

AGENDA FOR THE REGULAR MEETING OF  
PARKERSBURG CITY COUNCIL FOR TUESDAY,  
DECEMBER 16, 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 – (please consider during January meeting)

IV. REPORTS FROM STANDING OR SPECIAL COMMITTEES

A. Election for President of City Council for 2015

B. Election for Vice President of City Council for 2015

V. MESSAGE FROM THE EXECUTIVE

VI. PUBLIC FORUM

VII. RESOLUTIONS

1. Resolution appointing Patricia Wilson, 2209 14<sup>th</sup> Avenue, (District #2) Parkersburg, WV to the Board of Zoning Appeals to serve an unexpired term ending January 1, 2016. (Sponsored by Councilmen Wilcox, Lynch, Rockhold, and Reed.)

2. Resolution amending the Parkersburg/Wood County HOME Consortium program by stating that the amount or percent of assistance in a household for those eligible is not to exceed \$25,000.00 per applicant. (Sponsored by Councilmen Rockhold, Lynch, Reed, and Carpenter.)

3. Resolution declaring Friday, December 26, 2014 as a holiday for City employees. (Sponsored by Councilmen Wilcox, Lynch, Reynolds, Rockhold, and Reed.)

VIII. ORDINANCE, FINAL READING:

4. An ordinance establishing the Parkersburg Land Reuse Agency. (Sponsored by the Public Works Committee of City Council)

5. An ordinance naming and appointing the Board of the City of Parkersburg Land Reuse Agency. (Sponsored by Councilmen Lynch, Coram, Reynolds, and Carpenter)

(next page)

6. An ordinance amending and re-enacting the Personnel Policy and Procedure Manual to reflect pay rate changes for minimum wage at \$8.00 per hour effective January 1, 2015. (Sponsored by the Personnel Committee)

7. An ordinance establishing the position of Administrative Assistant in the Finance Department as an H-4 position, \$11.69 per hour. (Sponsored by the Personnel Committee of Council)

8. An ordinance reclassifying the Floodwall Maintenance Mechanic position from an H-4 position to H-7 position. (Sponsored by Councilmen Reed, Rockhold, and Lynch.)

9. An ordinance to rezone a portion of Tax Map 150, parcel 9; and Tax Map 146, parcel 76.1 from R-4 to B-2. (Fort Boreman area) (Sponsored by the Municipal Planning Commission.)

10. An ordinance to amend our codified ordinances by enacting article 778, Consumers Sales and use Tax, 1% (one percent) (Sponsored by Councilmen Rockhold, Coram, Carpenter, Reynolds, and Lynch)

11. An ordinance amending and re-enacting portions of Article 779, Business and Occupation Taxes, making reductions in Manufacturing, Retailers/Restaurants, Electric, and Natural Gas categories. (Sponsored by Councilmen Rockhold, Coram, Carpenter, Reynolds and Lynch)

**IX. ORDINANCE, FIRST READING:**

12. An ordinance amending Section 925.02, General Sewer Use Requirements of Article 925, Sanitary Sewer Industrial Use Regulation of the Codified Ordinances of the City of Parkersburg. (Sponsored by Councilmen Brown, Reed, Rockhold, and Wilcox)

**XI. ADJOURNMENT**

**NOTE: Our next Council meeting is January 14, 2015**

## RESOLUTION

WHEREAS, there is a vacancy on the Board of Zoning Appeals due to the resignation of one of the members; and

ASKS  
WHEREAS, Patricia Wilson has expressed a desire to fill this vacancy;

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that Patricia Wilson, 2209 14<sup>th</sup> Avenue, Parkersburg, WV be appointed as a member of the Board of Zoning Appeals to fill an expired term (for Dan Walkup) until January 1, 2016.

Sponsored by Councilmen Wilcox, Lynch, Rockhold, and Reed

## RESOLUTION

WHEREAS, the City of Parkersburg entered into a consortium agreement August 10, 2004 with the City of Vienna, the City of Williamstown, and the Wood County Commission; and

WHEREAS, that agreement allowed the City to be eligible to receive HOME Investment Partnership Grant funds from the United States Department of Housing and Urban Development; and

WHEREAS, The Parkersburg/Wood County HOME Consortium is proposing a change to the Single-Family Housing Opportunity Program (SHOP). The SHOP program is funded by the HOME Investment Partnership (HOME), which is a Federal Entitlement Program; and

WHEREAS, the SHOP Program assists households that are interested in purchasing a home in Wood County. The applicants (households) must be at or below the HUD Defined Low-Moderate Income (LMI) Regulations, which is currently 80% Area Median Income. The applicant must also qualify for a loan, from a lending institution, that covers the amount of the home purchase that the Consortium does not cover. Currently, the Consortium covers 40% of the overall purchase cost. However the Parkersburg/Wood County Consortium is proposing the following modifications to SHOP:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the program be amended stating that the amount or percent of assistance a household may be eligible for would be determined by their annual income, **but not exceed a total of \$25,000 per applicant.**

**(amendment includes the following household income information below)**

Households:

0 to 30% median income would be available for up to 40% of the overall home cost.

30% to 50% median income would be available for up to 35% of the overall home cost.

50% to 60% median income would be available for up to 30% of the overall home cost.

60% to 80% median income would be available for up to 25% of the overall home cost.

In no event however shall any applicant receive in excess of \$25,000.00 of their overall purchase cost.

Sponsored by Council Members: Rockhold, Lynch and Carpenter

## RESOLUTION

WHEREAS, City of Parkersburg employees are given holidays each year according to those mentioned in West Virginia Code, Chapter 2, Article 2 – 1; and

WHEREAS, Christmas day falls on Thursday, December 25, 2014, and Mayor Robert D. Newell requests that Friday, December 26, 2014 be a holiday for City employees, as other State and Federal agencies may observe that day also.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that Friday, December 26, 2014 be declared a holiday for all City employees for the City of Parkersburg.

Sponsored by Councilmen Wilcox, Lynch, Reynolds, Rockhold, and Reed

OS

AN ORDINANCE ESTABLISHING  
THE PARKERSBURG LAND REUSE AGENCY  
(see amendment, paragraph 3 (f) below)

Now Be It Ordained By the Council of the City of Parkersburg that there be created and established the Parkersburg Land Reuse Agency as follows:

1. Purpose.

It is the purpose of this ordinance to create and have a Parkersburg Land Reuse Agency to aid and assist the City in turning vacant, abandoned and tax delinquent spaces into vibrant spaces by facilitating the return of such properties to productive use.

2. Established.

There is hereby established the Parkersburg Land Reuse Agency pursuant to West Virginia Code §31-18E-1 et seq.

The Agency shall be and is a public body corporate and politic; exercising public and essential governmental functions, and having all the powers necessary and convenient to carry out and effectuate the purpose and provisions of this ordinance and of West Virginia Code §31-18E-1 et seq.

3. Board of Directors, Composition and Membership.

- a) The Board shall consist of nine (9) members who shall have expertise in relevant areas, including but not limited to planning, real estate, development and architecture.
- b) The Board shall include at least one (1) voting member who is a resident of the City; who is not a public official nor a City employee; and who maintains membership with a recognized civic organization within the City.
- c) The board shall further include at least five (5) members who are residents of the City; own a business with its principal office five within the City; or who are employed or self-employed within the City and subject to and pay the City Service User Fee.
- d) The term of membership of the Board first selected shall be for one (1) year, two (2) years and three (3) years divided equally between the three terms; Thereafter members shall serve three year terms.
- e) Nominations for the Board shall be made by the Mayor and confirmed by City Council.
- f) There shall be one (1) additional member of the Board, not included in the nine (9) above, who shall be a non-voting member of the Board, who shall be a member of City Council, who shall be appointed by the Mayor and whose membership on the Board shall be the same as their term in office.

4. Officers.

The members of the Board shall select annually from among their members a chair, vice chair, secretary, treasurer and such other officers as the Board may determine.

5. Rules.

The Board shall establish rules on the following:

- a) Duties of officers;
- b) Attendance and participation of members in its regular and special meetings;
- c) A procedure to remove a member by a majority vote of the other members for failure to comply with a rule; and
- d) Such other matters necessary to govern the conduct of the agency.

6. Vacancies.

A vacancy on the Board shall be filled for the unexpired term and made in the same manner as the original appointment.

Upon removal under section 5 (Rules) subdivision (3) the position becomes vacant. A member removed thereunder is ineligible for reappointment to the Board unless the reappointment is confirmed unanimously by the Board.

7. Compensation.

Board members shall serve without compensation. The Board may reimburse a member for expenses actually incurred in the performance of duties on behalf of the Agency.

8. Meetings.

(1) The Board shall meet as follows;

- A. In regular session according to a schedule adopted by the Board;
- B. In special session:
  - i) As convened by the chair; or
  - ii) Upon written notice signed by a majority of the members.

9. Quorum.

A majority of the Board, excluding vacancies, is a quorum. Physical presence of the member is required under this section.

10. Voting.

(1) Except as set forth in subdivision (2) or (3) of this section or elsewhere in this article, action of the board must be approved by the affirmative vote of a majority of the board present and voting.

- (2) Action of the board on the following matters must be approved by a majority of the entire board membership;
  - A) Adoption of bylaws;
  - B) Adoption of rules under section 5 (Rules);
  - C) Hiring or firing of an employee or contractor of the land reuse agency. This function may, by majority vote of the entire board membership, be delegated by the board to a specified officer or committee of the land reuse agency;
  - D) Incurring of debt;
  - E) Adoption or amendment of the annual budget; or
  - F) Sale, lease, encumbrance or alienation of real property or personal property with a value of more than \$50,000.00.
- (3) A resolution under West Virginia State Code §31-18E-14, relating to dissolution of the land reuse agency, must be approved by two thirds of the entire board membership.
- (4) A member of the board may not vote by proxy.
- (5) A member may request a recorded vote on any resolution or action of the land reuse agency.

11. Staff of land reuse agency

- (1) Employees - The agency may employ or enter into a contract for an executive director, counsel and legal staff, technical experts and other individuals and may determine the qualifications and fix the compensation and benefits of those employees.
- (2) Contracts – the land reuse agency may enter into a contract with the City for:
  - A) The City to provide staffing services to the land reuse agency; or
  - B) The land reuse agency to provide staffing services to the City.

12. Powers of the land reuse agency.

- The land reuse agency is a public body, corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this ordinance, including but not limited to the following;
1. To adopt, amend and repeal bylaws for the regulation of its affairs and the conduct of its business;
  2. To sue and be sued in its own name and be a party in a civil action. This paragraph includes an action to clear title to property of the land reuse agency;
  3. To adopt a seal and to alter the same at pleasure;
  4. To borrow from federal government funds, from the state, from private lenders or from municipalities or counties, as necessary, for the operation and work of the land reuse agency;
  5. To issue negotiable revenue bonds and notes according to the provisions of this ordinance and West Virginia State Code §31-18E-1 et seq.

6. To procure insurance or guarantees from the federal government or the state of the payment of debt incurred by the land reuse agency and to pay premiums in connection with the insurance or guarantee;
7. To enter into contracts and other instruments necessary, incidental or convenient to the performance of its duties and the exercise of its powers. This paragraph includes intergovernmental cooperation agreements for the joint exercise of powers under this ordinance;
8. To enter into contracts and intergovernmental cooperation agreements with municipalities or counties for the performance of functions by municipalities or counties on behalf of the land reuse agency or by the land reuse agency on behalf of municipalities or counties;
9. To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the land reuse agency. Any contract or instrument signed shall be executed by and for the land reuse agency if the contract or instrument is signed, including an authorized facsimile signature, by;
  - A) The chair or vice chair of the land reuse agency; and
  - B) Either:
    - i) The secretary or assistant secretary of the land reuse agency;  
or
    - ii) The treasurer or assistant treasurer of the land reuse agency;
10. To procure insurance against losses in connection with the real property, assets or activities of the land reuse agency;
11. To invest money of the land reuse agency at the discretion of the board in instruments, obligations, securities or property determined proper by the board and to name and use depositories for its money;
12. To enter into contracts for the management of, the collection of rent from or the sale of real property of the land reuse agency;
13. To design, develop, construct, demolish, reconstruct, deconstruct, rehabilitate, renovate, relocate and otherwise improve real property or rights or interests in real property;
14. To fix, charge and collect rents, fees and charges for the use of real property of the land reuse agency and for services provided by the land reuse agency;
15. To grant or acquire licenses, easements, leases or options with respect to real property of the land reuse agency;
16. To enter into partnerships, joint ventures and other collaborative relationships with municipalities, counties and other public and private entities for the ownership, management, development and disposition of real property;
17. To organize and reorganize the executive, administrative, clerical and other departments of the land reuse agency and to fix the duties, powers and compensation of employees, agents and consultants of the land reuse agency; and

18. To do all other things necessary or convenient to achieve the objectives and purposes of the land reuse agency or other law related to the purposes and responsibility of the land reuse agency.

13. Eminent Domain.

The land reuse agency does not possess the power of eminent domain. Any property obtained by the power of eminent domain after June 5, 2014 may not be acquired by the land reuse agency by any means.

14. Acquisition of property.

A) Title to be held in its name. – The land reuse agency shall hold in its own name all real property it acquires.

B) Tax exemption.

1. Except as set for in subdivision (2) of this subsection, the real property of the land reuse agency and its income and operations are exempt from property tax.

2. Subdivision (1) of this subsection does not apply to real property of the land reuse agency after the fifth consecutive year in which the real property is continuously leased to a private third party.

However, real property continues to be exempt from property taxes if it is leased to a non-profit or governmental agency at substantially less than fair market value.

C) Methods of acquisition. – The land reuse agency may acquire real property or interests in real property by any means or terms and conditions and in a manner the land reuse agency considers proper; Provided, that the land reuse agency may not acquire any interest in oil, gas or minerals which have been severed from the realty.

D) Acquisitions from municipalities or counties.

1. The land reuse agency may acquire real property by purchase contracts, lease purchase agreements, installment sales contracts and land contracts and may accept transfers from municipalities or counties upon terms and conditions as agreed to by the land reuse agency and the municipality or county.

2. A municipality or county may transfer to the land reuse agency real property and interests in real property of the municipality or county on terms and conditions and according to procedures determined by the municipality or county as long as the real property is located within the jurisdiction of the land reuse agency.

3. An urban renewal authority, as defined in section four (§16-18-4), article eighteen, chapter sixteen of the West Virginia State Code, located within the land reuse jurisdiction established under this ordinance may, with the consent of the City Council and without a redevelopment contract, convey property to the land reuse agency.

A conveyance under this subdivision shall be with fee simple title, free of all liens and encumbrances.

E) Maintenance. – The land reuse agency shall maintain all of its real property in accordance with the statutes and ordinances of the City of Parkersburg.

F) Prohibition.

1. Subject to the provision of subdivision (2) of this subsection, a land reuse agency may not own or hold real property located outside the jurisdictional boundaries of the City of Parkersburg.

2. The land reuse agency may be granted authority pursuant to an intergovernmental cooperation agreement with a municipality or county to manage and maintain real property located within the jurisdiction of the municipality or county.

G) Acquisition of tax delinquent properties. – If authorized by the Council of the City of Parkersburg the land reuse agency may acquire an interest in tax delinquent property through the provision of chapter eleven-a (§§ 11A-1-1 et seq.) of the West Virginia State Code. Notwithstanding the provisions of section eight (§ 11A-3-8), article three, chapter eleven-a of the West Virginia State Code, if no person present at the tax sale bids the amount of the taxes, interest and charges due on any unredeemed tract or lot or undivided interest in real estate offered for sale, the sheriff shall, prior to certifying the real estate to the auditor for disposition pursuant to section forty-four (§ 11A-3-44), article three chapter eleven-a of this code, provide a list of all of said real estate within the land reuse jurisdiction to the land reuse agency and the land reuse agency shall be given an opportunity to purchase the tax lien and pay the taxes, interest and charges due for any unredeemed tract or lot or undivided interest therein as if the land reuse agency were an individual who purchased the tax lien at the tax sale.

15. Disposition of property.

A) Public access to inventory. – The land reuse agency shall maintain and make available for public review and inspection an inventory of real property held by the land reuse agency.

B) Power. – The land reuse agency may convey, exchange, sell transfer, lease, grant or mortgage interests in real property of the land reuse agency in the form and by the method determined to be in the best interests of the land reuse agency.

C) Consideration.

1. The land reuse agency shall determine the amount and form of consideration necessary to convey, exchange, sell, transfer, lease as lessor, grant or mortgage interests in real property.

2. Consideration may take the form of monetary payments and secured financial obligations, covenants and conditions related to the present and future use of the property, contractual commitments of the transferee and other forms of consideration as determined by the board to be in the best interest of the land reuse agency.
- D) Policies and procedures. – The board shall determine and state in the land reuse agency policies and procedures the general terms and conditions for consideration to be received by the land reuse agency for the transfer of real property and interests in real property, including but not limited to, a process for distribution of any proceeds to any claimants, taxing entities and the land reuse agency.
- E) Ranking of priorities.
1. The land reuse jurisdiction may establish a hierarchical ranking of priorities for the use of real property conveyed by a land reuse agency, including use for;
    - a) Purely public spaces and places;
    - b) Affordable housing;
    - c) Conservation areas; and
    - d) Retail, commercial and industrial activities.
  2. The priorities established may be for the entire land reuse jurisdiction or may be set according to the needs of different neighborhoods, the City of Parkersburg or other locations within the land reuse jurisdiction, or according to the nature of the real property.
- F) Land use plans. – The land reuse agency shall consider all duly adopted land use plans and make reasonable efforts to coordinate the disposition of land reuse agency real property with the land use plans.
1. Except as restricted or constrained under this subsection, the board may delegate to officers and employees the authority to enter into and execute agreements, instruments of conveyance and other related documents pertaining to the conveyance of real property by the land reuse agency.

16. Financing of land reuse agency operations.

- A) General rule. – The land reuse agency may receive funding through grants and loans from:
1. The federal government;
  2. The state;
  3. A municipality or county; and
  4. Private and other public sources.
- B) Funding. – The land reuse agency may receive and retain payments for services rendered, for rents and leasehold payments received, for consideration for disposition of real and personal property, for

proceeds of insurance coverage for losses incurred, for income from investments and for an asset and activity lawfully permitted to a land reuse agency under this ordinance.

17. Borrowing and issuance of bonds.

A) Authority

1. The land use agency may issue a bond for any of its corporate purposes in accordance with and pursuant to West Virginia State Code §31-18E-12.

18. Public records and public access

- A) Public records. – The board shall keep minutes and a record of its proceedings.
- B) Public access. – The land reuse agency is subject to article nine-a (§§ 6-9-A-1 et seq.), chapter six of this code, relating to open meetings, and chapter twenty nine-b (§§ 6-9B-1 et seq) of this code, relating to public records.
- C) The board shall make each meeting's agenda available on the City's website and post the same in the Municipal Building at least seven (7) days in advance of any meeting and shall allow for public comment on matters under deliberation at each such public meeting.

19. Conflicts of interest.

- A) Ethics Act. – The acts and decisions of members of a board and of employees of a land reuse agency are subject to chapter six-b (§§ 6B-1-1 et seq.) of the West Virginia State Code.
- B) Supplemental rules and guidelines. – The board may adopt;
  1. Supplemental rules addressing potential conflicts of interest; and
  2. Ethical guidelines for members of the board and land reuse agency employees.

20. Expedited quiet title proceedings.

A) Authorization.

- 1) The land reuse agency may file an action in Circuit Court to quiet title to real property in which the land reuse agency has an interest.
- 2) The land reuse agency may join in a single complaint to quiet title to one or more parcels of real property.
- 3) For purposes of an action under this section, the land reuse agency shall be deemed to be the holder of sufficient legal and equitable interests and possessory rights so as to qualify the land reuse agency as an adequate complainant in the action.

B) Procedural requirements.

- 1) Prior to the filing of an action to quiet title, the land reuse agency must conduct an examination of title to determine the identity of

any person possessing a claim or interest in or to the real property.

- 2) Service of the complaint to quiet title shall be provided in accordance with the requirements to serve a civil complaint generally, including that service to interested parties be made as follows:
  - a) By first class mail to the identity and address reasonably ascertainable by an inspection of public records;
  - b) In the case of occupied real property, by first class mail, addressed to "occupant";
  - c) By posting a copy of the notice on the real property;
  - d) By publication; and
  - e) As ordered by the court.
- 3) As part of the complaint to quiet title, the land reuse agency must file an affidavit identifying:
  - a) Persons discovered under subdivision (1) of this subsection; and
  - b) The form of service under subdivision (2) of this subsection.

C) Hearing.

- 1) The court shall schedule a hearing on the complaint within ninety days following filing of the complaint and as to all matters upon which an answer was not filed by an interested party.
- 2) The court shall issue its final judgment within one hundred twenty days of the filing of the complaint.

21. Annual audit and report.

- A) The land reuse agency shall annually, within one hundred twenty days after the end of the fiscal year, submit an audit of income and expenditures, together with a report of its activities for the preceding year, to the West Virginia Housing Development Fund.
- B) A duplicate of the audit and the report shall be filed with the Parkersburg City Council.

**ORDINANCE NAMING AND  
APPOINTING THE BOARD OF  
THE CITY OF PARKERSBURG  
LAND REUSE AGENCY**



Be It Ordained By The Council Of The City Of Parkersburg that the following individuals be and they are hereby named and appointed as members of the initial board of the City of Parkersburg Land Reuse Agency and for the terms as herein set forth.

Tres Ross	1 Year Term
Rev. Marjorie Bevans	2 Year Term
Cam Huffman	3 Year Term
Joe D. Campbell	1 Year Term
Linda McLean	2 Year Term
Shelly Plauche	3 Year Term
Chip Pickering	1 Year Term
Gerard El Chaar	2 Year Term
Breck Martin	3 Year Term

See Exhibit A attached and made a part hereof for members addresses and work or organization affiliations.

Sponsored By Councilmen

Below is a list of citizens who have volunteered to be considered for board member for the Parkersburg Land Reuse Agency.

	Name	Home Address	Work Address	Civic Group
1.	Tres Ross	4602 River Road Vienna, WV 26105	<b>Executive Director</b> <i>The Ross Foundation</i> 200 Star Avenue Suite 212 Parkersburg, WV 26101  <b>Co-owner</b> <i>The Blennerhassett</i> 320 Market Street Parkersburg, WV 26101	
2.	Mother Marjorie Bevans	1115 Smithfield Parkersburg, WV 26101	<b>Rector</b> <i>Good Shepherd Church</i> 903 Charles Street, Parkersburg, WV 26101	
3.	Cam Huffman	28 Westwood Pointe, Parkersburg, WV 26101	<b>President &amp; CEO</b> <i>The Area Roundtable</i> 409 1/2 Market Street Parkersburg WV 26101	Area Roundtable, a 501(c)(4) organization
4.	Joe Campbell	54 South Lake Drive Parkersburg, WV 26101	<b>Market President</b> – <b>Parkersburg Region</b> <i>Wesbanco</i> 415 Market Street Parkersburg, WV 26101	Area Roundtable, a 501(c)(4) organization
5.	Linda McLean	2612 29th Street, Parkersburg, 26101	<b>Co-owner/ Office Manager</b> <i>Berkshire Hathaway Home Services Real Estate Center</i> 3700 Poplar Street, Suite 100 Parkersburg, WV 26101	

EXHIBIT "A"

6.	Shelly Plauche	1611 Park St Parkersburg, WV 26101	<b>Regional Director</b> <i>Children's Home Society of WV</i> 1717 St Mary's Avenue P.O. Box 763 Parkersburg, WV	
7.	Chip Pickering (requests 1 year term)	12 Faith Meadows, Williamstown, WV 26187	<b>President</b> <i>Pickering Associates</i> 11283 Emerson Ave. Parkersburg, WV 26104	
8.	Gerard ElChaar	1209 Greenmont Hills Dr, Vienna, WV 26105		
9.	Breck Martin	5604 13 <sup>th</sup> Avenue Vienna, WV 26105	<b>Attorney</b> <i>Bowles Rice</i> United Square, 5 <sup>th</sup> Floor, 501 Avery Street, Parkersburg, WV 26101	

**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 January 1, 2015, Table I 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 pay rate changes:**

<b>Seasonal Part-Time School Crossing Guards</b>	<b>\$8.00/hour</b>
<b>Temporary Employees</b>	<b>\$8.00/hour</b>

**SPONSORED BY THE PERSONNEL COMMITTEE OF CITY COUNCIL**

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

JTS  
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that effective upon passage of this ordinance that 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 position addition:

Finance Administrative Assistant

Grade

H-4

Sponsored by the Personnel Committee.



POSITION TITLE: Finance Administrative Assistant  
DEPARTMENT: Finance  
DIVISION:

GRADE: H-4

**GENERAL STATEMENT OF DUTIES:** Performs work in the area of office administration for the Finance Department. Duties include, but are not limited to, the following:

- 1) Answer phones & emails and assist callers, redirecting and relaying messages when needed.
- 2) Schedule appointments & meetings for department head.
- 3) Maintain department head's calendar.
- 4) Resolve action requests of visitors or persons calling on the telephone when possible and refers other action requests to department head or other department personnel for follow-up action.
- 5) Compose, type and maintain letters and memos on behalf of department head.
- 6) Respond to client emails on behalf of department head.
- 7) Maintain files and records. Organize and file documentation.
- 8) Perform general clerical duties including, but not limited to, photocopying, faxing, mailing and filing.
- 9) Conduct research requested by department head, scan & print publications and compile materials.
- 10) Answer routine correspondence not needing management attention and refer more complex or sensitive issues to department head or other personnel.
- 11) Perform related work as required.

Reports to the Finance Director.

**ACCEPTABLE EXPERIENCE AND TRAINING:** Graduation from high school or equivalent with one (1) year experience as an office assistant preferred; or any equivalent combination of experience and training. Experience interacting with the public.

Good computer skills (Microsoft Office – Word & Excel). Excellent interpersonal and communication skills, both oral and written. Good organizational skills. Must be able to work well independently and as a team member. Must be able to listen well & follow instructions. Must be able to maintain confidentiality. Must be able to interact professionally with the public.

**ESSENTIAL JOB FUNCTIONS:** Ability to write, speak, hear and read; prolonged sitting; close vision; eye-hand coordination; working with the public; receiving instructions.

**PHYSICAL DEMAND LEVEL:** Sedentary.

**FLSA CLASSIFICATION:** Non-exempt.

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

JIS  
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that effective upon passage of this ordinance that 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-classification:

Floodwall Maintenance Mechanic

Grade

H-7

(previously a grade H-4)

Sponsored by Councilpersons: Lynch, Reed, and Rockhold.



POSITION TITLE: Floodwall Maintenance Mechanic  
DEPARTMENT: Public Works  
DIVISION: Floodwall

GRADE:

**Revised**

**GENERAL STATEMENT OF DUTIES:** Performs a variety of skilled and semi-skilled work related to the maintenance and repair of the City's floodwall operations. Duties include, but are not limited to the following:

- 1) Maintain and repair all equipment relating to the floodwall operations including, but not limited to:
  - Valves
  - Electric motors
  - Toe drains
  - Gates
  - Mowing equipment
  - Buildings
  - Piping & flows
  - Buildings
  - Ladders
- 2) Inspect flood wall & all equipment to identify areas for repair/replacement.
- 3) Oversee / Assist with installation of floodgates.
- 4) Perform mowing, weed-eating and other maintenance operations in the area surrounding the floodwall.
- 5) Perform pre-operation inspection of all equipment.
- 6) Assist with general construction, maintenance and repair of buildings and grounds facilities and properties as needed.
- 7) Assist with grounds maintenance throughout the City as needed.
- 8) Assist with City snow removal.
- 9) Position will be in an "on-call" status whenever high water is expected.
- 10) Perform other work as required.

Reports to the Assistant Public Works Director.

**REQUIREMENTS:** High school diploma or equivalent, supplemented by formal and/or continuing education in relevant areas. Considerable experience in servicing & repairing mechanical equipment and electrical motors, with a general working knowledge of electrical, plumbing, carpentry, roofing, and masonry/concrete. Or an equivalent combination of experience and training. Must be able to interact professional with the public.

Must possess a Commercial Driver's License.

**ESSENTIAL JOB FUNCTIONS:** Ability to write, speak, hear and read; walking; lifting, reaching, & carrying; stooping, bending, & squatting; climbing & balancing; handling; heights and pits; physical coordination; driving vehicles; operating machinery; extreme heat, cold, wet or humid; noise or vibration; safety hazards; fumes, dust, or odors; equipment with moving parts.

**PHYSICAL DEMAND LEVEL:** Medium.

**FLSA CLASSIFICATION:** Non-exempt.

**AN ORDINANCE TO REZONE  
A PORTION OF PARKERSBURG CORPORATION TAX MAP 150  
PARCEL 9 AND PARKERSBURG CORPORATION TAX MAP 146  
PARCEL 76.1 FROM EXISTING R-4 TO A B-2 ZONE**

 **BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG** that the following parcels of real estate situated in the City of Parkersburg, Wood County, West Virginia, be designated as a Business (B-2) Zone:

**Being** situated in the City of Parkersburg, County of Wood, State of West Virginia, and being more particularly described as follows:

Beginning at the westerly corner of the 0.71 acre parcel of land conveyed to PKPJ Land Development LLC. (Deed Book 1220, Page 438); Thence with the existing B-2 zone line in a northeasterly direction to the northerly corner of the 10.3 acre parcel (Deed Book 1069, Page 677); Thence with the easterly line of the said 10.3 acre parcel and the existing B-2 zone line, in a southeasterly direction to a point 300 feet perpendicular to the north line of Fourth Avenue; Thence with the existing B-2 zone line, in a northeasterly direction to a point on the westerly line of a 49.11 acre parcel of land (Deed Book 884, Page 512); Thence with the westerly line of the said 49.11 acre parcel, in a southeasterly direction to the northerly line of Fourth Avenue; Thence with the northerly line of said Fourth Avenue, in a southwesterly direction to the westerly line of said 10.3 acre parcel; Thence with the westerly lines of the aforementioned 10.3 and 0.71 acre parcels, in a northwesterly direction to the place of beginning. The above described property is currently zoned R-4 and is to be re-zoned to a B-2 zone.

This description was prepared by Randy A. Sheppard, Professional Surveyor No. 860, and is based on instruments of record. Reference is being made to a plat attached hereto and made part of this description.

**BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG** that in accordance with the provisions of Article 1345 of the Codified Ordinances of the City of Parkersburg, the zoning of said parcels shall be designated as C-208 and shall be set forth verbatim as adopted and approved by the Ordinance in the bound book entitled, "Official Zoning Map Changes" kept by the City Clerk.

**Sponsored by: Municipal Planning Commission  
(November 21, 2014)**

**Area to be  
rezoned.**

**B-2**

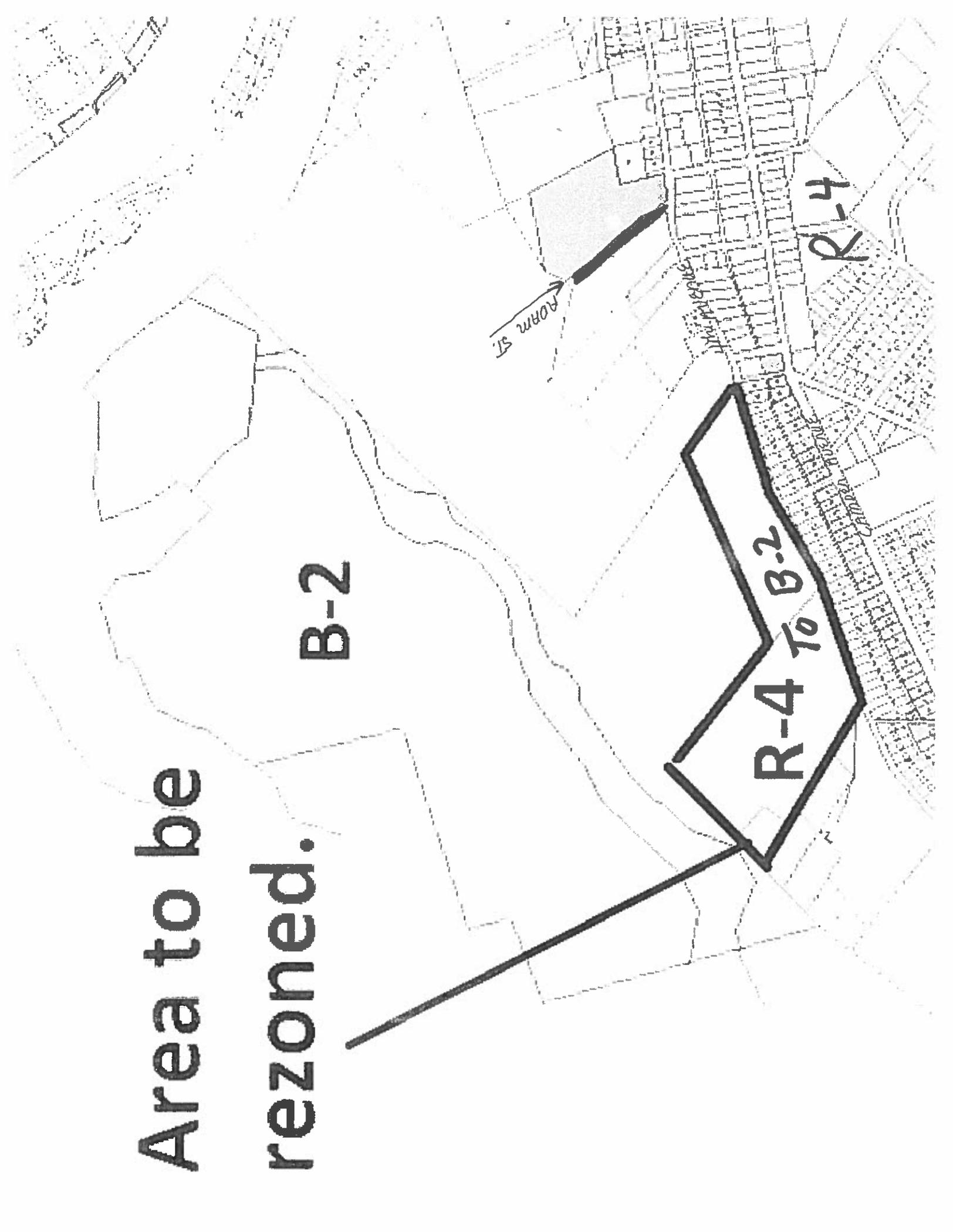
**R-4 to B-2**

**R-4**

ROM ST.

W. W. ST.

W. W. ST.





# Municipal Planning Commission Staff Report

Municipal Building | Executive Conference Room (2<sup>nd</sup> Floor) | November 21, 2014 at 12:30

## 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:** Petition to rezone a portion of Parkersburg Corporation Tax Map 150, Parcel 9 and Parkersburg Corporation Tax Map 146, Parcel 76.1 from a residential (R-4) Zone to a Business (B-2) Zone.

**PETITIONER:** Minnite Family LLC

## **PROJECT DESCRIPTION**

The petitioner is seeking to rezone portions of property to the southern section of land commonly referred to as Fort Boreman Hill.

## **BACKGROUND**

A petition to rezone Tax Map 146 Parcels 76.1 and 76 and the southerly portion of Tax Map 150 Parcel 9, was received on October 16, 2014. Parcels 76 and 9 were previously included in a minor subdivision for lot consolidation, conditionally approved on August 15, 2014. The consolidation was conditioned on the portions of property within the plated area located in Wood County, being annexed into the City of Parkersburg.

## **ANALYSIS**

The properties are currently zoned R-4 residential. The petitioner is seeking to rezone the properties to B-2 Commercial. The 2020 Comprehensive Master Plan Update provides for future land use categories and spatial designation. The petitioned properties are shown as being General Commercial and Greenspace (closer to the 4<sup>th</sup> Avenue side). Chapter 4 – Land Use Plan of the 2020 Comprehensive Master Plan Update provides the following purposes and uses associated with General Commercial land use.

**Purpose:** Sustain and encourage infill of existing commercial clusters in a medium to high density mixed use pattern with appropriate landscaping to provide a buffer zone for adjacent residential properties.

**Primary Uses:** Commercial retail, office, arts/culture, education, health care and government.

**Secondary Uses:** Medium to large scale, regional commercial, medium and high density residential, and recreation.

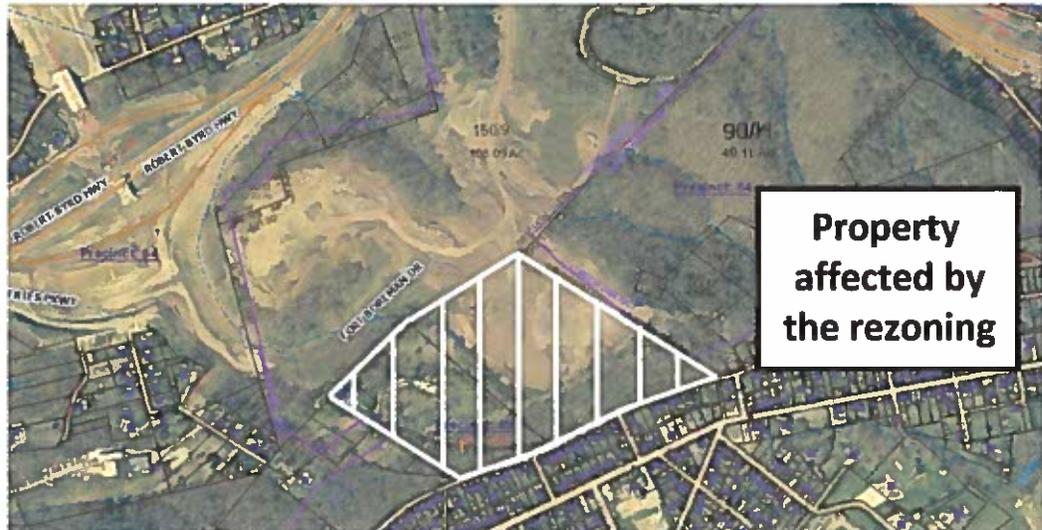
Chapter 4 – Land Use Plan of the 2020 Comprehensive Master Plan Update provides the following purposes and uses associated with Greenspace land use:

**Purpose:** Accommodate open space/ park land.

**Primary Uses:** open space / park land.

**Secondary Uses:** open space/ park land and community gardens.

A locational map of the property is below:



## **RECCOMENDATION**

### **PUBLIC WORKS, PARKERSBURG UTILITY BOARD, FIRE DEPARTMENT AND POLICE DEPARTMENT RECCOMENDATION**

The above listed departments recommended approval of the rezoning.

Frontier Communications, Dominion Hope, and Mon Power did not return comment, implying that they approve of the rezoning.

### **PLANNING DIVISION RECCOMENDATION**

The Planning Division recommends approval of the rezoning contingent on the finding that the zoning district serves the future land use plan for the area.

### **LAND-USE/ZONING SUBCOMMITTEE RECCOMENDATION**

The Land-Use/Zoning Subcommittee met on November 13<sup>th</sup>, 2014 to discuss the petition. Some members of the committee raised issues related to potential annexation. The subcommittee unanimously recommended approval of the rezoning.

# Memorandum

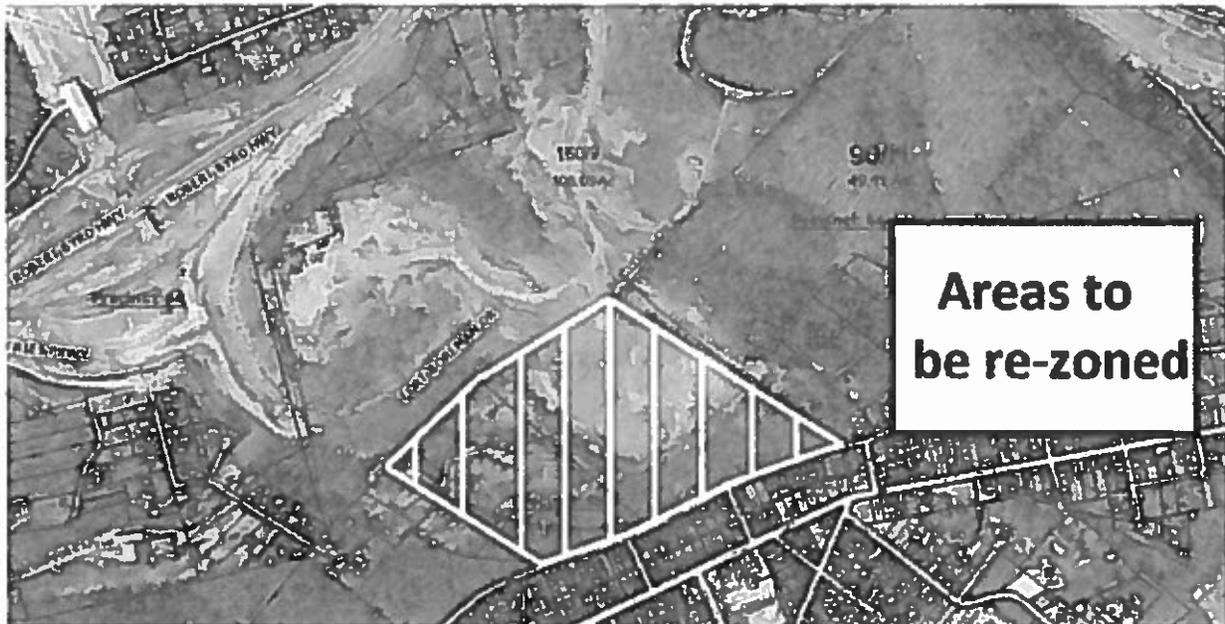
**To:** Rickie Yeager, Development Director  
Justin Smith, City Engineer  
Eric Bennett, Manager, Parkersburg Utility Board  
Lydia White, Assistant Zoning Administrator  
Rick Lemley, Public Works Director  
Joe Martin, Police Chief  
Eric Taylor, Fire Chief  
Tamara Maze, Dominion Hope  
Associate, Frontier Communications  
Associate, Mon Power

**From:** John Whitmore, City Planner

**Date:** October 15, 2014

**Re:** Rezoning of Tax Map 146, Parcels 76 and 76.1 and Tax Map 150, Parcel 9 to a Business (B-2) Zone.

Please find the attached petition to rezone Tax Map 146, Parcels 76 and 76.1 and Tax Map 150, Parcel 9 from R-4 to a B-2. This property is commonly referred to as Fort Boreman Hill. The below maps show the location of properties affected by the rezoning:





This rezoning petition will be heard as a public hearing item the November 21, 2014 Municipal Planning Commission meeting. Please complete the attached review sheet and return it to my attention no later than Monday, November 3, 2014. If I do not receive a review sheet by that time, it will be assumed that your office has no objection to this rezoning, and will be conveyed as such to the Municipal Planning Commission.

If you have any questions, please let me know.

Thank you.



# Municipal Planning Commission

## Petition for Rezoning

CITY OF PARKERSBURG  
ONE GOVERNMENT SQUARE  
P.O. BOX 1627  
PARKERSBURG, WV 26102

### General Instructions

To rezone a parcel(s) of land in the City of Parkersburg, the following petition must be submitted to the Parkersburg Municipal Planning Commission for consideration. Please carefully read and complete the following petition. Applications shall be accompanied by a non-refundable fee of \$150. Checks should be made payable to the City of Parkersburg and submitted to the Development Department with this petition. Should you have any questions, please contact the Development Department at (304) 424.8558 or by email at rmyeager@parkersburg-wv.com.

### Procedure

Upon receiving an application, staff will schedule a public hearing to consider the petition at the next available Municipal Planning Commission (MPC) meeting. Please keep in mind that WV State Law requires a 15 day notice be given to property owners who may be affected by the proposed rezoning. Property owners within a 150' radius of the proposed rezoning will be notified of the public hearing. Please also be aware that signatures of at least 50 percent of the abutting property owners (who may be impacted by the proposed rezoning) must accompany this form in order to be considered by the MPC.

At the public hearing, persons wishing to speak in favor of or in opposition to the petition may do so at that time. If the MPC approves the petition, the application will go before City Council for further consideration. To become effective, an ordinance rezoning the parcel(s) must be adopted on two readings by City Council and signed by the Mayor. If the MPC does not approve the petition, City Council can either accept (receive and file) the MPC's recommendation or send it back to the MPC for further review.

### PETITIONER'S INFORMATION

Name: Minnite Family LLC

Address: 1000 Grand Central Mall Vienna WV

Phone Number: 304 485-8000

Email: pat@thepmcompany.com PMCo@thepmcompany.com

Please note that the petitioner and/or designated representative must be present at the meeting. If someone other than the petitioner will be present at the public hearing, please provide their contact information here.

Name: Pat Minnite Jr

Address: 1000 Grand Central Mall, Vienna WV

Phone Number: 304 485-8000

### PARCEL INFORMATION

Tax Map: PC 140 Parcels: 76.1, 76 / Tax Map: PC 150 Parcel 9

Address: Fort Boreman Property

Current Zoning: R 4 Proposed Zoning: B 2

Current Use: Woodland Proposed Use: Development

Public Record Document



# Municipal Planning Commission

## Departmental Comment Sheet

CITY OF PARKERSBURG  
ONE GOVERNMENT SQUARE  
P.O. BOX 1627  
PARKERSBURG, WV 26102

Please complete and return to the Development Department - Planning Administrator

### APPLICATION TO BE REVIEWED

- 1. Rezoning Application
- 2. Right-of-way Abandonment Application
- 3. Minor Subdivision Application
- 4. Major Subdivision Application
- 5. Annexation
- 6. Special Use Permit

Departments	Other
Public Works <input checked="" type="checkbox"/>	Allegheny Power <input checked="" type="checkbox"/>
Utility Board <input checked="" type="checkbox"/>	Dominion Hope <input checked="" type="checkbox"/>
Police <input checked="" type="checkbox"/>	Frontier <input checked="" type="checkbox"/>
Fire <input type="checkbox"/>	
Sanitation <input type="checkbox"/>	

### GENERAL INFORMATION

Applicant Name: Minute Family LLC  
 Tax Map: 146 / 150 Parcel(s): 76, 76.1 / 9  
 Zoning Classification: R-4 to B-2

Other Information:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

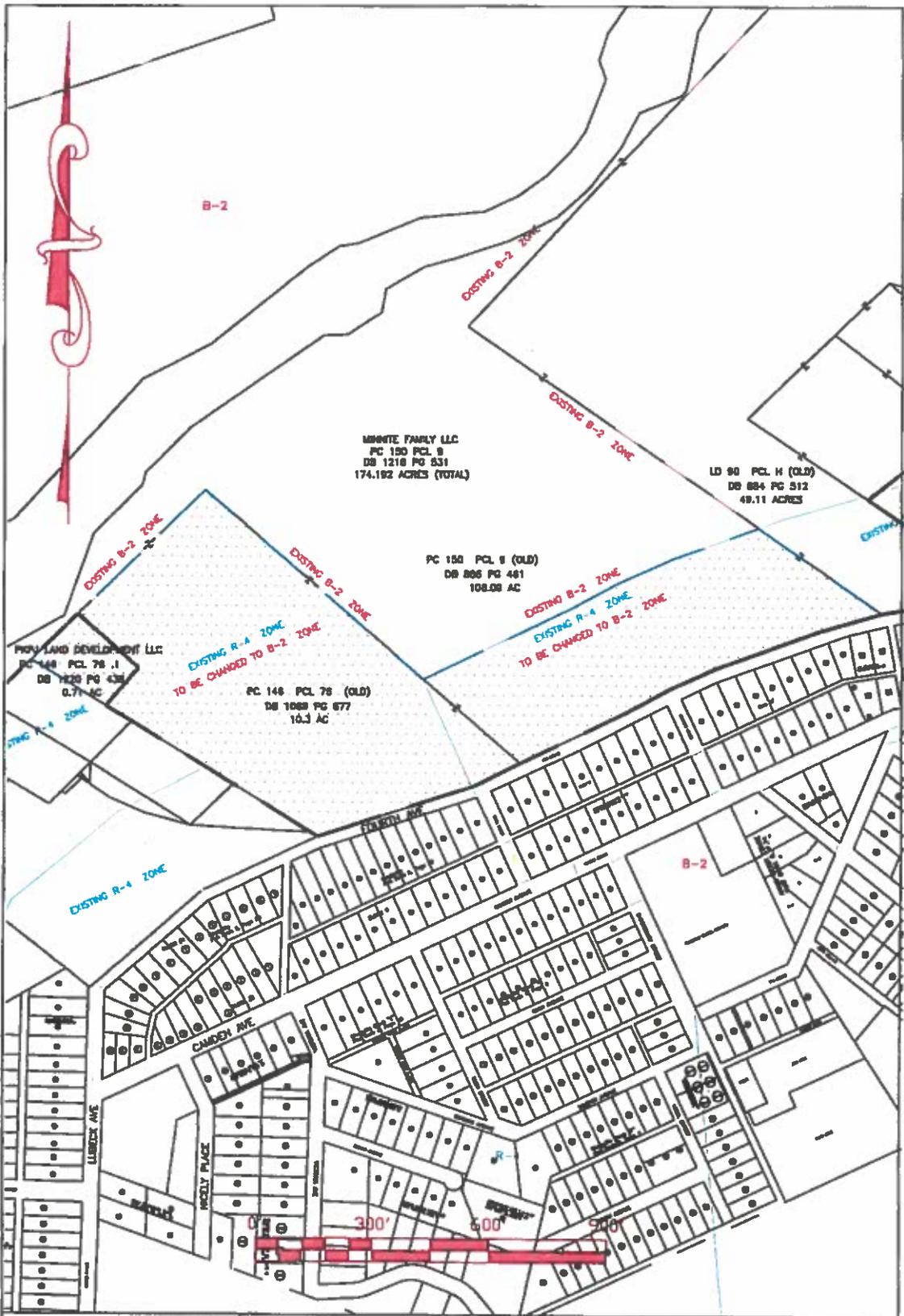
### APPROVAL

Yes     No     Conditional

### COMMENT

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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



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**SCALE = 1 INCH = 300 FEET**  
**DATE: 10/16/14**  
**DRAWN BY: R.S.**  
**CHECKED BY:**  
**MAP P.C. 150, P/O PARCEL 9**  
**DEED BOOK 1218, PAGE 531**  
**AND**  
**MAP PC 148 PARCEL 76.1**  
**DEED BOOK 1220, PAGE 438**

**CITY OF PARKERSBURG, W.V.**  
**DEPARTMENT OF PUBLIC WORKS**  
**DIVISION OF ENGINEERING**  
**PLAT OF A PORTION OF THE**  
**MINNITE FAMILY LLC PROPERTY**  
**& THE PKPJ LAND DEVELOPMENT PROPERTY**  
**TO BE RE-ZONED B-2**

AN ORDINANCE TO AMEND THE ORDINANCES FOR THE  
CITY OF PARKERSBURG, WEST VIRGINIA, BY ENACTING A  
NEW CHAPTER, "ARTICLE 778: CONSUMERS SALES AND USE TAX,"  
TO IMPOSE A ONE PERCENT CONSUMERS SALES AND USE TAX



WHEREAS, the City of Parkersburg ("City") has determined that it is appropriate to impose a consumers sales and use tax to enhance City services, ensure civil service pensions remain solvent and promote economic development and growth; and

WHEREAS, the WV Municipal Home Rule Board approved the City's home Rule Plan to enact a consumers sales and use tax;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARKERSBURG that Article 778: Consumers Sales and Use Tax of the Codified Ordinances of the City of Parkersburg is hereby enacted to read as attached hereto.

Sponsored by Councilmen

**Article 778**  
**Consumers Sales and Use Tax**

**778.01 COUNCIL FINDINGS.**

The Municipal Home Rule Board approved the City's Home Rule Plan to enact a consumers sales and use tax pursuant to W. Va. Code § 8-1-5a without the limiting restrictions in W. Va. Code § 8-13C-1 et seq. In accordance with the Home Rule Plan, City Council hereby finds and declares that the adoption by the City for its consumers sales and service tax and use tax provisions of the Code of West Virginia, 1931, as amended relating to imposition, administration, collection and enforcement of the state consumers sales and service tax codified in W. Va. Code § 11-15-1 et seq., the state use tax codified in W. Va. Code § 11-15A-1 et seq., and the streamlined sales and use tax act codified in W. Va. Code § 11-15B-1 et seq. will:

- (a) Simplify collection of the taxes,
- (b) Simplify preparation of consumers sales and use tax returns by taxpayers, and
- (c) Improve enforcement of the City's sales and use taxes.

The Council does, therefore, declare that this article be construed so as to accomplish the foregoing purposes.

**778.02 DEFINITIONS.**

(a) Terms used in this article or in the administration, collection and enforcement of the taxes imposed by this article and not otherwise defined in this article shall have the meanings ascribed to them in Articles nine, ten, fifteen, fifteen-a and fifteen-b, Chapter eleven of the Code of West Virginia, 1931, as amended. In the event of any conflict between the definitions set forth herein and those definitions set forth in Articles nine, ten, fifteen, fifteen-a and fifteen-b, Chapter eleven of the Code of West Virginia, 1931, as amended, the definitions set forth in articles nine, ten, fifteen, fifteen-a and fifteen-b, Chapter eleven of the Code of West Virginia, 1931, as amended shall supersede those set forth herein.

(b) As used in this section:

(1) "Business" includes all activities engaged in or caused to be engaged in with the object of gain or economic benefit, direct or indirect, and all activities of the State and its political subdivisions which involve sales of tangible personal property or the rendering of services when those service activities compete with or may compete with the activities of other persons.

(2) "City" or "this City" means the City of Parkersburg, West Virginia.

(3) "Code of West Virginia" means the Code of West Virginia, 1931, as amended.

(4) "Person" means an individual, trust, estate, fiduciary, partnership, limited liability company, limited liability partnership, corporation or any other legal entity.

(5) "Purchase" means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, for a consideration;

(6) "Purchase price" means the measure subject to the tax imposed by this article and has the same meaning as sales price;

(7) "Purchaser" means a person to whom a sale of personal property is made or to whom a service is furnished.

(8) "Sale," "sales" or "selling" have the meaning ascribed to those terms in article fifteen, chapter eleven of the Code of West Virginia.

(9) "Sales price" has the meaning ascribed to that term in Article fifteen-b, Chapter eleven of the Code of West Virginia.

(10) "Sales tax" means the tax levied under Section 796.03 of this article.

(11) "Service" or "selected service" have the meaning ascribed to those terms in Article fifteen-b, Chapter eleven of the Code of West Virginia.

(12) "State sales tax" means the tax levied by Article fifteen, Chapter eleven of the Code of West Virginia.

(13) "State use tax" means the tax levied by Article fifteen-a, Chapter eleven of the Code of West Virginia.

(14) "Tax" means the taxes imposed by this article and includes additions to tax, interest and penalties levied under Article ten, Chapter eleven of the Code of West Virginia, 1931, as amended.

(15) "Tax Commissioner" means the chief executive officer of the Tax Division of the Department of Revenue of this State, as provided in W.Va. Code § 11-1-1.

(16) "Ultimate consumer" or "consumer" means a person who uses or consumes services or personal property.

(17) "Use" for purposes of the tax imposed by Section 778.04 of this article means and includes:

A. The exercise by any person of any right or power over tangible personal property or custom software incident to the ownership, possession or enjoyment of the property, or by any transaction in which possession of or the exercise of any right or power over tangible personal property, custom software or the result of a taxable service is acquired for a consideration, including any lease, rental or conditional sale of tangible personal property or custom software; or

B. The use or enjoyment in this State of the result of a taxable service. As used in this definition, "enjoyment" includes a purchaser's right to direct the disposition of the property or the use of the taxable service, whether or not the purchaser has possession of the property.

The term "use" does not include the keeping, retaining or exercising any right or power over tangible personal property, custom software or the result of a taxable service for the purpose of subsequently transporting it outside the City state for use thereafter solely outside this City.

(18) "Use tax" means the tax imposed by Section 778.04 of this article.

(19) "Vendor" means any person engaged in this City in furnishing services taxed by this article or making sales of tangible personal property or custom software. "Vendor" and "seller" are used interchangeably in this article.

### **778.03 IMPOSITION OF CONSUMERS SALES AND SERVICE TAX.**

For the privilege of selling tangible personal property or customer software and for the privilege of furnishing certain selected services, a vendor doing business in this City shall collect from the purchaser the taxes imposed by this section and pay the amount of taxes collected to the Tax Commissioner at the same time and in the same manner as the consumers sales and service tax imposed by Article fifteen, Chapter eleven of the Code of West Virginia, 1931, as amended, in accordance with procedures and processes prescribed by the Tax Commissioner. The rate of tax shall be one percent of the sales price, as defined in Section two, Article fifteen b, Chapter eleven of the Code of West Virginia, 1931, as amended, of the tangible personal property, custom software or taxable service purchased.

#### **778.04 IMPOSITION OF USE TAX.**

An excise tax is hereby levied and imposed on the use in this City of tangible personal property, custom software and the results of taxable services, to be collected and paid to the Tax Commissioner as agent for the City in the same manner that state use tax is collected under Article fifteen-a and Article fifteen-b, Chapter eleven of the Code of West Virginia, 1931, as amended. The rate of tax shall be one percent of the purchase price, as defined in Article fifteen-b, Chapter eleven of the Code of West Virginia, of the tangible personal property, custom software or taxable service used within the City.

#### **778.05 CALCULATION OF TAX ON FRACTIONAL PARTS OF A DOLLAR.**

The tax computation under Section 778.03 and Section 778.04 shall be carried to the third decimal place and the tax rounded up to the next whole cent whenever the third decimal place is greater than four and rounded down to the lower whole cent whenever the third decimal place is four or less. The vendor may elect to compute the tax due on a transaction on a per item basis or on an invoice basis provided the method used is consistently used during the reporting period but the method used shall be the same as that used for purposes of computing the state sale or use tax.

#### **778.06 STATE AND LOCAL SALES AND USE TAX BASES.**

The taxable base of the taxes imposed by Section 778.03 and 778.04 of this Article shall be identical to the sales and use tax base of this State except as provided in Section 796.07 of this Article unless otherwise prohibited by federal law as required by W.Va. Code§ 11-15B-34.

#### **778.07 EXCEPTIONS.**

The taxes imposed by this article do not apply to:

- (a) The sale or use of motor fuel, as defined in Article fourteen-c, Chapter eleven of the Code of West Virginia, 1931, as amended, upon which the tax imposed by that article is collected.
- (b) The sale or use of motor vehicles upon which the tax imposed by Section three-c, Article fifteen, Chapter eleven of the Code of West Virginia, 1931, as amended, is paid.
- (c) The purchase or use of any tangible personal property, custom software or service that the City is prohibited from taxing under the laws of this State.
- (d) The tax imposed by Section 778.03 does not apply to any transaction that is exempt from the tax imposed by Article fifteen, Chapter eleven of the Code of West Virginia.
- (e) The tax imposed by Section 778.04 does not apply to any purchase upon which the tax imposed by Section 778.03 has been paid, nor to any transaction that is exempt from the tax imposed by Article fifteen-a, Chapter eleven of the Code of West Virginia.

**778.08 CREDIT FOR LOCAL SALES TAX LAWFULLY PAID TO ANOTHER MUNICIPALITY.**

(a) A person is entitled to a credit against the use tax imposed by Section 778.04 of this article on the use of a particular item of tangible personal property, custom software or results of a taxable service equal to the amount, if any, of sales tax lawfully paid to another municipality for the acquisition of that property, custom software or service: Provided, That the amount of credit allowed may not exceed the amount of use tax imposed by Section 778.04 on the use of the tangible personal property, custom software or results of the taxable service in this City.

(b) For purposes of this section:

(1) "Sales tax" includes a sales tax or compensating use tax imposed on the sale or use of tangible personal property, custom software or the results of a taxable service by the municipality in which the sale occurred; and

(2) "Municipality" includes municipalities of this state or of any other state of the United States.

(c) No credit is allowed under this section for payment of any sales or use taxes imposed by this state or any other state. For purposes of this paragraph, "state" includes the fifty states of the United States and the District of Columbia but does not include any of the several territories organized by Congress.

**778.09 LOCAL RATE AND BOUNDARY CHANGES.**

(a) The Tax Commissioner is required by W.Va. Code§ 11-15B-35 to maintain a database for all jurisdictions levying a sales or use tax in this State. The City shall furnish the Tax Commissioner with information the Tax Commissioner requires for that database that will allow the Tax Commissioner to maintain a database that assigns each five-digit and nine-digit zip code within the City to the proper rate of tax. If any nine-digit zip code area includes area outside this City, the single state and local rate assigned to that area in the Tax Commissioner's database will be the lowest rate applicable to that area: Provided, That, when sales occur at and are sourced to a physical location of the seller located in the City in that nine digit zip code area, the seller shall collect the tax imposed by Section 778.03 of this article.

(b) Whenever boundaries of the City change, whether by annexation or de-annexation, the City Finance Director shall promptly notify the Tax Commissioner in writing of the change in boundaries and provide the Tax Commissioner with the nine-digit zip code or codes for the area annexed or de-annexed or any other information the Tax Commissioner may require to maintain the database.

**778.10 STATE LEVEL ADMINISTRATION.**

(a) The Tax Commissioner is responsible for administering, collecting and enforcing the taxes imposed by this article as provided in W. Va. Code § 8-1-5a, § 8-13C-6 and§ 11-15B-33. The City may enter into an agreement with the Tax Commissioner that will allow employees of

the City auditing a vendor with a physical location in the City for compliance with the City's business and occupation tax to also audit that location for compliance with the sales and use tax laws of this State and this City and to share that information with the Tax Commissioner.

(b) The Tax Commissioner may retain from collections of the taxes imposed by this article a fee of up to one percent of the amount of the taxes collected by the Tax Commissioner prior to the effective date of the legislative rule setting the fee pursuant to W. Va. Code § 11-10-11c. The fee retained from taxes collected on and after that date shall be the fee allowed by W.Va. Code§ 11-10-11c or by any other state law or legislative rule.

(c) The Tax Commissioner shall deposit all the proceeds from collection of the taxes imposed by this article, minus any fee for collecting, enforcing and administering taxes retained under this Section, in the sub-account for this City established in Municipal Sales and Service Tax and Use Tax Fund, an interest bearing account created in the State Treasury pursuant to W. Va. Code § 8-13C-7. All moneys collected and deposited in the sub-account for the City shall be remitted at least quarterly by the State Treasurer to the City Finance Director, as provided W. Va. Code § 8-13C-7.

#### **778.11 ADMINISTRATIVE PROCEDURES.**

Each and every provision of the West Virginia Tax Procedure and Administration Act set forth in Article ten, Chapter eleven of the Code of West Virginia applies to the administration, collection and enforcement of the sales and use taxes imposed pursuant to this Article, except as otherwise expressly provided in Article thirteen-c, Chapter eight of the Code of West Virginia, with like effect as if that act were applicable only to the taxes imposed by this article and were set forth in extenso in this Article, as provided in W.Va. Code§ 8-13C-6.

#### **778.12 CRIMINAL PENALTIES.**

Each and every provision of the West Virginia Tax Crimes and Penalties Act set forth in Article nine, Chapter eleven of the Code of West Virginia applies to the administration, collection and enforcement of the sales and use taxes imposed pursuant to this Article with like effect as if that act were applicable only to the taxes imposed pursuant to this Article and were set forth in extenso in this Article, as provided in W.Va. Code§ 8-13C-6: Provided, That the criminal penalties imposed upon conviction for a criminal violation of this Article may not exceed the maximum penalties allowed by law for that violation.

#### **778.13 AUTOMATIC UPDATING.**

Any amendments to Articles nine, ten, fifteen, fifteen-a and fifteen-b, Chapter eleven of the Code of West Virginia shall automatically apply to a sales or use tax imposed pursuant to this Article, to the extent applicable, as provided in W. Va. Code § 8-13C-6.

**778.14 EFFECTIVE DATE.**

The ordinance from which this Article derives shall take effect from its adoption by City Council as provided in Section 2.201 of the Charter of this City. Upon its adoption, the City Finance Director shall forthwith provide the Tax Commissioner with a certified copy of this ordinance along with a description of the boundaries of the City, the nine-digit zip codes for addresses located within the boundaries of the City and such other information as the Tax Commissioner may need to administer, collect and enforce the taxes imposed by this Article, notwithstanding the fact that the ordinance from which this Article derives is effective upon its adoption, collection by vendors of the taxes imposed by this Article and payment of those taxes by purchasers is initially suspended and shall begin and first apply to sales and purchases made on and after the first day of the calendar quarter that begins at least 60 days after the Tax Commissioner first notified vendors, as provided in W. Va. Code §11-15B-35, of the adoption of this ordinance and their obligation to collect and remit the taxes imposed by this Article, except that both collection and payment of the tax on sales made by catalogue is initially suspended and shall first apply to sales and purchases made by catalogue on and after the first day of the calendar quarter that begins 120 days after vendors making catalogue sales are first notified, as provided in W. Va. Code §11-15B-35, of the adoption the ordinance from which this Article derives and their obligation to collect and remit the taxes imposed by this Article. All businesses selling tangible personal property or furnishing services subject to the tax imposed by this Article on and after the first day of the calendar quarter on which collection begins shall, on and after that day, collect and remit the taxes imposed by this Article whether or not they received notice from the Tax Commissioner under W. Va. Code §11-15B-35.

**AN ORDINANCE AMENDING AND REINACTING PORTIONS OF  
ARTICLE 779: BUSINESS AND OCCUPATION TAXES IN THE  
CITY OF PARKERSBURG**

WHEREAS, the WV Municipal Home Rule Board approved the City's Home Rule Plan to enact a consumers sales and service tax and a use tax pursuant to W.Va. Code 8-1-5a without the limiting restrictions in W.VA. Code 8-13C-1 et seq on October 6, 2014, and

WHEREAS, the City of Parkersburg may assess up to a one percent sales tax, if it eliminates or reduces its Business and Occupation Taxes, and

WHEREAS, the WV Municipal Home Rule Board has approved the plan set forth by the City of Parkersburg to reduce the Business and Occupation Taxes described herein, and

WHEREAS, the proposed reductions in Business and Occupations Taxes will make Parkersburg a more attractive place for commercial enterprises to locate and do business in, and

WHEREAS, proposed reductions in Business and Occupations Taxes will also reduce the amount of taxes paid by Parkersburg residents to their utility providers, thereby providing a direct benefit to our residents; and

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARKERSBURG THAT the Business and Occupation Tax rates, per \$100 of taxable income for the following business classifications be amended and the new rates described herein shall take effect following one full cycle of collections from the State of West Virginia Tax Department of the City's 1% sales tax on certain goods and services:

<b>Business Classification</b>	<b>Current Rate (per \$100)</b>	<b>Proposed Rate (per \$100)</b>
<b>Manufacturing</b>	0.20	0.00
<b>Retailers/Restaurants</b>	0.40	0.28
<b>Electric, Light and Power (on sales and demand charges for domestic purposes and commercial lighting)</b>	3.60	0.00
<b>Electric, Light and Power (sales and demand charges for all other purposes)</b>	2.80	0.00
<b>Public Utilities - Natural Gas</b>	2.35	0.00

See attached Sections 779.04 (Manufacturing); Section 779.05 (Retailers/Restaurants); and Section 779.06 (Public Utilities), and which are made a part thereof.

Sponsored by Councilmen:

**779.04 MANUFACTURING, COMPOUNDING OR PREPARING PRODUCTS;  
PROCESSING OF FOOD EXCEPTED.**

There shall be levied upon every person engaging or continuing within the City in the business of manufacturing, compounding or preparing for sale, profit or commercial use, either directly or through the activity of others in whole or in part, any article or articles, substance or substances, commodity or commodities, newspaper publishing (including all gross income or proceeds of sale from circulation and advertising), except electric power produced by public utilities or others, the amount of the tax to be equal to the value of the article, substance, commodity or newspaper, manufactured, compounded or prepared for sale, as shown by the gross proceeds derived from the sale thereof by the manufacturer or person compounding or preparing the same, except as otherwise provided, multiplied by a rate of ~~twenty one hundredths of one zero~~ (0%) percent. The measure of this tax is the value of the entire product manufactured, compounded or prepared in the City for sale, profit or commercial use, regardless of the place of sale or the fact that deliveries may be made to points outside the City. The value of electricity generated by persons taxed under the provisions of this section, which electricity is directly used by such persons in the business of manufacturing and not sold or otherwise transferred or transmitted to others, shall be exempt from the imposition of any tax under this article. With respect to the manufacturing, compounding or preparing for sale of timber or timber products, the measure of this tax is the value of the entire timber product manufactured, compounded or prepared in the City for sale, profit or commercial use, regardless of the place of sale or the fact that deliveries may be made to points outside the City but such value shall not include the value of any timber or timber products used as ingredients, components or elements of such timber products. The dressing and processing of food by a person, firm, or corporation, which food is to be sold on a wholesale basis by such person, firm or corporation shall not be considered as manufacturing or compounding, but the sale of these products on a wholesale basis shall be subject to the same tax as is imposed on the business of selling at wholesale as provided in Section [779.05](#).

It is further provided, however, that in those instances in which the same person partially manufactures, compounds or prepares products within this City and partially manufactures, compounds or prepares such products outside of this City, the measure of his tax under this section shall be that proportion of the sale price of the product that the payroll cost of manufacturing within this City bears to the entire payroll cost of manufacturing the product; or, at the option of the taxpayer, the measure of his tax under this section shall be the proportion of the sales value of the articles that the cost of operations in this City bears to the full cost of manufacturing of the articles.

(Ord. 0-604. Passed 8-28-90.)

**779.05 BUSINESS OF SELLING TANGIBLE PROPERTY; SALES EXEMPT.**

(a) General Rule. Upon every person engaging or continuing within the City in the business of selling any tangible property whatsoever, real or personal, including the sale of food, and the services incident to the sale of food in hotels, restaurants, cafeterias, confectioneries and other public eating houses, except sales by any person engaging or continuing in the business of horticulture, agriculture or grazing, or of selling stocks, bonds or other evidence of indebtedness, there is likewise hereby levied and shall be collected, a tax equivalent to ~~forty one hundredths of~~

~~one~~**twenty eight-hundredths of** one percent of the gross income of the business, except that in the business of selling at wholesale, the tax shall be equal to fifteen one-hundredths of one percent of the gross income of the business.

(b) Finding and Treatment of Sales of Motor Vehicles to Nonresidents of West Virginia. Council finds that motor vehicles, by their nature, have acquired a unique and integral role in the functioning of our society so that, for purposes of this article, the situs of the use and ownership of a motor vehicle, immediately upon its transfer, shall be conclusively deemed to be either the residence or principal place of business of its owners. Accordingly, notwithstanding anything contained in this Article 779 to the contrary, "gross income" shall not mean or include the gross receipts derived from the sale of any motor vehicle, where the purchaser of such motor vehicle is not a resident of the State of West Virginia, and such motor vehicle will, upon its transfer, be immediately moved by the purchaser to its situs outside of the State of West Virginia. Provided, however, that the foregoing shall not be construed to exclude, from the definition of such term, the sale of any motor vehicle to a resident of the State of West Virginia. (Ord. 0-709. Passed 9-28-93.)

#### **779.06 PUBLIC SERVICE OR UTILITY BUSINESS.**

(a) Upon any person engaging or continuing within the City in any public service or utility business, except railroad, railroad care, express, pipeline, telephone and telegraph companies, water carriers or steamboat or steamship and motor carriers, there is likewise hereby levied and shall be collected, taxes on account of the business engaged in equal to the gross income of the business multiplied by the respective rates as follows: electric light and power companies, ~~three and sixty one hundredths zero~~ percent (~~3.600~~%) on sales and demand charges for domestic purposes and commercial lighting, and ~~two and eighty one hundredths zero~~ percent (~~2.800~~%) on sales and demand charges for all other purposes; toll bridge companies, three percent (3%); natural gas companies, ~~two and thirty five hundredths zero~~ percent (~~2.350~~); and upon all other public service or utility businesses, two percent (2%). The measure of this tax shall not include gross income derived from commerce between this State and other states of the United States or between this State and foreign countries. The measure of this tax under this section shall include only gross income received from the supplying of public services. The gross income of the taxpayer from any other activity shall be included in the measure of the tax imposed upon the appropriate section or sections of this article.

(b) There shall be exempt from the imposition of such tax all sales and demand charges for electric power and natural gas sold by a public service or utility business to a new manufacturing company locating, after the effective date of this section, within the corporate limits of the City and which manufacturing company employs a minimum of fifty on-site, full-time (40 hours per week) or full-time equivalent employees.

(c) It is the legislative intent of this section that such exemption be granted for the purpose of providing an incentive for new manufacturing companies to locate within the City and to create and maintain employment within the City.  
(Ord. O-1285. Passed 11-13-07.)

An Ordinance Amending Section 925.02, General Sewer Use Requirements, of Article 925, Sanitary Sewer Industrial Use Regulation of the Codified Ordinances of the City of Parkersburg

Whereas the criteria for testing for Total Cyanide and Free Cyanide as required by the Parkersburg Utility Board's permit has changed; and

Whereas it is now unnecessary and indeed redundant to test separately for Free Cyanide when the same is included in and a part of the test for Total Cyanide.

Now Therefore Be It Ordained By The Council of the City of Parkersburg that Section 925.02 of Article 925 of the Codified Ordinances of the City of Parkersburg be amended by deleting in its entirety the local discharge limit for Free Cyanide as set for and contained in subsection (d) (2) of said Section 925.02.

Sponsored by Councilmen: Brown, Reed, Rockhold and Wilcox

A copy of present Section 925.02 and a letter of explanation from PUB Manager Eric Bennett is attached for your information



**MAIN OFFICE**  
125 19th Street  
Parkersburg, WV 26101  
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**Date:** November 14, 2014

**To:** Parkersburg Utility Board

**From:** Eric Bennett, Manager *EB*

**Re:** Sanitary Sewer Industrial Use Regulations – Article 925  
Revision of Local Discharge Limits

Please find attached Section 925.02 of the City's Codified Ordinance. I would bring your attention to the Local Discharge Limits table on pages 2 and 3, specifically Free Cyanide at the top of page 3. Per our NPDES permit we are required to either delete this limit or change it to reflect the appropriate technically based value of 2.5 lbs/day. Considering the industrial users are required to sample for Total Cyanide, additional monitoring for Free Cyanide is redundant and unnecessary.

Therefore, it is the staff's recommendation that the Board authorize the staff to delete Free Cyanide from the Local Discharge Limits table of Section 925.02 and request adoption of the proposed deletion by City Council.

This matter will be on the agenda of next week's Board meeting. If Board members have any questions or wish to discuss this matter prior to the meeting please feel free to contact me at your earliest convenience.

cc:

George Zivkovich, Counsel  
Eric Bumgardner, Assistant Manager  
Erin Hall, Comptroller  
Chris Pauley, Assistant Comptroller  
Dan Sapp, Pretreatment Coordinator

## Section E - Approved Pretreatment Programs

5. c) The permittee shall conduct annual (1/year) monitoring of the POTW influent for all priority pollutants not specified in Section A. For volatile organics, a minimum of four (4) individual samples shall be obtained. The samples may be analyzed separately, or may be combined in the laboratory, using flask or purge device compositing techniques, as specified in EPA's draft guidance, VOA Compositing Procedures, and the composite sample then analyzed. Twenty-four (24) hour composite samples shall be obtained and analyzed for base neutrals, acid extractables, pesticides and metals.
  - d) The permittee shall conduct monitoring of the treatment plant's dewatered sludge as required by 40 CFR 503 and in accordance with the State of West Virginia Sludge Management Regulations.
6. On the before the 28th day of February of each year, the permittee shall submit an annual report that describes the permittee's pretreatment implementation activities of the previous pretreatment implementation year (January 1st through December 31st). The annual report shall include the following information:
- a. SIU Listing - Provide an updated list of all current SIUs. The list shall indicate which SIUs are subject to Categorical Pretreatment Standards, and the applicable standard.
  - b. SIU Permits - Provide a list of the issuance and expiration dates of each SIU permit, and the names of SIUs that are without a valid permit.
  - c. Sampling and Inspection - Provide the number of inspections and sampling events performed by the permittee at SIUs and a listing of SIUs that were not sampled and those that were not inspected.
  - d. Compliance and Enforcement - Provide a summary of the violations of pretreatment standards and requirements that occurred during the year. Include the results of the quarterly SNC assessments required by Section 4.d above, and for each SIU that demonstrated SNC, describe the specific enforcement action taken and the current compliance status of the SIU. Also provide the numbers of each type of enforcement action taken by the permittee, and a copy of the published list of SIUs in SNC, as required by Section 4.d above.
  - e. POTW Operations - Provide a description of any interference, upset or permit violations experienced by the POTW which are attributable to the discharges of industrial users. Include a summary of the results of the influent, effluent and sludge monitoring required by Section 5 above.
  - f. Local Limitations - For each pollutant that a Local Limitation exists, provide a summary of the current total available load for the POTW and the allocation of that load to existing industrial users for the previous year. Include the loads allocated by the addition and/or deletion of industrial users and uncontrollable sources such as but not limited to domestic waste background loads, non-significant industrial users, etc.
7. The permittee's local limits for its pretreatment program were reviewed at this permit reissuance. The maximum allowable industrial loading (MAIL) for free cyanide must be revised from 11.04 lbs/day to 2.5 lbs/day. The actual average influent loading is less than 1 lb/day. All other pollutants limits are technically based. The Maximum allowable headworks loading (MAHL) and MAIL are listed below.

The permittee may remove the local limit for free cyanide from its SUO since the influent loading is less than 50% of the MAHL. However, if the permittee decides to keep free cyanide in its SUO, then the permittee must revise the local limit to the appropriate technically based value of 2.5 lbs/day. On or before October 31, 2013, the permittee shall either revise and incorporate the revised local limit into its SUO for free cyanide or it shall remove the local limit for free cyanide from its SUO. The permittee shall submit written notification to the agency upon completion and identify the action taken.

**925.02 GENERAL SEWER USE REQUIREMENTS.****(a) Prohibited Discharge Standards.**

(1) **General Prohibitions.** No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

(2) **Specific Prohibitions.** No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

A. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;

B. Wastewater having a pH less than 6.0 or more than 10, or otherwise causing corrosive structural damage to the POTW or equipment;

C. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference [but in no case solids greater than one half inch(es) (1/2") in any dimension];

D. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;

E. Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);

F. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;

G. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

H. Trucked or hauled pollutants, except at discharge points designated by the PUB in accordance with Section 925.03(d) and Section 921.02(h);

I. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

J. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the PUB's NPDES permit;

K. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;

L. Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the PUB;

M. Sludges, screenings, or other residues from the pretreatment of industrial wastes;

N. Medical Wastes, except as specifically authorized by the PUB in an individual wastewater discharge permit;

O. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;

P. Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;

Q. Fats, oils, or greases of animal or vegetable origin in accordance with the City of Parkersburg's FOG ordinance;

R. Any water or waste with a BOD on excess of 300 mg/L and/or any water or waste containing Suspended Solids in excess of 300 mg/L, on an average daily flow composite basis, unless the Control Authority determines the volume of such wastewater discharge to be sufficiently

small as to result in mass loadings within the treatment capacity of the POTW. On a case by case basis, the Control Authority may determine that limitations less than 300 mg/L BOD and Suspended Solids, or appropriate limits for other pollutants, may be required to prevent excessive loadings to the POTW.

S. Any substance which will cause the POTW to violate water quality Standards or designated uses of the receiving water as adopted by the State of West Virginia.

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(b) National Categorical Pretreatment Standards. Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

(1) Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the PUB may impose equivalent concentration or mass limits in accordance with subsections (b)(5) and (6).

(2) When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the PUB may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

(3) When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the PUB shall impose an alternate limit.

(4) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this subsection (b) in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.

(5) Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

(6) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the PUB within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the PUB of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

(c) State Pretreatment Standards. Users must comply with State Pretreatment Standards codified at Title 47 Series 10 of the State of West Virginia Legislative Rules.

(d) Local Limits.

(1) The Parkersburg Utility Board is authorized to establish Local Discharge Limits for users of the POTW.

(2) The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following Monthly Average or Daily Maximum Limit.

Local Discharge Limits (mg/L)		
Parameter	Monthly Average	Daily Maximum
Aluminum (Al)	no limit	no limit
Arsenic (As)	0.09	0.14
Cadmium (Cd)	0.15	0.23
Chromium +3	no limit	no limit
Chromium +6	1.35	2.03
Chromium (T)	3.34	5.01
Copper (Cu)	2.50	3.76

Free Cyanide (CN)	0.72	1.08
Total Cyanide	0.72	1.08
Lead (Pb)	0.98	1.48
Mercury (Hg)	0.023	0.035
Molybdenum (Mo)	0.13	0.20
Nickel (Ni)	1.11	1.67
Phenolics	0.56	0.84
Selenium	no limit	no limit
Silver (Ag)	0.97	1.46
Zinc (Zn)	7.37	11.06
Benzene	0.036	0.036
Toluene	0.68	0.68
Ethylbenzene	2.00	2.00
Xylene	2.40	2.40

Delete this limit

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The PUB may impose mass limitations in addition to the concentration-based limitations above.

(3) The PUB may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits or general permits, to implement Local Limits and the requirements of Section 925.02(a).

(e) Parkersburg Utility Board's Right of Revision. The Parkersburg Utility Board reserves the right to establish, by ordinance or in individual wastewater discharge permits or in general permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this article.

(f) Dilution. No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The PUB may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

(Ord. 1396. Passed 6-14-11.)