

AGENDA FOR THE REGULAR MEETING OF
PARKERSBURG CITY COUNCIL FOR TUESDAY,
SEPTEMBER 9, 2014, 7:30 PM, SECOND FLOOR
COUNCIL CHAMBERS, MUNICIPAL BUILDING

PRAYER AND PLEDGE OF ALLEGIANCE

- I. CALL TO ORDER – Council President, John Rockhold
- II. ROLL CALL
- III. MINUTES – meeting held August 19, 2014
- IV. REPORTS FROM STANDING OR SPECIAL COMMITTEES
- V. MESSAGE FROM THE EXECUTIVE
- VI. PUBLIC FORUM
- VII. RESOLUTIONS

1. Resolution granting a permanent easement to Hope Gas Inc, dba Dominion Hope, to replace a portion of an existing gas line for 30' in Johnson T. Janes Park, and authorizing Mayor Newell to execute said easement. (Sponsored by Councilmen Rockhold, Kelly, Carpenter, Lynch and Coram)

2. Resolution authorizing Mayor Robert Newell to allow naming rights to individuals who contribute \$5,000.00 to tennis court repairs in the City Park. (Sponsored by Councilmen Coram, Carpenter, Rockhold and Reynolds)

VIII. ORDINANCE, FINAL READING:

3. An ordinance to approve current replacement pages to the codified ordinances of the City of Parkersburg. (Sponsored by Councilmen Rockhold, Kelly, and Reed)

4. An ordinance amending the Personnel Policy and Procedure Manual concerning our pay plan, 2.5% plus some reclassifications. (Sponsored by Personnel Committee)

IX. ORDINANCE, FIRST READING:

5. An ordinance amending seven (7) sections in Article 1327 and 1351 to better define wreckers and towing services. Articles 1327.02 (277A); 1327.02 (470); 1327.02 (502); 1351.02 (d)(3); 1351.02 (d)(4); 1351.02 (c)(3)M-5; 1351.02 (d)(1)J; and 1351.04(b)(5). (Sponsored by Municipal Planning Commission)

6. An ordinance authorizing lease/purchase financing for ten (10) police vehicles at 1.48%, United National Bank for 36 months. (Sponsored by Councilmen Rockhold, Reed, Kelly, Lynch, Coram, Carpenter and Reynolds)

X. MISCELLANEOUS –

7. Communication from Municipal Planning Commission denying a request to rezone 2631 14th Avenue from R-3 to B-2.

XI. ADJOURNMENT

The Council of the City of Parkersburg met in regular session Tuesday, August 5, 2014, at 6:30 PM in the Council Chambers on the second floor of the Municipal Building at One Government Square, Parkersburg, WV 26101. Mothe Marjorie from the Latrobe Street church led the Lord's Prayer and Pledge of Allegiance prior to the beginning of the meeting.

The meeting was called to order by Council President, John Rockhold, who presided over the meeting. The clerk noted the attendance and those present included Councilmen Nancy Wilcox, Sharon Lynch, Roger Brown, Kim Coram, JF Carpenter, Mike Reynolds, John Kelly, Jim Reed, and John Rockhold.

MINUTES – Mr. Kelly moved, seconded by Mr. Reed, to dispense with the reading of the journal and approve the minutes of August 5, 2014 as distributed, and the motion was adopted by unanimous vote.

REPORTS FROM STANDING OR SPECIAL COMMITTEES – Ms. Lynch reported that the Personnel Committee met and recommended the ordinance this evening on pay raises, market pricing.

Mr. Reynolds announced that the Urban Renewal Authority met at 5:45 PM this evening to consider donation of property on 13th Street, which was not accepted; 3 properties on St. Mary's Avenue were not discussed at this time; an application for a Demolition Loan for \$500,000.00 with the WV Housing Development Fund was referred to the Finance Committee; and Mr. Yeager updated them on the 19th and Keever property.

MESSAGE FROM THE EXECUTIVE – There was no message.

PUBLIC FORUM – Mr. Dave Brannon, 2627 26th Avenue, asked for assistance with an alley being blocked by customers at a hot dog business near his home; and Mr. Mike Lott, 2626 25th Place, was concerned about the same alley blockage.

Mr. John Stump, attorney for Steptoe and Johnson, appeared concerning the supplemental resolution on the agenda this evening and stated that the actual amount of the sewerage system revenue bond would be \$12,676,820.00 at 1% interest for 20 years. Their closing will be August 26, 2014, he said.

RESOLUTION

RESOLUTION AMENDING THE RULES AND REGULATIONS FOR PARKERSBURG CITY PARKS

WHEREAS, the City has certain approved and designated rules and regulations for its City Parks; and

WHEREAS, improper use of some drinking fountains in the City Parks has raised concerns for the health and welfare of humans utilizing said drinking fountains.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that Section VI animals – other, be and it is hereby amended with the addition of subsection C. thereof and as follows:

Section VII- Animals – Other

- C. No person shall permit their dog, cat or other pet or animal to drink directly from any drinking fountain within the park unless said drinking fountain or part thereof is specifically designated with signage for use by animals.

MOTION – Mr. Kelly moved, seconded by Mr. Brown, to adopt the resolution.

Mr. Kelly said he had received some complaints about this from people in the park. This is nothing new and has been dealt with in the past by putting a bowl by the fountain for the pets.

Mr. Reynolds said he did not know this was a problem, but does not think anyone can enforce it. He said he still sees people smoking in the park by the children play area, and he does not think you can enforce this rule.

MOTION – Mr. Reed moved, seconded by Mr. Carpenter, to refer the resolution to the Public Works Committee, and the motion was adopted by majority vote with all members voting "yes" with the exception of Mr. Brown and Ms. Coram who voted "no".

RESOLUTION

THE CITY OF PARKERSBURG Combined Waterworks and Sewerage System Revenue Bonds, Series 2014 B (West Virginia Infrastructure Fund)

SUPPLEMENTAL RESOLUTION PROVIDING AS TO
PRINCIPAL AMOUNT, DATE, MATURITY DATE,
REDEMPTION PROVISION, INTEREST RATE, INTEREST
AND PRINCIPAL PAYMENT DATES, SALE PRICE AND
OTHER TERMS OF THE COMBINED WATERWORKS AND
SEWERAGE SYSTEM REVENUE BONDS, SERIES 2014 B
(WEST VIRGINIA INFRASTRUCTURE FUND) OF THE
CITY OF PARKERSBURG; APPROVING AND RATIFYING
THE LOAN AGREEMENT RELATING TO SUCH BONDS
AND THE SALE AND DELIVERY OF SUCH BONDS TO
THE WEST VIRGINIA WATER DEVELOPMENT
AUTHORITY; DESIGNATING A REGISTRAR, PAYING
AGENT AND DEPOSITORY BANK AND MAKING OTHER

CASTO & HARRIS, INC., SPRINGFIELD, WV REG. NUMBER NO. 12275-13

WHEREAS, the council (the "Governing Body") of The City of Parkersburg (the "Issuer") has duly and officially adopted and enacted a bond ordinance, effective July 8, 2014 (the "Bond Ordinance"), entitled:

ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE EXISTING SEWERAGE PORTION OF THE COMBINED WATERWORKS AND SEWERAGE SYSTEM OF THE CITY OF PARKERSBURG AND THE FINANCING OF THE COST, NOT OTHERWISE PROVIDED THEREOF THROUGH THE ISSUANCE BY THE CITY OF PARKERSBURG OF NOT MORE THAN \$13,700,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2014 B (WEST VIRGINIA INFRASTRUCTURE FUND); PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING EXECUTION AND DELIVERY OF ALL DOCUMENTS RELATING TO THE ISSUANCE OF SUCH BONDS APPROVING, RATIFYING AND CONFIRMING A LOAN AGREEMENT RELATING TO SUCH BONDS. AUTHORIZING THE SALE AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH BONDS AND ADOPTING OTHER PROVISIONS RELATING THERETO

WHEREAS, capitalized terms used herein and not otherwise defined herein shall have the same meaning set forth in the Bond Ordinance when used herein;

WHEREAS, the Bond Ordinance provides for the issuance of Combined Waterworks and Sewerage System Revenue Bonds, Series 2014 B (West Virginia Infrastructure Fund) in an aggregate principal amount not to exceed \$13,700,000 (the "Series 2014 B Bonds"), and has authorized the execution and delivery of the Loan Agreement relating to the Series 2014 B Bonds, including all schedules and exhibits attached thereto, by and between the Issuer and the West Virginia Water Development Authority (the "Authority") on behalf of the West Virginia Infrastructure and Jobs Development Council (the "Council") for the Series 2014 B Bonds (the "Loan Agreement"), all in accordance with Chapter 8, Article 20 and Chapter 31, Article 15A of the West Virginia Code of 1931, as amended (collectively, the "Act"), and in the Bond Ordinance it is provided that the form of the Loan Agreement and the exact principal amount, date, maturity date, redemption provision, interest rate, interest and principal payment dates, sale price and other terms of the Series 2014 B Bonds should be established by a supplemental resolution pertaining to the Series 2014 B Bonds; and that other matters relating to the Bonds be herein provided for;

WHEREAS, the Loan Agreement has been presented to the Issuer;

WHEREAS, the Bonds are proposed to be purchased by the Authority pursuant to the Loan Agreement; and

WHEREAS, the Governing Body deems it essential and desirable that this supplemental resolution (the "Supplemental Resolution") be adopted, that the Loan Agreement be approved and ratified by the Issuer, that the exact principal amounts, the dates, the maturity dates, the redemption provisions, the interest rates, the interest and principal payment dates and the sale price of the Bonds be fixed hereby in the manner stated herein, and that other matters relating to the Bonds be herein provided for;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF PARKERSBURG

Section 1. Pursuant to the Bond Ordinance and the Act, this Supplemental Resolution is adopted and there are hereby authorized and ordered to be issued the Combined Waterworks and Sewerage System Revenue Bonds, Series 2014 B (West Virginia Infrastructure Fund), of the Issuer, originally represented by a single Bond, numbered BR-1, in the principal amount of \$12,676,820. The Series 2014 B Bonds shall be dated the date of delivery thereof, shall finally mature March 1, 2037, and shall bear interest at the rate of 1% per annum. The principal and interest of the Series 2014 B Bonds shall be payable quarterly, on March 1, June 1, September 1 and December 1 of each year, commencing June 1, 2017 to and including March 1, 2037, and in the amounts as set forth in the "Schedule Y" attached to the Loan Agreement and incorporated in and made a part of the Series 2014 B Bonds. The Series 2014 B Bonds shall be subject to redemption upon the written consent of the Authority and the Council, and upon payment of the redemption premium, if any, and otherwise in compliance with the Loan Agreement, so long as the Authority shall be the registered owner of the Series 2014 B Bonds.

Section 2. All other provisions relating to the Series 2014 B Bonds and the text of each series of the Series 2014 B Bonds shall be in substantially the form provided in the Bond Ordinance.

Section 3. The Issuer does hereby authorize, approve, ratify and accept the Loan Agreement, a copy of which is incorporated herein by reference, and the execution and delivery of the Loan Agreement by the Mayor, and the performance of the obligations contained therein, on behalf of the issuer, are hereby authorized, directed, ratified and approved. The Issuer hereby accepts and agrees to all covenants and representations made in the Loan Agreement and in the applications to the Authority and the Council. The price of the Series 2014 B Bonds shall be 100% of par value, there being no interest accrued thereon, provided that the proceeds of the Series 2014 B Bonds shall be advanced from time to time as requisitioned by the Issuer.

Section 4. The Issuer does hereby appoint and designate United Bank, Charleston, West Virginia, to serve as Registrar (the "Registrar") for the Bonds under the Bond Ordinance and does approve and accept the Registrar's Agreement to be dated the date of delivery of the Bonds, by and between the Issuer and the Registrar, and the execution and delivery of the Registrar's Agreement by the Mayor, and the performance of the obligations contained therein, on behalf of the Issuer, are hereby authorized, approved and directed.

Section 5. The Issuer does hereby appoint and designate the West Virginia Municipal Bond Commission, Charleston, West Virginia, to serve as Paying Agent for the Bonds under the Bond Ordinance.

Section 6. The Issuer does hereby appoint and designate United Bank, Inc., Parkersburg, West Virginia, to serve as Depository Bank under the Bond Ordinance.

Section 7. Series 2014 B Bonds proceeds in the amount of \$-0- shall be deposited in the Series 2014 B Bonds Reserve Account.

Section 8. The balance of the proceeds of the Series 2014 B Bonds shall be deposited in or credited to the Series 2014 B Bonds Construction Trust Fund as received from the Council from time to time for payment of the costs of the Project, including, without limitation, costs of issuance of the Series 2014 B Bonds and related costs.

Section 9. The Mayor and the Clerk are hereby authorized and directed to execute and deliver such other documents and certificates required or desirable in connection with the Bonds hereby and by the Bond Ordinance approved and provided for, to the end that the Bonds may be delivered on or about, August 27, 2014, to the Authority pursuant to the Loan Agreement.

Section 10. The acquisition and construction of the Project and the financing thereof in part with proceeds of the Series 2014 B Bonds are in the public interest, serve a public purpose of the Issuer and will promote the health, welfare and safety of the residents of the Issuer.

Section 12. The Issuer hereby determines to invest all monies in the funds and

accounts established by the Bond Ordinance held by the Depository Bank until expended, in repurchase agreements or time accounts secured by a pledge of Government Obligations, and therefore, the Issuer hereby directs the Depository Bank to take such actions as may be necessary to cause such monies to be invested in such repurchase agreements or time accounts until further directed in writing by the Issuer. Monies in the Series 2014 B Sinking Fund shall be invested by the West Virginia Municipal Bond Commission in the West Virginia Consolidated Fund.

Section 13. The Parkersburg Utility Board is authorized to approve all invoices and pay requests for the project.

Section 14. This Supplemental Resolution shall be effective immediately following adoption hereof.
[Remainder of Page Intentionally Blank]

Adopted this 19th day of August, 2014.

THE CITY OF PARKERSBURG

By _____

Its Mayor

CERTIFICATION

Certified a true copy of a Supplemental Resolution duly adopted by the Council of

The City of Parkersburg on the 19th of August, 2014.

Dated August 27, 2014.

[SEAL]

Clerk

686990.00010

MOTION – Mr. Kelly moved, seconded by Mr. Reed, to adopt the resolution, and the motion was adopted by unanimous vote.

ORDINANCE, FIRST READING:

**AN ORDINANCE AUTHORIZING THE FINANCE
DIRECTOR TO CONDUCT AN AUCTION
SEPTEMBER 13, 2014**

MOTION – Mr. Reed moved, seconded by Ms. Wilcox, to adopt the ordinance on first reading.

There was no objection, and President Rockhold allowed Mr. Kelly to inquire about three ambulances the City purchased that were not included in the budget.

Fire Chief, Eric Taylor, stated that they purchased three ambulances from an auction in Columbus, and paid for it out of the medical supply line item of his budget. When Mr. Kelly asked if they were to purchase air packs out of that line item Mayor Newell stated that he authorized the purchase. Life Ambulance went out of businesses in Parkersburg, and there is a shortage of ambulances in our City. We answer a lot of calls, he said, and we have talked about this before, but did not want to compete with businesses in our City.

This came to light because our Fire Department went to Vienna because there was no ambulance available, and we took the patient to the hospital in a fire truck. If we are going to be in the medical business, we show up at a call and administer aid, but we cannot transport. People expect our firemen and policemen to help because we wear a uniform.

We will be a back-up to medical service, and he wants to be prepared, he said. When there are no ambulances available, we will respond and take the call. For all three of the ambulances at the auction, the cost was less than \$15,000.00, Mayor Newell stated. One is good, and the other two will be used for spare parts. We need to be better prepared.

Mayor Newell said he authorized that purchase during a spending freeze because the auction came up suddenly. We will wait on a grant for the air pack masks, he said.

Ms. Wilcox said this should have come to the Finance Committee to decide about the charges. Mayor Newell said we were not close to billing, this all happened suddenly.

Mr. Reed asked the Chief if the ambulance was in service, and Chief Taylor said we have to go through a license procedure. We will only use one, and only if they are out of ambulances, centrally located, but we do not know the location at this time.

Two years ago this came to Council, and Council said "no", Ms. Lynch stated. Mayor Newell said the last time we wanted an ambulance service. We received an ambulance then gave it to another agency in Charleston, as it was being in competition with area businesses at that time. We are trying to avoid another incident like the one in Vienna where no ambulance was available, and this can be a great help to our community, he said.

Ms. Lynch asked that Council be informed as their plans come together.

Chief Taylor added that one of the differences is the last time we were to have a zone, and this will only be a back up. The other ambulances will provide some of the equipment we need. There have been multiple instances where they wait for an ambulance to come from Wirt County, he said.

VOTE – the motion to hold the auction September 14, 2014 was adopted by unanimous vote.

ORDINANCE, FIRST READING:

**AN ORDINANCE TO APPROVE CURRENT REPLACEMENT
PAGES TO THE CODIFIED ORDINANCE OF
THE CITY OF PARKERSBURG**

JOURNAL OF THE CITY COUNCIL, NO. 54

001

PARKERSBURG, W. VA., August 19, 2014

CASIO & HARRIS, INC. SPENCER, WV RL-ORDER NO. 12215-13

MOTION – Ms. Wilcox moved, seconded by Mr. Reed, to adopt the ordinance and the motion was adopted by unanimous vote.

ORDINANCE, FIRST READING

AN ORDINANCE AMENDING AND RE-ENACTING THE CITY OF PARKERSBURG PERSONNEL POLICY AND PROCEDURE MANUAL (2 ½%, and reclassifications)

MOTION – Ms. Lynch moved, seconded by Mr. Brown, to adopt the ordinance on first reading, and the motion was adopted by unanimous vote.

Ms. Lynch invited everyone to the last Music In the Park series at Southwood this evening. They will dedicate the A Smith Stage, then tomorrow they will learn about land banking, she said.

The meeting adjourned at 7.05 PM.

City Clerk

Council President

RESOLUTION

gks
WHEREAS, the City of Parkersburg, a Municipal Corporation, owns certain real estate situate along Core Road, commonly known as part of Johnson T. Janes Park, as shown on the City of Parkersburg Corporation Tax Map 102, Parcel H-1; and

WHEREAS, Hope Gas Inc., dba Dominion Hope, a West Virginia corporation, desires to replace a portion of an existing gas line (approximately 30 feet), in order to service existing customers.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that a permanent easement, a copy of which is attached hereto and made a part hereof, be granted to Hope Gas Inc., dba Dominion Hope, a West Virginia corporation;

BE IT FURTHER RESOLVED that Robert D. Newell, Mayor, be and he is hereby authorized to sign said permanent easement for an on behalf of the City of Parkersburg.

Sponsored by Councilmen Rockhold, Kelly and Carpenter



30 FT - NEW ROW
CITY OF PARKERSBURG
PARCEL H1

This *GAS PIPELINE EASEMENT GRANT* is perpetual and shall extend to and be binding upon the Grantor and Grantee, their respective heirs, successors and assigns, whether assigned in whole or in part, and can not be changed in any way except in writing signed by the Grantor and Grantee.

IN WITNESS WHEREOF, Grantor(s) hereby acknowledge that they understand and agree to all the contents, terms, conditions, restrictions, and effects of this instrument and grant this *GAS PIPELINE EASEMENT GRANT*, by executing this document in Wood County, West Virginia, on the _____ day of _____, 20____.

WITNESSES

LANDOWNER(S)
The City of Parkersburg

Sign _____

Sign _____

Print _____

Print Robert D. Newell

Its: Mayor

Sign _____

Sign _____

Print _____

Print _____

Its: _____

CORPORATE ACKNOWLEDGMENT

STATE OF West Virginia

COUNTY OF _____

I, _____, a Notary Public in and for said County, do certify that Robert D. Newell, Mayor, who signed the writing above, bearing date the _____ day of _____, 20____, for The City of Parkersburg a municipal corporation, has this day in my said County, before me, acknowledged the said writing to be the act and deed of said corporation.

Given under my hand this _____ day of _____, 20____.

Notary Public

My Commission expires _____

R/W #

Line List #1

West Virginia
GAS PIPELINE EASEMENT GRANT

FOR THE CONSIDERATION of \$ 30.00 and other good and valuable consideration to the Grantor in hand paid, the receipt of which is hereby acknowledged, I/we, The City of Parkersburg, a Municipal Corporation

whose tax mailing address is P.O. Box 1627
Parkersburg, WV 26102

the landowner(s) of the SUBJECT PROPERTY, herein called "Grantor", hereby grants, conveys and warrants unto Hope Gas, Inc., d/b/a Dominion Hope, a West Virginia Corporation with a mailing address of 48 Columbia Blvd., Clarksburg, West Virginia 26301, herein called "Grantee", its successors and assigns, the perpetual right to enter on the Subject Property described, at any time that it may see fit, and construct, maintain, operate, inspect, conduct necessary tests, repair, replace parallel to, connect to, change the size of (not to exceed 8"), abandon and remove one underground pipeline, including valves, cathodic protection equipment and other appurtenances necessary thereto, for the distribution of natural gas and other gaseous products over, across, through, and under the lands described in this agreement, together with the right to excavate and refill ditches and trenches for the location of such pipeline, and the further right to remove trees, bushes, undergrowth, and other obstructions interfering with the location, construction and maintenance of the pipelines, with rights of ingress and egress to said facilities and appurtenances at all times, on the following described land, being the SUBJECT PROPERTY.

SUBJECT PROPERTY

SITUATED in Parkersburg City District, Wood County, West Virginia, being a tract of 63.2 acres conveyed to Grantor by Dan A. Marshall, Trustee under the date of October 31, 2004 and recorded in the office of the clerk of the Wood County Commission in Deed Book 1074 at Page 885, Tax Map Number 102 Parcel Number H-1.

Bounded substantially by lands now or formerly owned as follows:

North by Core Rd.
East by Shirley A. Sutton
South by other lands by The City of Parkersburg
West by Danny H. Sheltz

The pipeline laid pursuant to this agreement is to be located within the limits of an easement of a width deemed necessary by the Grantee, but in no event to exceed twenty (20) feet. Said Easement being on the Northwesterly side of Map 102, Parcel H-1, thence running in a Southwesterly direction approximately 30' +/-.

The Grantor may use and enjoy the SUBJECT PROPERTY, subject to the conditions, restrictions, and provisions of this GAS PIPELINE EASEMENT GRANT, expressed and implied, and provided always that such use and enjoyment shall not interfere or be inconsistent in any way with rights, privileges and uses herein granted to the Grantee. Grantor shall not construct or permit to be constructed any house, structure, or obstruction on or over said easement area that will interfere with the construction, maintenance or operation of the pipeline or appurtenances constructed hereunder.

The Grantee shall repair, replace, or compensate the Grantor for any harm or damages that the Grantee inflicts upon the Grantor's existing property and/or improvements [such as but not limited to drain tile, fences, driveways, walks, buildings] in the process of the Grantee exercising any of its herein declared rights upon the SUBJECT PROPERTY. The Grantee shall compensate the Grantor for any damages it inflicts upon crops, regardless of whether the crops were damaged by the Grantee in or outside of Grantee's easement area. Any controversy, claim or dispute between and among the parties to this grant concerning damages relating to it will be settled by binding arbitration in accordance with and pursuant to the latest Commercial Arbitration Rules of the American Arbitration Association. There shall be three disinterested arbitrators, one chosen by the Grantor, one chosen by the Grantee, and one mutually appointed by the two first chosen arbitrators, to ascertain and determine a settlement of the dispute or claim. The arbitrators' award shall be final. Whatever the conclusion, both the Grantor and Grantee will be responsible to pay one half of the total arbitration costs. With respect to any controversy, claim or dispute that is subject to arbitration under the terms herein, no suit at law or in equity based on an arbitrable dispute or controversy will be instituted by either party, except to enforce the award of the arbitrators. Should any party herein institute any suit in contravention of the terms herein, that party shall bear the costs of any reasonable attorney fees and court costs incurred by the other party.

DECLARATION OF CONSIDERATION

It is hereby declared: The total consideration paid for the property conveyed by the document to which this declaration is appended is \$ 30.00.

Executed the _____ day of _____, 20____.

DOMINION HOPE (Grantee), Clarksburg, WV

By: _____

One-Call Notification – West Virginia laws require all parties to contact the "ONE-CALL SYSTEM" (currently Miss Utility of West Virginia, Inc., 1-800-245-4848) at least 48 hours before digging or excavating.

**This Instrument Was Prepared By:
Dominion Hope, Revised June, 2001**

WV D LP Std. #8

**AN ORDINANCE TO APPROVE CURRENT REPLACEMENT
PAGES TO THE CODIFIED ORDINANCES OF THE CITY
OF PARKERSBURG.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG, as
follows:**

**WHEREAS, various ordinances of a general and permanent nature have been passed by
City Council which should be included in the Codified Ordinances; and**

**WHEREAS, Council has heretofore entered into a contract with the Walter H. Drane
Company to prepare and publish such revision which is presently before Council;**

NOW, THEREFORE, BE IT ORDAINED that:

**Section 1. The ordinances of the City of Parkersburg, West Virginia, of a general and
permanent nature, as revised, codified, rearranged and consolidated into component codes,
chapters, articles and sections within the 2014 replacement pages to the Codified Ordinances
are hereby approved and adopted.**

Section 2. Pursuant to Section 2.208 of the Charter and West Virginia Code 8-11-4(b):

- (a) Notice of the proposed adoption of the current supplement shall be given by
publication as provided in West Virginia Code 8-11-4(a)(2);**
- (b) This ordinance shall not be adopted until ninety days have elapsed following the
date on which Council shall have noted in the official journal the availability of
copies of the current supplement to the public.**

Section 3. This Ordinance shall take effect as provided in Section 2.201 of the Charter.

JTS/108

**AN ORDINANCE AMENDING AND RE-ENACTING
THE CITY OF PARKERSBURG
PERSONNEL POLICY AND PROCEDURE MANUAL**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that effective September 15, 2014, Tables I, II & III of the Compensation Plan contained in Section VII of the City of Parkersburg Personnel Policy and Procedure Manual be, and hereby is, amended and re-enacted to reflect the following re-classifications and base pay rate increases:

Reclassifications:

	<u>Current</u>	<u>Reclassified Grade</u>
Medium Equipment Operator	H-5	H-6
Heavy Equipment Operator	H-6	H-7
Billing and Revenue Associate (Previously Billing Clerk)	H-6	H-8
Code Official	H-7	H-8
Zoning / New Business Assistant	H-7	H-8
Building Maintenance Foreman	H-8	H-10
Payroll Specialist/B&O Tax Assistant (Previously Payroll Clerk/B&O Assistant)	H-7	H-11
Accounts Payable & Junior Accountant (Previously Accounts Payable Clerk)	H-6	H-11
Engineering Associate	H-11	H-11A
Journeyman Electrician	H-11	H-11A
Master Electrician	H-11A	H-12
Executive Administrative Assistant (Previously Personnel/Legal Specialist)	H-8	S-1
B&O Tax Auditor	H-10	S-1
Accountant/Collector (Previously Delinquent Accounts Collector)	H-10	S-2
Finance & Purchasing Coordinator (Previously Finance/Purchasing Clerk)	H-6	S-2
Municipal Housing & Special Projects Coordinator (Previously Housing Inspector)	H-10	S-2
Chief Fire Inspector	CS-7 Hourly	CS-7 Exempt
Senior Accountant (Previously Accountant)	S-1	S-4
IT Coordinator (Previously Computer System Administrator)	S-2A	S-6
Planning Administrator	S-5A	S-5
Assistant City Engineer	S-5	S-6
City Engineer	S-7	S-8
Fire Chief	S-8	S-9
Police Chief	S-8	S-9
Public Works Director	S-8	S-9

Base Pay Rates:

	Current Base Rate	New Base Rate	
H-3	\$10.90	\$11.17	
H-4	\$11.40	\$11.69	
H-5	\$11.90	\$12.20	
H-6	\$12.40	\$12.71	
H-7	\$12.90	\$13.22	
H-8	\$13.40	\$14.25	*
H-9	\$13.90	\$14.76	*
H-10	\$14.40	\$15.27	*
H-11	\$14.90	\$15.79	*
H-11A	\$15.90	\$16.30	*
H-12	\$16.70	\$17.12	*
			* Includes base rate increase of 50¢ + 2.5%
S-1	\$34,372	\$35,242	
S-2	\$35,372	\$36,265	
S-2A	\$36,000 - \$41,000	Deleting	
S-3	\$36,372	\$38,000-\$44,000	**
S-4	\$37,372	\$38,312	
S-5	\$38,372	\$42,491	
S-5A	\$41,456	\$42,491	being merged into S-5
S-6	\$44,372	\$45,476	
S-7	\$51,372	\$58,000 - \$64,000	**
S-8	\$53,372	\$62,000 - \$68,000	**
S-9	\$60,000	\$66,000 - \$72,000	**
			** Base Rate increase but does not receive the additional 2.5%
PTS-1	\$18,228	\$18,684	
PTS-2	\$25,728	\$26,371	
PTS-3	\$36,728	\$44,000 - \$50,000	
CS-1	\$12.82	\$13.14	
CS-2	\$16.62	\$17.04	
CS-3	\$16.10	\$16.50	
CS-4	\$14.02	\$14.37	
CS-5	\$18.55	\$19.01	
CS-6	\$15.22	\$15.60	
CS-7	\$18.27	\$45,049	*** Changing to Exempt
CS-8	\$19.99	\$20.49	
CS-9	\$21.43	\$21.97	

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF
THE CITY OF PARKERSBURG ARTICLE 1327.02.(277A), ARTICLE
1327.02.(470), ARTICLE 1327.02(502), ARTICLE 1351.02(d)(3),
ARTICLE 1351.02(d)(4), ARTICLE 1351.02(c)(3)M-5, ARTICLE
1351.02(d)(1)J, AND ARTICLE 1351.04(b)(5).**

The Municipal Planning Commission of the City of Parkersburg has recommended that Article 1327.02.(277A), Article 1327.02.(470), Article 1327.02(502), Article 1351.02(d)(3), Article 1351.02(d)(4), Article 1351.02(c)(3)M-5, Article 1351.02(d)(1)J, and Article 1351.04(b)(5), be amended to reflect the following changes:

1. Article 1327.02 (new 277A) Definitions
Amending section to include a definition for long-term disabled vehicle storage.
2. Article 1327.02 (470 and 502): Definitions (to be known as 502 only and deleting 470)
Amending section to define wrecker and towing services.
3. Article 1351.02(d)(3): (Providing for Principal Conditional Uses in M-1 zone)
Amending to allow for wrecker and towing services and long-term disabled vehicle storage as a principal conditional use in a M-1 zone.
4. Article 1351.02(d)(4): (re-sequence of original ordinance text)
Amending Article 1351.02(d)(3) as Article 1351.02(d)(4).
5. Article 1351.02(c)(3)M-5: (Providing for Prohibited Uses in M-1 zone)
Amending to remove wrecker services as a prohibited use.
6. Article 1351.02(d)(1)J: (Providing for Prohibited Uses in M-2 zone)
Amending to remove wrecker services as a prohibited use.
7. Article 1351.04(b)(5): (Providing for Permitted Uses in M-3 zone)
Amending to remove wrecker services as a prohibited use.

As shown in the attachments to this ordinance.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF
PARKERSBURG HEREBY ORDAINS** the amendment to the Codified Ordinances of the City of Parkersburg, Article 1327.02.(277A), Article 1327.02.(470), Article 1327.02(502), Article 1351.02(d)(3), Article 1351.02(d)(4), Article 1351.02(c)(3)M-5, Article 1351.02(d)(1)J, and Article

1351.04(b)(5), as presented.

SPONSORED BY: MUNICIPAL PLANNING COMMISSION

1. Article 1327.02 (new 277A) Definitions.
Amending to include a definition for long-term disabled vehicle storage.

LONG-TERM DISABLED VEHICLE STORAGE – A business storing disabled vehicles inside or outside in an area surrounded by an 8’ opaque fence for a period not to exceed fourteen (14) days, whether said business is affiliated with a wrecker/towing service or not.

2. Article 1327.02 (470 and 502): Definitions (to be known as 502 only and deleting 470).
Amending to define wrecker and towing services.

(470)

~~TOWING SERVICE—Establishment that provides for the removal and temporary storage of Vehicles but does not include disposal, permanent disassembly, salvage, or accessory storage of inoperable vehicles.~~

(502)

~~WRECKER SERVICE—A service for towing wrecked, illegally parked, or disabled automobiles or freeing automobiles.~~

3. Article 1351.02(d)(3): (Providing for Principal Conditional Uses in M-1 zone)
Amending to allow for wrecker and towing services and long-term disabled vehicle storage as a principal conditional use in a M-1 zone.

(3) Wrecker, towing services, and Long-term disabled vehicle storage.

4. Article 1351.02(d)(4): (re-sequence of original ordinance text)
Amending Article 1351.02(d)(3) as Article 1351.02(d)(4).
5. Article 1351.02(c)(3)M-5: (Providing for Prohibited Uses in M-1 zone). Amending to remove wrecker services as a prohibited use.

M-5. Metal waste salvage and junk yards, including automobile junk yards, salvage ~~and wrecking~~ operations, and reclamation of barrels and drums.

6. Article 1351.02(d)(1)J: (Providing for Prohibited Uses in M-2

zone).

Amending to remove wrecker services as a prohibited use.

J. Metal waste salvage and junk yards, including automobile salvage ~~and wrecking~~ operations and reclamation of barrels and drums.

7. Article 1351.04(b)(5): (Providing for Permitted Uses in M-3 zone).

Amending to remove wrecker services as a prohibited use.

(5) Metal waste salvage and junk yards, including automobile junk yards, salvage ~~and wrecking~~ operations, and reclamation of barrels and drums.

Memorandum

To: Mayor and City Council

From: John Whitmore, Planning Administrator JW

Date: August 29, 2014

Re: Zoning Ordinance Text Amendments

In March of 2014, the Code Enforcement Division in conjunction with the Assistant City Attorney developed language to enable wrecker and long-term disabled vehicle storage within certain zoning districts, and to allow the ordinance to be in conformance with Public Service Commission regulations, as they relate to towing and wrecker services. A series of meetings were held with the Municipal Planning Commission and the Development Department to establish areas of use and regulatory ability. It was determined that the use would be appropriate in industrial zoning districts, and that Public Service Commission regulations related to on-site vehicle removal would be permissible. After determining acceptable ordinance language, a public hearing was held on August 22, 2014 before the Municipal Planning Commission. After the hearing the Municipal Planning Commission voted unanimously to recommend approval of the text amendments. Attached to this memorandum is a copy of the Municipal Planning Commission staff report.

On Monday, August 25, 2014, a representative with Mary's Towing Service met with me to explain that the Municipal Planning Commission may have erred in recommending approval of the text amendments. Per materials supplied by the representative, the State of West Virginia Department of Transportation, Division of Motor Vehicles requires an affidavit for securing a title to an abandoned vehicle (publication: DMV-130-TR 04/04). Securing title to a motor vehicle varies per state and as such, provides for a disjointed timeline for vehicle removal from long-term disabled vehicle storage facilities. It is possible that Public Service Commission requirements are unenforceable given the practical timeline of vehicle removal, which can take in excess of six months to a year in some instances. This information was not provided to the Municipal Planning Commission in their determination, and may warrant additional study to ensure that the use, as practiced, is in keeping with the City of Parkersburg 2020 Comprehensive Master Plan.

If you have any questions related to this item, please feel free to contact me at your convenience at 304-424-8558, or via email at jwhitmore@parkersburg-wv.com

Thanks!

John



Municipal Planning Commission Staff Report

Municipal Building | Executive Conference Room | August 22, 2014 at 12:30pm

Planning Commission

President
Charlie Matthews

Vice-President
Eric Gumm

Council Representative
Sharon Lynch

Members
Charlie Abdella
Sean Andrews
Francis Angelos
Eric Chichester
Sherry Dugan
Tom Evans
James Green II
Luke Peters
Eddie Staats
Harold Stockwell
Seldon Wigal
Rickie Yeager

PROJECT: Text amendment to the Codified Ordinances of the City of Parkersburg: (Zoning Ordinance), Articles 1327 and 1351.

OWNER/APPLICANT: Code Enforcement Division

PROJECT DESCRIPTION

The Code Enforcement Division proposes that revisions be made to the following sections pertaining to wrecker/towing services and long term disabled vehicle storage within all manufacturing zoning districts:

1. Article 1327.02 (470 and 502): Definitions (to be known as 502 only and deleting 470)
Amending section to define wrecker and towing services.
2. Article 1327.02 (new 277A) Definitions
Amending section to include a definition for long-term disabled vehicle storage.
3. Article 1351.02(d)(3): (Providing for Principal Conditional Uses in M-1 zone)
Amending to allow for wrecker and towing services and long-term disabled vehicle storage as a principal conditional use in a M-1 zone.
4. Article 1351.02(d)(4): (re-sequence of original ordinance text)
Amending Article 1351.02(d)(3) as Article 1351.02(d)(4).
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Amending to remove wrecker services as a prohibited use.
6. Article 1351.02(d)(1)J: (Providing for Prohibited Uses in M-2 zone)
Amending to remove wrecker services as a prohibited use.
7. Article 1351.04(b)(5): (Providing for Permitted Uses in M-3 zone)
Amending to remove wrecker services as a prohibited use.

BACKGROUND

In March of 2014 the Code Enforcement Division forwarded zoning ordinance text amendment changes to the Planning Division for Municipal Planning Commission consideration and City Council action. The purpose of the text amendments was to amend language in the zoning ordinance to be in keeping with Public Service

Commission requirements for wrecking and towing services, permit increased opportunity for wrecking and towing services in industrial and business zones, and provide for a long-term vehicle storage definition in the zoning ordinance.

On April 9, 2014, the Development Director, Code Enforcement Director, Assistant Zoning Administrator, Planning Administrator, and Assistant City Attorney met to discuss the proposed changes to the zoning ordinance. At this meeting it was determined that amendment to the B-2 zone would be forwarded to the Municipal Planning Commission as conditional uses as opposed to permitted uses, requiring Board of Zoning Appeals action prior to use. At the conclusion of this meeting the request for a Public Hearing on the matter was determined to be warranted at the May 16, 2014 Municipal Planning Commission meeting.

The May 16, 2014 public hearing resulted in tabling of the ordinance revisions, after a discussion with the full Municipal Planning Commission. A new joint subcommittee meeting was scheduled for June 19, 2014 with the Code Enforcement Director and Assistant City Attorney in attendance. After discussing the history of the ordinance revisions and the applicability to current zoning districts, modifications to the revisions were determined acceptable by the joint subcommittee. The original drafted revisions were dissolved at the June 27, 2014 Municipal Planning Commission meeting for the newly revised text, modifying towing/wrecker and long-term disabled vehicle storage in keeping with Public Service Commission rules and allowing for towing/wrecker and long-term disabled vehicle storage as conditional principal uses in M-1 zones, and by-right uses in all other industrial zones.

ANALYSIS

Text Amendment #1 allows for the following definition to be included in the Zoning Ordinance Definitions section:

WRECKER/TOWING SERVICES – A business authorized and regulated as a common carrier by the Public Service Commission of West Virginia engaged in the business of towing, hauling or carrying wrecked or disabled vehicles and storing such vehicles inside or outside in an area surrounded by an 8' opaque fence for a period not to exceed fourteen (14) days, all in accordance with PSC rule 5.9a for Motor Carriers.

This definition would establish wrecker and towing services in line with Public Service Commission guidelines, and provide for a definition of wrecker services outside of existing junk yard use operations. This definition would also establish a parking definition for vehicles that are not to be stored indefinitely, otherwise defined as an automobile junkyard or automobile graveyard.

Text Amendment #2 allows for the following definition to be included in the Zoning Ordinance Definitions section:

LONG-TERM DISABLED VEHICLE STORAGE – A business storing disabled vehicles inside or outside in an area surrounded by an 8’ opaque fence for a period not to exceed fourteen (14) days, whether said business is affiliated with a wrecker/towing service or not.

This definition would establish a parking definition for vehicles that are not to be stored indefinitely, otherwise defined as an automobile junkyard or automobile graveyard.

Text Amendment #3 modifies the M-1 conditional uses section of the Zoning Ordinance to include the following uses in M-1 zones:

Automotive services, major and minor repair, including PSC authorized and regulated wrecker/towing services, but excluding junk yards and long-term disabled vehicle storage.

This modification would allow for a Wrecker/Towing service and associated parking area to be conditionally permitted in M-1 industrial district and thus be allowable by right in all other industrial zones. M-1 Zone’s *Purpose and Scope* is defined as follows: “It is the purpose of the M-1 District to accommodate those manufacturing establishments which are either: ones whose operations are relatively free of objectionable influences; or ones whose objectionable features are capable of being readily obviated or controlled by means of appropriate devices. In the interest of general health and welfare, residential and certain institutional uses are not permitted. Where this district abuts R Districts, special approval is required for manufacturing and industrial uses when located within 200 feet of R District boundary lines.”

The M-2 Zone’s *Purpose and Scope* is defined as follows: “The purpose of the M-2 District is to accommodate those heavier manufacturing and other industrial uses which cannot eliminate or adequately reduce objectionable influences, but which, nevertheless, should be provided for somewhere in the City.”

The M-3 Zone’s *Purpose and Scope* is defined as follows: “The purpose of the M-3 District is to accommodate those heavy manufacturing and other industrial uses which cannot eliminate or adequately reduce objectionable influences, but which, nevertheless, should be provided for somewhere in the City. It consists of land which is presently in the flood plain or better known as the F-1 District which is lower than 610 feet above sea level and also at the time this section was passed (February 27, 1973), was in an industrial zone.”

The 2020 Comprehensive Master Plan Update provides for future land use categories and spatial designation. Areas associated with industrial uses are considered industrial in nature. Chapter 4 – Land Use Plan of the 2020 Comprehensive Master Plan Update provides the following purposes and uses associated with industrial future land use.

Purpose: Accommodate medium to large scale industrial uses.

Primary Uses: Light to heavy manufacturing, flex spaces, and warehousing.

Secondary Uses: Large scale commercial uses, commercial uses associated with primary industry, recreation (parks).

Text Amendment #4 allows a resequence of previously existing text. **Text Amendments #5, #6, and #7** would remove wrecker services from prohibited uses in all industrial zones.

These modifications would allow for a Long-term disabled vehicle storage to be permitted in all industrial districts. Wrecker services are currently co-defined with metal processing facilities and automobile junkyards.

PLANNING DIVISION RECOMMENDATION

The Municipal Planning Commission is tasked with providing a recommendation to the City Council for consideration of the above referenced text amendments. From the State Code of West Virginia:

8A-7-8. Amendments to the zoning ordinance by the governing body.

(a) Before amending the zoning ordinance, the governing body with the advice of the planning commission, must find that the amendment is consistent with the adopted comprehensive plan. If the amendment is inconsistent, then the governing body with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area.

The Planning Division finds that the Text Amendments as presented are in keeping with the City of Parkersburg 2020 Comprehensive Master Plan Update, and recommends that the Municipal Planning Commission forward a recommendation of approval of the above described text amendments to the City of Parkersburg City Council.

JOINT SUBCOMMITTEE RECOMMENDATION

The Ordinance Review and Subdivision Subcommittees met on August 14, 2014 to discuss the text revision. The joint subcommittee recommended approval of the revisions, as they are in keeping with the comprehensive plan and state code.

Memorandum

To: Mayor and City Council

From: John Whitmore, Planning Administrator JW

Date: August 29, 2014

Re: Rezoning Petition - 2631 14th Avenue

A public hearing was held on August 22, 2014 before the Municipal Planning for a petition to rezone Tax Map 105, Parcel C6 commonly known as 2631 14th Avenue, from a residential (R-3) zoning designation, to a business (B-2) zoning designation. The hearing was held in conformance with the State Code of West Virginia, 8A-7. The petitioner spoke in favor of the rezoning and seven residents spoke against the rezoning. At the conclusion of the public hearing the Municipal Planning Commission unanimously voted against the rezoning. After the conclusion of new business, it was recommended that the City of Parkersburg review home occupation regulations to enable low-impact uses in areas currently unavailable. The staff report for the rezoning petition is attached to this memorandum.

If you have any questions related to this item, please feel free to contact me at your convenience at 304-424-8558, or via email at jwhitmore@parkersburg-wv.com

Thanks!

John



Municipal Planning Commission Staff Report

Municipal Building | Executive Conference Room | August 22, 2014 at 12:30pm

Planning Commission

President
Charlie Matthews

Vice-President
Eric Gumm

Council Representative
Sharon Lynch

Members
Charlie Abdella
Sean Andrews
Francis Angelos
Eric Chichester
Sherry Dugan
Tom Evans
James Green II
Luke Peters
Eddie Staats
Harold Stockwell
Seldon Wigal
Rickie Yeager

PROJECT: Proposed rezone of Tax Map 105, Parcel C6 commonly known as 2631 14th Avenue, from a Residential (R-3) zoning designation, to a Business (B-2) zoning designation.

OWNER/APPLICANT: Kim and Scott Wilson

PROJECT DESCRIPTION

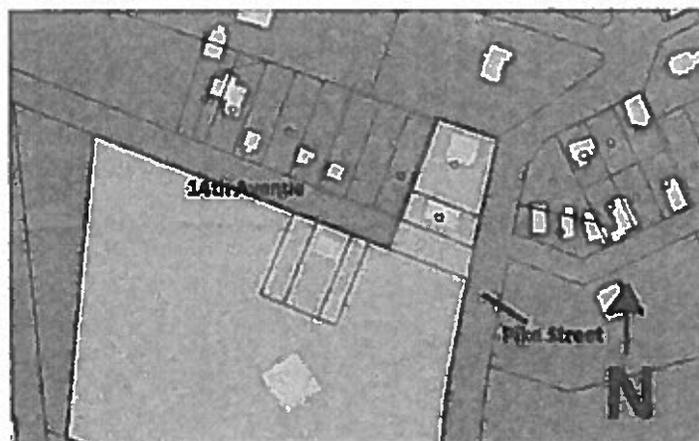
The petitioner is seeking to rezone 2631 14th Avenue from Residential R-3 to Business B-2 to allow for the construction of a new building to provide for a real estate office and landscaping company.

BACKGROUND

On July 31, 2014 the Planning Division received a petition for rezoning from Mrs. Kim Wilson. Mrs. Wilson is seeking to develop property on 2631 14th Avenue on Tax Map 105, parcel C6. A meeting was held with the petitioner on August 7, 2014 to determine general project scope.

ANALYSIS

2631 14th Avenue is currently three (3) lots, recorded by deed as Parcel C6, resulting in a contiguous parcel. The property is currently rented and abuts residential uses to the north and west. A church is currently located to the south of the property, and is zoned B-2. Two commercial uses fronting Pike Street are to the east. The map below shows the property and surrounding zoning. Blue areas are identified as R-3 zones, while light orange areas are identified as B-2 zones.



The property is currently located as Low Density Residential on the future land use map. The purpose of the Low Density Residential classification is to: Sustain the existing suburban neighborhoods; maximize compatible infill and redevelopment.

PUBLIC WORKS RECCOMENDATION

The Public Works Department recommended approval of the rezoning.

PARKERSBURG UTILITY BOARD RECCOMENDATION

The Parkersburg Utility Board recommended approval of the rezoning.

PLANNING DIVISION RECCOMENDATION

The Planning Division recommends approval of the rezoning contingent on the finding that the zoning district and proposed use serves the future land use plan for the area. The property is currently located in a Low Density Residential future land use area. While the use is not related residential dwellings, the Planning Division staff understands that the use proposed by the petitioner would be considered a neighborhood service with low density residential use attached, and could not be achieved with the property's current zoning classification. Commissioners should be aware that there is potential for future redevelopment of other B-2 zoning classifications in the future regardless of current proposed uses.

LAND-USE/ZONING SUBCOMMITTEE RECCOMENDATION

The Land-Use/Zoning Subcommittee met on August 14th, 2014 to discuss the petition. Reservations about the rezoning were expressed by members present. In particular there was concern over the expansion of business uses in a residential area while existing commercial space within the city is vacant, and low density residential areas are projected to become occupied in the short to medium term future. The subcommittee did not recommend approval of the rezoning. No formal recommendation for the Municipal Planning Commission was received.