

AGENDA FOR THE REGULAR MEETING OF  
PARKERSBURG CITY COUNCIL FOR TUESDAY,  
OCTOBER 14, 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 September 23, 2014
- IV. REPORTS FROM STANDING OR SPECIAL COMMITTEES
- V. MESSAGE FROM THE EXECUTIVE
  - A. Proclamation for Community Planning Month.
- VI. PUBLIC FORUM
- VII. RESOLUTIONS

1. Resolution stating that dates for City Council meetings in November shall be November 6<sup>th</sup> and 18<sup>th</sup>; and meetings in December shall be December 9<sup>th</sup> and 16<sup>th</sup>. (Sponsored by Councilmen Wilcox, Kelly, Carpenter, Rockhold, Reed, and Coram.)

2. A supplemental resolution providing as to the principal amount, date, maturity date, interest rate, interest and principal payment dates and other terms of the combined waterworks and sewerage system revenue bonds, series 2014A of the City of Parkersburg; authorizing and approving the sale and delivery of such bonds; approving a conformed ordinance; and making other provisions as to the series 2014A bonds. (Sponsored by Councilmen Reed, Rockhold, and Reynolds.)

VIII. ORDINANCE, FINAL READING:

3. An ordinance repealing Section 347.28, Restriction on solicitation of money. (Sponsored by Councilmen Reed, Rockhold, Coram, Carpenter, Wilcox, and Lynch)

4. An ordinance amending and re-enacting Sections 335.03, 373.06 and 373.13 of the codified ordinances to bring the City's ordinances in compliance with recent changes in WV State law to provide safety concerning bicycles and motor vehicles. (Sponsored by the Public Works Committee)

5. An ordinance amending Article 156, Bicycle Advisory Board, concerning membership to that board. (Sponsored by Councilmen Reed, Rockhold, Coram, Carpenter, and Lynch)

IX. ORDINANCE, FIRST READING:

6. An ordinance prohibiting aggressive solicitation. (Sponsored by Councilmen Carpenter, Kelly, Rockhold, Lynch, Coram, and Reynolds)

X. MISCELLANEOUS

7. Communication from the Mid Ohio Valley Health Department filing their fee schedule in accordance with the WV Bureau for Public Health. (Receive and file)

XI. ADJOURNMENT

The Council of the City of Parkersburg met in regular session Tuesday, September 23, 2014, at 7:30 PM in the Council Chambers on the second floor of the Municipal Building at One Government Square, Parkersburg, WV 26101. Councilman John Kelly led the Lord's Prayer and Pledge of Allegiance.

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, JR Carpenter, John Kelly, and John Rockhold. Councilmen Mike Reynolds and Jim Reed were absent.

MINUTES -- Mr. Carpenter moved, seconded by Ms. Wilcox, to dispense with the reading of the journal and approve the minutes of September 9, 2014 as distributed, and the motion was adopted by unanimous vote.

REPORTS FROM STANDING OR SPECIAL COMMITTEES – Councilwoman Coram announced that 20 volunteers in her district worked on a community garden, created a compost bin, and spoke to neighbors about land reuse plans that could happen in her district. She said they had about 100 volunteers in their effort.

Councilman Brown reported that the Wood County Recreation Commission has been talking with Tri C about a new location and new baseball league.

There was no message from acting Mayor, Joe Santer.

PUBLIC FORUM – Councilman Roger Brown left his seat to speak from the floor concerning the safety of bicycle riders. He spoke of three instances that he witnessed where bike riders were not following the bicycle laws, and on one occurrence, he said he could have very badly injured a rider near 31<sup>st</sup> Street and Emerson Avenue who was not following safety regulations.

## RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the Finance Director be authorized to revise the Adopted Budget for FY 2014/2015 to reflect the budgeted Property Tax and Excess Levy Tax amounts calculated from the revised Certificate of Valuation received; the increase in Fund Balance; and the City-wide raises and reclassifications. The Excess Levy Revenue change directly changes the amount budgeted as an expense to Mass Transit.

See attached.

<u>Revenues</u>		<u>Credit</u>	<u>Debit</u>
		<u>Increase</u>	<u>Decrease</u>
299 000-000	FUND BALANCE	1,240,064	Increase FY 13-14 YE Fund Balance, Revenues were ov
301 001-000	PROPERTY TAX - CURRENT YEAR	26	
301 090-000	Excess Levy Tax	11	Revised Certificate of Valuation
355 000-000	Federal Grants		204,841 Lil Kanwaha Funds Received before YE
369 000-000	CONTRIB. FROM OTHER FUNDS		140,036 Decrease amount needed from capital reserve
Revenues	Net Increase (Decrease)	895,224	

<u>Expenditures</u>		<u>Debit</u>	<u>Credit</u>
		<u>Increase</u>	<u>Decrease</u>
409 103-000	SALARY - DEPT HEAD	16	
409 103-008	OVERTIME - UNSCHEDULED	605	
409 103-315	SALARIES - OTHER	9,645	
409 104-000	FICA	557	Raises
409 105-000	HEALTH & LIFE INSURANCE	0	
409 106-000	RETIREMENT	1,009	
409 226-005	INS - WORKMAN'S COMP.	132	
409 230-000	CONTRACTUAL SERVICES	10,000	For contractual invoice allocation purposes
409 230-001	CONTR. SERV-POINT PK	30,706	Re-budgeted from YE
409 230-002	CONTR. SERV-MISC	10,000	Re-budgeted from YE
409 459-000	CAPITAL - EQUIPMENT	55,000	Vehicle for Mayor Dept for Development & Growth
410 230-000	CONTRACTUAL SERVICES	500	For contractual invoice allocation purposes
410 341-000	SUPPLIES	5,500	Tablet & Protective Cases/Screen protectors
414 103-000	SALARY - DEPT HEAD	9,698	
414 103-315	SALARIES - OTHER	29,100	
414 104-000	FICA	3,423	Raises
414 106-000	RETIREMENT	5,431	
414 226-005	INS - WORKMAN'S COMP.	710	
414 341-000	SUPPLIES	2,000	2 tablets for IT & Finance Dir/ Hardware for IT
414 459-000	CAPITAL - EQUIPMENT	130,000	New Accounting, HR, Code software
415 103-315	SALARIES - OTHER	198	
415 104-000	FICA	16	Raises
415 106-000	RETIREMENT	29	
415 230-000	CONTRACTUAL SERVICES	33,800	Future Civil Service
415 341-000	SUPPLIES	610	Tablet & Protective Cases/Screen protectors
416 103-000	SALARY - DEPT HEAD	450	
416 103-315	SALARIES - OTHER	603	
416 104-000	FICA	14	Raises
416 106-000	RETIREMENT	4	
416 226-005	INS - WORKMAN'S COMP.	15	
417 103-000	SALARY - DEPT HEAD	5,686	
417 103-315	SALARIES - OTHER		2,764
417 104-000	FICA	147	Raises

CASTO & HARRIS, INC., SPENCER, WV RE-ORDER NO. 12275-13

417 106-000	RETIREMENT	269		
417 226-005	INS - WORKMAN'S COMP.	23		
420 103-000	SALARY - DEPT HEAD	11,587		
420 103-315	SALARIES - OTHER	9,988		
420 104-000	FICA	1,650		Raises
420 106-000	RETIREMENT	3,020		
421 103-000	SALARY - DEPT HEAD	6,469		
421 103-315	SALARIES - OTHER	7,919		
421 104-000	FICA	1,100		Raises
421 106-000	RETIREMENT	2,014		
421 226-005	INS - WORKMAN'S COMP.	263		
421 230-000	CONTRACTUAL SERVICES		106,000	Light Signal Expense No Longer Owed
421 458-000	Capital Improvement - Building	6,000		Improvement of Office
421 458-004	CAPITAL - LTL KANAWHA CONN TR		186,651	LR Kanawha
422 103-000	SALARY - DEPT HEAD	10,207		
422 103-315	SALARIES - OTHER		605	
422 104-000	FICA	734		
422 105-000	HEALTH & LIFE INSURANCE		667	Raises
422 106-000	RETIREMENT	1,344		
422 226-005	INS - WORKMAN'S COMP.	176		
436 103-000	SALARY - DEPT HEAD	759		
436 103-315	SALARIES - OTHER	10,481		
436 104-000	FICA	935		Raises
436 106-000	RETIREMENT	1,711		
436 226-005	INS - WORKMAN'S COMP.	224		
440 103-000	SALARY - DEPT HEAD	765		
440 103-315	SALARIES - OTHER	10,260		Raises
440 104-000	FICA	785		
440 106-000	RETIREMENT	1,434		
440 215-000	MAINT. & REPAIR - BUILDINGS	8,000		Repairs for Building - AC unit upstairs lg. repairs
440 226-005	INS - WORKMAN'S COMP.	188		Raises
440 230-003	SOUTHWOOD PARK MUSIC FEST	1,350		Rebudgeted from YE
444 000-000	Capital Reserve Contribution	283,033		Extra \$ from carry over to contribute to Cap Res
566 103-000	SALARY - DEPT HEAD	6,475		
566 103-315	SALARIES - OTHER	2,698		
566 104-000	FICA	660		Raises
566 106-000	RETIREMENT	1,208		
566 226-005	INS - WORKMAN'S COMP.	158		
700 103-000	SALARY - DEPT HEAD	9,961		
700 103-004	OVERTIME - UNSCHEDULED	6,538		
700 103-303	SALARIES - CAPTAINS	8,739		
700 103-304	SALARIES - LIEUTENANTS	2,251		
700 103-305	SALARIES - SERGEANTS	984		Raises
700 103-309	SALARIES - PATROLMEN	36,428		
700 103-315	SALARIES - OTHER	684		
700 104-000	FICA	7,463		
700 106-000	RETIREMENT	101,649		

700 226-005	INS - WORKMAN'S COMP.	810	
700 459-000	CAPITAL - EQUIPMENT	3,500	Guns & Ammunition
705 103-000	SALARY - DEPT HEAD	7,629	
706 103-109	SALARIES - HOUDAY PAYOUT	1,650	
706 103-303	SALARIES - CAPTAINS	56,566	
706 103-304	SALARIES - LIEUTENANTS		10,479
706 103-310	SALARIES - FIREMEN	24,756	Raises
706 103-315	SALARIES - OTHER	728	
706 104-000	FICA	1,224	
706 106-000	RETIREMENT	112,591	
706 226-005	INS - WORKMAN'S COMP.	1,488	
714 103-315	SALARIES - OTHER	1,918	
714 104-000	FICA	147	
714 106-000	RETIREMENT	269	Raises
714 226-005	INS - WORKMAN'S COMP.	35	
750 103-315	SALARIES - OTHER	23,433	
750 104-000	FICA	1,430	
750 106-000	RETIREMENT	2,616	Raises
750 226-005	INS - WORKMAN'S COMP.	342	
751 103-000	SALARY - DEPT HEAD	761	
751 103-315	SALARIES - OTHER	5,743	
751 104-000	FICA	573	Raises
751 106-000	RETIREMENT	1,049	
751 226-005	INS - WORKMAN'S COMP.	137	
754 103-000	SALARY - DEPT HEAD	884	
754 103-008	OVERTIME - UNSCHEDULED	50	
754 103-315	SALARIES - OTHER	4,181	
754 104-000	FICA	391	Raises
754 106-000	RETIREMENT	716	
754 226-005	INS - WORKMAN'S COMP.	94	
756 103-000	SALARY - DEPT HEAD	721	
756 103-008	OVERTIME - UNSCHEDULED	250	
756 103-315	SALARIES - OTHER	8,844	
756 104-000	FICA	1,896	Raises
756 106-000	RETIREMENT	1,757	
756 226-005	INS - WORKMAN'S COMP.	178	
759 000-000	Mass Transit	11	Excess Levy Increase
800 103-008	OVERTIME - UNSCHEDULED	1,672	
800 103-315	SALARIES - OTHER	10,662	
800 104-000	FICA	2,097	Raises
800 106-000	RETIREMENT	3,838	
916 000-000	Wood Co. Library	566	Per State Auditor - Required
Expenses	Net Increase (Decrease)	895,224	

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the Finance Director be authorized to revise the Adopted Budget for FY 2014-15 to reflect the actual Fund Balance for the City's Coal Severance Fund to allocate for other expenses.

REVENUES			COAL SEVERANCE	
Fund	Account	Description	DEBIT Decrease	CREDIT Increase
001	298	000-000 Assigned Fund Balance		\$50,614
		Net Increase/(Decrease) Revenues		50,614
EXPENDITURES				
Fund	Department	Account	Description	Increase Decrease
001	440	341-000	City Hall Building and Grounds	\$25,000
001	750	341-000	Street Streets	\$25,614
		Net Increase/(Decrease) Expend.		\$50,614

MOTION – Ms. Wilcox moved, seconded by Ms. Lynch, to adopt the resolution, and the motion was adopted by unanimous vote.

CASTO & HARRIS, INC., SPENCER, WV, RE-ORDER NO. 12275-13

**A RESOLUTION AUTHORIZING THE CITY OF PARKERSBURG TO SUBMIT AN APPLICATION AND EXECUTE A LOAN AGREEMENT WITH THE WEST VIRGINIA HOUSING DEVELOPMENT FUND FOR THE PURPOSE OF ACQUIRING AND/OR DEMOLITISHING V ACANT/BLIGHTED PROPERTY**

**WHEREAS**, vacant and/or blighted property constitute a health and safety risk to area neighborhoods, and

**WHEREAS**, said properties tend to suppress local property values, contribute to urban decay and discourage reinvestment, and

**WHEREAS**, the City of Parkersburg (hereinafter referred to as "City") is committed to addressing this issue, as well as the City's immediate and future housing needs, and

**WHEREAS**, the demolition, acquisition and/or rehabilitation of said property is a critical component of that plan, and

**WHEREAS**, there are in sufficient funds to adequately address the issue of number of vacant and/or blighted property in the community, and

**WHEREAS**, the West Virginia Housing Development Fund (hereinafter referred to as "Fund") has developed a low-interest demolition loan program designed to assist municipalities demolish and/or acquire residential structures/lots, and

**WHEREAS**, the FUND Board modified its guidelines to allow the City to apply for a low-interest loan, not to exceed \$500,000, and

**WHEREAS**, the loan must be paid back in five (5) years, and there is no penalty for doing so early, and

**THEREFORE BE IT RESOLVED**, that the Robert D. Newell, Mayor of Parkersburg, is hereby authorized to submit an application to the Fund for a \$500,000 loan and execute a loan development agreement and all other loan documents that may be necessary to perfect the Fund's security interest and lien on any collateral required to secure the loan, including, but not limited to, deeds of trust, security agreements and pledge agreements, and

**THEREBEFORE BE IT FURTHER RESOLVED**, the loan shall be repaid to the FUND in three (3) years or less with revenues from the City's General Fund.

MOTION – Ms. Coram moved, seconded by Ms. Wilcox, to adopt the resolution.

MOTION TO AMEND – Mr. Kelly moved to amend the motion that the City obtain a Letter of Credit to be paid within three years, but there was no second to the motion.

VOTE – The motion was adopted by majority vote with all members voting "yes" with the exception of Mr. Brown, who voted "no".

ORDINANCE, FINAL READING:

**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-I zone)  
Amending to allow for wrecker and towing services and long-term disabled vehicle storage as a principal conditional use in a M-I 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-I 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

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

ORDINANCE, FINAL READING:

AN ORDINANCE AUTHORIZING THE LEASE  
PURCHASE FINANCING TEN  
POLICE DEPT VEHICLES

THE COUNCIL OF THE CITY OF PARKERSBURG HEREBY ORDAINS that the City enter into that certain Lease Purchase Agreement with United Bank, Inc., for financing for the lease purchase of ten (10) vehicles in the Police Department.

The total amount financed is Two Hundred Twenty-Seven Thousand Seven Hundred Thirty Dollars and 001100 cents (\$227,730.00) at an interest rate One Point Four Eight Percent (1.48%) for thirty six (36) months at Six Thousand Four Hundred Seventy-One and 21/100 cents (\$6,471.21) per month, for a total of Two Hundred Thirty-Two Thousand Nine Hundred Sixty-Three dollars and 56/100 cents (\$232,963.56).

BE IT FURTHER ORDAINED that Mayor Robert D. Newell, or his designee is authorized to execute said Lease Agreement and any and all accompanying papers needed and necessary to effectuate said lease for and on behalf of the City.

Attached hereto and made a part hereof is a copy of the price quote page of the bid.

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

ORDINANCE, FIRST READING:

ORDINANCE REPEALING SECTION 347.28  
RESTRICTION OF SOLICITATION OF MONEY

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

ORDINANCE, FIRST READING:

AN ORDINANCE AMENDING AND RE-ENACTING  
SECTIONS 335.03, 373.06 AND 373.13  
OF THE CODIFIED ORDINANCES OF THE  
CITY OF PARKERSBURG

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

ORDINANCE, FIRST READING:

AN ORDINANCE AMENDING ARTICLE 146, BICYCLE  
ADVISORY BOARD, OF THE CODIFIED ORDINANCES OF  
THE CITY OF PARKERSBURG

MOTION – Ms. Coram moved, seconded by Mr. Carpenter, to adopt the ordinance on first reading, and the motion was adopted by majority vote with all members voting "yes" with the exception of Mr. Brown, who voted "no".

The clerk presented the Board of Canvasser's Certificate of Votes Cast in the Primary Election May 13, 2014.

MOTION – Mr. Kelly moved, seconded by Mr. Carpenter, to receive, file and approve the certificate, and the motion was adopted by unanimous vote.

The meeting adjourned at 7:55 PM.

*Coram Skaper*  
\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Council President

# Community Planning Month Proclamation

**WHEREAS**, change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and

**WHEREAS**, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

**WHEREAS**, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

**WHEREAS**, the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

**WHEREAS**, the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and

**WHEREAS**, The American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our settlements and environment; and

**WHEREAS**, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of the City of Parkersburg; and

**WHEREAS**, We recognize the many valuable contributions made by professional community planners of the City of Parkersburg and extend our heartfelt thanks for the continued commitment to public service by these professionals;

**NOW, THEREFORE**, BE IT PROCLAIMED THAT, the month of October 2014 is hereby designated as **Community Planning Month** in the City of Parkersburg in conjunction with the celebration of National Community Planning Month.

Adopted this \_\_\_\_\_ Day of \_\_\_\_\_, 2014.

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Robert D. Newell, Mayor  
City of Parkersburg  
West Virginia

RESOLUTION STATING DATES FOR COUNCIL  
MEETINGS FOR NOVEMBER AND DECEMBER 2014

WHEREAS, the regularly scheduled dates for City Council meetings for the City of Parkersburg are the second and fourth Tuesdays of each month; and

WHEREAS, due to the holidays in those months, it is necessary to amend those dates for those two months only;

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that City Council meetings for Parkersburg City Council shall be **Thursday**, November 6, 2014 and Tuesday, November 18, 2014; and

BE IT FURTHER RESOLVED that meetings in December shall be Tuesday, December 9, 2014, and Tuesday, December 16, 2014.

Sponsored by Councilmen Wilcox, Kelly, Carpenter, Rockhold, Reed, and  
Coram

THE CITY OF PARKERSBURG

Combined Waterworks and Sewerage System Revenue Bonds, Series 2014 A

SUPPLEMENTAL RESOLUTION



SUPPLEMENTAL RESOLUTION PROVIDING AS TO THE PRINCIPAL AMOUNT, DATE, MATURITY DATE, INTEREST RATE, INTEREST AND PRINCIPAL PAYMENT DATES AND OTHER TERMS OF THE COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2014 A OF THE CITY OF PARKERSBURG; AUTHORIZING AND APPROVING THE SALE AND DELIVERY OF SUCH BONDS; APPROVING A CONFORMED ORDINANCE; AND MAKING OTHER PROVISIONS AS TO THE SERIES 2014 A BONDS.

WHEREAS, The City of Parkersburg (the "Issuer") in the County of Wood, State of West Virginia, is a municipality and political subdivision of said State, the governing body of which is its Council (the "Governing Body");

WHEREAS, the Governing Body has duly and officially enacted on August 5, 2014, an Ordinance (the "Ordinance") entitled:

ORDINANCE AUTHORIZING THE ACQUISITION OF VEHICLES AND EQUIPMENT FOR THE COMBINED SYSTEM OF THE CITY OF PARKERSBURG AND THE FINANCING OF THE COST THEREOF, NOT OTHERWISE PROVIDED, THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$1,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2014 A; 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; AND AUTHORIZING THE SALE AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH BONDS AND ADOPTING OTHER PROVISIONS RELATING THERETO.

WHEREAS, the Ordinance provides for the issuance by the Issuer of its Combined

Waterworks and Sewerage System Revenue Bonds, Series 2014 A in the aggregate principal amount not to exceed \$1,000,000, all in accordance with Chapter 8, Article 20 of the West Virginia Code of 1931, as amended (the "Act");

WHEREAS, it is deemed necessary for the Issuer to issue its Combined Waterworks and Sewerage System Revenue Bonds, Series 2014 A (the "Bonds") in an aggregate principal amount of not more than \$1,000,000, to finance the costs of acquisition and construction of the Project and costs of issuance of the Series 2014 A Bonds and related costs;

WHEREAS, capitalized terms used herein and not otherwise defined herein shall have the same meaning set forth in the Conformed Ordinance attached as Exhibit A when used herein;

WHEREAS, the Issuer desires to amend the Bond Ordinance through this Supplemental Resolution and Conformed Ordinance (collectively, the "Bond Legislation");

WHEREAS, in the Ordinance, it is provided that the exact principal amount, date, maturity date, interest rate, interest and principal payment dates and other terms of the Series 2014 A Bonds should be established by a supplemental resolution and that other matters relating to the Series 2014 A Bonds be provided for therein;

WHEREAS, the Governing Body deems it essential and desirable that this supplemental resolution (the "Supplemental Resolution") be adopted, that the principal amount, date, maturity date, interest rate, interest and principal payment dates and other terms of the Series 2014 A Bonds be fixed hereby in the manner stated herein, and that other matters relating to the Series 2014 A Bonds be herein provided for.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG:

Section 1. The Issuer hereby approves the Conformed Ordinance attached hereto as Exhibit A.

Section 2. Pursuant to the Bond Ordinance and the Act, this Supplemental Resolution is adopted and there is hereby authorized and ordered to be issued the Combined Waterworks and Sewerage System Revenue Bonds, Series 2014 A, of the Issuer, originally represented by a single Bond, numbered AR-1, in the principal amount of \$715,513. The Series 2014 A Bonds shall be dated October 22, 2014, shall mature on November 1, 2019 and shall bear interest as follows:

A. Interest on the Series 2014 A Bonds shall be payable at a rate of 1.76% per annum (hereinafter sometimes called the "Tax-Exempt Rate"). Interest shall be computed on the basis of a year of 360 days, and 30 days in a month.

B. Notwithstanding any other provision herein, in the event the interest on the Series 2014 A Bonds is declared to be includible in gross income for federal income tax purposes by the Internal Revenue Service ("Determination of Taxability"), interest on the Series 2014 A Bonds shall be payable at a rate of 2.60% per annum (hereinafter sometimes called the "Taxable Rate").

Interest at the Taxable Rate shall commence to accrue on the date of Determination of Taxability and such interest rate shall be charged retroactively and prospectively for all periods in which interest paid on the Series 2014 A Bonds is asserted, declared or determined to be includible in gross income for federal income tax purposes, and shall continue until the entire principal of and interest on the Series 2014 A Bonds are paid, notwithstanding that the entire principal amount of the Series 2014 A Bonds may have been paid in full prior to the Determination of Taxability. Any interest being past due on the Series 2014 A Bonds by reason of such increase shall become immediately due and payable.

C. The Series 2014 A Bond shall be payable in 60 monthly installments, commencing December 1, 2014, and continuing on the 1st day of each month thereafter to and including November 1, 2019. The monthly installments shall consist of principal and interest and shall be as listed on the debt service schedule attached hereto as Exhibit B.

D. The outstanding principal balance of the Series 2014 A Bonds may be prepaid in whole on a scheduled payment date with a 1% prepayment premium.

E. All payments received by the Paying Agent on account of the Series 2014 A Bonds shall be applied first to payment of interest accrued on the Series 2014 A Bonds and next to payment of principal of the Series 2014 A Bonds. If not sooner paid, the entire principal amount of the Series 2014 A Bonds unpaid on November 1, 2019, together with all accrued interest and any other sums due and owing upon the Series 2014 A Bonds shall be due and payable on such date.

Section 3. All other provisions of the Series 2014 A Bonds and the text of the Series 2014 A Bonds shall be in substantially the form provided in the Ordinance.

Section 4. The Issuer does hereby approve the terms of the Commitment Letter dated September 16, 2014.

Section 5. The Series 2014 A Bonds shall be sold to Branch Banking and Trust Company, Charleston, West Virginia, and shall be registered in the name of such bank. The price of the Series 2014 A Bonds shall be 100% of par value, there being no interest accrued thereon. The form of the Project Fund Agreement attached as Exhibit D is hereby approved.

Section 6. The Issuer does hereby appoint and designate the Branch Banking and Trust Company, Charleston, West Virginia, the Registrar for the Series 2014 A Bonds.

Section 7. The Issuer does hereby appoint and designate the Municipal Bond Commission (the "Commission") as Paying Agent for the Series 2014 A Bonds.

Section 8. The issuance of the Series 2014 A Bonds and the acquisition and construction of the Project with proceeds of the Series 2014 A Bonds is in the public interest, serves a public purpose of the Issuer and will promote the health, welfare and safety of the residents of the Issuer.

Section 9. The firm of Steptoe & Johnson PLLC, Charleston, West Virginia, is hereby appointed bond counsel to the Issuer in connection with the issuance of the Series 2014 A Bonds.

Section 10. The Tax Compliance Policy attached hereto as Exhibit C is hereby approved.

Section 11. The Issuer hereby authorizes the Utility Board to requisition proceeds of the Bonds.

Section 12. The Mayor and Clerk, and all other appropriate officers and employees of the Issuer are hereby authorized, empowered and directed to do any and all things proper and necessary to cause the Series 2014 A Bonds to be duly and properly issued by the Issuer and delivered to the Original Purchaser as herein authorized and to otherwise facilitate the transaction contemplated by this Supplemental Resolution, and no further authority shall be necessary to authorize any such officers or employees to give such further assurance and do such further acts as may be legally required.

[Remainder of Page Intentionally Blank]

Section 13. This Supplemental Resolution and Conformed Ordinance shall be effective immediately following adoption hereof.

Adopted this 14th day of October, 2014.

THE CITY OF PARKERSBURG

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Mayor

CERTIFICATION

Certified a true copy of a Supplemental Resolution and Conformed Ordinance  
duly adopted by the Council of The City of Parkersburg on October 14, 2014.

Dated: October 22, 2014.

[SEAL]

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Clerk

ORDINANCE REPEALING  
SECTION 347.28, RESTRICTION ON  
SOLICITATION OF MONEY

WHEREAS, the City's Ordinance restricting the solicitation of money has been determined to be overly restrictive and therefore in its application, in violation of the United States Constitution; and

WHEREAS in order to resolve the action now pending against the City in the matter of Kelly vs. The City of Parkersburg, et al in the United States District Court for the Southern District of West Virginia, it is necessary to repeal this ordinance.

Now Therefore Be It Ordained by the Council of the City of Parkersburg, that Section 347.28, Restriction on Solicitation of Money, of the Codified Ordinances of The City of Parkersburg be and it is hereby repealed in its entirety.

Sponsored by Councilmen: Reed, Rockhold and Coram  
and Carpenter and Lynch and Wilcox

An Ordinance Amending and Re-enacting Sections 335.03, 373.06 and 373.13  
Of the Codified Ordinances of The City of Parkersburg

9/5/15  
Be It Ordained By The Council of The City of Parkersburg that Section 356.03, Over Taking, Passing To Left, Drivers Duties; Section 373.06, Riding on Roadways and Bicycle Paths; and Section 373.13, Lamps and other Equipment on Bicycles, of the Codified Ordinances of the City of Parkersburg are hereby amended and re-enacted as follows:

A copy of the proposed sections 335.03, 373.06 and 373.13 are attached hereto and made a part thereof.

Sponsored by Councilmen: Public Works Committee

The purpose of the proposed changes is to bring the City's Ordinances in compliance with recent changes to West Virginia State Law and to provide rules for motor vehicles passing bicycles on roadways, to improve safety and to eliminate the prohibiting against bicyclists using roadways where usable path exists adjacent to the roadway.

**335.03 OVERTAKING, PASSING TO LEFT; DRIVER'S DUTIES.**

The following rules govern the overtaking and passing of vehicles proceeding in the same direction, subject to these limitations, exceptions and special rules hereinafter stated.

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall give an audible signal and pass to the left of the overtaken vehicle at a safe distance and may not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

The driver of a vehicle overtaking a bicycle in the same direction shall pass to the left of the bicycle at a distance of not less than three feet at a careful and reduced speed, and may not again drive to the right side of the roadway until safely clear of the overtaken bicycle. In the event a motor vehicle needs to cross a double yellow line in the roadway to facilitate three feet of clearance, the motor vehicle is permitted as conditions of the roadway allow given the relative speed of the vehicles and the clear line of sight available.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

**373.06 RIDING ON ROADWAYS AND BICYCLE PATHS.**

Persons riding bicycles upon a roadway may not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

**373.13 LAMPS AND OTHER EQUIPMENT ON BICYCLES.**

(a) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which emits a white visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type approved by the department which shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

(b) Every bicycle shall be equipped with a brake that enables the operator to make the braked wheels skid on dry, level and clean pavement.

**AN ORDINANCE AMENDING ARTICLE 156 BICYCLE ADVISORY BOARD,  
OF THE CODIFIED ORDINANCES OF THE CITY OF PARKERSBURG, WV**

9/2/15  
The Parkersburg Bicycle Advisory Board has requested the text of Article 156 Bicycle Advisory Board be amended in accordance with the attached recommendation.

**WHEREAS, the** Parkersburg Bicycle Advisory Board finds that the text amendments to Article 156 Bicycle Advisory Board, will assist the City of Parkersburg and the Mayor's Office in determining bicycle and alternative transportation priorities;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Parkersburg that the Article 156 Bicycle Advisory Board is amended per the recorded recommendation of the Parkersburg Bicycle Advisory Board, as attached to this ordinance.

**SPONSERED BY:** Councilmen Reed, Rockhold and Coram  
and Carpenter and Lynch

ARTICLE 156  
Bicycle Advisory Board

- 156.01 Establishment.
- 156.02 Membership; vacancies.
- 156.03 Meetings; rules of procedure; records.
- 156.04 Powers and authority.

156.01 ESTABLISHMENT.

There is hereby established a Parkersburg Bicycle Advisory Board.  
(Ord. 0-1364. Passed 1-26-10.)

156.02 MEMBERSHIP; VACANCIES.

(a) The Parkersburg Bicycle Advisory Board shall consist of no more than 11 voting members. The members shall be nominated by the Mayor and confirmed by Council for terms of three years each, except that the terms of the first Advisory Board shall be appointed to terms of one, two and three years. Vacancies shall be filled by appointment in the same manner for the unexpired term only. Members of the Board shall serve without compensation. The members of the Board should, to the extent possible, consist of representatives of:

- (1) Bike and cycling organizations;
- (2) ~~Bicycle dealers~~ Private businesses located within the City;
- (3) Organizations concerned with safety/Planning organizations;
- (4) Representatives of business ~~organizations~~ or non-profit organizations with express interest in Parkersburg bicycling infrastructure and facilities, and;
- (5) Interested private citizens concerned with cycling issues,;
- ~~———— (6) Engineering Department;~~
- ~~———— (7) Parks & Recreation Department;~~
- ~~———— (8) Police department;~~
- ~~———— (9) Development Department.~~

A City Parks and Recreation representative, the City Engineer, the City Planning Director, and a representative from the Parkersburg Police Department shall serve as non-voting members of the Bicycle Advisory Board. Members shall be residents and/or have a vested interest in the City of Parkersburg, as determined by the Mayor of the City of Parkersburg.

(b) The Board shall serve under the direction of the Mayor and shall receive technical support from City staff.

(Ord. 0-1364. Passed 1-26-10.)

156.03 MEETINGS; RULES OF PROCEDURE; RECORDS.

The Board, on an annual basis shall elect a chairman and a vice-chairman from its membership to preside over the meetings. The Board shall adopt rules for its own

procedure and shall keep records of its proceedings. Minutes of all meetings are kept as public records. The Board shall meet ~~at least quarterly~~ at least once a month. ~~The first meeting in January shall be considered the annual meeting.~~ A majority of voting members of the Board shall constitute a quorum. All meetings are to be held in accordance with the Open Public Meeting Act.

Members of the Bicycle Advisory Board may use electronic communications devices (e.g. telephone, Skype) to attend meetings in lieu of physical attendance in accordance with the following:

Prior arrangements must be made with the City to set up and establish the telephone conference or other electronic means of communication;

The member must be able to hear and be heard by all other members and the general public attending the meeting;

The member shall be so present for the entire meeting, unless the member's continued presence is interrupted by an equipment failure or an emergency; and

A member's physical presence is expected, the use of attendance by telephonic conference or other electronic means of communication shall be limited to two (2) occasions per calendar year per member unless such failure to be physically present is due to the member's illness or injury.

(Ord. 0-1364. Passed 1-26-10.)

#### 156.04 POWERS AND AUTHORITY.

(a) The intent of the creation of the Parkersburg Bicycle Advisory Board is to advise the City Council, the Mayor and all Departments and Offices of the City on matters related bicycling and the impart City actions may have upon bicycling; and shall have the opportunity to contribute in an advisory capacity to all aspects of the City's planning process insofar as they may relate to bicycling. The Advisory Board shall make recommendations on all matters concerning planning, implementation and maintenance policies, programs and facilities for the safe and efficient integration of bicycle and pedestrian transportation systems in Parkersburg.

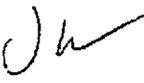
(b) Specifically, the Board shall:

- (1) Initiate and/or assist in the development of an alternative transportation City Bikeways plan;
- (2) Review proposals and plans for spot improvements and bikeways;
- (3) Promote improved safety to reduce accidents and thefts of bicycles by evaluating and recommending changes in design standards for on-street and off-street bikeways, trails and paths accessible to bicyclists
- (4) Recommend way finding signs for created and/or designated bike paths through the City;
- (5) Develop possible demonstration projects to encourage commuting through provision of safe, accessible routes and secure bike parking facilities.

# Memorandum

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**To:** Mayor & City Council

**From:** John Whitmore Planning Administrator, City of Parkersburg 

**Date:** August 29, 2014

**Re:** Bicycle Advisory Board Ordinance Text Amendments

On August 19, 2014, The Parkersburg Bicycle Advisory Board voted to recommend approval of text amendments to Article 156 Bicycle Advisory Board of the Codified Ordinances of the City of Parkersburg, WV. The text amendments will enable the completion of board business, provide for voting member criteria, establish a quorum minimum, and establish protocols for electronic participation.

If you have any questions, please contact me at 304.424.8558 or by email at [jwhitmore@parkersburg-wv.com](mailto:jwhitmore@parkersburg-wv.com).

John Whitmore

AN ORDINANCE  
PROHIBITING AGGRESSIVE SOLICITATION

WHEREAS, City Council finds that the increase in aggressive solicitation throughout the City has become disturbing and disruptive to residents and businesses, and has contributed not only to the loss of access and enjoyment of public places, but also to a sense of fear, intimidation and disorder.

WHEREAS, City Council is enacting this section pursuant to the City's plenary power and authority as set forth in West Va. Code 8-12-5 (13), 8-12-5 (23), and 8-12-5 (44). This law is timely and appropriate because current laws and City regulations are insufficient to address the aforementioned aggressive solicitation problem; and

WHEREAS, this section is not intended to limit any persons from exercising their constitutional right to solicit funds, picket, protest or engage in other constitutionally protected activity. Rather, its goal is to protect citizens from the fear and intimidation accompanying certain kinds of solicitation that have become an unwelcome presence in the City.

Now Therefore Be It Ordained By The Council of the City of Parkersburg as follows:

AGGRESSIVE SOLICITATION

(a) Definitions. For purposes of this section:

(1) "Solicit" means to request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value. The solicitation may be, without limitation, by the spoken, written or printed word, or by other means of communication.

(2) "Aggressive manner means:

A. Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent, or

B. Following the person being solicited, if that conduct is:

1. Intended to or is likely to place another in reasonable apprehension of immediately suffering physical pain or injury or the commission of a criminal act upon property in the person's possession; or

2. Intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation, or

C. Continuing to solicit within five feet of the person being solicited after the person has made a negative response, if continuing the solicitation is:

1. Intended to or is likely to another in reasonable apprehension of immediately suffering physical pain or injury or the commission of a criminal act upon property in the person's possession; or

2. Intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation, or

D. Intentionally or recklessly blocking the safe or free passage of the person or vehicle being solicited or requiring the person or vehicle operator to take evasive action to avoid physical contact with the person making the solicitation; or

E. Intentionally or recklessly using obscene, abusive or threatening language or gestures towards a person being solicited that is:

1. Intended to or likely to another in reasonable apprehension of immediately suffering physical pain or injury or the commission of a criminal act upon property in the person's possession; or

2. Words intended to or reasonably likely to intimidate the person into responding affirmatively to the solicitation, or

F. Approaching the person being solicited in a manner that is:

1. Intended to or is likely to another in reasonable apprehension of immediately suffering physical pain or injury or the commission of a criminal act upon property in the person's possession; or

2. Intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

(3) "Automated teller machine" means a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

(4) "Public area" means an area to which the public or a substantial group of persons has access, and includes, but is not limited to, alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, plazas, sidewalks, and streets open to the general public.

(c) Prohibited Acts. It shall be unlawful for any person to solicit money or other things of value, or to solicit the sale of goods or services:

1. In an aggressive manner in a public area;

2. Within fifteen feet of any entrance or exit of any bank or within fifteen feet of any automated teller machine abutting a public right-of-way during the hours of operation of such bank or automated teller machine.

3. On private property of the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property.

(d) Construction and Severability.

1. Severability is intended throughout and within the provisions of this Code section. If any subsection, sentence, clause or phrase of this Code section is held invalid or unconstitutional by a court of competent jurisdiction, then such judgment shall in no way affect or impair the validity of the remaining portions of this Code section.

2. This Code section is not intended to prohibit any demand for payment for services rendered or goods delivered.

3. This Code section is not intended to create a result through enforcement that is absurd, impossible or unreasonable. This Code section should be held inapplicable in any such cases where its application would be unconstitutional under the Constitution of the State of West Virginia or the Constitution of the United States of America.

(e) Penalty. Any person, firm or corporation violating any provision of this section shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense.

Sponsored by Councilmen: Carpenter, Kelly, Rockhold, Lynch and Reynolds



STATE OF WEST VIRGINIA  
 DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
 BUREAU FOR PUBLIC HEALTH

Commissioner's Office  
 350 Capitol Street, Room 702  
 Charleston, West Virginia 25301-5712  
 Telephone: (304) 558-2971 Fax: (304) 558-1033

Karen L. Bowling  
 Cabinet Secretary

August 25, 2014

David Couch, Chairman  
 Mid-Ohio Valley Board of Health  
 1000 51<sup>st</sup> Street  
 Vienna, WV 26105

Dear Mr. Couch:

Thank you for your recent letter requesting approval to implement environmental fees. I have approved the fee schedule which the Mid-Ohio Valley Health Department proposes to begin changing fees as outlined in the request guidelines. The plan outlined in your proposal is in accordance with the guidelines established and the fees do not exceed the maximum set by the West Virginia Bureau for Public Health.

Section 9.8 of the Fees for Services Rule, 64 CSR 51 requires that once the Commissioner of the Bureau for Public Health approves the fees, the local board of health shall file the fee schedule with the clerk of the county commission or municipality. After the local board has made the appropriate filing, it may begin to charge the approved fees. Attached is a copy of the Fees for Services Rule, 64 CSR 51.

If you have additional questions or concerns, please feel free to write or call Amy Atkins, Director, Division of Local Health, 350 Capitol Street, Room 515, Charleston, West Virginia 25301-3716, telephone (304) 558-8870.

Sincerely,

*Letitia E. Tierney*  
 Letitia E. Tierney, M.D., J.D.  
 Commissioner and State Health Officer

LET/bs  
 Attachment  
 cc: Dierma Mace  
 Brad Cochran  
 Amy Atkins



STATE OF WEST VIRGINIA  
 DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
 BUREAU FOR PUBLIC HEALTH

Division of Local Health  
 350 Capitol Street, Room 515  
 Charleston, West Virginia 25301-5712  
 Telephone: (304) 558-8870 Fax: (304) 558-1437

Karen L. Bowling  
 Cabinet Secretary

**MEMORANDUM**

August 14, 2014

TO: Brad Cochran, Director  
 Environmental Health Services

FROM: Amy Atkins, Director  
 Division of Local Health

RE: Mid-Ohio Valley Board of Health  
 Fees for Services Approval

Mid-Ohio Valley Health Department is requesting approval to implement fees for services.

The attached refers to services under your jurisdiction. Please sign this memorandum in the space provided below. Your signature indicates that you agree or disagree to the appropriateness regarding the proposed fee increases. Please review and return to me by August 21, 2014.

Comments:

I have reviewed the fees for Mid-Ohio Valley Health Department and recommend approval:

*Brad Cochran*  
 Signature Date 8/15/14

I have reviewed the fees for Mid-Ohio Valley Health Department and do not recommend approval:

Signature \_\_\_\_\_ Date \_\_\_\_\_

# Mid-Ohio Valley Health Department

211 Sixth Street Parkersburg, WV 26101  
Phone 304-420-1460 Fax 304-422-7267  
[www.movhd.com](http://www.movhd.com)

## NOTICE TO PUBLIC

At the April 24, 2014 meeting of the Mid-Ohio Valley Board of Health the board approved a service fee for tanning facilities. The Board approved fee is posted in the following MOVHD offices or at [www.movhd.com](http://www.movhd.com).

Calhoun County – Grantsville, WV  
Pleasants County- St. Mary's, WV  
Ritchie County – Harrisville, WV  
Roane County – Spencer, WV  
Wirt County, - Elizabeth, WV  
Wood County – Parkersburg, WV

A thirty-day (30) public comment period will begin June 26, 2014.

Proposed fees should take effect as a pro-rated fee September 1, 2014.

Public comments should be sent to the webmaster at [www.movhd.com](http://www.movhd.com).

*Serving the City of Parkersburg, Calhoun, Pleasants, Ritchie, Roane, Wirt and Wood Counties*

# Mid-Ohio Valley Health Department

211 Sixth Street Parkersburg, WV 26101  
Phone 304-420-1460 Fax 304-422-7267  
[www.movhd.com](http://www.movhd.com)

RECEIVED

July 29, 2014

Letitia Tierney, M.D., J.D., Commissioner  
WV Bureau for Public Health  
350 Capitol Street, Room 702  
Charleston, WV 25301

Dear Commissioner Tierney:

Enclosed is the informational packet regarding the addition of a fee for services for tanning facilities that are being proposed by the Mid-Ohio Valley Health Department Environmental Health Services.

This packet includes the following information:

- Signed copy of the minutes from the April 24, 2014 Board meeting approving the fees
- Signed letter from Blair Couch, MOVHD Chair, affirming the MOVHD Board of Health action and requesting approval from the Commissioner's Office for implementation
- There were no public comments received during the 30 day period from June 26, 2014 through July 25, 2014
- Copy of the proposed new fee request
- Copy of the Public Notice from the Parkersburg News and Sentinel for one week starting June 25, 2014.

Should you need additional information concerning our fee for service proposal, please do not hesitate to contact me by phone at (304) 485-7374 ext. 132 or at [Elizabeth.L.Green@wv.gov](mailto:Elizabeth.L.Green@wv.gov).

Thank you for your timely review of our proposal.

Sincerely,



Elizabeth Green, RS  
Director Environmental Health  
MOVHD

RECEIVED

JUL 31 2014

COMMISSIONER'S OFFICE  
BUREAU FOR PUBLIC HEALTH

*Serving the City of Parkersburg, Calhoun, Pleasants, Ritchie, Roane, Wirt and Wood Counties*

MOVBOH Minutes  
April 24, 2014

**MID-Ohio Valley Board of Health**  
**Special Meeting**  
**April 24, 2014**  
**211 6<sup>th</sup> Street**  
**Parkersburg, West Virginia 26101**

**Call to Order**  
The meeting was called to order at 6:30 p.m. by Blair Couch, Chairperson. Roll call was taken and a quorum was present.

**Members Present**

Donna Steigleder, Calhoun County via Phone Conference  
Bill Shock, Calhoun County  
Deanna Lewis, City of Parkersburg  
Dr. Richard Newhart, City of Parkersburg  
Joyce Falter, Pleasants County  
Eleanor Little, Pleasants County  
Charlene Sweeney, Ritchie County  
Dr. Stephen Worden, Ritchie County  
Candace Westfall, Roane County  
Beth Bumgarner, Wirt County  
Morton Frey, Wirt County  
Blair Couch, Wood County  
David McClure, Wood County

**Members Absent**

Dr. Hermilio Garzonilla, Roane County

**Staff**

Sandra Ellenwood, Interim Executive Director & Finance Director  
Tonla Lang RN, Clinical Director  
Carrie Brainard, Health and Wellness Director  
Elizabeth Green, FH Director  
June Rhodes, WIC Director  
Cristy Riggs, Administrative Secretary  
Lynne Peeters, Personnel Manager  
Debra Hungate, Finance Supervisor  
Barbara Holt, Health and Wellness Coordinator  
Mary Beth Shea, Oral Health Coordinator  
Renee Swisher, Clinical Secretary  
Dorothy Baber, Office Assistant via Phone Conference  
Megan Buskirk, Public Health Educator  
Dana Singer, HR Associate

MOVBOH Minutes  
April 24, 2014

**Public Comments:**  
There were no public comments.

**Dr. Avery, Medical Director:**

Blair read the letter from the Board addressed to Dr. Avery asking him to withdraw his resignation as Medical Director. Motion was made and seconded to reject Dr. Avery's letter of resignation from the position of Medical Director. (Newhart / Bumgarner) The motion passed. All present Board Members signed the letter addressed to Dr. Avery. Cristy Riggs, Board Secretary will mail this request to Dr. Avery on April 25, 2014.

**Timeline Executive Director Search:**

Blair reported that the Executive Director Search Committee met on April 22, 2014 to review resumes received to date. The deadline to receive resumes from internal applicants was April 28, 2014. Presently, two internal applicants and one external applicant have been contacted for an interview. The deadline for external applicants to submit a resume for the Executive Director's position is May 12, 2014. The Executive Director Search Committee will meet again on May 14, 2014 to review all final interested applicants' resumes. All successful applicants will be interviewed by the Board.

**Consent Agenda**

It was decided to vote on each item individually.

**A. Routine Items:**

Motion was made and seconded to approve the minutes from the March 27, 2014 Board Meeting. (McClure / Lewis) The motion passed.

**B. New Business:**

- 1. Appointment of Parliamentarian:** Since Dr. Avery has resigned the position of Parliamentarian, Blair Couch has asked Cristy Riggs, Administrative Secretary / Board Secretary if she would have an interest in Parliamentarian training. Cristy has agreed to this training and will research the approximate cost and report to the Board at the May 22, 2014 meeting. It needs to be noted that the MOVBOH By-Laws do not require a Parliamentarian. Cristy Riggs told about a Robert's Rules of Order training offered free of charge from a representative of the West Virginia State Auditor's Office. This training will be scheduled and offered to all MOVBOH Members and MOVBOH employees. Date and time will be announced at the May 22, 2014 meeting.
- 2. Nominating Committee / State of Officers:** Joyce Falter and Morton Frey were appointed to the Nominating Committee. The State of Officers will be presented at the May 22, 2014 Board meeting.
- 3. Fee Increases / Clinical, Oral Health, Environmental Health:** Tonla Lang, Clinical Director, explained the rising cost of immunizations. The inflated costs are making it necessary to increase our fees. The Health Department is still able to offer services at a lower cost than

doctor's offices or pharmacies. Candace Westfall and Bill Shock voiced concerns regarding those in need that cannot pay or do not have insurance. The Health Department often provides and will continue to provide services to clients that cannot pay or do not have insurance. No discussion regarding Oral Health or Environmental Health fees arose. Motion to accept the Clinical, Oral Health, and Environmental Health fees as presented was made and seconded. (McClure / Little) Candace Westfall gave a Nay vote. The motion carried.

4- Environmental Health Tanning Bed Regulation Policy: Due to new verbiage and recommendations, this policy needs to be reviewed and updated. Motion to table this policy until these corrections are in place was made and seconded. (McClure / Lewis) The motion passed.

5- Environmental Health Body Modification Policy: Motion to pass this policy as presented was made and seconded. (McClure / Faller) Dr. Stephen Worden abstained from voting. The motion carried.

6- DOP Contract for Future Consideration: Lynne Peters, Personnel Manager told of the advantages provided to the Agency by DOP. The Division of Personnel provides guidelines to keep us in check with the State regulations. It is also imperative to be a member of a merit system to continue receiving Federal Funds. Motion to proceed with signing of DOP contract was made and seconded. (Sweeney / Lewis) The motion was approved.

C. Old Business:

1- Vehicle / Driver Safety Policy: Motion to approve the Vehicle / Driver Safety Policy as presented was made and seconded. (Lewis / Newhart) The motion passed.

2- Environmental Health Vehicle Bids and Recommendations: This information will be provided at the May 22, 2014 Board meeting.

Interim Executive Director's Report:

Sandra Ellenwood, Interim Director, spoke of the progress made within the Oral Health Program. Mary Beth Shey, Oral Health Coordinator has been working with State Dental Board Director, Jason Roush and the Wirt County Primary Services to collaborate the Oral Health Program efforts. WOWK interviewed Mary Beth and was given a tour of the Dental Lab at the Wood County location.

Sandra explained that MOVHHD is continuing to plan a Threat Preparedness drill sometime in the near future, hopefully before June 30, 2014.

Two FOIA (Freedom of Information Act) requests have been received and forwarded to Jason Wharton, Wood County Prosecuting Attorney for review and guidance before processing.

A request to the Ethics Commission was submitted regarding the passing of the Gravel-Less Pipe System Policy. It was determined there was no conflict with the passing of this policy.

Vacancies on the various committees that MOVHHD normally attends have been filled by Carrie Brainard and Barbara Holt. Others may be asked to attend meeting as the need arises.

The Regional Staff meeting will be held on May 9, 2014 and all Board members are invited to attend. Sandra expressed her appreciation to staff members and to Blair for their additional assistance during the past few weeks.

Adjournment

A motion to adjourn the meeting was made and seconded. (Lewis / McClure) The meeting adjourned at 7:30 p.m.

*Cristy Riggs*  
Cristy Riggs, Administrative Secretary

Proposed Service Fee for Certificate of Registration for Tanning Facilities

Yearly service fee \$200.00

Pro-rated fee for September 1<sup>st</sup> through June 30, 2015 \$150.00

Certificate good from July 1—through June 30<sup>th</sup> of the following year

## Mid-Ohio Valley Health Department

211 SIXTH STREET, PARKERSBURG, WEST VIRGINIA 26101  
Phone 304/445-7374 Toll Free 888/550-6797  
[www.mvohd.com](http://www.mvohd.com)

June 3, 2014

Leticia Tierney, M.D., J.D., Commissioner  
WV Bureau for Public Health  
350 Capitol Street, Room 702  
Charleston, WV 25301-3712

Dear Commissioner Tierney:

I am writing you to inform you of action taken by the Mid-Ohio Valley Board of Health at our Board of Health Meeting held on April 24, 2014.

At that time the MCV Board of Health passed increases in fees and new fees for service in our Clinical Services Department and Oral Health Department. These increases are in accordance with Legislative Rule 64 CSR 51.

Included in this packet is a copy of the Mid-Ohio Valley Board of Health minutes verifying the aforementioned action.

On behalf of the Mid-Ohio Valley Board of Health, thank you for your prompt attention to our request to increase our fees for services and implementation of our new fees in our Clinical Department.

Sincerely,



Blair Couch, Chair, ~~President~~  
Mid-Ohio Valley Board of Health

RS/ars  
Enclosures

**Classified/Legal Advertising Invoice**  
**The News and Sentinel**

PO Box 1787  
 519 Juliana St  
 Parkersburg, WV  
 26101  
 (304) 485-1891

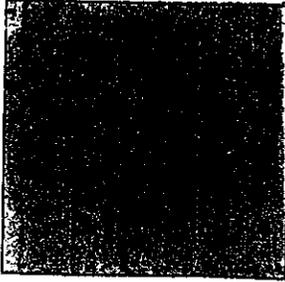
MID-OHIO VALLEY HEALTH DEPT.  
 ATTN:CRISTY RIGGS  
 211 6TH ST.  
 PARKERSBURG, WV

06/25/2014 9:24:47AM

26101

No: 137157

Phone: 304 485-7374



MARY J BUCK

Being first duly sworn, says that the

"NOTICE TO PUBLIC"

Hereto attached was printed in the

XX...The Parkersburg News and Sentinel,

The Marietta AM,

A daily newspaper published in the City of Parkersburg,  
 Wood County, West Virginia, for ...ONE... successive  
 Week(s), the first publication and posting thereon being on  
 the .....25TH.....day of .....ONE..... 2014., and  
 subsequent publication on the .....  
 day (s) ..... 2014.....

Printer's Fee \$...33.80...

Notarized Signature \$...2.00...

Additional Copy Fee \$.....

Total Due: \$...35.80...

By: *Mary J. Buck*

Subscribed and sworn to before me this

25th day of June, 2014.

*John C. Kelley*  
 Notary Public for Wood County, West Virginia

My commission expires 3/4/24



Ad No	Customer No:	Start Date	Stop Date	Category:	Classification:
137157	L01987	06-25-2014	06-25-2014	Legals	Legals
Order No	Rate:	Words:	Inches:	Cost	Balance
	LE	76	7.58	35.80	35.80
Publications ... Runs	Solicitor:	Origin:	Sales Rep:	Credit Card	Credit Card Number
News Legals ... 1	MB	10	114		
Identifier NOTICE TO PUBLIC On April 24, 2014 meeting of the Mid-Ohio Valley Board of Health the board approved a service fee for tanning facilities. The Board approved fee is					
*Extend Expiration Date					

Mid-Ohio Valley Health Department  
Tanning Bed Regulation

**Title**

This Regulation shall be known as the Mid-Ohio Valley Health Department Tanning Bed Regulation and shall cover the West Virginia counties of Calhoun, Pleasants, Ritchie, Roane, Wirt and Wood.

**Purpose**

The Mid-Ohio Valley Health Department and its governing board of health has an obligation to ensure that tanning facilities adhere to the minimum age of participants in accordance with the WV Legislative Rules governing tanning facilities. The Mid-Ohio Valley Health Department also has an obligation to ensure that tanning facilities are sanitary .

**Definitions**

1. **Photo therapy device** means a device used for exposure to daylight or to specific wavelength of light using lasers, light –emitting diodes, Fluorescent lamps, Dichroic lamps, or very bright, full spectrum light, usually controlled with various devices.
2. **Tanning device** means any equipment that emits radiation used for tanning of the skin, such as a sun lamp, tanning booth or tanning bed, and includes any accompanying equipment, such as protective eye wear, timers and handrails.
3. **Tanning facility** means any commercial location, place, area, structure or business where a tanning device is used for a fee, membership dues or other compensation.

**Permit to Operate** - No tanning facilities located within the boundaries of the six county region of the Mid-Ohio Valley Health Department, shall operate without a certificate of registration issued by the Mid-Ohio Valley Health Department. Any tanning facility in operation prior to this regulation, will be required to obtain a certificate of registration within 120 days from the effective date of the regulation. The registration holder shall post the certificate in a conspicuous place on any premises where the tanning facilities are located. A person shall obtain a separate certificate of registration for each premise owned or operated by that person. The certificate shall be renewed on July first of each year

**Change of Ownership**

Tanning facility certificate of registration is not transferable from one address to another or from one owner to another.

**Operation Standards**

1. (a) A tanning facility shall provide to any patron who wishes to use a tanning device located within its tanning facility a disclosure and consent form relating to use of a tanning device that contains the current United States Food and Drug Administration warning as follows: "Danger, Ultraviolet Radiation. Follow instructions. Avoid overexposure . As with natural light,

overexposure can cause eye and skin injury and allergic reactions. REPEATED EXPOSURE MAY CAUSE PREMATURE AGING OF THE SKIN AND SKIN CANCER. WEAR PROTECTIVE EYEWEAR, FAILURE TO DO SO MAY RESULT IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES. Medications or cosmetics may increase your sensitivity to the ultraviolet radiation. Consult physician before using tanning device if you are using medications or have a history of skin problems or believe yourself especially sensitive to sunlight. If you do not tan in the sun, you are unlikely to tan from use of this product."

This disclosure and consent form must have a place for the patron's signature , the date signed and a space for the patron's date of birth. A signed and dated copy of the disclosure and consent form shall be maintained by the tanning facility and remains valid for one year from the date it was signed.

(b) All patrons are required to present proof of age prior to use of a tanning device. Proof of age shall be satisfied with a driver's license or other government issued identification containing the date of birth and a photograph of the individual. A copy of the driver's license or identification shall be kept on file at the tanning facility for patron's using a tanning device. Persons under the age of eighteen (18) may not be permitted to use a tanning device without the prior written consent of the parent or legal guardian. Parent or legal guardian shall be present at tanning facility and show photographic identification. A copy of identification and a copy of the signed parental or legal guardian consent shall be maintained by the tanning facility and remain valid for one year from the date it was signed. All records shall be maintained for 3 years. Persons under the age of fourteen shall not be permitted to use a tanning device.

Nothing in this article may be construed as prohibiting any health care provider licensed under chapter thirty one of the West Virginia State Code from performing any action within the scope of his or her practice that results in prescribing the use of a photo therapy device to a patient regardless of the patient's age for treatment of a medical condition.

**Design Standards**

**1. Floor Plans**

(a) All tanning facilities shall submit a drawing to the Mid-Ohio Valley Health Department with the following

- (1) The location of the rooms/booths with tanning equipment
- (2) The location of entrances, all doors and windows
- (3) Walls and partitions shall be non-transparent and of sufficient height and rigidly as to provide proper privacy
- (4) Location of facility rest rooms

(b) Tanning facility rooms in a residential building and being used by consumers shall maintain a separate entrance which shall not open directly into any part of the dwelling including the garage.

(c) Mobile home, motor home, trailer or any type of recreational vehicle must be permanently set on a foundation and comply with other rules, in order for their rooms to be approved for tanning services.

(2) Display of sign – Every establishment with a permit to operate tanning services shall display at its main entrance a sign of appropriate size which will be clearly visible from the street which states "tanning facility" or words having the same meaning, except that in the case of a tanning facility located within a department store, health club or athletic facility or shopping center, the sign may be displayed inside at the entrance to the tanning facility.

(3) Dressing Rooms and Toilet Facilities - A tanning facility shall be equipped with dressing rooms and toilet facilities, which include a water closet and hand washing sink, including hot and cold running water, pump soap and a paper towel dispenser or equivalent hand drying equipment. All toilet facilities and dressing rooms shall be kept clean, sanitary and functional at all times. Toilet facilities should have non-absorbent, non-carpeted floor covering

#### (4) Sanitation

(a) No article or equipment shall be offered to or used by a patron unless that article has first been sanitized with a viricidally effective product including all eyewear used by the patron.

(b) Walls, floors, and fixtures shall be kept clean at all times.

#### (5) Tanning Units

(a) Each booth-type sunlamp product shall provide a handrail for use during operation of the tanning facility. Each tanning facility shall have, clearly marked, the appropriate position the user is to assume prior to operation and comply with all other applicable statutes and rules pertaining to tanning equipment. Each booth must be housed in a separate room unless the booth also incorporates a dressing area in its design.

(b) Each tanning bed shall be located in a separate room with a lockable door to provide privacy.

(c) Salons with tanning facilities that are subsequently closed shall remove tanning beds from the view and access of the public.

(6) Emergency control switch – Each sunlamp product shall incorporate a control on the product to enable the user to manually terminate radiation without pulling the electrical plug or coming in contact with the ultraviolet lamp.

#### (7) Timers

(a) Each sunlamp product shall incorporate a timing device with multiple timer settings adequate for the manufacturer's recommended exposure intervals to produce the expected results.

(b) Each assembly of tanning equipment shall be equipped with a timer. The maximum timer interval shall not exceed the manufacturer's recommended exposure time.

(c) These timers should be such that clients who are tanning cannot reset or extend the time from in the room.

(d) The certificate holder shall perform timer checks on beds with mechanical timers every time bulbs are changed and at least once a year.

(8) Bulbs must be shielded - Each ultraviolet lamp contained within the sunlamp product shall be shielded so as to not come into any contact with the user. Two one piece transparent covers, top and bottom, shall be used for this purpose and the covers shall not contain cracks or breaks in their surfaces.

#### (9) Bulb replacement/compatibility

(a) The permit holder shall replace ultraviolet lamps, bulbs and filters at such frequency or after such duration of use as may be recommended by the manufacturer of such lamps or bulbs or filters and these items shall be replaced as soon as they become defective or damaged. Only those lamps, bulbs or filters, meeting the requirements of the United States Food and Drug Administration for any particular bed may be used in its operation, and the facility must maintain the manufacturer's recommendation on file in the facility.

(b) Each tanning bed shall have the UV bulbs installed such that the bulb information is readily available for the sanitarian to verify that the information on the bulb matches the manufacturer's recommended bulb list. For any tanning device that does not meet this requirement the owner shall remove the shielding in order that the sanitarian can easily verify UV bulb compatibility.

#### (10) Protective Eyewear

(a) The permit holder shall provide protective eyewear to each consumer for use during any use of tanning equipment. This protective eyewear shall meet the requirements for use in tanning facility. The permit holder shall ensure that the protective eyewear required by this rule is properly sanitized before each use, is not altered in any way, and shall not rely upon exposure to the ultraviolet radiation produced by the tanning equipment itself to provide such sanitizing and be adequate for the protection of the consumer's eyes.

(b) Each operator shall perform the following function as a precondition to access of the tanning facility to the public. The operator shall provide to each person desiring to use a tanning facility pre-sanitized units and protective eyewear. This means the facility shall have free eyewear for customer use, which does not exclude the facility from offering eyewear for sale.

(11) Regulation of Temperature – Each tanning facility shall be so equipped to dissipate heat so that the interior temperature does not exceed one hundred degrees Fahrenheit or thirty-four degrees Centigrade. Every tanning room within the facility shall have a thermometer mounted five (5) feet above the floor. Adjacent to the thermometer shall be a sign that states: "patrons shall not tan if temperature is at 100 degrees or higher. Please report excessive heat to the operator immediately."

(12) **Towels** – A clean sanitary towel shall be provided to all patrons using the tanning facility. A covered hamper or receptacle shall be provided for all soiled towels.

(13) **Floor coverings** – The operator shall inspect the facility to ensure that the floors are dry. Non -absorbent and non-carpeted flooring or rubber or plastic mats shall be in place where the patron enters or exits the bed. These shall be sanitized after each patron's use.

(14) **Owner's manual** - Each tanning facility shall have an owner's manual for each tanning device.

(15) **Single Patron Occupancy** – Each assembly of tanning equipment shall be restricted for use by only one consumer at a time. No, person shall be permitted in any room where tanning equipment is operating, while someone else is tanning.

(16) **Policy of Prohibiting Animals** – Dogs (except dogs providing assistance to individuals with physical handicaps) cats, birds, or other animals shall not be permitted in a tanning facility. This does not include fish in an aquarium, provided the aquarium is maintained in sanitary condition.

(17) **Operator** – Operator means any person designated by the certificate holder for the facility to assist and instruct the public in the correct operation of the tanning facility; each tanning facility shall have on duty at all times during operation an operator trained in the correct operation of the facility so as to be able to inform and assist the public in its proper use. The trained operator should possess a certificate of training from an approved training program.

#### **Enforcement**

1. The Mid-Ohio Valley Department shall have the authority to enter and inspect a tanning facility to determine compliance. Routine inspections will be conducted at least twice a year.

2. Enforcement of the this article shall be implemented by the Mid-Ohio Valley Health Officer, or his or her designee.

3. Notice of the provisions set forth in this article shall be given with applications for tanning facilities permits in the West Virginia counties of Calhoun, Pleasants, Ritchie, Roane, Wirt and Wood.

4. Any citizen who desires to register a complaint under this chapter may initiate enforcement with the Mid-Ohio Valley Health Department.

#### **Violations and penalties**

#### **(1) Under age use of tanning facilities**

(a) Any owner of a tanning facility who fails to obtain parental or legal guardian consent for a minor under the age of eighteen or willfully allows persons under the age of fourteen to use the tanning facilities is guilty of a misdemeanor and, upon conviction thereof, for a first offense, shall be fined \$100.00.

(b) For a second offense, the owner is guilty of a misdemeanor and upon the conviction thereof, shall be fined not less than \$250.00 nor more than \$500.00

(c) For third offense or subsequent offense, the owner is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500.00 nor more than \$1000.00.

(2) Operation and design

(a) Any person who violates any provision of this regulation is guilty of a misdemeanor and shall upon conviction be punished by a fine of not more than \$200.00.

(b) Each Day's failure to comply with applicable provision of this rule constitutes a separate offense.

**Administrative Due Process** – Those persons adversely affected by the enforcement of this rule desiring a contested case hearing to determine any rights, duties, interests or privileges shall do so as prescribed in the division of health administrative rule, Rules of Procedure for contested Case Hearings and Declaratory Rulings, 64CSR1.