

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 May 17, 2016 meeting be approved as received. Motion carried.

MAYOR'S REPORT

Mayor McKenzie thanked our City Solicitor Rosemary Humway-Warmuth for all her hard work this past week-end on the Chili Cook-Off. He commented that it was great to see such a crowd at WesBanco Arena on Friday night with the Pre Chili Cook-Off Party and the Nailers Hockey Game going on.

Mayor McKenzie asked for Council's concurrence in the appointment of Loma Nevels to the Wheeling Human Rights Commission. He introduced Mrs. Nevels to Council. Mr. Fahey moved, seconded by Mr. Henry, Council's concurrence in the appointment. Motion carried.

Mayor McKenzie asked for Council's concurrence in the appointments of Richard Lucas and John Culler to the Greater Wheeling Sports and Entertainment Authority. He introduced them to Council. Mr. Fahey moved, seconded by Mr. Henry, Council's concurrence in the appointment. Motion carried.

Mayor McKenzie asked for Council's concurrence in the reappointments of the following: Bob Hagedorn, Wilkes Kinney and Ned George to the Municipal Civil Service Commission; Lisa Werner, Randy Geese, and Wyatt Hoffman to the Northern Panhandle HOME Consortium Council and Pastor Don Marsh and Rita Gupta to the Human Rights Commission. Mr. Fahey moved, seconded by Mr. Henry, Council's concurrence in the reappointments. Motion carried.

CLERK'S REPORT

NOTICE OF APPLICATION TO OPERATE A PRIVATE CLUB - WHEELING PARK COMMISSION DBA WHITE PALACE - 1801 NATIONAL ROAD

City Clerk Janice Jones presented Council with a Notice of Application to Operate a Private Club for Wheeling Park Commission dba White Palace, located at 1801 National Road. The applicant is Stephen Hilliard.

NOTICE OF APPLICATION TO OPERATE A PRIVATE CLUB - E & E RESTAURANTS, LLC DBA LA GRAN HACIENDA MEXICAN RESTAURANT - 1029 MT. DE CHANTAL RD.

City Clerk Jones presented Council with a Notice of Application to Operate a Private Club for E & E Restaurants dba La Gran Hacienda Mexican Restaurant, located at 1029 Mt. De Chantal Rd. The applicants are Enrique Gomez Ortiz and Eloy Marquez.

UNFINISHED BUSINESS

BBR DRILLING CO. - VINE STREET SLIP REPAIR (CDBG)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$85,000.00 WITH BBR DRILLING CO, OF BELMONT, OH, FOR VINE STREET SLIP REPAIR, TO BE CHARGED TO CDBG 2014 EY VINE STREET SLIP REPAIR - #1507-014-114.

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 Historic Landmarks Commission Minutes - 4/7/16; Wheeling Municipal Parking Financial Report - 3/31/16; Robert C. Byrd Intermodal Transportation Center Financial Report- 3/31/16; CDBG Program Status Report - 4/30/16; HOME Program Status Report - 4/30/16; and Financial Statement - 4/30/16; which were held over, be approved as received. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Fahey thanked the Administration for moving ahead with the Vine Street Slip Repair.

REPORT OF COMMITTEES

Mrs. Delbrugge moved, seconded by Mr. Fahey, to dispense with the reading of the Development Committee Minutes of 5/17/16 and accept them as received. Motion carried. For the record, they are as follows:

DEVELOPMENT COMMITTEE REPORT - MAY 17, 2016

The Development Committee of Wheeling City Council met on Tuesday, May 17, 2016 at 4:30 p.m. in Council Chambers. Committee members present: Mayor Andy McKenzie, Vice Chair Gloria Delbrugge, and Member Gene Fahey. Others present: Councilors Atkinson, Henry, Imer and Miller; City Manager Robert Herron, City Solicitor Rosemary Humway-Warmuth, ECD Director Nancy Prager, Assistant ECD Director Tom Connelly, City Clerk Janice Jones.

The following matters were discussed:

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 to discuss property acquisition. Motion carried. Time 4:30 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 5:05 p.m.

Mr. Fahey moved, seconded by Mrs. Delbrugge, to recommend to Council that the property located at 126 -15th Street (former Police Precinct) be transferred to the OVADC and then in turn transferred to Wilfred Spencer III with the typical reversion clause and in accord with the proposal provided. Motion carried.

Mr. Fahey then moved, seconded by Mrs. Delbrugge, to recommend to Council that the property located at 163-167 16th Street & 1517 Wood Street (old Keg and Kraut) be transferred to the OVADC and then in turn transferred to Wolfe Yetter Properties, LLC with the typical reversion

clause and in accord with the proposal provided. Motion carried.

There being no further business to come before the Committee, Mr. Fahey moved, seconded by Mrs. Delbrugge, to adjourn. Time: 5:10 p.m.

Mr. Fahey moved, seconded by Mr. Henry, to dispense with the reading of the Finance Committee Minutes of 5/17/16 and accept them as received. Motion carried. For the record, they are as follows:

FINANCE COMMITTEE REPORT - MAY 17, 2016

The Finance Committee of Wheeling City Council met on Tuesday, May 17, 2016 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 Clerk Janice Jones and the media.

The following matters were discussed:

Financial Statement - April 30, 2016

City Manager Robert Herron reported that the General Fund Balance at the end of April is approximately \$4,358,000.00, with \$504,000.00 in the Budget Stabilization Fund. Last year's balance for the same time period was \$3,178,000.00, with \$1,004,707.00 in the Budget Stabilization Fund. He indicated that the next two months are typically low revenue months; however, B & O Revenue for May has already exceeded the budgeted amount and is already in line to exceed last year's record amount minus the 6% B & O tax incentive. Mr. Herron reported that as of this statement, we are at 77% of expenditures and 89% of revenue. He noted that we are in good shape. Mr. Miller moved, seconded by Mr. Atkinson, to accept the April 30, 2016 Financial Statement as presented. Motion carried.

There being no further business to come before the Committee, Mr. Miller moved, seconded by Mr. Atkinson, to adjourn. Time: 5:20 p.m.

REPORT OF CITY MANAGER

City Manager Robert Herron said that Budget Revision No. 4 is on tonight's agenda as it has to be in to the State by June 15, 2016. A portion of it contains a grant that we received late last month for the Fire Department for portable radios. Another item was a bill for maintenance on the 911 radios that we did not anticipate until next budget year.

City Manager Herron respectfully requested two readings on the ordinances for demolition and asbestos abatement on three properties located at 1127 & 1133 Market St. and 1107 Main St. For the Health Plan Project.

Mr. Herron introduced the new Finance Director, Seth McIntyre.

REPORT OF OTHER OFFICERS

Mr. Fahey moved, seconded by Mr. Henry, that the Wheeling Housing Authority Minutes for 2/10/16 & 3/9/16; Wheeling-Ohio County Board of Health Minutes, 3/8/16; Planning Commission Minutes, 3/14/16; Zoning Committee Minutes, 4/4/16; Board of Zoning Appeals Minutes, 4/21/16; Greater Wheeling Sports & Entertainment Authority Minutes, 4/26/16; Greater Wheeling Sports & Entertainment Authority Income Statement, 4/30/16; Wheeling Traffic Commission Minutes, 5/12/16; 5/12/16; and Human Rights Commission Minutes, 3/15/16 & 4/19/16; be held over until the next meeting. Motion carried.

PETITIONS OF ALL OTHER KINDS

City Clerk Janice Jones presented Council with a Petition for Annexation from residents of River Hills.

City Manager Herron said that River Hills is located in Clearview. There are approximately 72 properties located in River Hills and 52 properties have signed the petition. Mr. Herron said that the Police, Fire and Public Works Department have all reviewed the area and

concur with the request for annexation.

ORIGINAL PROPOSITIONS

ADOPTING TRAFFIC RULE NO. 4564 - HANDICAPPED PARKING - 14 PEARL AVENUE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4564.

ADOPTING TRAFFIC RULE NO. 4565 - HANDICAPPED PARKING - 106 GAMBLE AVENUE

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4565.

ADOPTING TRAFFIC RULE NO. 4566 - HANDICAPPED PARKING - 13 N. HURON STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4566.

ADOPTING TRAFFIC RULE NO. 4567 - MAKING 12TH STREET TWO-WAY BETWEEN CHAPLINE & MAIN STS.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4567.

ADOPTING TRAFFIC RULE NO. 4568 - NO PARKING - S. SIDE OF FULTON STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4568.

TRANSFER OF PROPERTY OF OVADC - 163-167 - 16TH STREET & 1517 WOOD STREET

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 163-167 - 16TH STREET & 1517 WOOD STREET TO THE OHIO VALLEY ADC AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER SUCH DEED AND OTHER DOCUMENTS TO EFFECTUATE THIS CONVEYANCE.

TRANSFER OF PROPERTY TO OVADC - 126 - 15TH STREET

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 126 - 15TH STREET TO THE OHIO VALLEY ADC AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER SUCH DEED AND OTHER DOCUMENTS TO EFFECTUATE THIS CONVEYANCE.

LASH PAVING CO. - STREET RESURFACING 2016 (RCIP)

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$326,001.80 WITH LASH PAVING CO., OF BRIDGEPORT, OH, FOR STREET RESURFACING 2016, TO BE CHARGED TO RCIP - INFRASTRUCTURE.

EDGCO, INC. - BUILDING DEMOLITION - 1127 & 1133 MARKET ST. & 1107 MAIN ST.

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$137,300.00 WITH EDGCO, INC., OF LANSING, OH, FOR BUILDING DEMOLITION, TO BE CHARGED TO TIF BOND.

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 \$137,300.00 WITH EDGCO, INC., OF LANSING, OH, FOR BUILDING DEMOLITION, TO BE CHARGED TO TIF BOND.

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 - 1127 & 1133 MARKET ST. & 1107 MAIN ST.

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$20,781.00 WITH EDGCO, INC., OF LANSING, OH, FOR ASBESTOS ABATEMENT, TO BE CHARGED TO TIF BOND.

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 \$20,781.00 WITH EDGCO, INC., OF LANSING, OH, FOR ASBESTOS ABATEMENT, TO BE CHARGED TO TIF BOND.

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.

ANNEXATION - RIVER HILLS

The following was then read:

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF WHEELING TO PROVIDE FOR ANNEXATION WITHOUT AN ELECTION OF ADDITIONAL TERRITORY OWNED BY THE MAJORITY OF FREEHOLDERS AND CORPORATE LANDOWNERS OF RIVER HILLS WHICH IS ADJACENT TO THE CITY OF WHEELING'S MUNICIPAL BOUNDARY LINE.

TRANSFER OF T.I.F. FUNDS TO OVADC FOR ECONOMIC DEVELOPMENT

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE TRANSFER OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) FROM THE MONIES ASSOCIATED WITH THE CITY'S TAX INCREMENT FINANCING PROJECT (TIF) #3 TO THE OHIO VALLEY AREA DEVELOPMENT CORPORATION (OVADC), TO BE USED FOR TIF RELATED ECONOMIC DEVELOPMENT, INCLUDING FACADE IMPROVEMENTS OF THE BUILDING AT THE CORNER OF 11TH AND MAIN STREETS AND RELATED NECESSARY IMPROVEMENTS CONCERNING THE UPPER OHIO VALLEY HEALTH PLAN DOWNTOWN DEVELOPMENT.

AMENDING & REENACTING ARTICLE 361.07 "CIVILIAN PARKING ENFORCEMENT OFFICERS."

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING PART THREE - TRAFFIC CODE, ARTICLE 361 - PARKING GENERALLY, TO CREATE SECTION 361.07, ENTITLED "CIVILIAN PARKING ENFORCEMENT OFFICERS."

In response to a question from Mayor McKenzie, City Manager Robert Herron said this gives the parking enforcement officers the ability to write citations for all parking related matters in the City. Currently, they can only do expired meters.

RESOLUTION - APPROVING INVOICES - WATER TREATMENT PLANT PROJECT

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 - SUPPORT OF RT. 2 EXPANSION AND INTERSTATE 68 EXTENSION.

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING SUPPORTING THE RT. 2 EXPANSION AND INTERSTATE 68 EXTENSION.

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

RESOLUTION - AUTHORIZING CITY MANAGER TO NEGOTIATE & ENTER INTO AN AGREEMENT TO PROVIDE FOR A SECOND MEANS OF EGRESS FOR 1201 MAIN STREET ONTO CITY-OWNED PROPERTY

The following was then read:

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT TO PROVIDE A SECOND MEANS OF EGRESS FOR 1201 MAIN STREET ONTO ADJACENT CITY-OWNED PROPERTY.

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

RESOLUTION - BUDGET REVISION NO. 4

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING DIRECTING THAT THE GENERAL FUND BUDGET BE REVISED AS PER BUDGET REVISION NO. 4.

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

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

Dave Palmer, Assistant Director of the United Way, thanked the City for organizing and supporting the Chili-Cook Off. He specifically thanked Rose and Brian Warmuth and all of the city workers. He recognized Gianna Landis who during the cook-off had a lemonade stand and donated all the proceeds to the United Way.

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

THOSE WISHING TO BE HEARD

Bill O'Leary, 158 Paxton Avenue, recognized and thanked members of Council for their dedication and service over the years.

There being no further business, Mr. Henry moved, seconded by Mr. Atkinson, to adjourn. Motion carried. Time: 12:35 p.m.

City Clerk

Mayor