

AGENDA FOR THE REGULAR MEETING OF
PARKERSBURG CITY COUNCIL FOR TUESDAY,
OCTOBER 28, 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 October 14, 2014
- IV. REPORTS FROM STANDING OR SPECIAL COMMITTEES
- V. MESSAGE FROM THE EXECUTIVE
- VI. PUBLIC FORUM
- VII. RESOLUTIONS

1. Resolution encouraging the United States House of Representatives and the United States Senate to pass a bill to extend the Delta Queen's exemption from the Safety Of Life at Sea Law (SOLAS), which would allow the Delta Queen to once again operate with passengers on our rivers. (Sponsored by Councilmen Rockhold, Lynch, Kelly, Reynolds, Coram, and Reed.)

VIII. ORDINANCE, FINAL READING:

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

IX. ORDINANCE, FIRST READING:

3. An ordinance transferring property on Avery Street, Map 76, parcel 233, from the City of Parkersburg to the Urban Renewal Authority to promote ongoing efforts to beautify and develop downtown Parkersburg. (Sponsored by Councilmen Rockhold, Lynch, and Reynolds.)

X. MISCELLANEOUS – a Communication from The Parkersburg News and Sentinel stating their circulation and qualifications for their newspaper (as required by law).

XI. ADJOURNMENT

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

The Council of the City of Parkersburg met in regular session Tuesday, October 14, 2014, at 7:30 PM in the Council Chambers on the second floor of the Municipal Building at One Government Square, Parkersburg, WV 26101. Councilman Jim Reed led the Lord's Prayer and Pledge of Allegiance.

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

MINUTES – Mr. Reed moved, seconded by Mr. Carpenter, to dispense with the reading of the journal and approve the minutes of September 23, 2014 as distributed, and the motion was adopted by unanimous vote.

REPORTS FROM STANDING OR SPECIAL COMMITTEES – Councilman Mike Reynolds reported that the Urban Renewal Authority met prior to this meeting and approved a request to submit a loan application to the WV Housing Development Fund in the amount of \$500,000.00 to acquire or demolish dilapidated buildings.

MESSAGE FROM THE EXECUTIVE – Mayor Robert Newell addressed Council and those attending concerning our ordinance on final reading this evening about solicitation of money, and another ordinance on first reading about aggressive solicitation. The Mayor had signed installed at a few locations asking people not to contribute to the panhandlers, therefore contributing to our drug and alcohol problem. He said that so there is no confusion, this is not about our homeless problem; it is about drugs and alcohol. The state agency on homeless persons said that we were keeping people from doing better, but he said he challenges them to follow any of the panhandlers who go and buy alcohol or drugs after leaving their site for the day. He said he was insulted by the coalition, and that this Administration and Council has given \$5,000.00 twice to help people not lose their homes; and another time we gave \$11,000.00 for rent for eleven families to have eleven apartments.

Mayor Newell said he wanted to assure everyone this is not about homelessness. He said he has met the homeless and they do not panhandle. No one commits anyone to mental hygiene facilities and those problems are left to cities. They can't pay a fine if they were ticketed. The money collected by the panhandlers does not go for food, he said. There are many facilities in our City to feed them and shelter them. This is a serious drug and alcohol problem and the money to panhandlers does not go for a good purpose, he said.

The Clerk presented the following Proclamation for National Community Planning Month:

Community Planning Month Proclamation

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

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

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

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

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

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

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

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

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

Adopted this _____ Day of _____, 2014.

Robert D. Newell, Mayor
City of Parkersburg
West Virginia

MOTION – Mr. Reynolds moved, seconded by Mr. Carpenter, to receive and file the Proclamation, and the motion was adopted by unanimous vote.

Our Planning Director, John Whitmore, was present for this Proclamation.

PUBLIC FORUM – Attorney, Todd Swanson, from the law firm of Steptoe and Johnson, bond attorneys for the Parkersburg Utility Board, appeared for any questions or comments concerning the supplemental resolution on the agenda this evening concerning the combined waterworks and sewerage system revenue bonds, series 2014A

Mr. Clyde Wey, 1006 Avery Street, told Council he was in the process of securing a 25' lot from the City beside his property, and he invited each of them to stop buy his home so he could show them his plans. Mr. Wey said he had invested a lot of money in his property, and would like this lot for off-street parking. He said he has had damage to his vehicles that are parked on the street on two different occasions. He also stated that he has sponsors for the ordinance to be considered on October 28, 2014.

RESOLUTION – the clerk presented a resolution stating that dates for City Council meetings in November shall be Thursday, November 6, 2014 and Tuesday, November 18, 2014; and December 9, 2014 and December 16, 2014.

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

RESOLUTION

THE CITY OF PARKERSBURG

Combined Waterworks and Sewerage System Revenue Bonds, Series 2014 A

SUPPLEMENTAL RESOLUTION

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

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

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

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

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

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

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

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

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

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

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

Section 1.
hereto as Exhibit A.

The Issuer hereby approves the Conformed Ordinance attached

Section 2. Pursuant to the Bond Ordinance and the Act, this Supplemental Resolution is adopted and there is hereby authorized and ordered to be issued the Combined Waterworks and Sewerage System Revenue Bonds, Series 2014 A, of

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

the Issuer, originally represented by a single Bond, numbered AR-I, in the principal amount of \$715,513. The Series 2014 A Bonds shall be dated October 22, 2014, shall mature on November 1, 2019 and shall bear interest as follows:

A. Interest on the Series 2014 A Bonds shall be payable at a rate of 1.76% per annum (hereinafter sometimes called the "Tax-Exempt Rate").

Interest shall be computed on the basis of a year of 360 days, and 30 days in a month.

B. Notwithstanding any other provision herein, in the event the interest on the Series 2014 A Bonds is declared to be includible in gross income for federal income tax purposes by the Internal Revenue Service ("Determination of Taxability"), interest on the Series 2014 A Bonds shall be payable at a rate of 2.60% per annum (hereinafter sometimes called the "Taxable Rate"). Interest at the Taxable Rate shall commence to accrue on the date of Determination of Taxability and such interest rate shall be charged retroactively and prospectively for all periods in which interest paid on the Series 2014 A Bonds is asserted, declared or determined to be includible in gross income for federal income tax purposes, and shall continue until the entire principal of and interest on the Series 2014 A Bonds are paid, notwithstanding that the entire principal amount of the Series 2014 A Bonds may have been paid in full prior to the Determination of Taxability. Any interest being past due on the Series 2014 A Bonds by reason of such increase shall become immediately due and payable.

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

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

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

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

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

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

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

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

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

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

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

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

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

[Remainder of Page Intentionally Blank]

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

Adopted this 14th day of October, 2014. THE CITY OF PARKERSBURG, signed by the Mayor.

CERTIFICATION

Certified a true copy of a Supplemental Resolution and Conformed Ordinance duly adopted by the Council of the City of Parkersburg on October 14, 2014. Dated October 22, 2014.

SEAL Signed by the clerk.

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

Councilman Reed asked why there was a 1% prepayment penalty, and Mr. Watson stated that it was typical

ORDINANCE, FINAL READING:

ORDINANCE REPEALING SECTION 347.28,
RESTRICTION ON SOLICITATION OF MONEY

WHEREAS, the City's Ordinance restricting the solicitation of money has been determined to be overly restrictive and therefore in its application, in violation of the United States Constitution; and WHEREAS in order to resolve the action now pending against the City in the matter of Kelly vs. The City of Parkersburg, et al in the United States District Court for the Southern District of West Virginia, it is necessary to repeal this ordinance.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG, that Section 347.28, Restriction on Solicitation of Money, of the Codified Ordinances of The City of Parkersburg be and it is hereby repealed in its entirety.

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

ORDINANCE, FINAL READING:

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

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that Section 356.03, Over Taking, Passing To Left, Drivers Duties; Section 373.06, Riding on Roadways and Bicycle Paths; and Section 373.13, Lamps and other Equipment on Bicycles, of the Codified Ordinances of the City of Parkersburg are hereby amended and re-enacted as follows:

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

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

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

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

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

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

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

373.06 RIDING ON ROADWAYS AND BICYCLE PATHS.

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

373.13 LAMPS AND OTHER EQUIPMENT ON BICYCLES.

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

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

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

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

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

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

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

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

ARTICLE 156 Bicycle Advisory Board

156.01 156.02 156.03 156.04

Establishment.
Membership; vacancies.
Meetings; rules of procedure; records.
Powers and authority.

156.01 ESTABLISHMENT.

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

156.02 MEMBERSHIP; VACANCIES.

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

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

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

(b) The Board shall serve under the direction of the Mayor and shall receive technical support from City staff.
(Ord.0-1364. Passed 1-26-10.)

156.03 MEETINGS; RULES OF PROCEDURE; RECORDS.

The Board, on an annual basis shall elect a chairman and a vice-chairman from its membership to preside over the meetings. The Board shall adopt rules for its own procedure and shall keep records of its proceedings. Minutes of all meetings are kept as public records. The Board shall meet at least quarterly at least once a month. The first meeting in January shall be considered the annual meeting. A majority of voting members of the Board shall constitute a quorum. All meetings are to be held in accordance with the Open Public Meeting Act.

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

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

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

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

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

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

156.04 POWERS AND AUTHORITY.

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

implementation and maintenance policies, programs and facilities for the safe and efficient integration of bicycle and pedestrian transportation systems in Parkersburg.

(b) Specifically, the Board shall:

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

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

ORDINANCE, FIRST READING:

AN ORDINANCE PROHIBITING
AGGRESSIVE SOLICITATION

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

The Clerk presented a communication from the Mid Ohio Valley Health Department filing their fee schedule in accordance with the WV Bureau for Public Health.

MOTION – Ms. Wilcox moved, seconded by Ms. Lynch, to receive and file the communication, and the motion was adopted by unanimous vote.

The meeting adjourned at 7:45 PM.

City Clerk

Corinne Sharpe
ll

Council President

RESOLUTION

Whereas the Delta Queen is an American sternwheel steamboat;

Whereas the Delta Queen was initially listed on the National Register of Historic Places in 1970 and subsequently declared a National Historic Landmark in 1989;

Whereas this National Historic Landmark more recently lost its exemption under the Safety Of Life at Sea Law (SOLAS) and as such is prohibited from further providing overnight passenger cruises on the Mississippi River and its tributaries and including our own Ohio River;

Whereas the United States House of Representatives has passed a bill extending the Delta Queen's exemption from SOLAS and which would allow the Delta Queen to once again operate with passengers on our rivers; and

Whereas it is necessary for this bill to further be approved by the United States Senate.

 NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that it be known that the river city of Parkersburg, West Virginia supports extending the SOLAS exemption to the Delta Queen so that this majestic American National Historic Landmark may be permitted to once again ply the waters of our nation's rivers while carrying overnight passengers .

BE IT FURTHER RESOLVED that the United States House of Representatives and the United States Senate be and they are hereby encouraged to pass a bill to grant such an exemption from SOLAS to the Delta Queen in a timely fashion.

Sponsored by Councilmen:

AN ORDINANCE
PROHIBITING AGGRESSIVE SOLICITATION

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

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

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

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

AGGRESSIVE SOLICITATION

(a) Definitions. For purposes of this section:

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

(2) "Aggressive manner means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. In an aggressive manner in a public area;

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

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

(d) Construction and Severability.

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

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

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

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

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

**AN ORDINANCE TRANSFERRING PROPERTY ON AVERY STREET,
CITY CORPORATION MAP 76, PARCEL 233, FROM THE CITY OF
PARKERSBURG TO THE URBAN RENEWAL AUTHORITY OF THE CITY OF
PARKERSBURG, WEST VIRGINIA**

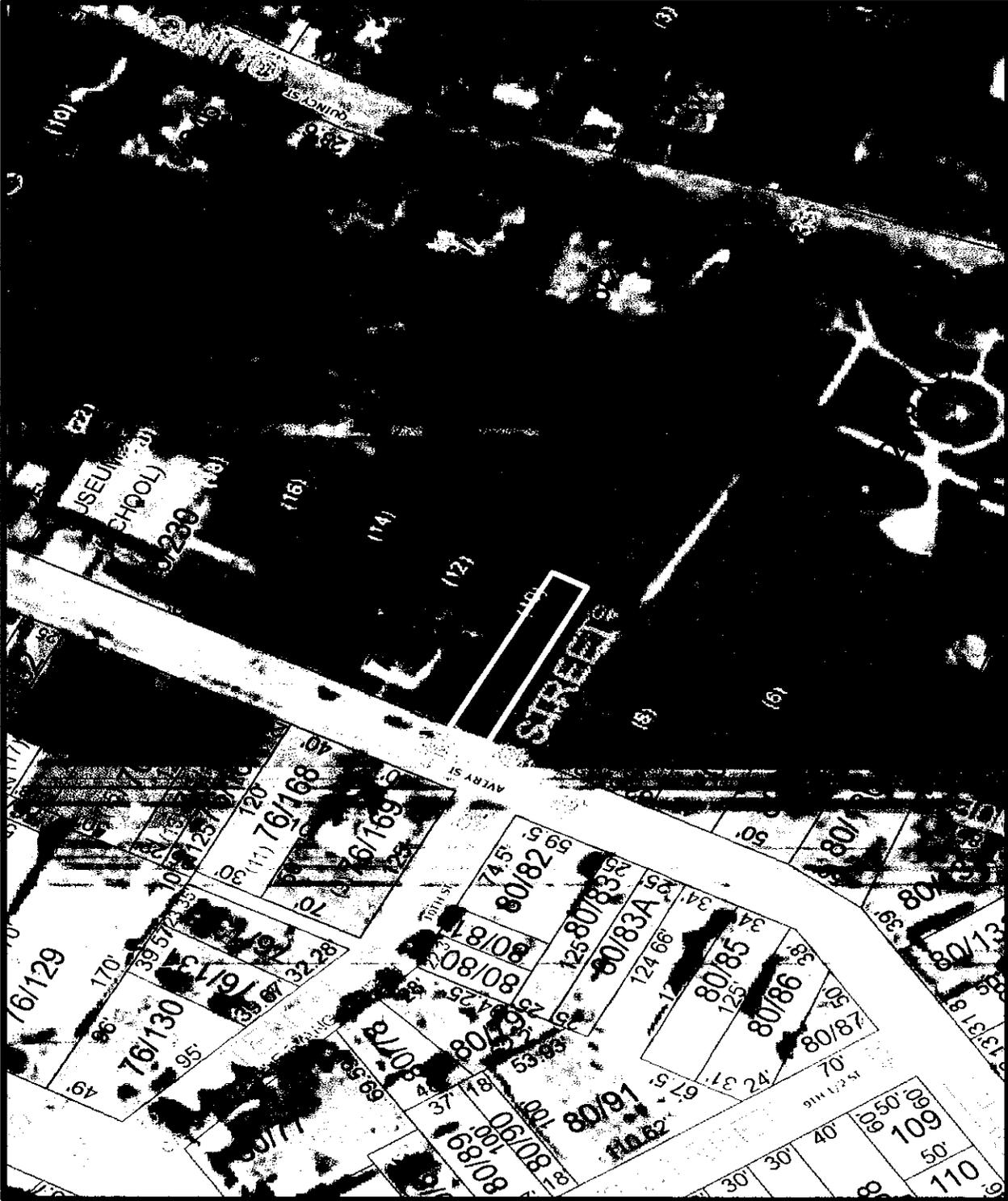
THE COUNCIL OF THE CITY OF PARKERSBURG HEREBY ORDAINS that the Mayor of the City of Parkersburg is hereby authorized to transfer by deed real property on Avery Street, City Corporation Map 76, Parcel 233 to the Urban Renewal authority of the City of Parkersburg, a public corporation, to promote ongoing efforts to beautify and develop downtown Parkersburg. The property to be transferred is described as follows:

Beginning at a point where the northerly line of Tenth Street intersects with the easterly line of Avery Street thence running in a northerly direction with the easterly line of Avery Street 35 feet to a point; thence at right angles running in a southerly direction 25 feet to the northerly line of Tenth Street thence at right angles running in a westerly direction with the northerly line of Tenth Street, 125 feet to the place of beginning.

And being the same real estate conveyed to the City of Parkersburg, by deed and dated June 18, 2004 and of record in the Office of the Wood County Clerk in Deed Book 1069, at Page 199.

Sponsored by Councilmen:

Proposed Property Transfer



Map Key

Parcel to be transferred

Note: The map is not to scale and shall serve as a reference only.



The Parkersburg
News and Sentinel

www.NewsandSentinel.com

519 Juliana Street
Parkersburg WV 26101
Phone: 304.485.1891
Toll Free: 800.642.1997
Fax: 304.422.2660

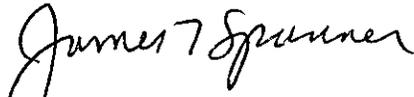
October 15, 2014

Connie Shaffer, City Clerk
PO Box 1627
Parkersburg WV 26102

Dear Ms. Shaffer:

As required by law, I am enclosing the properly executed forms covering circulation and qualifications for our newspapers.

Sincerely,



James T. Spanner
Publisher

Enclosures



STATE OF WEST VIRGINIA
 AFFIDAVIT OF CIRCULATION AND QUALIFICATION
 CHAPTER 59, ARTICLE 3, WEST VIRGINIA CODE

(This affidavit is for the fiscal year beginning July 1, 2015)

STATE OF WEST VIRGINIA

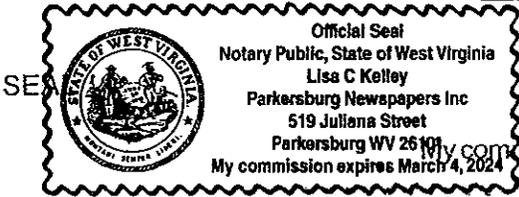
COUNTY OF Wood;

I, James T. Spanner, being firstsworn, statethat: mytitle is Publisher,
 the name of the publishing firm is The Nutting Company Inc. and the name of the newspaper
 is Parkersburg News and Sentinel, a [please circle: ~~Democratic~~ ~~Republican~~ No Party Affili-
 ation)] newspaper. I have been authorized by the board of directors of the newspaper to furnish this sworn
 affidavit of circulation and qualification to publish legal advertisements. The average paid circulation of the
 newspaper during the preceding calendar year was 17,923; the newspaper has been published for
 at least 115 years and/or XXX months and the newspaper is regularly published at least weekly
 for fifty weeks or more during the calendar year, in the Municipality of Parkersburg, and in
 the County of Wood, State of West Virginia. The newspaper is of general circulation and
 interest; the newspaper has a circulation large enough to provide reasonable belief that publication of a legal
 advertisement will give effective notice to the residents of the publication area; the newspaper averages four
 or more pages in length, exclusive of any cover, per issue; the newspaper is circulated to the general public
 at a definite price; and, the general public relies on the newspaper for news of events of a political, religious,
 commercial or social nature, and current happenings, announcements, miscellaneous reading matters,
 advertisements and other notices.

Applicable Legal Ad rate is
 thirteen cents (.13) per word.

James T. Spanner
 Authorized Official

Subscribed and sworn to before me this 15th day of October, 2014.



Lisa C. Kelley
 Notary Public

My commission expires 03/04/2024.

(INCLUDE WITH THIS AFFIDAVIT A COPY OF THE STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION
 FILED WITH THE UNITED STATES POST OFFICE IN THE CURRENT CALENDAR YEAR.)

THIS AFFIDAVIT MUST BE FILED WITH THE SECRETARY OF STATE NO LATER THAN NOVEMBER 1, 2014.



**UNITED STATES
POSTAL SERVICE®**

**Statement of Ownership, Management, and Circulation
(All Periodicals Publications Except Requester Publications)**

| | | | | | |
|--|--|--|--|---|--|
| 1. Publication Title PARKERSBURG NEWS AND SENTINEL | | 2. Publication Number 4 2 2 1 - 6 0 0 0 | | 3. Filing Date OCTOBER 1, 2014 | |
| 4. Issue Frequency DAILY AND SUNDAY | | 5. Number of Issues Published Annually 365 | | 6. Annual Subscription Price \$205.50 / \$218.50 | |
| 7. Complete Mailing Address of Known Office of Publication (Not printer) (Street, city, county, state, and ZIP+4®) 519 JULIANA STREET, PARKERSBURG, WOOD, WV 26101 | | | | Contact Person JAMES T. SPANNER Telephone (Include area code) 304.485.1891 | |

8. Complete Mailing Address of Headquarters or General Business Office of Publisher (Not printer)
519 JULIANA STREET, PARKERSBURG, WOOD, WV 26101

9. Full Names and Complete Mailing Addresses of Publisher, Editor, and Managing Editor (Do not leave blank)
Publisher (Name and complete mailing address)

JAMES T. SPANNER 707 5TH STREET, MARIETTA, OH 45750
Editor (Name and complete mailing address)

CHRISTINA MYER 49 DUTCH HILLS TER., PARKERSBURG, WV 26104
Managing Editor (Name and complete mailing address)

NA

10. Owner (Do not leave blank. If the publication is owned by a corporation, give the name and address of the corporation immediately followed by the names and addresses of all stockholders owning or holding 1 percent or more of the total amount of stock. If not owned by a corporation, give the names and addresses of the individual owners. If owned by a partnership or other unincorporated firm, give its name and address as well as those of each individual owner. If the publication is published by a nonprofit organization, give its name and address.)

| Full Name | Complete Mailing Address |
|---|--------------------------|
| AS PER LIST FURNISHED TO POSTAL SERVICE | |
| | |
| | |
| | |
| | |

11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check box None

| Full Name | Complete Mailing Address |
|-----------|--------------------------|
| NA | |
| | |
| | |
| | |

12. Tax Status (For completion by nonprofit organizations authorized to mail at nonprofit rates) (Check one)
The purpose, function, and nonprofit status of this organization and the exempt status for federal income tax purposes:
 Has Not Changed During Preceding 12 Months
 Has Changed During Preceding 12 Months (Publisher must submit explanation of change with this statement)

| | | | | |
|---|-----|--|---|--------------|
| 13. Publication Title | | 14. Issue Date for Circulation Data Below | | |
| PARKERSBURG NEWS AND SENTINEL | | THU. 8/28, SUN. 8/31 | | |
| 15. Extent and Nature of Circulation | | Average No. Copies Each Issue During Preceding 12 Months | No. Copies of Single Issue Published Nearest to Filing Date | |
| a. Total Number of Copies (Net press run) | | 19434, 24909 | 19542, 23278 | |
| b. Paid Circulation (By Mail and Outside the Mail) | (1) | Mailed Outside-County Paid Subscriptions Stated on PS Form 3541 (Include paid distribution above nominal rate, advertiser's proof copies, and exchange copies) | 55, 48 | 50, 35 |
| | (2) | Mailed In-County Paid Subscriptions Stated on PS Form 3541 (Include paid distribution above nominal rate, advertiser's proof copies, and exchange copies) | 0, 0 | 0, 0 |
| | (3) | Paid Distribution Outside the Mails Including Sales Through Dealers and Carriers, Street Vendors, Counter Sales, and Other Paid Distribution Outside USPS® | 17868, 22920 | 17933, 21457 |
| | (4) | Paid Distribution by Other Classes of Mail Through the USPS (e.g., First-Class Mail®) | 0, 0 | 0, 0 |
| c. Total Paid Distribution [Sum of 15b (1), (2), (3), and (4)] | | 17923, 22968 | 17983, 21492 | |
| d. Free or Nominal Rate Distribution (By Mail and Outside the Mail) | (1) | Free or Nominal Rate Outside-County Copies included on PS Form 3541 | 0, 0 | 0, 0 |
| | (2) | Free or Nominal Rate In-County Copies Included on PS Form 3541 | 0, 0 | 0, 0 |
| | (3) | Free or Nominal Rate Copies Mailed at Other Classes Through the USPS (e.g., First-Class Mail) | 0, 0 | 0, 0 |
| | (4) | Free or Nominal Rate Distribution Outside the Mail (Carriers or other means) | 56, 7 | 136, 5 |
| e. Total Free or Nominal Rate Distribution (Sum of 15d (1), (2), (3) and (4)) | | 56, 7 | 136, 5 | |
| f. Total Distribution (Sum of 15c and 15e) | | 17979, 22975 | 18119, 21497 | |
| g. Copies not Distributed (See Instructions to Publishers #4 (page #3)) | | 1455, 1934 | 1423, 1781 | |
| h. Total (Sum of 15f and g) | | 19434, 24909 | 19542, 23278 | |
| i. Percent Paid (15c divided by 15f times 100) | | 99%, 99% | 99%, 99% | |

* If you are claiming electronic copies, go to line 16 on page 3. If you are not claiming electronic copies, skip to line 17 on page 3.



| 16. Electronic Copy Circulation | Average No. Copies Each Issue During Preceding 12 Months | No. Copies of Single Issue Published Nearest to Filing Date |
|---|--|---|
| a. Paid Electronic Copies ▶ | 98, 98 | 263, 263 |
| b. Total Paid Print Copies (Line 15c) + Paid Electronic Copies (Line 16a) ▶ | 18021, 23066 | 18246, 21755 |
| c. Total Print Distribution (Line 15f) + Paid Electronic Copies (Line 16a) ▶ | 18077, 23073 | 18382, 21760 |
| d. Percent Paid (Both Print & Electronic Copies) (16b divided by 16c × 100) ▶ | 99%, 99% | 99%, 99% |

I certify that 50% of all my distributed copies (electronic and print) are paid above a nominal price.

17. Publication of Statement of Ownership

If the publication is a general publication, publication of this statement is required. Will be printed

Publication not required.

in the OCTOBER 1, 2014 issue of this publication.

18. Signature and Title of Editor, Publisher, Business Manager, or Owner

Date

James T. Spanner - Publisher

9-23-14

I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including civil penalties).