

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

- 6

Mr. Fahey was absent.

Mr. Miller moved, seconded by Mr. Henry, that the minutes of the July 7, 2015 meeting be approved as received. Motion carried.

Mr. Miller moved, seconded by Mr. Henry, to suspend the regular order of business to conduct two public hearings. Motion carried.

PUBLIC HEARING 1

Bond Ordinance - Refunding of Combined Waterworks & Sewerage System Revenue Bonds Series 2006A through the Issuance of the City's Combined Waterworks & Sewerage System Revenue Bonds, Series 2015A (Bank Qualified) in the aggregate principal amount of not more than \$10,000,000 and Combined Waterworks & Sewerage System Revenue Bonds, Series 2015B (Taxable) in the aggregate principal amount of not more than \$3,000,000.

City Manager Robert Herron explained that this is a refinancing of debt from 2006 that was utilized for Water System Plant Improvements. He said that the interest climate is much better than 2006. The savings over the life of the main portion of the bond would be approximately \$1,398,000. He added that this particular bond issue has a requirement that the City maintain a 125% coverage on all debt; however, with this refinancing the required coverage would be reduced to 120%.

Mayor McKenzie asked if there was anyone who wished to speak at this public hearing. No one signed up to speak or wished to speak at this public hearing. He commended City Manager Herron for his fiscal management.

PUBLIC HEARING 2

Resolution & Order - Authorizing the Refinancing of the City's General Obligation Bonds, Series 2003 through the issuance of the City of Wheeling Civic Center General Obligation Bonds, Series 2015 (Bank Qualified) in the aggregate principal amount of not more than \$2,200,000.

Mr. Herron explained that this refinancing is for a General Obligation Bond which was approved significantly by the voters in 2003. The savings over the next 13 years for this bond refinancing is approximately \$211,000.00. Mr. Herron noted that for a general obligation bond refinancing the formula of savings has to be at least 3% and both of these are at 10%.

Mayor McKenzie noted that no one signed up or wished to speak at this public hearing.

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

MAYOR'S REPORT

Mayor McKenzie thanked City Council for being at the dedication of the Heritage

Port Entry. He especially expressed his gratitude to Flip and Gary West for their participation and all that they do for our community. He commented also on the large amount of people that were at the Heritage Port for the July 4th celebration.

UNFINISHED BUSINESS

BOND ORDINANCE - REFUNDING COMBINED WATERWORKS & SEWERAGE SYSTEM REVENUE BONDS SERIES 2006A AND ISSUANCE OF COMBINED WATERWORKS & SEWERAGE SYSTEM REVENUE BONDS, SERIES 2015A AND SERIES 2015B

The following was then read:

AN ORDINANCE AUTHORIZING THE REFUNDING OF THE ISSUER'S OUTSTANDING COMBINED WATERWORKS & SEWERAGE SYSTEM REVENUE BONDS, SERIES 2006A AND THE FINANCING OF THE COST THEREOF, NOT OTHERWISE PROVIDED, FUNDING A DEBT SERVICE RESERVE FUND AND PAYING COSTS OF ISSUANCE AND RELATED COSTS, THROUGH THE ISSUANCE OF COMBINED WATERWORKS & SEWERAGE SYSTEM REFUNDING REVENUE BONDS, SERIES 2015A (BANK QUALIFIED) OF THE CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT MORE THAN \$10,000,000; AND COMBINED WATERWORKS & SEWERAGE SYSTEM REFUNDING REVENUE BONDS, SERIES 2015B (TAXABLE) OF THE CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT MORE THAN \$3,000,000; PROVIDING FOR THE RIGHTS AND REMEDIES OF, AND THE SECURITY FOR, THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A TAX CERTIFICATE, AN OFFICIAL STATEMENT, A BOND PURCHASE AGREEMENT, A CONTINUING DISCLOSURE AGREEMENT, AN ESCROW AGREEMENT AND OTHER DOCUMENTS; AUTHORIZING THE SALE AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH BONDS; AND ADOPTING 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 - 6

NOES: - 0

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

RESOLUTION AND ORDER - AUTHORIZING REFINANCING OF CITY'S GENERAL OBLIGATION BONDS, SERIES 2003 AND ISSUANCE OF CITY OF WHEELING CIVIC CENTER GENERAL OBLIGATION REFUNDING BONDS, SERIES 2015

The following was then read:

A RESOLUTION AND ORDER OF THE CITY COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE REFUNDING OF THE CITY OF WHEELING CIVIC CENTER GENERAL OBLIGATION BONDS, SERIES 2003, OUTSTANDING IN THE AGGREGATE PRINCIPAL AMOUNT OF

APPROXIMATELY \$1,755,000, AND THE ISSUANCE FOR SUCH PURPOSE OF NOT TO EXCEED \$2,200,000 IN AGGREGATE PRINCIPAL AMOUNT OF THE CITY OF WHEELING CIVIC CENTER GENERAL OBLIGATION REFUNDING BONDS, SERIES 2015 (BANK QUALIFIED); AUTHORIZING AND APPROVING A BOND PURCHASE AGREEMENT, AN ESCROW AGREEMENT, A PRELIMINARY OFFICIAL STATEMENT, AN OFFICIAL STATEMENT, A CONTINUING DISCLOSURE AGREEMENT AND OTHER INSTRUMENTS RELATING TO THE REFUNDING BONDS IN SUCH FORMS AS SHALL BE APPROVED BY THE MAYOR; APPOINTING A REGISTRAR, A PAYING AGENT, AN ESCROW AGENT AND A VERIFICATION AGENT; PROVIDING FOR THE DISPOSITION OF THE PROCEEDS OF THE REFUNDING BONDS AND FUNDS ON DEPOSIT WITH THE WEST VIRGINIA MUNICIPAL BOND COMMISSION; AND MAKING OTHER PROVISIONS AS TO THE REFUNDING BONDS AND THE REFUNDING OF THE PRIOR BONDS.

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 - 6
NOES: - 0

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

SNF POLYDYNE - POLYMER (WPCD)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$156,864.00 WITH SNF POLYDYNE, OF RICEBORO, GA, FOR THE PURCHASE OF 16,000 GALLONS OF POLYMER, TO BE CHARGED TO WATER POLLUTION CONTROL DIVISION - 401.4003.05.0718.01. CHEMICALS (FY 2015-2016).

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 - 6
NOES: - 0

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

JCI JONES CHEMICAL, INC. - LIQUID CHLORINE (WPCD)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$16,500.00, WITH JCI JONES CHEMICAL INC. , OF BARBERTON, OH, FOR THE PURCHASE OF 50 TONS OF LIQUID CHLORINE, TO BE CHARGED TO WATER POLLUTION CONTROL DIV.- 401.4003.05.0718.01 - CHEMICALS (FY 2015-2016)

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 - 6
NOES: - 0

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

BARBER'S CHEMICAL, INC. - SODIUM BISULFITE (WPCD)

The following was then read:

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$28,350.00 WITH BARBER'S CHEMICAL, INC., OF SHARPSVILLE, PA, FOR THE PURCHASE OF 15,000 GALLONS OF SODIUM BISULFITE, TO BE CHARGED TO WATER POLLUTION CONTROL DIVISION - 401.4003.05.0718.01. CHEMICALS (FY 2015-2016).

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 - 6
NOES: - 0

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

DEMOLITION LIENS - 2015

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING FIXING THE ASSESSMENTS FOR THE COSTS OF RAZING DILAPIDATED STRUCTURES ON CERTAIN PROPERTIES IN THE CITY IN ACCORDANCE WITH APPLICABLE SECTIONS OF THE WEST VIRGINIA CODE AND THE CODIFIED ORDINANCES 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: McKenzie, Delbrugge, Imer, Henry, Miller, Atkinson - 6
NOES: - 0

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

Mr. Henry moved, seconded by Mrs. Delbrugge, that the Wheeling Housing Authority Minutes, 3/11/15; Wheeling Municipal Parking System Financial Report, - 5/31/15; Robert C. Byrd Intermodal Transportation Center Financial Report - 5/31/15; CDBG Program Status Report, 5/31/15; HOME Program Status Report, 5/31/15; Human Rights Commission Minutes, 4/21/15; Financial Statement, 5/31/15; be held over until the next meeting. Motion carried.

REMARKS FROM MEMBERS OF COUNCIL

Mr. Miller presented a plaque, on behalf of the Historic Landmarks Commission, to Dale and Debra Cohen, 126 Elm Street, recognizing the E. J. Flaccus House for its historic significance. Greg Smith, a member of the Commission, also thanked them for the pride that they take in their home in maintaining its historic significance.

Mr. Atkinson reported that the 12th Annual City of Wheeling Car Show was held this past week-end and it was a great success with about 130 cars on display. He thanked Public Works Director Rusty Jebbia and Marketing Specialist Allison Skibo for their work on this event.

REPORT OF COMMITTEES

Mr. Miller moved seconded by Mr. Atkinson, to dispense with the reading of the Finance Committee Report of 6/16/15 and accept them as received. Motion carried. For the record, they are as follows:

FINANCE COMMITTEE REPORT - JUNE 16, 2015

The Finance Committee of Wheeling City Council met on Tuesday, June 16, 2015 at 4:45 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, Ken Imer and Robert Henry; City Manager Robert Herron, City Solicitor Rosemary Humway-Warmuth; Finance Director Jill Willey, City Clerk Janice Jones and the media.

The following was discussed:

Discussion on Wheeling Fire Department Pension Board's Deferred Retirement Option Program Proposal

City Manager Robert gave an overview of the draft proposal for the Wheeling Fire Department Pension Board's Deferred Retirement Option Program (DROP) (draft attached). Under the DROP, if an employee is eligible and is chosen for the DROP Program, their pension is frozen for a period of up to five years, after which they would receive a lump sum payment. As the funds stay in the Pension Fund for the period in which the employee is working, the pension fund benefits from this. In order to continue the program, the pension fund has to be actuarially sound. The Fire Department Pension Board has endorsed this and City Manager Herron is also recommending it. Following several required steps, all active, eligible employees would vote on whether to accept this program. All required steps must be completed by June, 2016 in order to go ahead with this program. Rick Brown, secretary of the Fire Pension Board, was present to answer questions. Following this question and answer period, Mr. Herron said that he is recommending that the Finance Committee move to authorize the Administration to proceed with this DROP Program for the Fire Department. Mr. Miller moved, seconded by Mr. Atkinson, to proceed with the process for the DROP Program. Motion carried.

Financial Statement - May 31, 2015

City Manager Herron commented that as of 5/31/15, the cash balance is approximately \$2,500,000. He also commented that the budget stabilization line item has been funded and estimates that we will finish the fiscal year fairly strong. Following a short discussion, Mr. Atkinson moved, seconded by Mr. Miller, to approve the May 31, 2015 Financial Statement. Motion carried.

There being no further business to come before the Committee, Mr. Miller moved, seconded by Mr. Atkinson, to adjourn. Motion carried. Time: 5.10 p.m.

Mrs. Delbrugge moved, seconded by Mr. Henry, to dispense with the reading of the Development Committee minutes of 6/22/15 and accept them as received. Motion carried. For the record, they are as follows:

DEVELOPMENT COMMITTEE REPORT - JUNE 22, 2015

The Development Committee of Wheeling City Council met on Monday, June 22, 2015 at 3:00 p.m. in the City Manager's Conference Room. Committee members present: Vice Chair Gloria Delbrugge, Member Gene Fahey. Others present: Councilor Robert Henry; City Manager Robert

City Clerk Janice Jones.

The following matters were discussed:

Request for Development/Redevelopment Site for Property Located at 195 - 29th Street - Dugger's Market

City Manager Herron said that this request is from Doug Hlad, owner of Dugger's Market, located at 195 - 29th Street. Mr. Hlad was present and explained that he is requesting this designation so that he could put limited video lottery machines at this location. He said that he is going to add a 720 sq. ft. addition to his existing building. He also indicated that his property is in an isolated part of town. Assistant Director of Economic and Community Development, Tom Connelly, reviewed the 1000 ft. rule with the committee. Following a short discussion, Mr. Fahey moved, seconded by Mrs. Delbrugge, to approve the request and forward it to Council. Motion carried.

There being no further business to come before the Committee, Mr. Fahey moved, seconded by Mrs. Delbrugge, to adjourn. Time: 3:10 p.m.

Mr. Miller moved, seconded by Mr. Atkinson, to dispense with the reading of the Finance Committee minutes of 6/26/15 and accept them as received. Motion carried. For the record, they are as follows:

FINANCE COMMITTEE REPORT - JUNE 26, 2015

The Finance Committee of Wheeling City Council met on Friday, June 26, 2015 at 10:00 a.m. in City Council Chambers. Committee Members present: Chair Gene Fahey, Vice Chair David Miller and Member Don Atkinson. Others present: Councilors Gloria Delbrugge and Robert Henry; City Manager Robert Herron, City Solicitor Rosemary Humway-Warmuth; Finance Director Jill Willey, City Clerk Janice Jones and the media.

The following was discussed:

General Fund Budget Revision No. 6

This budget revision is necessary to insure that the individual budgets are balanced. The overall budget will not change. The line items affected are as follows:

1. To offset Garbage Expense with Recycling Expense.
2. To offset Hotel/Motel Expense with Finance Expense.
3. To offset Playground Expense with Operation Expense.

Mr. Miller moved, seconded by Mr. Atkinson, to approve Budget Revision No. 6 and forward it to Council. Motion carried.

There being no further business to come before the Committee, Mr. Miller moved, seconded by Mr. Atkinson, to adjourn. Motion carried. Time: 10:05 a.m.

REPORT OF CITY MANAGER

City Manager Herron introduced Brian Wilson and Rebekah Karelis, prospective members of the Historic Landmarks Commission, who were in attendance at today's meeting. He asked for Council's concurrence in the appointments. Mr. Miller moved, seconded by Mr. Henry, Council's concurrence in the appointments. Motion carried.

Mr. Herron commented on the very significant rain event in the Elm Grove area yesterday. It is being evaluated at this time.

He also commented that the General Fund budget ended with a cash carryover of about \$1,393,000, of which \$1,160,294 will be appropriated at the July Finance Committee meeting in two weeks. He thanked the Department Heads and employees.

Mr. Miller reminded the Administration to schedule a Rules Committee meeting regarding the False Alarm Ordinance.

REPORT OF OTHER OFFICERS

Mr. Miller moved, seconded by Mr. Henry, that the Wheeling Housing Authority Minutes, 4/8/15; Historic Landmarks Commission Minutes, 5/7/15; Board of Zoning Appeals Minutes, 5/21/15; and Traffic Commission Minutes, 6/11/15; be held over until the next meeting. Motion carried.

ORIGINAL PROPOSITIONS

ADOPTING TRAFFIC RULE NO. 4525 - 2 HR. PARKING - W. SD. OF MAIN ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4525.

ADOPTING TRAFFIC RULE NO. 4526 - 2 HR. PARKING - E. SD. OF MARKET ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4526.

ADOPTING TRAFFIC RULE NO. 4527 - HANDICAPPED PARKING - 119 EDGWOOD ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4527.

ADOPTING TRAFFIC RULE NO. 4528 - NO PARKING - N & S SD. OF HAWTHORNE CT.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4528.

ADOPTING TRAFFIC RULE NO. 4529 - 2 HR. PARKING - N. SD. OF 12TH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4529.

ADOPTING TRAFFIC RULE NO. 4530 - PERMIT PARKING - S. SD. OF SOUTH ST.

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING ADOPTING TRAFFIC RULE NO. 4530.

AGREEMENT - OHIO COUNTY BD. OF EDUCATION - GARDEN PARK - FY 2015-16

The following was then read:

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE OHIO COUNTY BOARD OF EDUCATION REGARDING USE OF A PORTION OF THE GARDEN PARK RECREATION COMPLEX - FY 2015-2016.

AMENDING SECTION 35 OF CHARTER - BOARDS AND COMMISSION - GREATER WHEELING SPORTS & ENTERTAINMENT AUTHORITY

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING SECTION 35 OF THE CHARTER OF THE CITY OF WHEELING BY REPEALING SECTION 35

BOARDS AND COMMISSIONS, TO REFLECT A CHANGE IN THE TERMS OF COMPOSITION OF MEMBERSHIP OF THE GREATER WHEELING SPORTS AND ENTERTAINMENT AUTHORITY.

AMENDING CODIFIED ORDINANCES - ARTICLE 163 - GREATER WHEELING SPORTS & ENTERTAINMENT AUTHORITY

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 REENACTING ARTICLE 163, GREATER WHEELING SPORTS AND ENTERTAINMENT AUTHORITY, TO PERMIT RESIDENTS OF OHIO COUNTY, WEST VIRGINIA, AS WELL AS THE CITY OF WHEELING, TO BE MEMBERS OF THE AUTHORITY AND TO AMEND THE SELECTION PROCESS OF THE CHAIRPERSON.

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.

RESOLUTION - IDENTIFYING 195 - 29TH STREET AS A DEVELOPMENT/REDEVELOPMENT AREA

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING IDENTIFYING 195 - 29TH STREET AS A DEVELOPMENT OR A REDEVELOPMENT SITE.

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

RESOLUTION - SECTION 108 LOAN REPAYMENT - BANK OF NEW YORK MELLON

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$176,611.25 FROM CDBG 2014 EY - SECTION 108 LOAN REPAYMENT - #1513-014-140 FOR COSTS ASSOCIATED WITH HUD 108 PROGRAM.

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

RESOLUTION - AUTHORIZING A CHANGE ORDER TO ORDINANCE 14657

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING A CHANGE ORDER TO ORDINANCE 14657 TO ALLOW FOR THE PURCHASE OF

TWO ADDITIONAL TWO TON 4-WHEELING DRIVE DUMP TRUCKS WITH SNOW PLOWS AND SALT SPREADERS FROM DOAN FORD, OF BELMONT, OH, IN THE AMOUNT OF \$136,112.00, TO BE CHARGED TO RCIP.

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

THOSE WISHING TO BE HEARD

Bill O’Leary, 158 Paxton Avenue, commented that the City should recognize Slim Lehart, the Wheeling Cat, at a future Council meeting. Mayor McKenzie reported that we did recognize him, and in fact celebrated “Slim Lehart Day” in the City in June. Mr. O’Leary also suggested a possible ordinance prohibiting people from dumping their grass cuttings into the sewers.

There being no further business, Mr. Miller moved, seconded by Mr. Atkinson, to adjourn. Motion carried. Time: 12:40 p.m.

City Clerk

Mayor