clerk Janice Jones presented Council with a Notice to Operate a Private Club for Bittersweet Bar, located at 40 Zane St. The applicant is Jennifer Wood.

UNFINISHED BUSINESS

ADOPTING TRAFFIC RULE NO. 4476 - HANDICAPPED PARKING - 54 - 13TH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4476.

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

The vote on the motion resulted as follows:

AYES: Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 6

NOES: - 0

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

ADOPTING TRAFFIC RULE NO. 4477 - HANDICAPPED PARKING - 402 WARWOOD AVE.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4477.

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

The vote on the motion resulted as follows:

AYES: Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 6

NOES: - 0

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

ADOPTING TRAFFIC RULE NO. 4478 - NO PARKING - N. SD. OF LOUISA AVE. AT SPRINGDALE AVE.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
WHEELING ADOPTING TRAFFIC RULE NO. 4478.

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

The vote on the motion resulted as follows:

AYES: Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 6

NOES: - 0

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

ADOPTING TRAFFIC RULE NO. 4479 - NO PARKING (TUESDAY) 161 ELM ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF

WHEELING ADOPTING TRAFFIC RULE NO. 4479.

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

The vote on the motion resulted as follows:

AYES: Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 6

NOES: - 0

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

ADOPTING TRAFFIC RULE NO. 4480 - UNRESTRICTED PARKING - 155 ELM ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4480.

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

The vote on the motion resulted as follows:

AYES: Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 6

NOES: - 0

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

ADOPTING TRAFFIC RULE NO. 4481 - NO PARKING FIRE LANE ZONE - EAST SD. OF LANE B.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4481.

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

The vote on the motion resulted as follows:

AYES: Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 6

NOES: - 0

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

RAZE INTERNATIONAL - 2013 ASBESTOS ABATEMENT (CDBG & RCIP)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$34,940.00 WITH RAZE INTERNATIONAL, OF SHADYSIDE, OH, FOR 2013 ASBESTOS ABATEMENT, TO BE CHARGED TO CDBG 2012 EY DEMOLITION #1503-012-200 (\$19,920.00) AND RCIP - \$15,020.00.

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: Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 6

NOES: - 0

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

EDGCO, INC. - 2013 BUILDING DEMOLITION (CDBG)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$73,900.00 WITH EDGCO, INC., OF LANSING, OH, FOR 2013 BUILDING DEMOLITION, TO BE CHARGED TO CDBG 2012 EY DEMOLITION #1503-012-200.

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: Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 6

NOES: - 0

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

EDGCO, INC. - DEMOLITION OF 159, 191, 195, 197 - 15TH ST. (RCIP)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$34,000.00 WITH EDGCO, INC., OF LANSING, OH, FOR DEMOLITION OF 159, 191, 195 & 197 - 15th STREET, 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: Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 6

NOES: - 0

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

AMENDING ARTICLE 787, SECTION 787.02(c) OF THE CODIFIED ORDINANCES - MODIFICATION OF PRIVILEGE TAX.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING THE CODIFIED ORDINANCES OF THE CITY OF WHEELING BY AMENDING AND REENACTING SECTIONS OF ARTICLE 787, PRIVILEGE TAX, TO PROVIDE FOR MODIFICATION IN THE AMOUNT OF PRIVILEGE TAX PURSUANT TO THE AUTHORITY PROVIDED IN WEST VIRGINIA CODE § 8-13 et seq. FOR THE CATEGORY OF TAXPAYERS AS CLASSIFIED UNDER SECTIONS 787.02(c) OF THE BUSINESS REGULATION AND

TAXATION CODE OF THE CITY OF WHEELING.

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: Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 6

NOES: - 0

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

Mr. Henry moved, seconded by Mrs. Delbrugge, that the Wheeling Human Rights Commission Minutes, 1/21/14; Greater Wheeling Sports & Entertainment Authority Minutes, 11/21/13; Greater Wheeling Sports & Entertainment Authority Income Statement, 11/30/13 & 12/31/13; Wheeling Housing Authority Minutes, 1/8/14; Board of Zoning Appeals Minutes, 1/16/14; Wheeling Traffic Commission Minutes, 2/13/14; Wheeling Municipal Parking System Financial Statement, 1/31/14; and Robert C. Byrd Intermodal Transportation Center Financial Statement, 1/31/14; which were held over, be approved as received.. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Atkinson thanked City Manager Herron for the potential paving that is being planned. He commented that he has received a draft of the Comprehensive Plan and is looking forward to its completion.

REPORT OF CITY MANAGER

City Manager Robert Herron said that usually this time of year, the CDBG Budget is up for approval; however, we have not yet received our allocation for this year. He reminded Council that it's not too late to submit CDBG eligible projects for consideration.

Mr. Herron requested that the ordinance that is listed under Original Propositions as 9/1, Ambulance for the Fire Department, be read two times this evening as it takes a while to order and is needed immediately.

Mr. Herron praised the Police Department for some significant events that they have had to deal with over the last year, most recently the arrest of a suspected murderer from Virginia.

In response to a question from Mr. Miller, City Manager Herron clarified the properties that are contained in the 2013 Demolition Contract and the ones that are the houses that were involved in a fire.

REPORT OF OTHER OFFICERS

Mr. Henry moved, seconded by Mrs. Delbrugge, that the Planning Commission Minutes - 2/10/14; CDBG Building Demolition Status Report - 3/11/14; CDBG Program Status Report - 2/28/14; HOME Program Status Report - 2/28/14; Financial Statement - 2/28/14; Police Civil Service Commission Annual Report - 2013; Fire Civil Service Commission Annual Report - 2013; Municipal Civil Service Commission Annual Report - 2013; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

J & J EMERGENCY VEHICLE SALES - 2014 FORD AMBULANCE (FIRE)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$122,282.00 WITH J & J EMERGENCY VEHICLE SALES, OF MORGANTOWN, WV, FOR 2014 FORD AMBULANCE, PER BID SPECIFICATIONS, AND EQUIPMENT, TO BE CHARGED TO RCIP.

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

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$122,282.00 WITH J & J EMERGENCY VEHICLE SALES, OF MORGANTOWN, WV, FOR 2014 FORD AMBULANCE, PER BID SPECIFICATIONS, AND EQUIPMENT, 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: Delbrugge, Imer, Henry, Miller, Atkinson, Fahey - 6
NOES: - 0

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

OVIBDC - CITY'S SHARE OF NEW SOUND SYSTEM AT WESBANCO ARENA

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED \$141,058.82 WITH OHIO VALLEY INDUSTRIAL AND BUSINESS DEVELOPMENT CORPORATION, OF WHEELING, WV, FOR CITY OF WHEELING SHARE OF NEW SOUND SYSTEM AT WESBANCO ARENA, TO BE CHARGED TO CIVIC CENTER IMPROVEMENTS ACCOUNT.

AMENDING ARTICLE 787, SECTION 787.02(b) OF THE CODIFIED ORDINANCES - MODIFICATION OF PRIVILEGE TAX.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING THE CODIFIED ORDINANCES OF THE CITY OF WHEELING BY AMENDING AND REENACTING SECTIONS OF ARTICLE 787, PRIVILEGE TAX, TO PROVIDE FOR MODIFICATION IN THE AMOUNT OF PRIVILEGE TAX PURSUANT TO THE AUTHORITY PROVIDED IN WEST VIRGINIA CODE § 8-13 et seq. FOR THE CATEGORY OF TAXPAYERS AS CLASSIFIED UNDER SECTIONS 787.02(b), MANUFACTURING, OF THE BUSINESS REGULATION AND TAXATION CODE OF THE CITY OF WHEELING.

RESOLUTION - APPROVING INVOICES - COMBINED WATERWORKS AND 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.

RESOLUTION - ADOPTION OF FY 2014-2015 GENERAL FUND BUDGET

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF
WHEELING APPROVING THE FY 2014-2015 GENERAL
FUND BUDGET.

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

RESOLUTION - ADOPTION OF FY 2014-2015 COAL SEVERANCE BUDGET

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF
WHEELING APPROVING THE FY 2014-2015 COAL
SEVERANCE BUDGET.

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. Henry moved, seconded by Mr. Atkinson, to
adjourn. Motion carried. Time: 5:55 p.m.

City Clerk

Mayor