

AGENDA FOR THE REGULAR MEETING OF  
PARKERSBURG CITY COUNCIL FOR TUESDAY,  
JUNE 24, 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 June 10, 2014
- IV. REPORTS FROM STANDING OR SPECIAL COMMITTEES
- V. MESSAGE FROM THE EXECUTIVE

A. Communication from Mayor Robert Newell re-appointing Phil Kincaid, 1702 Washington Avenue, and Debra Conner, 1902 Washington Avenue to the Washington Avenue/PHS Architectural Review Board through February 14, 2017; and appointing Amber Haid, 1619 Washington Avenue, to that Board through June 24, 2017. (requires Council's confirmation)

VI. PUBLIC FORUM

VII. RESOLUTION

1. Resolution appointing Greg Boso, 1912 20<sup>th</sup> Street, as a member of the Board of Zoning Appeals for a three-year term to expire June 24, 2017. (Sponsored by Councilmen Reed, Lynch, Rockhold, Reynolds, Carpenter, and Kelly)

2. Resolution applying for a WV Recycling Assistance Grant for \$120,000.00. (Sponsored by Councilmen Lynch, Kelly, Rockhold, Carpenter, Reed, and Brown)

3. Resolution amending our Section 125 Flexible Benefit Plan (Sponsored by Councilmen Rockhold, Lynch, and Wilcox)

VIII. ORDINANCE, FINAL READING:

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

5. 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)

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

7. 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

The Council of the City of Parkersburg met in regular session Tuesday, June 10, 2014, at 7:30 PM in the Council Chambers on the second floor of the Municipal Building at One Government Square, Parkersburg, WV 26101. Council President, John Rockhold, 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 Assistant City Clerk Dan Huffman noted the attendance and those present included Councilmen Nancy Wilcox, Sharon Lynch, Roger Brown, Kim Coram, JR Carpenter, Mike Reynolds, John Kelly, Jim Reed, and John Rockhold.

MINUTES – Mr. Brown moved, seconded by Mr. Kelly, to dispense with the reading of the journal and approve the minutes from the meeting held May 20, 2014, and the motion was adopted by unanimous vote.

REPORTS FROM STANDING OR SPECIAL COMMITTEES – Councilman Jim Reed reported that the Finance Committee met prior to this meeting and approved inner-departmental budget revisions, with a revision for \$70,000.00 forthcoming for sidewalks.

Councilman Brown reported that the Public Works Committee met prior to this meeting to consider the utility line warranty, with no recommendation coming from that committee.

Councilwoman Lynch reported that the Personnel Committee met prior to this meeting in executive session with no decisions made nor motions offered, but there is an ordinance on first reading this evening concerning that matter of assistant inspectors in the Fire Department.

Councilman Reynolds reported that there would be an Urban Renewal Authority meeting after the Council meeting this evening.

MESSAGE FROM THE EXECUTIVE – Mayor Robert Newell announced that the Viet Nam Memorial Wall would be coming to Parkersburg again this year and invited Council to attend a meeting June 12, 2014 on the second floor of our building. Councilman Kelly is also trying to get an elite group from the United States Air Force to perform during that time.

PUBLIC FORUM – no one appeared.

#### RESOLUTIONS

MOTION – Mr. Reynolds moved, seconded by Ms. Wilcox, to combine the first four resolutions concerning the Firemen's and Policemen's Pension Fund regulations, and the motion was adopted by unanimous vote.

The assistant City Clerk offered:

1. Resolution revising the rules and regulations for the Policemen's Pension and Relief Fund to comply with state law concerning actuaries.
2. Resolution revising the rules and regulations for the Policemen's Pension and Relief Fund to comply with state law concerning pension calculations
3. Resolution revising the rules and regulations for the Firemen's Pension and Relief Fund to comply with state law concerning actuaries.
4. Resolution revising the rules and regulations for the Firemen's Pension and Relief Fund to comply with state law concerning pension calculations.

MOTION – Mr. Kelly moved, seconded by Mr. Reynolds, to approve these four resolutions, and the motion was adopted by unanimous vote.

The Clerk offered a 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

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

The clerk offered a resolution dedicating and naming an alley east of 7<sup>th</sup> Avenue and South of Summers Street as Chauncy Lane.

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

The Clerk offered a resolution authorizing Mayor Robert Newell to enter into an Agreement with the WV Small Business Development Center to establish an office in Parkersburg.

#### 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

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festering 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.

**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, 25301 ("WWSBDC").

**RECITALS**

WHEREAS, WWSBDC 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 July 1<sup>st</sup>, 2014, and continue in effect until June 30<sup>th</sup>, 2015, or until it is replaced or cancelled pursuant to Article V.

**ARTICLE II**

**TERMS OF PAYMENT**

1.1. WWSBDC 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 30<sup>th</sup> 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 a 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.

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**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                      Date signed  
WV Development Office

Robert D. Newell, Mayor    Date signed  
City of Parkersburg

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

**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 situated 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.

MOTION – Mr. Brown moved, seconded by Ms. Lynch, to adopt the resolution, and the motion was adopted by majority vote with all members voting "yes" with the exception of Ms. Wilcox, who voted "no".

**ORDINANCE, FIRST READING:**

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 COUNCIL COMMISSION OF WOOD COUNTY, WEST VIRGINIA, AND ALSO SHOWN ON THE CITY OF PARKERSBURG TAX MAP 145, AS PARCEL 51

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

MOTION TO AMEND – at the request of the City Attorney, Mr. Reed moved, seconded by Mr. Brown, to amend the ordinance in the last paragraph to state "authorized to accept a deed" in place of "authorized to execute a deed", and the amendment was adopted by majority vote with all members voting "yes" with the exception of Ms. Wilcox, who voted "no".

PARKERSBURG, W. VA., June 10, 2014

The motion, as amended, was adopted by majority vote with all members voting "yes" with the exception of Mr. Wilcox, who voted "no".

## ORDINANCE, FIRST READING:

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

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

## ORDINANCE, FIRST READING:

AN ORDINANCE REQUIRING THE REGISTRATION,  
INSPECTION AND REGULATION OF  
VACANT BUILDINGS

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

## ORDINANCE, FIRST READING:

BOND ORDINANCE, CITY OF PARKERSBURG  
AN 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 \$1,000,000.00 IN AGGREGATE  
PRINCIPAL AMOUNT OF COMBINED WATERWORKS AND SEWERAGE SYSTEM  
REVENUE BONDS, SERIES, 2014A; 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

MOTION – Mr. Reed moved to adopt the ordinance on first reading. There was no second to the motion. I discussion or action.

## ORDINANCE, FIRST READING:

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 REVENUE BONDS,  
SERIES 2014B (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.

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

The meeting adjourned at 7:52 PM.

*Connie Shaffer*  
\_\_\_\_\_  
City Clerk

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

Note – meeting attended and notes taken by Assistant Clerk, Dan Huffman;  
Minutes typed by City Clerk, Connie Shaffer

Mayor Robert D. Newell



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

June 17, 2014

City of Parkersburg  
Members of City Council

Dear Council President Rockhold, and  
All members of City Council:

The terms of Mr. Phil Kincaid, 1702 Washington Avenue; and Ms. Debra Conner, 1902 Washington Avenue, have expired on the Washington Avenue/PHS Architectural Review Board, and both would like to continue as members through February 14, 2017.

Also, due to another resignation on that Board, (Ms. Crego) Ms. Amber Haid, 1619 Washington Avenue, has agreed to serve through June 24, 2017.

I would appreciate your favorable consideration of these appointments.

Sincerely,

A handwritten signature in cursive script that reads "Robert D. Newell".

Robert D. Newell  
Mayor

RDN:css

## RESOLUTION



BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that  
Mr. Greg Boso, 1912 20<sup>th</sup> Street, Parkersburg, WV be appointed as a member of the  
Board of Zoning Appeals to serve a three-year term to expire June 24, 2017.

(replaces Shirley Parks)

Sponsored by Councilmen Reed, Lynch, Rockhold, and Reynolds

**WEST VIRGINIA RECYCLING ASSISTANCE GRANT  
PROGRAM 2015 GRANT APPLICATION RESOLUTION**

**WHEREAS, recycling helps to reduce the need for new landfills and extends the useful life of present landfills; and**

**WHEREAS, recycling also allows valuable materials to be reused; and**

**WHEREAS, the City of Parkersburg has established a Recycling Center to help residents, living in the community, recycle materials; and**

**WHEREAS, the City of Parkersburg operates a curb-side recycling program, as well as three locations where people can drop off recycling materials; and**

**WHEREAS, the City of Parkersburg's Sanitation Department has seen a increase in the number of households participating in the curb-side program; and**

**WHEREAS, the amount of materials being diverted from landfills has also increased; and**

**WHEREAS, the City of Parkersburg is committed to making the program more accessible to people by improving logistical operations and new promotion methods;**

**NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Parkersburg, that Mayor, Robert D. Newell be and hereby authorized to submit a grant application in the amount of \$120,000 to the West Virginia Department of Environmental Protection, Division of Land Restoration, for a Recycling Assistance Grant.**

**Sponsored by: Councilmen Lynch, Kelly, Rockhold, Carpenter, Reed, and Brown**

**RESOLUTION TO AMEND AND RESTATE  
THE CITY OF PARKERSBURG'S  
FLEXIBLE BENEFIT PLAN**



WHEREAS, the City of Parkersburg previously determined that as of July 1, 2004, it would be in the best interest of the City of Parkersburg and its employees to adopt a "Section 125 Flexible Benefits Plan" allowing for pre-taxed insurance and medical benefits.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the City of Parkersburg amend and restate its "Section 125 Cafeteria Plan" all in accordance with the specifications annexed hereto, and including the addition of the Dependent Care Assistance Plan; and, be it know that the City of Parkersburg Flexible Benefits Plan Document, as amended and restated, is attached hereto and made a part hereof, shall upon passage be executed by the Mayor of the City of Parkersburg.

BE IT FURTHER RESOLVED that the City of Parkersburg shall undertake all actions necessary to implement and administer said plan.

Sponsored by Councilpersons Lynch, Rockhold and Wilcox.

**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:

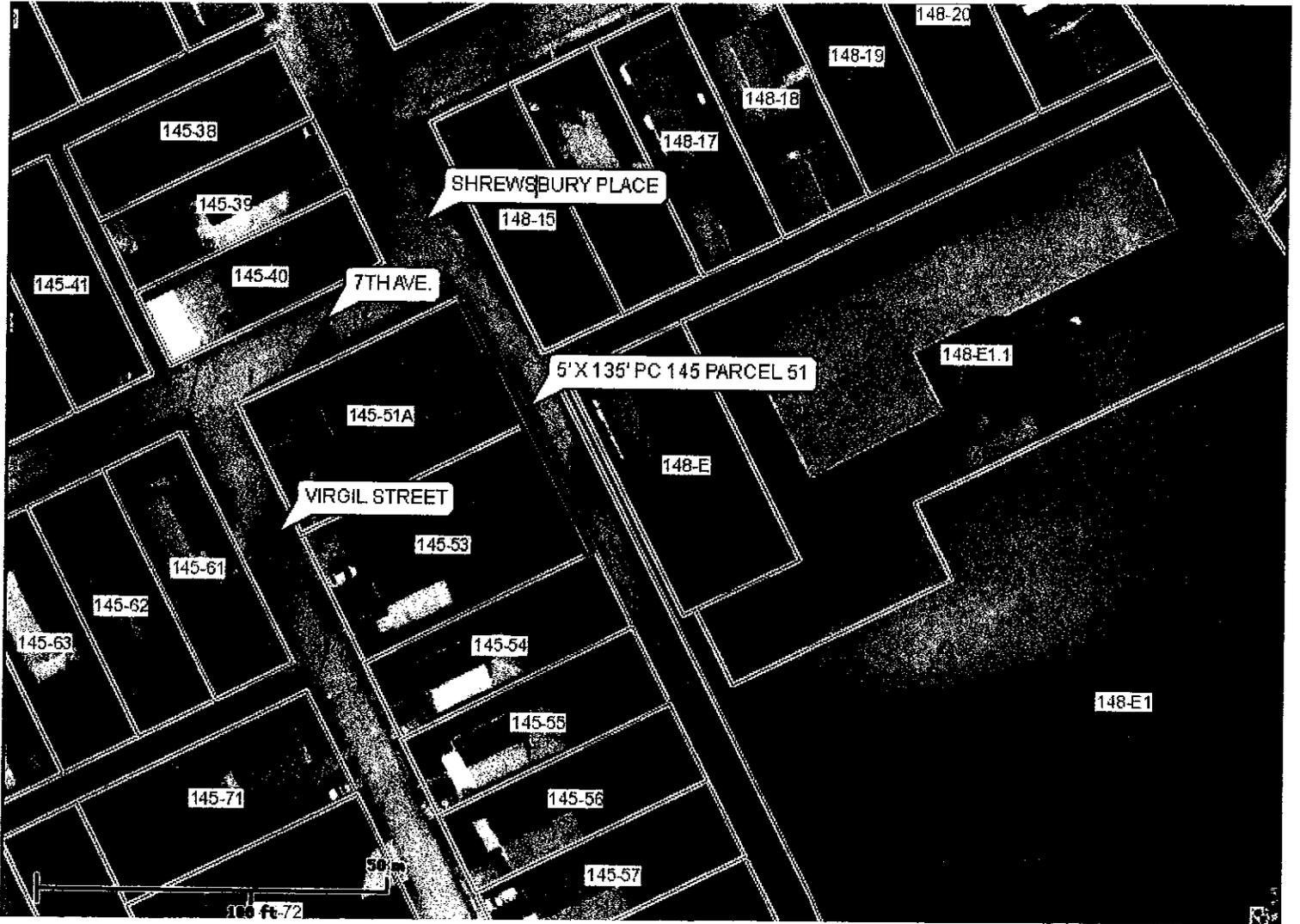
A parcel of land being 5 feet by 135 feet, lying on the easterly sides of the original lots 26, 27, and 28 as shown on the plat of Nicelyville "Block F", recorded in Plat Book 4, Page 4, in the County Commission of Wood County, West Virginia, and also shown on the City of Parkersburg Tax Map 145, as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

**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*