

AGENDA FOR THE REGULAR MEETING OF
PARKERSBURG CITY COUNCIL FOR TUESDAY,
JUNE 10, 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 May 20, 2014
- IV. REPORTS FROM STANDING OR SPECIAL COMMITTEES
- V. MESSAGE FROM THE EXECUTIVE
- VI. PUBLIC FORUM
- VII. RESOLUTION
 1. Resolution revising the rules and regulations for the Policemen's Pension and Relief Fund to comply with state law concerning actuaries. (Sponsored by Councilmen Brown, Reed, and Kelly)
 2. Resolution revising the rules and regulations for the Policemen's Pension and Relief Fund to comply with state law concerning pension calculations. (Sponsored by Councilmen Brown, Reed, and Kelly)
 3. Resolution revising the rules and regulations for the Firemen's Pension and Relief Fund to comply with state law concerning actuaries. (Sponsored by Councilmen Brown, Reed, and Kelly)
 4. Resolution revising the rules and regulations for the Firemen's Pension and Relief Fund to comply with state law concerning pension calculations. (Sponsored by Councilmen Brown, Reed, and Kelly)
 5. Resolution re-appointing Ms. Deanna Lewis, 100 Willowbrook Drive, Suite 68, Parkersburg, WV as a member to the Mid Ohio Valley Health Department with a term to expire June 30, 2019. (Councilmen Lynch, Coram, Carpenter, Kelly, Rockhold, and Reed.)
 6. Resolution dedicating and naming an alley east of 7th Avenue and South of Summers Street as Chauncy Lane. (Councilmen Brown, Kelly, and Carpenter)
 7. Resolution authorizing Mayor Robert Newell to enter into an Agreement with the WV Small Business Development Center to establish an office in Parkersburg. (Sponsored by the Finance Committee of City Council)

8. Resolution dedicating and approving a public right of way 5' x 135' portion of property abutting an unnamed alley near 7th Avenue and Shrewsbury Place to be maintained by the City of Parkersburg as funds are available. (Sponsored by the Municipal Planning Commission)

VIII. ORDINANCE, FIRST READING:

9. An ordinance accepting a parcel of land 5' x 135' near 7th Avenue and Shrewsbury and authorizing Mayor Robert Newell to execute a deed conveying the interest of the property owners to the City of Parkersburg. (Sponsored by Municipal Planning Commission.)

10. An ordinance amending Section 1505.03 to allow the Fire Chief to designate up to eight (8) assistant inspectors, with the Mayor's approval; and compensated at the rate of \$1,200.00 per year in addition to their other compensation. (Sponsored by the Finance Committee)

11. An ordinance requiring the registration, inspection and regulation of vacant buildings. (Sponsored by the Public Works Committee)

12. An ordinance authorizing the acquisition of vehicles and equipment of not more than \$1,000,000.00 in Waterworks and Sewerage System Revenue Bonds, Series 2014A. (Sponsored by Councilmen Reed, Rockhold, and Reynolds.)

13. An ordinance authorizing the acquisition and construction of improvements to the existing sewerage portion of the combined waterworks and sewerage system of not more than \$13,700,000.00 in bonds, Series 2014B. (Sponsored by Councilmen Reed, Rockhold, and Reynolds.)

X. ADJOURNMENT

NOTE – URBAN RENEWAL AUTHORITY TO FOLLOW

CASIO & HARRIS, INC., SPENCER, WV RECORDER NO. 12275-13

The Council of the City of Parkersburg met in regular session Tuesday, May 20, 2014, at 7:30 PM in the Council Chambers on the second floor of the Municipal Building at One Government Square, Parkersburg, WV 26101. Councilwoman Kim Coram led the Lord's Prayer and Pledge of Allegiance prior to the beginning of the meeting.

The meeting was called to order by Council President, John Rockhold, who presided over the meeting. The Clerk noted the attendance and those present included Councilmen Nancy Wilcox, Sharon Lynch (by telephone) Roger Brown, Kim Coram, JR Carpenter, Mike Reynolds, John Kelly, Jim Reed, and John Rockhold. (PLEASE NOTE that Ms. Lynch stayed on the telephone for the entire meeting, but because of technical difficulties, we could not communicate with her.)

MINUTES – Mr. Kelly moved, seconded by Mr. Reed, to dispense with the reading of the journal and approve the minutes from the meeting held May 6, 2014, and the motion was adopted by unanimous vote.

REPORTS FROM STANDING OR SPECIAL COMMITTEES – Councilman Jim Reed reported that the Finance Committee met this evening and sent forth an agreement with the WV Small Business Development Center to establish an office in the City Building; and they also forwarded an ordinance amending Section 1505.03 of the City code on to Council which will authorize the Fire Chief, with the Mayor's approval, to designate up to eight (8) assistant inspectors in the fire department.

Mr. Brown reported that the Public Works Committee of City Council met this evening and tabled the request for a marketing agreement with Utility Service Partners Private Label, Inc. concerning warranty plans for water, sewer and gas lines until June 10, 2014; but did approve an ordinance going on to City Council requiring the registration, inspection and regulation of vacant buildings.

Ms. Coram announced that the Area Roundtable met recently

MESSAGE FROM THE EXECUTIVE – there was no message this evening.

PUBLIC FORUM – No one appeared.

RESOLUTION

RESOLUTION AUTHORIZING AN APPLICATION FOR ASSISTANCE THROUGH THE EMERGENCY SHELTER GRANTS PROGRAM

WHEREAS, the State of West Virginia, through its Office of Economic Opportunity, has elected to administer the Emergency Shelter Grants Program as authorized by Part B of Title IV of the Stewart B. McKinney Homeless Assistance Act, as amended, subject to the regulations of the Department of Housing and Urban Development, 24 CFR Part 576, as amended, and subject to the scope of the State's Emergency Shelter Grants Program guidelines;

WHEREAS, the City has identified its Emergency Shelter Grants Program objectives for homeless persons and the activities to be undertaken to meet such needs; and

WHEREAS, the Family Crisis Intervention Center (FCIC) has requested the City's assistance in obtaining an Emergency Shelter Grants Program grant for use by the FCIC in administering and operating their facility and outreach efforts; and

WHEREAS, the City wishes to provide the requested assistance to the Family Crisis Intervention Center;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PARKERSBURG, that Mayor Robert D. Newell be and hereby is authorized to execute a grant request to the West Virginia Office of Economic Opportunity to administer an Emergency Shelter Grant, to be used by the Family Crisis Intervention Center.

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

RESOLUTION:

WHEREAS the City of Parkersburg had an agreement with the Blennerhassett Island Historical State Park and Museum for parking at and about the Blennerhassett Museum;

WHEREAS in order to transfer certain City property for property located at the location now utilized in the new Point Park Farmer's Market it was necessary to transfer the area previously so used for the Museum parking; and

WHEREAS the City and the Blennerhassett Island Historical State Park and Museum wish to formalize the exchange of parking areas for the use of the said Park and Museum.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that Mayor Robert D. Newell be and he is hereby authorized to execute the attached USE AGREEMENT affecting and establishing parking for the Park and Museum

This Use Agreement made the _____ day of _____, 2014, by and between the City of Parkersburg, Grantor and the Blennerhassett Island Historical State Park and Museum, Grantee.

Whereas the City of Parkersburg is a party to that Joint Use Agreement with the West Virginia Department of Transportation for the use of the area under the Juliana Street Bridge at or near 2nd Street and containing 1.013 acres, more or less; and

Whereas the Blennerhassett Island Historical State Park and Museum recently, and as a part of a property exchange between the City and James M. McCutcheon and Rebecca Mae McCutcheon, Trusts, gave up the right to use certain parking spaces behind the Museum.

Now Therefore for and in consideration of One Dollar (\$1.00), cash in hand paid as rent, the receipt of which is hereby acknowledged, and the covenants herein contained the Grantor does hereby grant and demise to the Grantee the right to use and occupy jointly with the Grantor, the ground surface of those certain parking spaces set forth and designated as Museum Parking underneath the Juliana Street Bridge at or near 2nd Street and consisting of a total of twenty-nine (29) spaces.

1. Purpose: Grantee shall use said area of joint use exclusively as parking for the Blennerhassett Island Historical State Park and Museum. Grantor shall be responsible for maintaining said designated spaces.
2. This agreement is for a term equal to and contemporaneous with that Joint Use Agreement for said area by and between the City of Parkersburg and the West Virginia Department of Transportation, Division of Highways dated April 2, 1997 and any subsequent renewal or extension thereof. Should said Joint Use Agreement be terminated for any reason then this Use Agreement shall likewise terminate and be cancelled.
3. Conditions and Restrictions: Grantee understands and agrees that the area of use was acquired as part of a Federal Aid Highway Project and as such is subject to the following covenants and restrictions:
 - a. No dangerously flammable, volatile or explosive substances or other material which would constitute a hazard to be adjoining highway, shall be manufactured, stored, or held thereon.
 - b. No signs or other advertising poster or devices shall be permitted on the area of joint use of than those indicating proprietorship of said property and type of activities conducted. All si shall have prior approval of the Grantor.
 - c. No hazardous or unreasonably objectionable smoke, fumes, vapor or odors shall be permitted to be discharged on said highway. The area shall be maintained so as to safeguan said highway against fire and other hazards.
4. Possession: It is understood and agreed between the parties that the Grantee shall have exclusive right possession of said twenty-nine (29) designated parking spaces subject to the covenants herein contained.
5. Termination: The Grantor reserves the right to terminate this agreement in the event that said area is need for highway purposes, or should the same be sold by the West Virginia Department Transportation, Division of Highways or should the Grantor's Joint Use Agreement with 1 West Virginia Department of Transportation, Division of Highways terminate, expire or cancelled and including any renewal or extension of said Joint Use Agreement.
6. Assignability: Grantee shall not transfer, assign or convey its rights hereunder to any other person, firm or corporation without the prior written approval of Grantor.

In Witness Whereof the parties hereto have signed as follows:

City of Parkersburg

Blennerhassett Island Historical Park and Museum

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

RESOLUTION:

RESOLUTION AUTHORIZING AN APPLICATION FOR
A MATCHING FUND GRANT FOR LITTER CONTROL

WHEREAS, the City of Parkersburg recognizes the existence of a litter problem within the boundaries of the community, and

WHEREAS, the West Virginia Litter Control Program of 1985 provides matching grants of "litter control funds" through the West Virginia Department of Environmental Protection for the purpose of establishing local litter control programs, and

WHEREAS, having reviewed and considered West Virginia Administrative Regulations, Department of Environmental Protection, Series 6 and 7.

BE IT RESOLVED that the City Council of the City of Parkersburg hereby endorses and supports such a program for the City of Parkersburg as is indicated in the Application; and

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WHEREAS, The City Council of the City of Parkersburg authorizes Mayor Robert D. Newell to plan, budget, and apply for a grant not to exceed \$3,000 which, if approved, will be used to fund said program being in accord with the regulations governing use and expenditures of said funds.

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

ORDINANCE, FINAL READING:

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PARKERSBURG TO SUBMIT A HOME RULE APPLICATION AND PLAN TO THE WEST VIRGINIA MUNICIPAL HOME RULE BOARD

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that Mayor Robert D. Newell be and he is hereby authorized to submit the City of Parkersburg Home Rule Application and Plan to the West Virginia Municipal Home Rule Board for consideration of the City of Parkersburg's entry and acceptance into the Home Rule Program.

A copy of the City's Application and Plan is attached hereto and made a part hereof.

MOTION – Mr. Reed moved, seconded by Ms. Coram, to adopt the ordinance on final reading, and the motion was adopted by majority vote with all members voting "yes" with the exception of Ms. Wilcox who voted "no" (and Ms. Lynch was not audible).

Mayor Robert D. Newell



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

West Virginia Home Rule Pilot Program
West Virginia Department of Commerce
State Capital Complex
Building 6, Room 525
Charleston, WV 25303

May 21, 2014

Dear Members of the Home Rule Pilot Program Committee,

First, I'd like to thank you on behalf of the citizens, businesses, and Administration and Council of Parkersburg, for your consideration of the City's application for the West Virginia Home Rule Pilot Program. Municipal governments play a very large role in the lives of the citizens in the State of West Virginia. This program provides an exciting opportunity and empowerment to help vitalize the efforts of Municipalities to responsibly enrich the lives of those who are a part of our community. We have taken into great consideration when approaching our home rule application the great possibilities, at the city government level, of producing a positive change for everyone.

Parkersburg is the third largest city in West Virginia, but ranks a distant 12th in the amount of taxes and fees per resident. Despite many obstacles, the City strives promote growth within our City and State and enable both citizens and businesses to prosper and improve the quality of life. Parkersburg is the only full service government in the region providing daily essential services including a paid professional fire department, trash pick-up, and a recycling center, in addition to the many other typical services offered by municipalities. The City serves as the business, government, and healthcare center for the entire region and is currently working on becoming the next port authority in our state. We are well positioned to experience growth in areas such as housing projects, hotels, new businesses, and additional growth in other areas. Additions such as automobile dealers, financial services, and other new construction shows as a sign that Parkersburg has the potential to experience economic development, and the Home Rule Pilot Program, as well as incentives passed by City Council, will give us the opportunity to seize this moment, and promote growth for businesses, employment, and residents.

In the following pages of our application, you will learn more in depth, our efforts and goals to move forward and bring economic opportunities to Parkersburg and improve the quality of life. We thank you for giving local governments in the State new and exciting ways to move forward, and grow. If I can provide any additional information or acuity about the City's application or visions, please do not hesitate to contact me.

Sincerely,

Robert D. Newell
Mayor Robert D. Newell

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SECTION I: APPLICATION INFORMATION

A. General Information

Name of Municipality: City of Parkersburg
 Certifying Official: Robert D. Newell Title: Mayor
 Contact Persons: Ashley Flowers Title: Finance Director
 Rickie Yeager Title: Development Director
 Address: One Government Square, P.O. BOX 1627
 City, State, Zip: Parkersburg, West Virginia, 26101
 Telephone Number: 304.424.8569 / 304.424.8415 Fax: 304.424.8464
 Email Address: aflowers@parkersburg-wv.com/rmyeager@parkersburg-wv.com
 2010 Census Population: 31,492

B. Municipal Classification

Please identify municipal class/metro government: (check one)
 Class 1 Class II Class III Metro-Government

C. Category of Issues to Addressed

Please identify areas to be addresses through Home Rule: (check all that apply)
 Taxing Organization Administrative Personnel

Please see Section II: Narrative for more information about the issues to be addressed

EXECUTIVE SUMMARY

Situated at the confluence of the Ohio and Little Kanawha Rivers, the City of Parkersburg is centrally located at the intersection of Interstate 77 and U.S. Route 50. Home to approximately 31,000 residents, Parkersburg is the third largest municipality in the State of West Virginia and the major employment center in the greater Mid-Ohio Valley. As the economic engine for the region, the City is committed to providing area residents and businesses with the best services and quality of life possible. This includes maintaining, among other things, a professional police force, well trained paid fire department, 250 miles of streets, waste and refuse operations, recycling center, parks and other recreational amenities. Despite a decline in population in the last 30 years and a recent economic recession, the City has managed its transition from an industrial economy to a post-industrial city well. CNN Money Magazine recognized the City's efforts by naming it one of the Best Shrinking Cities to live in 2011. However, for the progress and efficiencies made over the years to be sustainable, the City needs to have more flexibility with respect to its taxing, organization and administrative authority. Therefore the City is submitting an application and written plan to the West Virginia Home Rule Pilot Program. The City is requesting that it be authorized by the Home Rule Board to do the following, should it choose to do so:

1. *Redemption and/or collection of demolition liens* at county tax sale.
2. *Streamline the development review process* by consolidating the powers and duties prescribed to the Board of Zoning Appeals and Municipal Planning Commission into one entity.
3. *Impose a municipal sales tax* and reduce Business & Occupation Taxes in specific sectors. This will allow the City to meet future financial obligations, such as the City's Police and Fire Pensions, while encouraging economic growth and development in the community.

The proposals outlined above are described in greater detail in Section II: Narrative. Approval of this plan will ensure that the City of Parkersburg continues to make strides in improving services, economic opportunities and the quality of life for residents and businesses in the community.

NARRATIVE

1. Redemption and/or Collection of Demolition Lien

Proposed Solution Area(s): Administrative
 Specific state laws, policy rule or regulation in question: West State Code §11A-3-14 and §11A-3-52 (Sale of Tax liens)

Current state laws covering the sale of property with delinquent taxes restrict the City of Parkersburg's ability to collect demolition liens. The City is experiencing an increase in the amount of blighted properties within the City limits. Many of these structures are dilapidated and uninhabitable. The presence of these blighted properties creates a negative impact or neighborhoods within the City. The City receives numerous complaints from residents about dilapidated houses. Many of these dilapidated houses create imminent danger to City residents.

In addition, these blighted structures are generating little or no tax revenue, providing no jobs, depressing the value of surrounding properties, discouraging new investments and creating an economic burden on the City. The presence of these dilapidated houses discourages potential home buyers from moving into the City, and encourages current homeowners to move out of the City. Moreover, the presence of the dilapidated buildings across the City hampers the

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City's economic development efforts. The City's demolition program is aimed at improving the real property and the value of surrounding properties. The City is currently expanding by creating opportunities that attract new businesses and residents to the City. Economic growth is paramount to the goal of the City, and the City's demolition program is geared towards achieving better economic growth.

The City uses several criteria for condemning properties for demolition. If the property presents imminent danger of structural failure or the cost of repair exceeds the fair market value of the property, and it is unfeasible to repair the property, it is subject to demolition.

The City's demolition program follows and is in accord with State Code. Pursuant to W. Va. Code §8-12-13, the City adopted the State Building Code as promulgated by W. Va. Code §29-3-5b as the City's Building Code. In accordance with W. Va. Code §29-3-5b, the City adopted the International Property Maintenance Code (IPMC). IPMC §110 states that Code Officials shall order the owner of any premises upon which is located any structure, which in the Code Official's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy such that it is unreasonable to repair the structure, to demolish and removed such structure...or where there has been a cessation of normal construction of any structure for a period of more than two (2) years, the Code Official shall order the owner to demolish and remove such structure. IPMC §110.3 further provides that if the owner of the premises fails to comply with a demolition order within the time prescribed, the Code Official shall cause the structure to be demolished and removed, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

In accordance with IPMC Code, the City has taken action and has a program to demolish dilapidated structures within the community. These demolitions are conducted, if and when owners fail to comply with the demolition order, by the City. The demolition costs then incurred by the City is charged against the real estate upon which the structure was located and becomes a lien upon such real estate. Many of these demolished properties end up at the county tax sale because the homeowners are delinquent on their property taxes. These properties, had they not been improved by the demolition conducted by the city, would conceivably go unredeemed or not purchased at the county tax sale. However, due in large part to the demolition conducted by the City, this once undesirable property is now attractive and purchased free and clear of all liens at the tax sale. In such instances the buyer benefits without cost, from the use of public funds used to improve the property through the demolition of a dilapidated, uninhabitable building; the City's demolition lien is effectively extinguished; and the City is unable to collect any of the monies it utilized in improving the property. Largely due to the loss of its demotion liens in such cases, the City has collected less than 10 percent of its total demolition costs.

Since 1986, the City has spent approximately \$964,955 in demolishing blighted properties. Of that, the City has collected just over \$84,000. This is not sustainable when sources of funding to raze derelict buildings, including General Fund and Community Development Block Grant (CDBG) funds, have decreased. The City's collection efforts have been severely hampered by the County Tax Sale Process.

a. First Right to Purchase Property (Tax Lien)

Specific Problem

Before a county tax sale can be held, the Sherriff's Office must publish the list of delinquent tax properties and give notice prior to the sale date fixed in the notice as a Class III-0 legal advertisement in per W. Va. Code §11A-3-2. The notice must contain a list of the properties, including the person charged with the taxes, quantity of land, local description and total amount of taxes, interest and charges due to date of sale. Furthermore, a property listed in the publication can be redeemed if all payments for delinquent real estate taxes are received by the Sheriff's Office within fourteen business days prior to the date of the sale (W. Va. §11A-3-4). If the City were interested in purchasing a property on which it had a demolition lien, for the purpose of neighborhood revitalization, it would be required to bid on the property. If there were multiple entities interested in the property, the sale would go to the highest bidder. It is not difficult to imagine a scenario where the City would be out bid by another entity. In this scenario, the City would not gain title to the property and at the same time lose its lien and therefore its ability to recover its costs.

Proposed Solution

When preparing a list of properties for a county tax sale, the City requests that it be given the first opportunity to purchase the property for taxes owed if it had a demolition lien on said property. This would allow the deed, if the property is not redeemed, to be issued to the City, where it then could be transferred to the Urban Renewal Authority (URA) of the City of Parkersburg for neighborhood revitalization or sale. If the property were later to be sold by the City it would be sold for a negotiated price, approximately fair market value, even if it is less than the lien. Having the first opportunity to purchase the property would require the Sherriff's Office to contact the City's URA representative prior to placing the legal advertisement in the paper. The time necessary for the City to review said property would not be more than 14 days. This is consistent with the amount of time given for property owners to redeem property prior to its sale (W. Va. §11A-3-4)

b. Payment of Demolition Lien Before Securing a Certificate of Sale

Specific Problem

Presently, the City is limited by W.Va. Code §11A-3-14 and other laws related to the purchase of property by tax sale. W.Va. Code §11A-3-14(a) provides that if the highest bidder present at the sale bids and pays at least the amount of taxes, interest and charges for which the tax lien on any real estate is offered for sale, the sheriff shall issue to him or her a certificate of sale for the purchase money...except the sheriff shall require payment of any subsequent taxes due at the time of the sale before a Certificate of Sale is issued. The Sheriff is required to issue a Certificate of Sale to the highest bidder who pays at least the amount of taxes, interest and charges for which the tax lien on the real estate is offered for sale. This washes away the demolition lien on the property because the purchaser is not required to satisfy the demolition

lien. As such, the purchaser benefits and is unjustly enriched from the use of public funds that were used to demolition and clean up the dilapidated property. This practice has led to the City losing millions of dollars of taxpayers' monies.

Proposed Solution

The statute provides that the Sheriff can refuse to issue a Certificate of Sale if there are subsequent year's taxes due at the time of the sale. In accordance with W.Va. Code §11A-3-14, the City proposes that its demolition liens be collected at the tax sale auction together with the delinquent property taxes. The Sheriff shall require payment of any demolition lien due at the time of the sale and before the Certificate of Sale is issued. As such, the highest bidder present at the sale must bid and pay the amount of taxes, interest and charges for which the tax lien on any real estate is offer for sale and in addition pay the City's demolition lien before the Sheriff can issue a Certificate of Sale of the purchase money.

c. Payment of Demolition Lien before Securing a Deed

Specific Problem

Current State Law requires that a purchaser of real property at the tax sale must meet certain criteria before the purchaser can secure the deed to the property. The time period is specified in W.Va. Code §11A-3-5 and §11A-3-19. W.Va. Code §11A-3-5 states that the tax lien on each unredeemed tract or lot, or each unredeemed part thereof or undivided interest therein shall be sold by the Sheriff...on any working day after the fourteenth day of October and before the twenty-third day of November. W.Va. Code §11A-3-19 states that at any time after October 31 of the year following the Sheriff's Sale, and on or before December 31 of the same year, the purchaser at a Sheriff's Tax Sale can secure a deed after the 1st of March of the following year pursuant to W.Va. Code §11A-3-27. Put together, the waiting period for a purchaser to secure a deed is about 18 months. During this 18 month period, the record owner also has a right to redeem the property. Any property on which there is no sufficient bid for taxes, interest and charges due, are certified to the auditor pursuant to W.Va. Code §11-3-8 and are subject to sale by the Deputy Commissioner of Delinquent and Non-entered Lands under W.Va. Code §11A-3-42.

Proposed Solution

W. Va. Code §11A-3-27 (Sheriff's Sale) and W.Va. Code §11A-3-52 (Deputy Commissioner of Delinquent and Non-entered Lands) respectively state what purchasers must do before securing a deed, for either the Sheriff's Sale or the Deputy Commissioner's sale for property "Sold to the State". For example, according to W.Va. Code §11A-3-52 (a) within forty five days following the approval of the sale by the Deputy Commissioner, the purchaser, his heirs or assigns, shall meet certain requirements including the deposit, or offer to deposit, with the Deputy Commissioner a sum sufficient to cover the costs of preparing and serving notices. The City proposes that it be permitted to include a provision that requires the satisfaction of City Demolition Liens before the purchaser can secure this deed from the Deputy Commissioner or in the event that the purchaser(s) is unwilling to satisfy the demolition lien, that the purchaser lose all the benefits of the purchase. A similar provision would be included as a prerequisite to delivery of a deed from the Sheriff.

This proposal will ensure that the City can recover taxpayers' monies and public funds used in the demolition of blighted properties within the City. Recovering the cost of demolition is critical to the future of the City's Demolition Program. The City must be able to recoup a significant portion of its demolition cost in order to continue and expand the program. This proposal will vastly increase the City's collection rate on demolition liens, and enable the City to expand the program and thereby improve the City and its neighborhoods.

2. Streamline the Development Review Process

Proposed Solution Area(s): Organization

Specific state laws, policy rule or regulation in question: West Virginia Code, Chapter 8A, Land Use Planning

Specific Problem

In the State of West Virginia, units of local government are charged with developing land use regulations that promote orderly development within its jurisdiction. This responsibility, as stated under W.Va. Code §8A-2-1(a) is now given to the City's Municipal Planning Commission. In addition to developing land use regulations that promote the health, safety and general well-being of Parkersburg residents and businesses, the Municipal Planning Commission is required to update the City's comprehensive master plan for the community every 10 years (W.Va. Code §8A-3-11(a)). At issue is the manner in which these land use regulations are developed, reviewed and interpreted.

Currently, West Virginia State Code precludes the Municipal Planning Commission from considering and ruling in all zoning related issues. Instead, this responsibility is given to the Board of Zoning Appeals per W.Va. Code §8A-8-1. In addition to creating another regulatory hurdle, which can cost an applicant time and money, the Board of Zoning Appeal has not traditionally participated in the master planning process. Furthermore, it has also become increasingly difficult to find volunteers to participate on City advisory boards and commissions. In addition, it has become difficult at times to get a quorum to conduct official business. The City of Parkersburg contends that having one entity responsible for developing, reviewing and interpreting land use development policy and ordinances would not only stream line the development review process for applicants, but make government work more effectively and efficiently.

Proposed Solution

To streamline the development review process and ensure the City's comprehensive master plan is implemented effectively, it is proposed that the City of Parkersburg be given the authority to combine the duties prescribed to the Board of Zoning Appeals with that of the Municipal Planning Commission into one entity if so desired. The following describes

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how land development review procedures and zoning appeals would be facilitated in one, consolidated body, known as the Municipal Planning and Zoning Appeals Commission (MPZAC)

A consolidated MPZAC would have all the powers and duties afforded to Municipal Planning Commissions (W.Va. Code §8A-2-11) and the Board of Zoning Appeals (W.Va. Code §8A-8-9). More specifically, the MPZAC would be responsible for reviewing all land development proposals, such as Minor and Major Subdivisions, Annexation, Thoroughfare Abandonment, and Rezoning Applications, as well as variance and conditional use permit applications. In the event an individual's appeal is not upheld by the MPZAC, the individual shall have the right to take the Commission's decision to Circuit Court. In no way would an individual's writ of certiorari, per W.Va. Code §8A-9-1, be infringed upon by consolidating the responsibilities afforded to the Board of Zoning Appeals with that of the Municipal Planning Commission.

To ensure sufficient representation, a consolidated MPZAC would have no less than five, but no more than fifteen members comprised of residents living in the community. The City would seek qualified persons with knowledge and/or experience in matters pertaining to the development of the municipality, as is required per W.Va. Code §8A-2-3. Areas of expertise include, but would not be limited to business, industry, labor, government and other relevant disciplines and include interested residents, as well as a variety of knowledgeable professionals with experience in land use planning and development. All appointments to the Commission shall be made by the Mayor and confirmed by City Council. In the beginning, members of the MPZAC would have staggered terms. As initial members were replaced, new members would then serve a three year term. To ensure the Commission functions independently, no elected officials, member of City Council or representative from the Administration shall have a vote on the Commission.

3. Impose 1% Municipal Sales Tax

Category of issue to be addressed: *Taxing*

Specific state laws, policy rule or regulation in question: West Virginia Code § 8-13-1 and West Virginia Code § 8-13C-1 et seq.

Specific Problem

Currently there are no provisions in WV Code to allow cities to use a municipal sales/use tax, with the exception of Senate Bill 701, which was passed in 2004, and which is so restrictive that many municipalities are unable to utilize them. This bill allows municipalities to impose a 1% sales tax provided they repeal their business and occupation tax in its entirety. The City of Parkersburg, as well as many other cities, relies heavily on its B&O taxes as a primary source of revenue. The amount of sales tax that would be generated from the 1% sales and use tax alone would be significantly less than that received from B&O taxes. The City could not, therefore, afford to repeal the B&O tax, and is in need of alternative revenues sources. Currently, with B&O Taxes, 100 percent of the tax is paid by the local businesses. However, a municipal sales tax allows for a wider tax base, based on contributions from users inside the city as well as visitors from outside, instead of just the local businesses themselves. The City's present B&O tax structure has often led to businesses choosing to locate outside of the city limits, which is detrimental to the City's economy. The City of Parkersburg, along with many others, is continuing to see a strain on its operating budget without the means to fairly and effectively gain additional revenue.

West Virginia law limits both the types and rates of taxes which may be imposed currently by a municipality. The primary business tax imposed by the City is the business and occupation tax. The City may impose its business and occupation tax according to state law which specifies the classifications of businesses and the rates that may be levied. In 1987, the State repealed its business and occupations taxes in response to the 1984 report of the West Virginia Tax Study Commission. There are currently no suitable alternative taxes available to municipalities to collect additional revenues.

The proposal made by Parkersburg is to remove the restrictions on the conjunctive use of the B&O and municipal sales/use taxes. This is to create a fairer way to raise revenue for the City to fund necessary liabilities and support the needs of its citizens. Additionally, the revenue would be used to reduce the current B&O taxes paid by businesses within the City, thereby promoting growth for businesses and the economy.

Proposed Solution

The City requests the authority to implement the 1% municipal sales tax in the City of Parkersburg, in accordance with West Virginia Legislature Senate Bill 435, which specifically grants limited taxing authority to municipalities participating in the Home Rule Pilot Program. This allows us to reduce B&O taxes, as required by West Virginia Code § 8-1-5a(k)(6), which reduces part of the tax burden placed on local business, promoting a business friendly atmosphere which would promote future growth opportunities for the City and in the City of Parkersburg.

To offset the municipal sales tax, the City proposes the following reductions in B&O Taxes:

- 1) Eliminate the B&O Tax on Manufacturing. The current rate is .20 and would be eliminated/reduced to 0.
- 2) Reduce the B&O Tax on Retail/Restaurants by 30%. The current rate is .40, and would be reduced to .28.
- 3) Eliminate the B&O Tax on Electric, Light, & Power. The current rate is 2.80 and would be eliminated/reduced to 0.
- 4) Eliminate the B&O Tax on Public Utilities – Natural Gas. The current rate is 2.35 and would be eliminated/reduced to 0.

The elimination of the B&O taxes will save City residents and businesses over 1.2 million dollars, as is detailed below. The annual reduction in revenue by eliminating the B&O tax on Manufacturing is approximately \$54,510. The City is projecting an estimated reduction in revenue of \$853,548 by reducing the B&O tax on Retail by 30%. Additionally, the City is projecting an annual reduction \$1,234,431 by eliminating the B&O taxes on Electric, Light & Power and Public Utilities – Natural Gas. Eliminating the B&O Tax on the last two items listed (Electric, Light & Power and Public Utilities – Natural Gas) would allow the savings to be directly passed to the residents of the City. This is a tax that is usually directly charged to the consumers by the utility and is listed at the bottom of their utility bills as a Municipal Surcharge and is done in order for the utility company to recover the charges from the residents. The total projected reduction in Business and Occupation tax revenue is \$2,142,489. **Exhibit 1** (attached) shows the actual collections of taxes under each classification for the three year period of 2011-2013. It also shows the average annual revenue for each classification.

Exhibit 2 (attached) demonstrates the new rates and the reduction of revenues in B&O we are proposing.

These tax changes can help make the City more attractive to businesses than in the past and allow the City to meet revenue needs to both fund long term liabilities such as pensions, healthcare costs and with the City's infrastructure needs, downtown and economic development and increased costs of the services it provides. By imposing the municipal sales tax, the estimated annual revenues to be generated from a 1% sales tax is 4,744,871, as illustrated in **Exhibit 3**. The estimated 5% State charged administrative fee would decrease those revenues by an estimated \$237,244.

Feasibility

also be exempt from City sales tax. More specifically, a municipal sales tax will not apply to Motor Vehicles under WV Code § 11-15-3c; Motor Fuels; Purchases/uses of property/services that State law exempts from taxation (Such as unprepared foods); and any transaction preempted by federal law.

The proposed total sales tax of 7% (6% state, 1% local) will allow the City to remain competitive with businesses across the river in Ohio due to their tax rate currently being more than the 7%. In addition, as the new 1% sales tax would be monitored and administered by the State, it is believed that collections will be more accurate and complete than the City's present B&O tax collection procedure which is based largely on the self-reporting of individual businesses. The feasibility of the WV State Tax Department implementing and collecting sales tax has been demonstrated by the success of both the state sales tax and the local sales tax implemented by those cities currently participating in the Home Rule Pilot Program. This method of collection has proven to be both effective and reliable.

The City must, however, carefully plan the proposed reduction of the B&O rates with the timing of when the City will begin to receive its sales tax revenue allocations from the State. This must be done in order to remain fiscally sound and maintain a balanced budget in its General Revenue Fund.

FINANCIAL EXHIBITS

Exhibit 1

B&O Collections Report
Actual B&O Collections - January 1, 2011 thru December 31, 2013

	1/1/2011 - 12/31/2011	1/1/2012 - 12/31/2012	01/01/2013 - 12/31/2013	Total Collections - 3 Years	Average Annual Collections
Manufacturing	45,986	63,042	54,501	163,529	54,510
Retailers/Restaurants	2,210,654	3,191,018	3,133,811	8,535,483	2,845,161
Wholesalers	230,939	392,563	348,827	972,329	324,110
Elec/Power All Other Sales	805,360	993,955	993,969	2,793,284	931,095
Public Utility - Natural Gas	243,293	316,747	349,968	910,008	303,336
Contracting	632,544	844,768	609,847	2,087,159	695,720
Amusement Business	14,041	24,348	21,294	59,683	19,894
Services	2,616,431	3,297,158	3,009,392	8,922,981	2,974,327
Rents & Royalties	344,232	504,046	605,645	1,453,923	484,641
Banking & Other Financial	546,203	683,030	652,964	1,882,197	627,399
TOTAL	7,689,683	10,310,675	9,780,218	27,780,576	9,260,192

Exhibit 2

Estimated Municipal Sales Tax Fiscal Impact

Tax Class	Current	Average 3		Estimated		Net Increase/Decrease %
	Rate (per \$100)	Yr B&O Taxes Collected	Proposed Rate (per \$100)	Revenues New B&O Rates		
Limestone or Sandstone	0.80	0	0.80	0	0	0.00%
Sand, gravel or other product not quarried or mined	1.60	0	1.60	0	0	0.00%
Timber	1.20	0	1.20	0	0	0.00%
Other Natural Resource Products	1.60	0	1.60	0	0	0.00%
Manufactured Products	0.20	54,510	-	0	(54,510)	100.00%
Retailers, Restaurants	0.40	2,845,161	0.28	1,991,613	(853,548)	30.00%
Wholesalers	0.15	324,110	0.15	324,110	0	0.00%
Electric, Light & Power	3.60	0	3.60	0	0	0.00%
Electric Light & Power all other sales	2.80	931,095	-	0	(931,095)	100.00%
Public Utilities - Natural Gas	2.35	303,336	-	0	(303,336)	100.00%
Contracting	2.00	695,720	2.00	695,720	0	0.00%
Amusement	0.50	19,894	0.50	19,894	0	0.00%
Services	0.90	2,974,327	0.90	2,974,327	0	0.00%
Rents & Royalties	0.80	484,641	0.80	484,641	0	0.00%
Small Loan & Ind. Loan Business	1.00	0	1.00	0	0	0.00%
Banking & Other Financial Business	1.00	627,399	1.00	627,399	0	0.00%
Total		9,260,192		7,117,703	(2,142,489)	20.63%

NOTE – some images of this plan may be viewed in file # 8639 that could not be imported into these minutes.

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

MOTION - Mr. Reed moved, seconded by Ms. Coram, to adopt the ordinance on final reading. The motion was adopted by majority vote with all members voting "yes" with the exception of Ms. Wilcox, who voted "no". (And, Ms. Lynch remained on the phone, but was not audible for this vote).

The meeting adjourned at 7:37 PM.

City Clerk

Coram Steyer

Council President

**A RESOLUTION REVISING THE RULES
AND REGULATIONS FOR THE BOARD OF TRUSTEES
OF THE POLICEMEN'S PENSION AND RELIEF FUND OF THE
CITY OF PARKERSBURG**

RIU^{mm}
THE COUNCIL OF THE CITY OF PARKERSBURG HEREBY RESOLVES that Paragraph 7 of the Rules and Regulations of the Policemen's Pension and Relief Fund of the City of Parkersburg shall be amended as follows to conform to the requirements of West Virginia Code 8-22-20:

7. ACTUARIAL VALUATION REPORTS [West Virginia Code 8-22-20]

(B) The WV Municipal Pensions Oversight Board shall contract with or employ a qualified actuary to annually prepare Actuarial Valuation Reports. Expense of the Actuarial Valuation Report shall be paid from money in the Municipal Pensions Security Fund.

SPONSORED BY COUNCILMEN:

**A RESOLUTION REVISING THE RULES
AND REGULATIONS FOR THE BOARD OF TRUSTEES
OF THE POLICEMEN'S PENSION AND RELIEF FUND OF THE
CITY OF PARKERSBURG**

RKT
THE COUNCIL OF THE CITY OF PARKERSBURG HEREBY RESOLVES that Paragraph 12 of the Rules and Regulations of the Policemen's Pension and Relief Fund of the City of Parkersburg shall be amended as follows to conform to the requirements of West Virginia Code 8-22-25 and 8-22-16:

12. RETIREMENT PENSIONS [West Virginia Code 8-22-25 and 8-22-16]

(A) The Director of Finance shall calculate all retirement pensions in accordance with the provisions of West Virginia Code 8-22-25 and 8-22-16, inclusive of the lawful determination and calculation of base pay and subject to the 120% cap as set forth in the Code as attached hereto. All retirement pension calculations shall be approved by the Board of Trustees.

SPONSORED BY COUNCILMEN:

Municipal Policemen's And Firemen's Pension and Relief Funds Of West Virginia

Pension Calculator - Instructions

Purpose: This an Excel based Calculator for determining the pension benefits earned by members of the Municipal Policemen's And Firemen's Pension and Relief Funds Of West Virginia in accordance with Chapter 8, Article 22 of the West Virginia Code.

Step 1: Enter the following information in the blue shaded areas on the Data_Inputs sheet.

Name: Enter name as Last Name, First Name, MI.
Date of Birth: Enter Date of Birth as MM/DD/YYYY.
Date of Hire: Enter Date of Hire MM/DD/YYYY.
Date of Retirement: Enter Date of Retirement as MM/DD/YYYY.
Period End Date for Pay Purposes: Enter the end date of the final pay period as MM/DD/YYYY.

Years of Service: Enter as full years only the actual pension service earned.
Note: If Years of Service is not entered, service will default to complete years earned from Date of Hire through Date of Retirement.

Years of Active Duty Military Service: Enter as full years only any years served in active duty with the armed forces of the United States.

Is Pay entered on an annual or monthly basis?: Enter either an A for annual or a M for monthly.
If Pay is entered annually, the Month and Day each Pay Period begins as MM/DD.

Base Pay: Enter the base salary earned by the member corresponding to each of the pay periods entered.
Pensionable Overtime/Other Remuneration Pay: Enter overtime and other remuneration qualified as pensionable earnings that is not part of the members base pay. This should also correspond to each of the pay periods entered.

Step 2: Turn to the Results sheet to see the amount of monthly benefit to which the member is entitled.

Notes: Details regarding the calculation of "average annual salary" and "average adjusted salary" are illustrated on the Pay_Calculation sheet. Please refer to the Notes sheet for additional documentation regarding the applicable sections of Chapter 8, Article 22 of the West Virginia Code that define the calculation of the benefit.

**Municipal Policemen's And Firemen's Pension and Relief Funds Of West Virginia
Pension Calculator**

Date of Calculation: 02/20/2012 11:31 AM

Joe Martinsburg

Demographic Information

Last Name: [REDACTED]
 First Name: [REDACTED]
 MI: [REDACTED]

Date of Birth: [REDACTED]
 Date of Hire: [REDACTED]
 Date of Retirement: [REDACTED]
 Period End Date for Pay Purposes: [REDACTED]

Years of Service: [REDACTED]
 Year of Active Duty Military Service: [REDACTED]
 Default: Years of Service Based on DOH and DOR: 24.00

Is Pay entered on an annual or monthly basis: [REDACTED] Annual
 If Pay is entered annually, the Month and Day each annual Pay Period begins: [REDACTED]

Row #	Start Date	End Date	Base Pay	Other Pay and Remuneration	Total Pay and Other Remuneration
1	06/23/2010	06/22/2011	[REDACTED]	[REDACTED]	\$84,218.73
2	06/23/2009	06/22/2010	[REDACTED]	[REDACTED]	66,039.19
3	06/23/2008	06/22/2009	[REDACTED]	[REDACTED]	65,481.28
4	06/23/2007	06/22/2008	[REDACTED]	[REDACTED]	67,850.75

Y01
Y02

Pension Calculator Results

Name: Joe Martinsburg
 Date of Birth: 06/04/1958
 Date of Hire: 04/21/1987
 Date of Retirement: 06/23/2011
 Pay Period End Date: 06/22/2011
 Years of Service: 24.00 Years
 Year of Active Duty Military Service: 0.00 Years
 Three year Average Adjusted Salary: [REDACTED]
 Percent of Avg. Annual Compensation: 68.00%
 Age at Retirement: 53.1

Annual Benefit:	\$49,244.46
Monthly Benefit:	\$4,103.71

**Municipal Policemen's And Firemen's Pension and Relief Funds Of West Virginia
Pension Calculator Average Adjusted Pay Calculations**

Date of Calculation: 02/20/2012 11:31 AM

Joe Martinsburg

High 3 Adjusted Pay Periods		
	[6] Adjusted Pay Used	[1] Unadjusted Pay
Start Date	End Date	Pay Used
06/23/2010	06/22/2011	\$83,365.03
06/23/2007	06/22/2008	\$67,850.75
06/23/2009	06/22/2010	\$66,039.19

Sum of three years: \$217,254.97
Three year average: \$72,418.32

Period	Start Date	End Date	Base Pay	Other Pay and Remuneration	Total Pay and Other Remuneration	[2] Year-One Adjusted Salary	[3] Year-Two Adjusted Salary (Average of [2],[3])	[4] Average Adjusted Salary (Average of [2],[3])	[5] 120% of Average Adjusted Salary	[6] Adjusted Pay Used (Minimum of [5], [6])
06/23/2010 - 06/22/2011			A(i) \$ 57,701.20	\$ 26,517.53	B(i) \$ 84,218.73	\$68,789.02	\$70,152.70	\$69,470.86	\$83,365.03	Min([1], [5])
Previous 12 Months:			A(ii) 54,317.80	11,721.39	B(ii) 66,039.19	A(i)*B(ii)/A(ii)	A(i)*B(ii)/A(i)	([2] + [3])/2	1.2*[4]	Min([1], [5])
2nd Previous 12 Months:			A(iii) 54,926.62	10,554.66	B(iii) 65,481.28					
06/23/2007 - 06/22/2008			C(i) \$ 50,924.32	\$ 16,926.43	D(i) \$ 67,850.75	\$50,924.32	\$63,100.14	\$57,012.23	\$68,414.68	Min([1], [5])
Previous 12 Months:			C(ii) 46,586.96	11,138.77	D(ii) 57,725.73	C(i)*D(ii)/C(ii)	C(i)*D(ii)/C(i)	([2] + [3])/2	1.2*[4]	Min([1], [5])
2nd Previous 12 Months:			C(iii) 0.00	0.00	D(iii) 0.00					
06/23/2009 - 06/22/2010			E(i) \$ 54,317.80	\$ 11,721.39	F(i) \$ 66,039.19	\$72,372.17	\$64,755.47	\$68,563.82	\$82,276.58	Min([1], [5])
Previous 12 Months:			E(ii) 54,926.62	10,554.66	F(ii) 65,481.28	E(i)*F(ii)/E(ii)	E(i)*F(ii)/E(i)	([2] + [3])/2	1.2*[4]	Min([1], [5])
2nd Previous 12 Months:			E(iii) 50,924.32	16,926.43	F(iii) 67,850.75					

Municipal Policemen's And Firemen's Pension and Relief Funds Of West Virginia Pension Calculator

Notes on the Calculation basis and Plan Provisions - Based on Sections 8-22-25 and 8-22-16(d) of the West Virginia Code

Benefit Formula

Any member of a paid police or fire department who is entitled to a retirement pension hereunder, and who has been in the honorable service of such department for twenty years, may, upon written application to the board of trustees, be relieved from all service in such department without medical examination or disability. On such retirement the board of trustees shall authorize the payment of annual retirement pension benefits commencing upon his retirement or upon his attaining the age of fifty years, whichever is later, payable in twelve monthly installments for each year of the remainder of his life, in an amount equal to sixty percent of such member's average annual salary or compensation received during the three twelve-consecutive-month periods of employment with such department in which such member received his highest salary or compensation while a member of the department, or an amount of five hundred dollars per month, whichever is greater.

Any member of any such department who is entitled to a retirement pension under the provisions of subsection (a) of this section and who has been in the honorable service of such department for more than twenty years at the time of his retirement shall receive, in addition to the sixty percent authorized in said subsection (a):

- (1) Two additional percent, to be added to the sixty percent for each of the first five additional years of service completed at the time of retirement in excess of twenty years of service up to a maximum of seventy percent; and
- (2) One additional percent, to be added to such maximum of seventy percent, for each of the first five additional years of service completed at the time of retirement in excess of twenty-five years of service up to a maximum of seventy-five percent.

The total additional credit provided for in this subsection may not exceed fifteen additional percent.

Military Service:

Any member or previously retired member of any such department who has served in active duty with the armed forces of the United States as described in section twenty-seven of this article, whether prior to or subsequent to becoming a member of a paid police or fire department covered by the provisions of this article, shall receive, in addition to the sixty percent authorized in subsection (a) of this section and the additional percent credit authorized in subsection (b) of this section, one additional percent for each year so served in active military duty, up to a maximum of four additional percent. In no event, however, may the total benefit granted to any member exceed seventy-five percent of the member's annual average salary calculated in accordance with subsection (a) of this section.

Salary/Compensation

For purposes of sections sixteen through twenty-eight, inclusive, of this article, the words "salary or compensation" mean remuneration actually received by a member, plus the member's deferred compensation under sections 125, 401(k), 414(h)(2) and 457 of the United States Internal Revenue Code of 1986, as amended. Provided, the remuneration received by the member during any twelve-consecutive-month period used in determining benefits which is in excess of an amount which is twenty percent greater than the "average adjusted salary" received by the member in the two consecutive twelve-consecutive-month periods immediately preceding the twelve-consecutive-month period used in determining benefits shall be disregarded.

Average Adjusted Salary

That the "average adjusted salary" means the arithmetic average of each year's adjusted salary, the adjustment made to reflect current salary rate and such average adjusted salary shall be determined as follows:

Assuming year-one means the second twelve-consecutive-month period preceding such twelve-consecutive-month period used in determining benefits; and
Year-two means the twelve-consecutive-month period immediately preceding the twelve-consecutive-month period used in determining benefits and;

Year-three means the twelve-consecutive-month period used in determining benefits.

Year-one total remuneration shall be multiplied by the ratio of year-three base salary, exclusive of all overtime and other remuneration, to year-one base salary, exclusive of all overtime and other remuneration, such product shall equal "Year-one adjusted salary";

Year-two total remuneration shall be multiplied by the ratio of year-three base salary, exclusive of all overtime and other remuneration, to year-two base salary, exclusive of all overtime and other remuneration, such product shall equal "Year-two adjusted salary"; and the arithmetic average of year-one adjusted salary and year-two adjusted salary shall equal adjusted salary.

Effectively, this means is that the percent of overtime pay and other remuneration to base pay for any given year is capped at the average percentage of uncapped overtime pay for the previous two years, plus 20%.

**A RESOLUTION REVISING THE RULES
AND REGULATIONS FOR THE BOARD OF TRUSTEES
OF THE FIREMEN'S PENSION AND RELIEF FUND OF THE
CITY OF PARKERSBURG**

RKT
THE COUNCIL OF THE CITY OF PARKERSBURG HEREBY RESOLVES that Paragraph 7 of the Rules and Regulations of the Firemen's Pension and Relief Fund of the City of Parkersburg shall be amended as follows to conform to the requirements of West Virginia Code 8-22-20:

7. ACTUARIAL VALUATION REPORTS [West Virginia Code 8-22-20]

(A) The WV Municipal Pensions Oversight Board shall contract with or employ a qualified actuary to annually prepare Actuarial Valuation Reports. Expense of the Actuarial Valuation Report shall be paid from money in the Municipal Pensions Security Fund.

SPONSORED BY COUNCILMEN:

**A RESOLUTION REVISING THE RULES
AND REGULATIONS FOR THE BOARD OF TRUSTEES
OF THE FIREMEN'S PENSION AND RELIEF FUND OF THE
CITY OF PARKERSBURG**

THE COUNCIL OF THE CITY OF PARKERSBURG HEREBY RESOLVES that
Paragraph 12 of the Rules and Regulations of the Firemen's Pension and Relief Fund
of the City of Parkersburg shall be amended as follows to conform to the
requirements of West Virginia Code 8-22-25 and 8-22-16:

12. RETIREMENT PENSIONS [West Virginia Code 8-22-25 and 8-22-16]

(A) The Director of Finance shall calculate all retirement pensions in accordance with the provisions of West Virginia Code 8-22-25 and 8-22-16, inclusive of the lawful determination and calculation of base pay and subject to the 120% cap as set forth in the Code as attached hereto. All retirement pension calculations shall be approved by the Board of Trustees.

SPONSORED BY COUNCILMEN:

Municipal Policemen's And Firemen's Pension and Relief Funds Of West Virginia

Pension Calculator - Instructions

Purpose: This an Excel based Calculator for determining the pension benefits earned by members of the Municipal Policemen's And Firemen's Pension and Relief Funds Of West Virginia in accordance with Chapter 8, Article 22 of the West Virginia Code.

Step 1: Enter the following information in the blue shaded areas on the Data_Inputs sheet.

Name:

Enter name as Last Name, First Name, MI.

Date of Birth:

Enter Date of Birth as MM/DD/YYYY.

Date of Hire:

Enter Date of Hire MM/DD/YYYY.

Date of Retirement:

Enter Date of Retirement as MM/DD/YYYY.

Period End Date for Pay Purposes:

Enter the end date of the final pay period as MM/DD/YYYY.

Years of Service:

Enter as full years only the actual pension service earned.

Note: If Years of Service is not entered, service will default to complete years earned from Date of Hire through Date of Retirement.

Years of Active Duty Military Service:

Enter as full years only any years served in active duty with the armed forces of the United States.

Is Pay entered on an annual or monthly basis?:

Enter either an A for annual or a M for monthly.

If Pay is entered annually, the Month and Day each Pay Period begins:

If "A" is entered above, enter the month and day for which each annual pay period begins as MM/DD.

Base Pay:
Pensionable Overtime/Other Remuneration Pay:

Enter the base salary earned by the member corresponding to each of the pay periods entered. Enter overtime and other remuneration qualified as pensionable earnings that is not part of the members base pay. This should also correspond to each of the pay periods entered.

Step 2: Turn to the Results sheet to see the amount of monthly benefit to which the member is entitled.

Notes: Details regarding the calculation of "average annual salary" and "average adjusted salary" are illustrated on the Pay_Calculation sheet. Please refer to the Notes sheet for additional documentation regarding the applicable sections of Chapter 8, Article 22 of the West Virginia Code that define the calculation of the benefit.

Municipal Policemen's And Firemen's Pension and Relief Funds Of West Virginia Pension Calculator

Date of Calculation: 02/20/2012 11:31 AM

Joe Martinsburg

Demographic Information

Last Name: [REDACTED]
 First Name: [REDACTED]
 MI: [REDACTED]

 Date of Birth: [REDACTED]
 Date of Hire: [REDACTED]
 Date of Retirement: [REDACTED]
 Period End Date for Pay Purposes: [REDACTED]

 Years of Service: [REDACTED]
 Year of Active Duty Military Service: [REDACTED]
 Default: Years of Service Based on DOH and DOR: 24.00

 Is Pay entered on an annual or monthly basis: [REDACTED] Annual
 If Pay is entered annually, the Month and Day each annual Pay Period begins: [REDACTED]

Row #	Start Date	End Date	Base Pay	Other Pay and Remuneration	Total Pay and Other Remuneration
1	06/23/2010	06/22/2011	[REDACTED]	[REDACTED]	\$84,218.73
2	06/23/2009	06/22/2010	[REDACTED]	[REDACTED]	66,039.19
3	06/23/2008	06/22/2009	[REDACTED]	[REDACTED]	65,481.28
4	06/23/2007	06/22/2008	[REDACTED]	[REDACTED]	67,850.75

YR1
YR2

Pension Calculator Results

Name: Joe Martinsburg
 Date of Birth: 06/04/1958
 Date of Hire: 04/21/1987
 Date of Retirement: 06/23/2011
 Pay Period End Date: 06/22/2011
 Years of Service: 24.00 Years
 Year of Active Duty Military Service: 0.00 Years
 Three year Average Adjusted Salary: [REDACTED]
 Percent of Avg. Annual Compensation: 68.00%
 Age at Retirement: 53.1

Annual Benefit:	\$49,244.46
Monthly Benefit:	\$4,103.71

**Municipal Policemen's And Firemen's Pension and Relief Funds Of West Virginia
Pension Calculator Average Adjusted Pay Calculations**

Date of Calculation: 02/20/2012 11:31 AM

Joe Martinsburg

High 3 Adjusted Pay Periods			
		[6] Adjusted Pay Used	[1] Unadjusted Pay
Start Date	End Date	Pay Used	Pay
06/23/2010	06/22/2011	\$83,365.03	\$84,218.73
06/23/2007	06/22/2008	\$67,850.75	\$67,850.75
06/23/2009	06/22/2010	\$66,039.19	\$66,039.19

Sum of three years: \$217,254.97
Three year average: \$72,418.32

Period	Start Date	End Date	Base Pay	Other Pay and Remuneration	Total Pay and Other Remuneration	[2] Year-One Adjusted Salary	[3] Year-Two Adjusted Salary (Average of [2],[3])	[4] Average Adjusted Salary (Average of [2],[3])	[5] 120% of Average Adjusted Salary	[6] Adjusted Pay Used (Minimum of [5] and [1], [5])
06/23/2010 - 06/22/2011			A(i) \$ 57,701.20	\$ 26,517.53	B(i) \$ 84,218.73	\$68,789.02	\$70,152.70	\$69,470.86	\$83,365.03	\$83,365.03
Previous 12 Months:			A(ii) 54,317.80	11,721.39	B(ii) 66,039.19	A(i)*B(ii)/A(ii)	A(i)*B(ii)/A(ii)	([2] + [3])/2	1.2*[4]	Min([1], [5])
2nd Previous 12 Months:			A(iii) 54,926.62	10,554.66	B(iii) 65,481.28					
06/23/2007 - 06/22/2008			C(i) \$ 50,924.32	\$ 16,926.43	D(i) \$ 67,850.75	\$50,924.32	\$63,100.14	\$57,012.23	\$68,414.68	\$68,414.68
Previous 12 Months:			C(ii) 46,586.96	11,138.77	D(ii) 57,725.73	C(i)*D(ii)/C(ii)	C(i)*D(ii)/C(ii)	([2] + [3])/2	1.2*[4]	Min([1], [5])
2nd Previous 12 Months:			C(iii) 0.00	0.00	D(iii) 0.00					
06/23/2009 - 06/22/2010			E(i) \$ 54,317.80	\$ 11,721.39	F(i) \$ 66,039.19	\$72,372.17	\$64,755.47	\$68,563.82	\$82,276.58	\$82,276.58
Previous 12 Months:			E(ii) 54,926.62	10,554.66	F(ii) 65,481.28	E(i)*F(ii)/E(ii)	E(i)*F(ii)/E(ii)	([2] + [3])/2	1.2*[4]	Min([1], [5])
2nd Previous 12 Months:			E(iii) 50,924.32	16,926.43	F(iii) 67,850.75					

Municipal Policemen's And Firemen's Pension and Relief Funds Of West Virginia Pension Calculator

Notes on the Calculation basis and Plan Provisions - Based on Sections 8-22-25 and 8-22-16(d) of the West Virginia Code

Benefit Formula

Any member of a paid police or fire department who is entitled to a retirement pension hereunder, and who has been in the honorable service of such department for twenty years, may, upon written application to the board of trustees, be retired from all service in such department without medical examination or disability. On such retirement the board of trustees shall authorize the payment of annual retirement pension benefits commencing upon his retirement or upon his attaining the age of fifty years, whichever is later, payable in twelve monthly installments for each year of the remainder of his life, in an amount equal to sixty percent of such member's average annual salary or compensation received during the three twelve-consecutive-month periods of employment with such department in which such member received his highest salary or compensation while a member of the department, or an amount of five hundred dollars per month, whichever is greater.

Any member of any such department who is entitled to a retirement pension under the provisions of subsection (a) of this section and who has been in the honorable service of such department for more than twenty years at the time of his retirement shall receive, in addition to the sixty percent authorized in said subsection (a):

- (1) Two additional percent, to be added to the sixty percent for each of the first five additional years of service completed at the time of retirement in excess of twenty years of service up to a maximum of seventy percent; and
- (2) One additional percent, to be added to such maximum of seventy percent, for each of the first five additional years of service completed at the time of retirement in excess of twenty-five years of service up to a maximum of seventy-five percent.

The total additional credit provided for in this subsection may not exceed fifteen additional percent.

Military Service:

Any member or previously retired member of any such department who has served in active duty with the armed forces of the United States as described in section twenty-seven of this article, whether prior to or subsequent to becoming a member of a paid police or fire department covered by the provisions of this article, shall receive, in addition to the sixty percent authorized in subsection (a) of this section and the additional percent credit authorized in subsection (b) of this section, one additional percent for each year so served in active military duty, up to a maximum of four additional percent. In no event, however, may the total benefit granted to any member exceed seventy-five percent of the member's annual average salary calculated in accordance with subsection (a) of this section.

Salary/Compensation

For purposes of sections sixteen through twenty-eight, inclusive, of this article, the words "salary or compensation" mean remuneration actually received by a member, plus the member's deferred compensation under sections 125, 401(k), 414(l)(2) and 457 of the United States Internal Revenue Code of 1986, as amended. Provided, the remuneration received by the member during any twelve-consecutive-month period used in determining benefits which is in excess of an amount which is twenty percent greater than the "average adjusted salary" received by the member in the two consecutive twelve-consecutive-month periods immediately preceding the twelve-consecutive-month period used in determining benefits shall be disregarded.

Average Adjusted Salary

That the "average adjusted salary" means the arithmetic average of each year's adjusted salary, the adjustment made to reflect current salary rate and such average adjusted salary shall be determined as follows:

Assuming year-one means the second twelve-consecutive-month period preceding such twelve-consecutive-month period used in determining benefits; and

Year-two means the twelve-consecutive-month period immediately preceding the twelve-consecutive-month period used in determining benefits and;

Year-three means the twelve-consecutive-month period used in determining benefits.

Year-one total remuneration shall be multiplied by the ratio of year-three base salary, exclusive of all overtime and other remuneration, to year-one base salary, exclusive of all overtime and other remuneration, such product shall equal "Year-one adjusted salary".

Year-two total remuneration shall be multiplied by the ratio of year-three base salary, exclusive of all overtime and other remuneration, to year-two base salary, exclusive of all overtime and other remuneration, such product shall equal "Year-two adjusted salary"; and the arithmetic average of year-one adjusted salary and year-two adjusted salary shall equal adjusted salary.

Effectively, this means is that the percent of overtime pay and other remuneration to base pay for any given year is capped at the average percentage of uncapped overtime pay for the previous two years, plus 20%.

RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that Ms. Deanna Lewis, 100 Willowbrook Drive, Suite 68, Parkersburg, WV be reappointed as a member of the Mid Ohio Valley Health Department for a five year term to expire June 30, 2019. (City Council's appointment)

Sponsored by Councilmen Lynch, Coram, Carpenter, Kelly, Rockhold, and Reed.

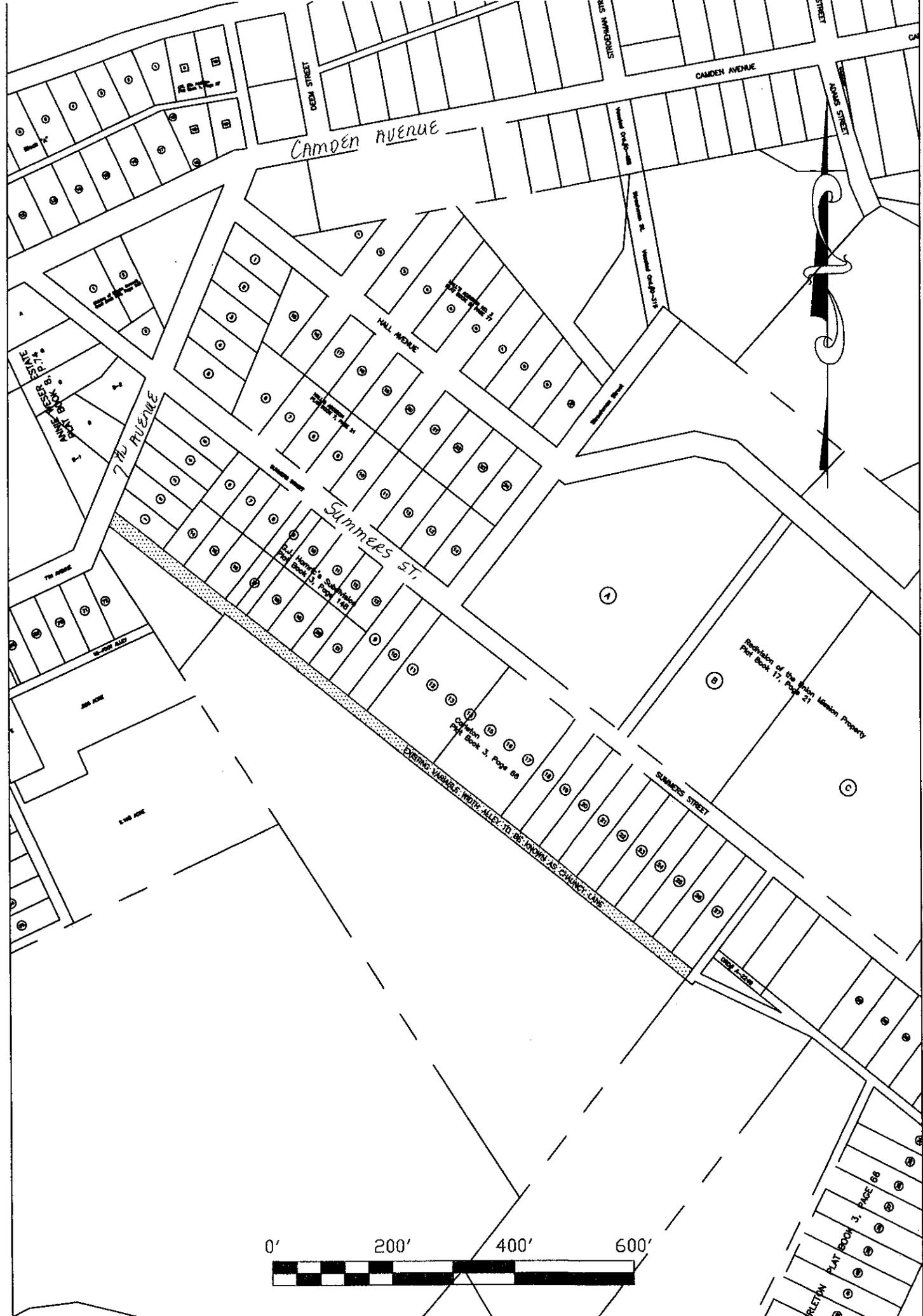
RESOLUTION

WHEREAS, there exists within the corporate boundaries of the City of Parkersburg an unnamed variable width alley lying east of 7th Avenue, south of Summers Street, running in a southeasterly direction from the southwesterly corner of Lot 1 of G.J. Hamric's Subdivision, as recorded in Plat Book 3, Page 148, to the southeasterly corner of Lot 27 of Carleton's Subdivision, as recorded in Plat Book 3, Page 66; (see map and description attached) and

WHEREAS, there is a property owner who desires to build a residence on this alley and he requires an address for this property.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that said unnamed alley shall be known and dedicated as Chauncy Lane.

Sponsored by Councilmen Brown, Kelly, and Carpenter



CAMDEN AVENUE

CAMDEN AVENUE

7th AVENUE

SUMMERS ST.

HALL AVENUE

EVENING VARIABLE WIDTH ALLEY TO BE KNOWN AS CHANNY LANE

Portion of the Union Mission Property
Part Book 17, Page 21

PLAY BOOK 3, PAGE 86



**Description of an Unnamed Alley
To be Dedicated as
Chauncy Lane**

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

The unnamed variable width alley lying east of 7th Avenue , south of Summers Street, running in a southeasterly direction, from the southwesterly corner of Lot 1 of G.J. Hamric's Subdivision, as recorded in Plat Book 3, Page 148, to the southeasterly corner of Lot 27 of Carleton's Subdivision, as recorded in Plat Book 3, Page 66, is hereby to be named *Chauncy Lane*, and is shown on a Plat hereby attached to and made a part of this description.

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.

RESOLUTION

WHEREAS the West Virginia Small Business Development Center (SBDC) recently changed the manner in which it provides professional support services to area businesses and entrepreneurs;

WHEREAS to improve SBDC's effectiveness and to make it more productive and accountable the SBDC is interested in partnering with local economic development organizations to provide their services;

WHEREAS the SBDC desires to partner with the City of Parkersburg in such fashion and for such purposes; and

WHEREAS in cooperation with the City the SBDC will also provide certain support services to the City to aid in fostering and serving Parkersburg businesses and entrepreneurs.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that Mayor Robert D. Newell enter into that Cooperation Agreement with the West Virginia Small Business Development Center to establish a SBDC office in the City of Parkersburg to provide support services to businesses and entrepreneurs in the City and surrounding area.

A copy of the Agreement is attached hereto.

SPONSORED BY COUNCILMEN:

INTERGOVERNMENTAL BUSINESS COACH AGREEMENT

This Intergovernmental Business Coach Agreement ("Agreement") dated April 25, 2014, is between **City of Parkersburg**, #1 Government Square, Parkersburg, WV and the **West Virginia Small Business Development Center of the West Virginia Development Office**, located at State Capitol, Building 6, Room 652 Charleston, West Virginia, 25305 ("WVSBDC").

RECITALS

WHEREAS, WVSBDC received funding from the U. S. Small Business Administration Office of Small Business Development Centers, to support consulting, coaching and training services for small businesses in West Virginia ("SBA Funding"); and

WHEREAS, The Parties believe that business coaches help advance the Parties' mutual goal to provide valuable economic development assistance services to existing businesses and entrepreneurs in West Virginia; and

WHEREAS, The Parties desire to enter into an Agreement to utilize a portion of the SBA Funding to engage a business coach to provide consulting, coaching and training services to existing businesses and entrepreneurs in an area including, but not limited to Calhoun, Jackson, Pleasants, Ritchie, Wirt and Wood Counties of West Virginia ("Region) ; and

NOW, THEREFORE, the Parties agree as follows:

ARTICLE I

TERM

This Agreement shall become effective on June 1st, 2014, and continue in effect until May 31st, 2015, or until it is replaced or cancelled pursuant to Article V.

ARTICLE II

TERMS OF PAYMENT

1.1. WVSBDC shall reimburse the City of Parkersburg an amount not to exceed \$40,000 during the Term of this Agreement to support the services of a business coach in the Region.

1.2 City of Parkersburg shall submit invoices to WWSBDC on a monthly basis on or before the [10th] day of each calendar month during the Term of this Agreement. Such invoices shall contain a detailed description of services provided and be accompanied by supporting documentation, where applicable.

1.4 WWSBDC shall submit reimbursement payments to the City of Parkersburg on or before the 30th day of each calendar month during the Term of this Agreement.

ARTICLE III

RESPONSIBILITIES OF CITY OF PARKERSBURG

2.1. City of Parkersburg shall collaborate with the business coach who will represent WWSBDC throughout the Region.

2.2. City of Parkersburg shall comply with the Deliverables and Outcome Measures set forth in Attachment I to this Agreement.

2.3. City of Parkersburg shall permit the business coach to represent WWSBDC throughout West Virginia. WWSBDC is a statewide entity and as such all business coaches are expected to serve the statewide network.

2.4. City of Parkersburg shall enter into a separate and independent contract with the business coach, subject to WWSBDC's right to approve an acceptable candidate. Any such separate and independent contract shall contain, at minimum, the following provisions:

- a. That the City of Parkersburg shall pay the business coach at minimum, \$55,000 in compensation during the term of this Agreement.
- b. That the City of Parkersburg shall reimburse the business coach up to \$5,000 during the term of this Agreement for travel-related expenses which are consistent with the travel reimbursement policies of WWSBDC travel-related expenses.
- c. That the business coach is an independent contractor to the City of Parkersburg and not an employee.
- d. That the business coach will be solely responsible and liable for payment of any federal and state income, payroll and self-employment taxes attributable to payment received for services provided and that the business coach will not be considered an employee for federal or state payroll tax purposes.
- e. That the business coach will set his/her own hours and routine in consultation with the City of Parkersburg.

- f. That the business coach will provide his/her own materials, tools, and equipment, and will expect no reimbursement for any out-of-pocket expenses incurred in the performance of services except as provided in section 2.4.b.
- g. That the business coach will be paid a set fee for services as determined by the City of Parkersburg and WWSBDC.
- h. That the business coach will follow WWSBDC and SBA guidelines, policies and procedures and seek to attain the goals of each organization in consultation with the City of Parkersburg and WWSBDC.
- i. That the business coach will comply with the Deliverables and Outcome Requirements set forth in Attachment I and Attachment II to this Agreement, such terms to be expressly incorporated into any independent contractor agreement.
- j. That the business coach has met the requirements of a Business Development Specialist III ("BDS") as per the West Virginia Division of Personnel classification guidelines.

2.5 City of Parkersburg and WWSBDC shall share oversight responsibilities of the business coach's performance during the term of this Agreement. WWSBDC will regularly monitor the business coach's performance and provide the City of Parkersburg regular input on that performance as it relates to the services to be provided under this Agreement.

2.6 City of Parkersburg shall immediately contact WWSBDC if it desires to terminate its relationship with the business coach prior to the end of the Term of this Agreement. WWSBDC retains the right to approve any individual recommended to act as a business coach.

2.7 City of Parkersburg shall provide adequate office space and standard office-related equipment necessary for the business coach to perform his/her job duties if necessary and feasible.

2.8 City of Parkersburg shall return any equipment provided to the business coach by WWSBDC under Paragraph 3.2 within 30 days of the expiration or cancellation of this Agreement, unless otherwise agreed by WWSBDC.

2.9 All physical, computerized, electronic or other types of records, documents, proposals, notes, lists, files and any and all other materials including, but not limited to, computerized or electronic information that refers, relates or otherwise pertains to the WWSBDC and any individual or entity that received services under this Agreement shall

be returned to WWSBDC within 30 days of the expiration or cancellation of this Agreement or termination of the Business Coach.

2.10 Any and all documentation, data, reports and any other writing or information prepared or assembled for the purposes of this Agreement are considered confidential and may only be shared during the term of this Agreement and with prior written approval of the WWSBDC.

2.11 This Agreement does not supersede or alter any current contracts between the Parties.

ARTICLE IV

RESPONSIBILITIES OF THE WWSBDC

3.1 WWSBDC shall provide the business coach with the necessary training, information, access and materials to perform the services identified within this Agreement.

3.2 The WWSBDC shall provide the City of Parkersburg with such additional equipment the business coach will require to perform his/her duties under this Agreement not available under Paragraph 2.7 of this Agreement, subject to WWSBDC's sole discretion that such equipment is necessary to carry out the purposes of this Agreement.

3.3 The WWSBDC shall provide the business coach with copies of comparable production reports, along with regular guidance and oversight related to their performance of services identified within this Agreement.

3.4 The WWSBDC will pay the City of Parkersburg for the services identified within this Agreement as set forth in Article II of this Agreement.

ARTICLE V

CONTINUATION AND CANCELLATION

4.1 Either Party may cancel this Agreement at any time on thirty (30) days written notice. Upon cancellation, all payment obligations by the WWSBDC under this Agreement shall be terminated, and the City of Parkersburg shall refund any unexpended monies paid by the WWSBDC under this Agreement.

4.2 The Mayor of Parkersburg (or appropriate representative) and the WWSBDC State Director will meet within 30 days prior to the end of the first six month period to review the work completed and continuation of the Agreement. Any agreement to extend this Agreement must be in writing and signed by all parties.

ARTICLE VI

MISCELLANEOUS

5.1 This Agreement, with Attachment I and II embraces all of the promises, agreements, conditions, and understandings between the parties hereto and there are no promises, conditions, covenants, or understandings between the parties hereto except such as are specifically herein in writing between WWSBDC and the City of Parkersburg.

5.2 This Agreement may be modified and changed only by an instrument in writing signed by the undersigned parties.

5.6 If any part of this Agreement is found to be null and void, or is otherwise stricken, the rest of this Agreement shall remain in force.

5.7 Nothing in this Agreement shall be construed to create an employment, agency, partnership, joint venture or other relationship among the WWSBDC and the City of Parkersburg.

5.8 No party hereto shall have any power to obligate or bind the other in any manner whatsoever.

5.9 The titles to the articles and paragraphs of the Agreement are solely for the convenience of the parties and shall not be used to explain, modify, simplify, or aid in the interpretation of the provisions of this Agreement.

We, the undersigned, enter into this Agreement acknowledging their acceptance and the execution of the Agreement by their signatures below:

J. Keith Burdette, Executive Director
West Virginia Development Office

Date

Robert D. Newell, Mayor
City of Parkersburg

Date

RESOLUTION

WHEREAS, residents of Shrewsbury Place in the City of Parkersburg, have submitted a petition to dedicate a 5' by 135' portion of property abutting an unnamed alley as public right-of-way to the City of Parkersburg, and

WHEREAS, the residents of Shrewsbury Place more specifically abutting the aforementioned unnamed alley understand that upon being dedicated as a public right-of-way, the City of Parkersburg shall be responsible for maintaining the street as funds are made available,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Parkersburg that the right-of-way, described as follows:

Being situate in the City of Parkersburg, County of Wood, State of West Virginia, more particularly described as follows:

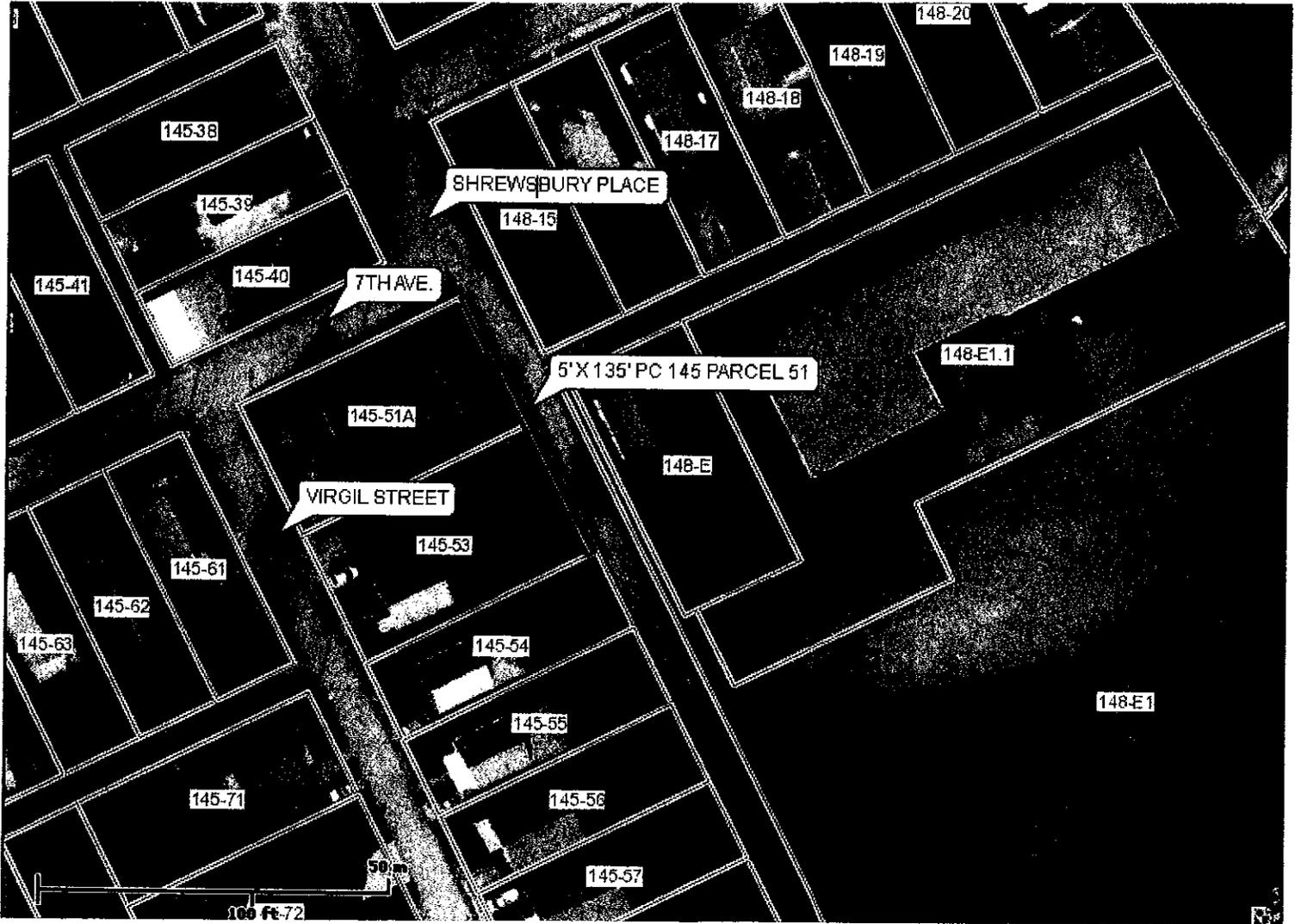
A parcel of land being 5 feet by 135 feet, lying on the easterly sides of the original lots 26, 27, and 28 as shown on the plat of Nicelyville "Block F", recorded in Plat Book 4, Page 4, in the County Commission of Wood County, West Virginia, and also shown on the City of Parkersburg Tax Map 145, as parcel 51.

Being the same parcel of land reserved by Bert C. Stallings and Nada A. Stallings in Deed Book 583, Page 47, said Nada A. Stallings died testate July 30, 1973, leaving all real estate to her husband Bert C. Stallings in Will Book 51, Page 522, said Bert C. Stallings died testate November 9, 2004, leaving all real estate to his daughters Anita Lou Stallings Emerick, and Donna Faye Stallings Lyons in Will Book 135, Page 501.

This description was prepared by Randy A. Sheppard, WV Professional Surveyor No. 860, and is based on instruments of record in the Office of the Clerk of the County Commission of Wood County, West Virginia.

is hereby dedicated and approved as a public right-of-way, to be held and maintained by the City of Parkersburg.

Sponsored by: Parkersburg Municipal Planning Commission



145-38

145-39

145-41

145-40

145-51A

145-61

145-62

145-63

145-71

SHREWSBURY PLACE

7TH AVE.

VIRGIL STREET

145-53

145-54

145-55

145-56

145-57

148-15

148-17

148-18

148-19

148-20

148-E

148-E1.1

148-E1

5' X 135' PC 145 PARCEL 51

100 FT

50 M

AN ORDINANCE ACCEPTING A PARCEL OF LAND BEING 5 FEET BY 135 FEET, LYING ON THE EASTERLY SIDES OF THE ORIGINAL LOTS 26, 27, AND 28 AS SHOWN ON THE PLAT OF NICELYVILLE "BLOCK F", RECORDED IN PLAT BOOK 4, PAGE 4, IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA, AND ALSO SHOWN ON THE CITY OF PARKERSBURG TAX MAP 145, AS PARCEL 51.

WHEREAS, the residents of Shrewsbury Place in the City of Parkersburg, have submitted a petition to remit a 5' by 135' portion of property abutting an unnamed alley to the City of Parkersburg, and

WHEREAS, the owners of said property have submitted a petition to remit a 5' by 135' portion of property abutting an unnamed alley to the City of Parkersburg,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Parkersburg that the following described property is hereby accepted as a public thoroughfare:

Being situate in the City of Parkersburg, County of Wood, State of West Virginia, more particularly described as follows:

A parcel of land being 5 feet by 135 feet, lying on the easterly sides of the original lots 26, 27, and 28 as shown on the plat of Nicelyville "Block F", recorded in Plat Book 4, Page 4, in the County Commission of Wood County, West Virginia, and also shown on the City of Parkersburg Tax Map 145, as parcel 51.

Being the same parcel of land reserved by Bert C. Stallings and Nada A. Stallings in Deed Book 583, Page 47, said Nada A. Stallings died testate July 30, 1973, leaving all real estate to her husband Bert C. Stallings in Will Book 51, Page 522, said Bert C. Stallings died testate November 9, 2004, leaving all real estate to his daughters Anita Lou Stallings Emerick, and Donna Faye Stallings Lyons in Will Book 135, Page 501.

This description was prepared by Randy A. Sheppard, WV Professional Surveyor No. 860, and is based on instruments of record in the Office of the Clerk of the County Commission of Wood County, West Virginia.

Mayor Robert D. Newell is accordingly authorized to execute a deed conveying the interest of the property owners to the City of Parkersburg.

SPONSERED BY: MUNICIPAL PLANNING COMMISSION



SOUTH HILL'S ESTATES INC.

STALLINGS REALTY AGENTS
1511 CAMDEN AVE.
PARKERSBURG, W. VA. 26101
1-304-428-3365

City of Parkersburg
Attn: Mayor Robert D. Newell
1 Government Square
PO Box 1627
Parkersburg, WV

We wish to convey to the City of Parkersburg a parcel of land 5 foot by 135 foot that lies adjacent to an existing 20 foot right of way called Shrewsbury Place. This land was reserved by Bert C. and Nada Stallings (both deceased) and inherited by Anita Emerick and Donna Lyons (their children). It can be found in deed book 583 page 47 and is shown Parkersburg Corporation Tax Map 145 parcel 51.

Thank you for your consideration.

Sincerely,

Anita Emerick
Owner by inheritance

Donna Lyons
Owner by inheritance

Brenda Harris
Adjoining property owner

Ketta J. Browning
Adjoining property owner

QUITCLAIM DEED

THIS DEED, Made this _____, 2014, by and between

ANITA LOU STALLINGS EMERICK AND DONNA FAYE STALLINGS LYONS, as party(ies) of the first part,

And

THE CITY OF PARKERSBURG, a Municipal Corporation, Grantees, as parties of the second part.

WITNESSETH: That for and in consideration of the sum of FIVE (\$5.00) DOLLARS, cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part does hereby remise, release and forever quitclaim unto the said parties of the second part, IN FEE SIMPLE all their right, title and interest, in and to that certain lot, tract, or parcel of land situate, lying and being in the City of Parkersburg, County of Wood and State of West Virginia, more particularly bounded and described as follows:

**DESCRIPTION OF 5 FEET by 135 FEET STRIP
CITY OF PARKERSBURG, TAX MAP 145, PARCEL 51**

Situate in the City of Parkersburg, County of Wood, State of West Virginia, more particularly described as follows:

A parcel of land being 5 feet by 135 feet, lying on the easterly sides of the original lots 26, 27, and 28 as shown on the plat of Nicelyville "Block F", recorded in Plat Book 4, Page 4, in the County Commission of Wood County, West Virginia, and also shown on the City of Parkersburg Tax Map 145, as parcel 51.

Being the same parcel of land reserved by Bert C. Stallings and Nada A. Stallings in Deed Book 583, Page 47, said Nada A. Stallings died testate July 30, 1973, leaving all real estate to her husband Bert C. Stallings in Will Book 51, Page 522, said Bert C. Stallings died testate November 9, 2004, leaving all real estate to his daughters Anita Lou Stallings Emerick, and Donna Faye Stallings Lyons in Will Book 135, Page 501.

This description was prepared by Randy A. Sheppard, WV Professional Surveyor No. 860, and is based on instruments of record in the Office of the Clerk of the County Commission of Wood County, West Virginia.

DECLARATION OF CONSIDERATION OR VALUE

The undersigned hereby declare that the total consideration paid for the property conveyed by the document to which this declaration is appended is NONE, this being a transfer to a municipality.

WITNESS the following signatures:

ANTIA LOU STALLINGS EMERICK

DONNA FAYE STALLINGS LYONS

STATE OF WEST VIRGINIA,

COUNTY OF WOOD, TO-WIT:

The foregoing instrument was acknowledged before the undersigned authority by ANTIA LOU STALLINGS EMERICK, this ____ day of _____, 2014.

My commission expires: _____

NOTARY PUBLIC

STATE OF WEST VIRGINIA,

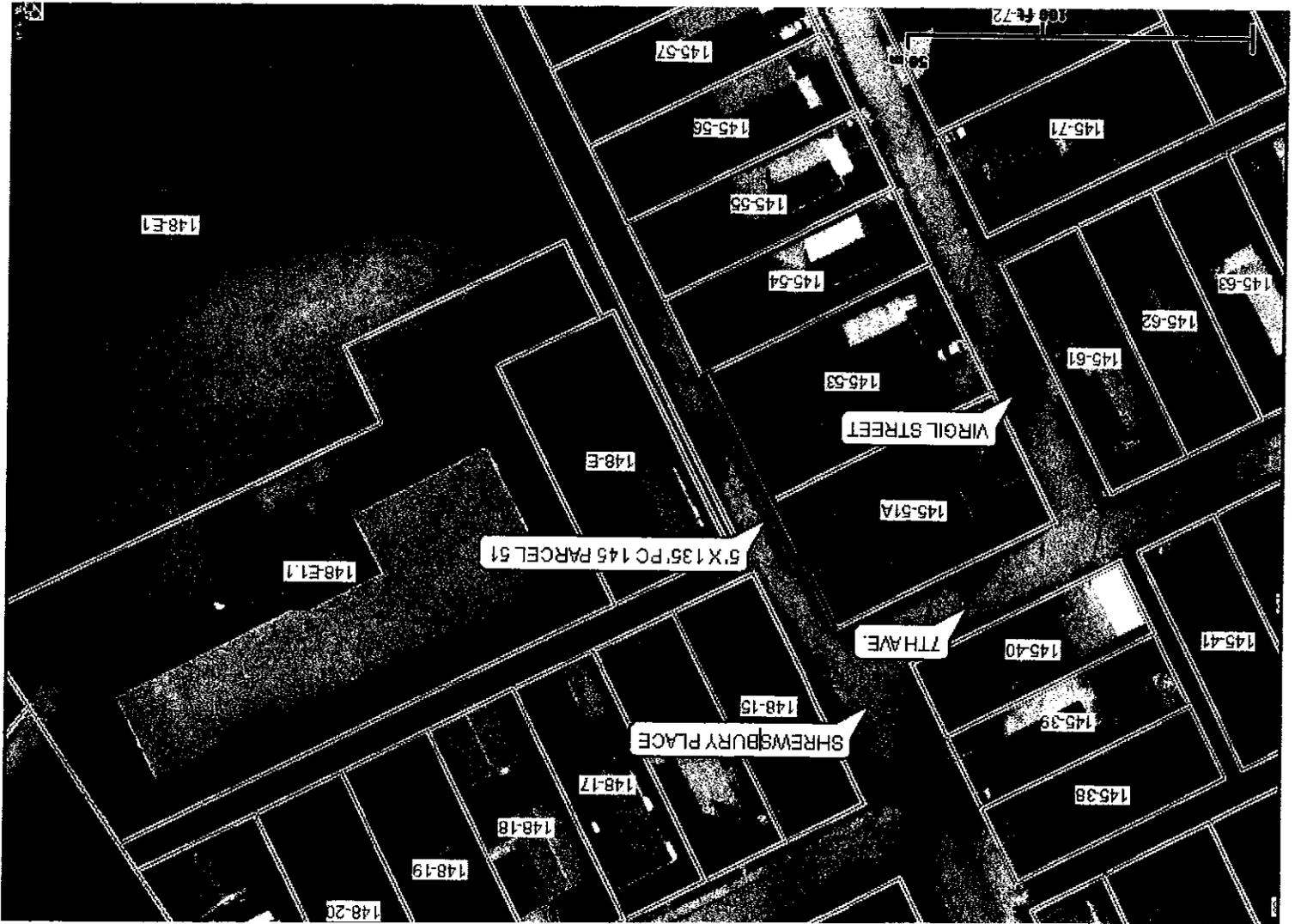
COUNTY OF WOOD, TO-WIT:

The foregoing instrument was acknowledged before the undersigned authority by DONNA FAYE STALLINGS LYONS, this ____ day of _____, 2014.

My commission expires: _____

NOTARY PUBLIC

This Deed Prepared By:
ROBERT K. TEBAY III
ASST. CITY ATTORNEY
Parkersburg, West Virginia 26101



**ORDINANCE AMENDING SECTION 1505.03
ASSISTANT INSPECTORS, OF ARTICLE 1505,
BUREAU OF FIRE PREVENTION, OF THE
CODIFIED ORDINANCES OF THE CITY OF PARKERSBURG**

NOW BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that Section 1505.03, Assistant Inspectors of Article 1505, Bureau of Fire Prevention, of the Codified Ordinances of the City of Parkersburg, be and it is hereby amended and reenacted as follows:

1505.03 ASSISTANT INSPECTORS



The Chief of the Fire Department may designate up to eight (8) assistant inspectors of the Bureau of Fire Prevention, subject to the approval of the Mayor. Each such assistant inspector shall have successfully completed the National Fire Protection Association (NFPA) certification programs for Certified Fire Inspector I (CFI-I) and Certified Fire Inspector II (CFI-II).

Upon obtaining the requisite certifications (CFI-I and CFI-II) and upon designation by the Chief of the Fire Department said Assistant Inspector(s) shall be compensated at the rate of \$1,200.00 per annum, in addition to their other compensation.

SPONSORED BY COUNCILMEN:

ORDINANCE REQUIRING THE
REGISTRATION, INSPECTION AND
REGULATION OF
VACANT BUILDINGS

NOW BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that all vacant buildings within the corporate boundaries of the City of Parkersburg be registered, inspected and regulated as follows:

PURPOSE.

- (a) The City has determined that an uninspected and unmonitored vacant building may present a fire hazard, may provide temporary occupancy by transients (including drug users and traffickers), may detract from private and/or public efforts to rehabilitate or maintain surrounding buildings, and that the health, safety and welfare of the public is served by the regulation of such vacant buildings.
- (b) Owners of uninspected and unmonitored vacant buildings shall register such vacant buildings with the City, make payment of a fee for the registration thereof, and otherwise conform to these vacant building regulations.
- (c) This article ensures that, through a registration, inspection, and monitoring process, vacant buildings will be kept weather tight and secure from trespassers, will provide safe entry to police officers and firefighters in times of emergency, will not impede private and/or public efforts to rehabilitate or maintain surrounding buildings, and will not present otherwise a public hazard.
- (d) The City, by and through its departments shall inspect and monitor vacant buildings (especially vacant downtown buildings), shall assess the effects of the condition of those buildings on nearby structures, and shall promote substantial efforts to rehabilitate and develop such buildings when appropriate.

These provisions will streamline and consolidate the existing procedure (that is, complaint, research, notification, inspection, orders, fines, liens, appeals and due process lien enforcement), by placing the responsibility to register and maintain vacant structures on the building owner before a building's condition falls into disrepair or otherwise merits a complaint.

DEFINITIONS.

- (a) Definitions. For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them as follows:
 - 1) Boarded: A building or structure subject to the provision of this section shall be deemed to be "boarded" if in place of one or more exterior doors, other than a storm

door, or of one or more windows, there is a sheet or sheets of plywood or similar material covering the space for such door or window.

- 2) Exterior maintenance and major systems: The phrase “exterior maintenance and major systems” shall mean the safe and lawful maintenance of the façade, windows, doors, roof and other parts of the exterior of the building and the maintenance of its major systems consisting of the roof, the electrical and plumbing systems, the water supply system, the sewer system, and the sidewalk, driveway, if any, area of the lot, as applicable and as enforced by the City, particularly in connection with codes adopted by the City as well as all applicable local, state and federal laws.
- 3) Occupied: Any building or structure shall be deemed to be occupied if one or more persons actually conducts a lawful business or resides in all or any part of the building as the licensed business occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, non-transient basis, or any combination of the same. For purposes of this section, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; a valid City business license, or the most recent, federal or state income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy; or proof of bonafide pre-rental inspection.
- 4) Open: A building or structure subject to the provisions of this section shall be deemed to be “open” if any one or more exterior doors other than a storm door is broken, open and/or closed but, without a properly functioning lock to secure it, or if one or more windows is broken or not capable of being locked and secured from intrusion, or any combination of the same.
- 5) Owner: An owner of the freehold of the premises or any lesser estate therein, a mortgagee, a vendee-in-possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation that is directly or indirectly in control of a building subject to the provisions of this section, and as set forth below.
- 6) Vacant: A building or structure shall be deemed to be vacant if no person or persons actually, currently conducts a lawfully licensed business, or lawfully resides, dwells, or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s), or owner-occupant(s), or tenant(s) on a permanent, non-transient basis. A building or structure shall be deemed vacant and subject to the registration and possible penalty provisions provided herein if the exterior maintenance and major systems of the building and the surrounding real property thereof, as defined in this section, are in violation of the building codes or health and sanitation codes and if there is not proof of continual utility service evidencing actual use of electric, gas (i.e., applicable heating sources), water service, etc. Continued is meant to be without more than one (1) thirty (30) day interruption in any given three-hundred sixty (360) day period. In order for such continual utility service to be considered as being

actually in use as described in this section, it must be more than merely registered to the owner for purposes of billing and must be utilized, at a minimum, in order to keep the property and the major systems of the building in compliance with building and safety codes. The person or entity asserting that there has been continued utility service has the burden to produce actual bills evidencing utility service for the relevant period.

(b) All vacant structures shall also comply with the following criteria:

- 1) Exterior property areas are to be mowed regularly and non-cultivated gardens maintained at no more than seventeen (17) inches of growth. All noxious weeds are prohibited.
- 2) Structure is to be broom swept and cleared of all contents, not including building materials or components to be used in the future renovation at that structure.
- 3) Electrical service is to be provided to the building via temporary pole service on the exterior of the structure or create a permanent service for the structure and install two (2) GFCI protected receptacles.
- 4) NEC and OSHA compliant string lighting is to be provided to the entire structure so that it may be illuminated as needed to view the structure.
- 5) Unstable interior and exterior surfaces and components are to be removed. Unstable or unsound accessory buildings are to be razed or renovated.
- 6) Using wood sheet goods; all loose, deteriorated and broken windows and doors are to be covered to eliminate the danger of their falling and to prevent the unwanted entry of trespassers. Such wood sheet goods are to be cut and neatly fit, not just nailed over the opening.
- 7) All loose or deteriorated trim, gutter or overhang extensions (masonry or frame) are to be removed or reattached to prevent falling.
- 8) Regular routine monitoring of the structure is to occur by the owner to ensure that the building is being kept in compliance with the above items.
- 9) Utilities need to be connected to the structure.

(c) **Applicability.** The requirements of this section shall be applicable to each owner of any building that is found to be vacant pursuant to the language contained herein. Each such owner shall cause to be filed a notarized registration statement, which shall include the street address and parcel number of each such vacant building, the names and addresses of all owners, as hereinafter described, and any other information deemed necessary by the City. The registration fee(s) as required by this section shall

be billed by the City and shall be paid by last day of the month when the property has been registered. For purposes of this section, the following shall also be applicable:

- 1) If the owner is a corporation, the registration statement shall provide the names and residence addresses of all officers and directors of the corporation and shall be accompanied by a copy of the most recent annual franchise tax report filed with the secretary of state;
- 2) If an estate, the name and business address of the executor of the estate;
- 3) If a trust, the name and address of all trustees, grantors, and beneficiaries;
- 4) If a partnership, the names and residence addresses of all partners with an interest of ten percent or greater;
- 5) If any other form of unincorporated association, the names and residence addresses of all principals with an interest of ten percent or greater;
- 6) If an individual person, the name and residence address of that individual person.

INSPECTION.

At the time of registration, the Director of Code Enforcement, Fire Chief, City Engineer and Police Chief shall determine whether it is necessary for any or all of them to inspect the structure so as to identify any public safety issues needing addressed. Inspections shall also be available to verify the status of any property concerning occupancy, vacancy, etc. If an internal inspection is deemed necessary, the owner will be notified of the same and arrangements made for the same. If the owner fails or refuses to consent to and arrange for an inspection, the City will seek an administrative search warrant from a court of competent jurisdiction, which shall include the Municipal Court, to authorize inspection of the premises for the purpose of determining the structural integrity of the building, the repairs necessary to insure its structural integrity and that it will be safe for entry by firefighters and police officers in time of emergency, and that the building and its contents do not present a hazard to the public during the time that the building remains vacant.

All vacant structures are subject to re-inspection on an annual basis or as deemed necessary.

CORRECTIVE ACTION.

The property owners shall be notified in writing of any corrective action deemed necessary for life, safety and building code matters by City officials, the applicable code provisions or regulations, and will be afforded a reasonable time to the corrective action. Corrective action concerning the occupancy of vacant structures is discussed later herein.

REGISTRATION GENERALLY.

- (a) At the time of adoption of this article, all owners of realty within the City of Parkersburg that contain a vacant structure, as defined above, shall register the same with the Division of Code Enforcement of the City. For those structures that qualify as a vacant structure and after the adoption of this article, the owner thereof shall be required to register the structure with the Division of Code Enforcement within thirty (30) days after the structure is found to meet the definition of a vacant structure. The registration form shall require information from the registrant deemed necessary by the Director of Code Enforcement, Fire Chief, City Engineer and Police Chief of the City, so as to ensure that the purpose of this article is met. Specifically, the above named City officers shall have the authority to require that the property owner provide a professional opinion (architect, engineer, etc.) to determine the structural integrity of the building, the repairs necessary to ensure its structural integrity and that it will be safe for entry by firefighters and police officers in time of emergency, and that the building and its contents do not present a hazard to the public during the time the building remains vacant. The above named officers shall have the authority to issue orders to the owner for corrective action deemed necessary. The Director of Code Enforcement and Fire Chief shall rely upon the West Virginia State Building Code and Fire Code, as well as other applicable law, for guidance during any such structural review.
- (b) Registration statement and fees; local agent. If none of the persons listed, as above, is shown at an address within the state, the registration statement also shall provide the name and address of a person who resides within the state and who is authorized to accept service of process on behalf of the owners and who shall be designated as a responsible, local party or agent, both for purposes of notification in the event of an emergency affecting the public health, safety or welfare and for purposes of service of any and all notices or registration statements as herein authorized and in connection herewith. Registration shall be required for all vacant buildings, whether vacant and secure, vacant and open, or vacant and boarded, and shall be required whenever any building has remained vacant for forty-five (45) consecutive days or more. In no instance shall the registration of a vacant building and the payment of registration fees be construed to exonerate the owner, agent or responsible party for compliance with any other building code or housing code requirement. One registration statement may be filed to include all vacant buildings of the owner so registering, but each structure constitutes a separate fee. The owner of the vacant property as of the last day of the month when the property has been registered of each calendar year shall be responsible for the payment of the non-refundable registration fee. Said fee shall be billed by the City; and based on the duration of the vacancy as determined by the following scale:
- 1) No fee for properties that are vacant for less than one (1) year;
 - 2) One-hundred dollars (\$100.00) per month for properties that are vacant for one (1) year or more.

RIGHT OF APPEAL.

- (a) **Appeal Rights.** The owner shall have the right to appeal the imposition of the registration fees to the Director of Public Works upon filing an application in writing to the Division of Code Enforcement no later than fifteen (15) calendar days after the date of the billing statement. On appeal, the owner shall bear the burden of providing satisfactory objective proof of occupancy as defined in this article specifically.
- (b) **One Time Waiver of Registration Fee.** A one-time waiver of the registration fee, or an extension of a waiver for up to ninety (90) days from the date of the current billing statement, may be granted by the Director of Public Works, or his designee upon application of the owner and upon review and advice of the Director of Code Enforcement, Public Health and Safety Officials and City Engineer; if the owner;
- 1) Demonstrates with satisfactory proof to the Director of Public Works or his designee that he/she is in the process of demolition, rehabilitation, or other substantial repair of the vacant building; and
 - 2) Objectively demonstrates to the Director of Public Works or his designee a reasonable anticipated length of time for the demolition, rehabilitation, or other substantial repair of the vacant building;
 - 3) Provides satisfactory proof to the Director of Public Works or his designee that he/she was actively attempting to sell or lease the property during the vacancy period; or
 - 4) Provides satisfactory proof to the Director of Public Works to be evaluated on a case-by-case basis, that the vacancy is temporary and may be due to illness of the owner, active military service, or some other reasonable explanation believed to be short term in nature and document able as necessary.
 - 5) Within thirty (30) days, or as soon thereafter as possible, at the waiver application is received by the Director of Public Works or his designee shall grant or deny the waiver, or request for extension, in writing, and dispatch the written decision by mail to the owner. If the owner properly submitted an application for a one-time waiver or request for extension to the Director of Public Works or his designee, and the Director of Public Works or his designee rendered a decision which the owner seeks to appeal to the City Council, the owner must file an application in writing no later than thirty (30) calendar days from the date of the Director of Public Works or his designee's decision. City Council shall either grant or deny the appeal. Thereafter the decision of City Council is final unless within thirty (30) days of such decision the owner appeals for injunctive relief to the Circuit Court of Wood County.

AMENDING INFORMATION.

- (a) Duty to Amend Registration Statement. If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, responsible party or agent for the same to contact the department of licenses and inspections within thirty (30) days of the occurrence of such change and advise the department in writing of those changes.
- (b) Exceptions. This section shall not apply to any building owned by the United States, the State, the City, or any of their respective agencies or political subdivisions.
- (c) Violations and Penalties for Failure to Register. The failure or refusal for any reason of any owner, or agent of an owner acting on behalf of the owner, to register a vacant building upon adoption of this Article, or to pay any fees required to be paid pursuant to the provisions of this Article, within thirty (30) days after they become due, shall constitute a violation punishable upon conviction thereof by a fine in the amount of not less than one-hundred dollars (\$100.00) nor more than five-hundred dollars (\$500.00) for each failure or refusal to pay a required vacant building fee, as applicable. In such cases, whenever the minimum fine of one-hundred dollars (\$100.00) is imposed, it shall not be subject to suspension or reduction for any reason.

NON-PAYMENT OF FEES/LIENS.

- (a) Delinquent Registration Fees as a Lien. After the owner is given notice of the amount of the registration fee due, except for those owners that have properly perfected an appeal pursuant to subsection (b) (4) above, and the owner fails to pay the amount due, said amount shall constitute a debt due and owing to the City and the City may commence a civil action to collect such unpaid debt.
- (b) "Lien" or "Liens" as used in this section shall arise whenever the fees and charges as described in this section are levied or imposed.
- (c) If an owner fails to pay the registration fee as assessed and the City begins the collection action to enforce its lien, then the Code Enforcement Officer shall post the written notice on the property and send the written notice to the owner(s) by certified and regular mail.
- (d) The City may take action to sell the subject property by means of forfeiture and the court ordered enforcement process to collect the debt owed the City. Should the City take the steps necessary to sell the subject property, the City shall do so, subject to all liens and real and personal property taxes that are due. Purchasers of the subject property shall be similarly responsible for registration pursuant to this section in the same manner as the prior owner and must begin the registration process anew if said property remains vacant.

SPONSORED BY COUNCILMEN:

BOND ORDINANCE

THE CITY OF PARKERSBURG

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.

BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF PARKERSBURG:

ARTICLE I

STATUTORY AUTHORITY, FINDINGS AND DEFINITIONS

Section 1.01. Authority for this Ordinance. This Ordinance (together with any ordinance, order or resolution supplemental hereto or amendatory hereof, the "Bond Legislation") is enacted pursuant to the provisions of Chapter 8, Article 20 of the West Virginia Code of 1931, as amended (collectively, the "Act"), and other applicable provisions of law.

Section 1.02. Findings. It is hereby found, determined and declared that:

A. The City of Parkersburg (the "Issuer") is a municipal corporation and political subdivision of the State of West Virginia in Wood County of said State.

B. The Issuer presently owns and operates through the Parkersburg Utility Board (the "Board") a public combined waterworks and sewerage system. It is deemed necessary and desirable for the health and welfare of the inhabitants of the Issuer that there be acquired pickup trucks, dump truck, jet/vac truck, backhoes, and other rolling stock and equipment to be utilized for the operation and maintenance of the combined waterworks and sewerage system, (collectively, the "Project"), (the existing public combined waterworks and sewerage system of the Issuer, the Project and any further additions, betterments and improvements thereto are herein called the "System").

*53 Page document,
Review in Clerks office.*

THE CITY OF PARKERSBURG

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

BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF PARKERSBURG:

ARTICLE I

STATUTORY AUTHORITY, FINDINGS AND DEFINITIONS

Section 1.01. Authority for this Ordinance. This Ordinance (together with any ordinance, order or resolution supplemental hereto or amendatory hereof, the "Bond Legislation") is enacted pursuant to the provisions of Chapter 8, Article 20 and Chapter 31, Article 15A of the West Virginia Code of 1931, as amended (collectively, the "Act"), and other applicable provisions of law.

Section 1.02. Findings. It is hereby found, determined and declared that:

A. The City of Parkersburg (the "Issuer") is a municipal corporation and political subdivision of the State of West Virginia in Wood County of said State.

B. The Issuer presently owns and operates, through the City of Parkersburg Utility Board (the "Board") a combined municipal waterworks and sewerage system. However, it is deemed

*50 PAGE DOCUMENT,
REVIEW IN CLERKS OFFICE*