

AGENDA FOR THE REGULAR MEETING OF
PARKERSBURG CITY COUNCIL FOR TUESDAY,
JULY 8, 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 24, 2014
- IV. REPORTS FROM STANDING OR SPECIAL COMMITTEES
- V. MESSAGE FROM THE EXECUTIVE
- VI. PUBLIC FORUM
- VII. RESOLUTION

1. Resolution amending the City's Nationwide 457 Deferred Compensation Plan to add a loan program provision. (Sponsored by Councilmen Carpenter, Lynch, Reynolds, Rockhold, Brown, Reed, and Wilcox)

2. Resolution changing the scope of activities for a grant for the Parkersburg Art Center in order to make a purchase with \$700.00 remaining in that fund. (Sponsored by Councilmen Reynolds, Kelly, Rockhold, Reed, and Carpenter.)

3. Resolution re-appointing Mr. George Zivkovich, 26 Willowbrook Drive, as an Administrative Law Judge for the City of Parkersburg for a term to end June 10, 2017. (Councilmen Carpenter, Coram, Lynch, Rockhold, Wilcox, and Reed)

4. Resolution requesting approval of a budget revision in the amount of \$70,000.00 out of the Capital Reserve Fund for a sidewalk program. (Sponsored by the Finance Committee of City Council)

VIII. ORDINANCE, FINAL READING: (third and final reading)

4. 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.)

PUBLIC HEARING

IX. ODINANCE, FIRST READING

5. An ordinance authorizing the acquisition of vehicles and equipment of not more than \$1,000,000.00 in Waterworks and Sewerage System Revenue Bonds, Series 2014A. (Sponsored by the Finance Committee of City Council)

6. An ordinance creating and establishing a multi-family dwelling construction and revitalization Business and Occupation Tax Credit Program. (Sponsored by the Finance Committee of City Council.)

7. An ordinance amending and re-enacting Section 779.42, Vacant Building Revitalization Business and Occupation tax credit program of the City of Parkersburg. (Sponsored by the Finance Committee of City Council.)

8. An ordinance reclassifying the Public Safety Tele-Communicator in the Police Department from H-6 to H-8. (Sponsored by all members of Council)

9. An ordinance amending and re-enacting Sections 335.03, 373.06 and 373.13 of the codified ordinances bringing our city ordinances concerning bicycles in compliance with recent changes to WV law. (Sponsored by Councilmen Coram, Carpenter, and Lynch)

X. ADJOURNMENT

The Council of the City of Parkersburg met in regular session Tuesday, June 24, 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 clerk 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. Reed moved, seconded by Mr. Carpenter, to dispense with the reading of the journal and approve the minutes from the meeting held June 10, 2014, and the motion was adopted by unanimous vote.

REPORTS FROM STANDING OR SPECIAL COMMITTEES – Councilwoman Lynch invited everyone to attend the Southwood Park Music Series beginning next Tuesday; Councilman Reed reported that the Finance Committee met this evening and recommended the \$1,000,000.00 bond ordinance for the Utility Board be sent to City Council, as well as two other ordinances concerning tax credits for B & O on building revitalization; Councilman Carpenter reported on a recent Façade Committee that discussed safety issues at 935 Market Street with progress being made.

MESSAGE FROM THE EXECUTIVE – Mayor Robert Newell asked Council to consider all the pieces of our plan to clean up our housing stock in Parkersburg. One of the pieces is the ordinance concerning establishing up to 8 assistant fire inspectors in the fire department on the agenda this evening. We want people to start fixing their homes, and said we have 180 homes on a list for improvements. We have homeowners who have no intentions of doing anything to their property, and we keep going in and boarding up vacant houses. He reminded Council we would be taking \$200,000.00 from our street money to tear down houses. He said we all know that we will have citizens object to this plan, but he has heard nothing but positive comments that the City is going after these homeowners.

The clerk presented a communication from Mayor 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.

MOTION – Mr. Reynolds moved, seconded by Ms. Wilcox, to confirm the appointment and re-appointments, and the motion was adopted by unanimous vote.

PUBLIC FORUM – Attorney John Stump from Steptoe and Johnson, attorneys for the Parkersburg Utility Board, was present to tell Council that we have a rate increase in place and we have a bond ordinance on final reading this evening, with a public hearing on July 8th.

Mr. Sam Henry, 16th Avenue, asked if the Police Department could take a look at congested traffic on 16th Avenue and Pike Street area. He also said it would be nice to have a police substation at Southwood Park, and commended the department for their presence on our streets.

Mr. Mike Cochran, 1319 ½ Broadway Avenue, told Council he had lived in this house for 35 years. He bought a vacant house and tore it down, and at 4106 13th Avenue, he purchased a house that he uses for storage but keeps the property mowed and in good condition. He said he feared that honest people will suffer from the fees from the vacant building ordinance. Mayor Newell assured Mr. Cochran that this was not the kind of property the city is considering for clean-up and other improvements.

RESOLUTIONS

The clerk presented a resolution appointing Mr. Greg Boso, 1912 20th Street, as a member of the Board of Zoning Appeals for a three year term to expire June 24, 2017.

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

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 an 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;

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

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.

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

RESOLUTION

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.

(file may be reviewed in the Clerk's office or the Personnel Director's office.)

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

ORDINANCE, FINAL 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 NICEL YVILLE "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.

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

ORDINANCE, FINAL READING:

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.

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

ORDINANCE, FINAL READING:

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 facade, 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 o

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 anyone 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 no 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, a 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 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 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 documentable as necessary.
 - 5) Within thirty (30) days, or as soon thereafter as possible, as the waiver application is received by the Director of Public Works or his designee shall grant or deny the waiver, or request for extension, in writing, and dispatch the written decision by mail to the owner. If the owner properly submitted an application for a one-time waiver or request for extension to the Director of Public Works or his designee, and the Director of Public Works or his designee rendered a decision which the owner seeks to appeal to the City Council, the owner must file an application in writing no later than thirty (30) calendar days from the date of the Director of Public Works or his designee's decision. City Council shall either grant or deny the appeal. Thereafter the decision of City Council is final unless within thirty (30) days of such decision the owner appeals for injunctive relief to the Circuit Court of Wood County.

AMENDING INFORMATION.

- (a) Duty to Amend Registration Statement. If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, responsible party or agent for the same to contact the division of code enforcement within thirty (30) days of the occurrence of such change and advise the division 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.

MOTION – Ms. Coram moved, seconded by Ms. Wilcox, to adopt the ordinance on final reading.

Councilman Kelly and Mayor Newell discussed this ordinance in detail. Mr. Kelly agrees we need to take action with some of the properties, but this ordinance is one size fits all. More thought needs to be put into commercial buildings vs residential buildings – on a five story building on Market Street not occupied vs a four room bungalow unoccupied, and the fine is the same and he does not think that is fair.

Mayor Newell said we know there are circumstances, and we are not after people to be heavy handed or hurtful. We have a full page of appeal processes, and we work with people all the time now. Innocent people trying to do the right thing will not get hurt, he said. Mayor Newell said they have the city attorney here tonight to answer any questions they may have because he wants the city cleaned up. In recent years, manufacturers required our car lots to invest millions of dollars, and now they are saying 'what about the rest of the city'.

MOTION – Mr. Kelly moved, seconded by Mr. Brown, to refer the ordinance to Public Works Committee, and the motion failed with all members voting "no" with the exception of Mr. Brown, Mr. Reynolds, and Mr. Kelly, who voted "yes".

Mr. Kelly said he agreed with what the Mayor was trying to do, but he was not sure this is the way we want to go.

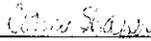
VOTE – the motion to adopt the ordinance on final reading was adopted by majority vote with all members voting "yes" with the exception of Mr. Brown and Mr. Kelly, who voted "no".

ORDINANCE, FINAL 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 second reading, and the motion was adopted by unanimous vote. (third reading July 8, 2014 with public hearing)

The meeting adjourned at 8:10 PM.


City Clerk

Council President

RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the Nationwide 457 Deferred Compensation Plan be amended to add the attached loan provision.

Sponsored by Councilpersons Carpenter, Lynch, Reynolds, Rockhold, Brown, and Wilcox

GOVERNMENTAL PLANS
457(b) PLAN
PARTICIPANT LOAN ADMINISTRATIVE PROCEDURES

Nationwide Retirement Solutions, Inc. ("NRS") agrees to administer loans in accordance with the term of these Participant Loan Administrative Procedures as approved by the Sponsor of the Plan. The Sponsor is encouraged to consult with its legal advisors in determining whether the procedures identified herein are appropriate for its Plan.

The Sponsor acknowledges that NRS may need to make changes from time-to-time to the administrative procedures set forth herein and may request amendments to the Plan documents to maintain compliance of the loan program with Internal Revenue Service guidelines. In such a case, NRS will provide the Sponsor with timely notice of such changes as they become necessary.

The following administrative procedures shall govern participant loans offered in the Sponsor's 457(b) Plan:

- 1. Loan Administration.** Sponsor delegates to NRS certain administrative duties regarding the administration of loans from the Plan, which are set forth herein and which may be modified by NRS upon timely notice to Sponsor.
- 2. Loan Eligibility.** Any Plan participant who is an active employee at the time a loan is made is eligible for a loan from the Plan. Each participant is entitled to one (1) loan from the Plan at any time, and may not take out additional loans until the prior loan has been repaid in full. In addition, a participant who has defaulted on a previous loan shall not be eligible for another loan from the Plan until all defaulted loans are repaid in full, including accrued interest and fees.
- 3. Loan Application and Loan Agreement.** In order to receive a loan from the Plan, an eligible participant must complete a loan application and return it to NRS. A loan application fee of \$50.00¹ will be deducted from the participant's account(s) after the loan has been funded by the participant's account(s). Before a loan is issued, the participant must enter into a legally

¹ These fees and minimums are subject to change by NRS upon reasonable notice to the Plan Sponsor. Loan fees will appear as administrative charges on Participant Statements.

enforceable loan agreement as provided by NRS on behalf of the Plan. If the Sponsor permits loans for the purchase of the participant's principal residence, the participant will be required to sign a primary residence certificate form and provide NRS with sufficient additional documentation to support the purchase of a principal residence.

A Plan loan shall be made only from the Before-Tax Deferral Account or, if applicable, Rollover Accounts that are not attributable to after-tax rollovers (including rollovers of Roth accounts). Loans may be withdrawn only from pre-tax balances, after tax money sources will not be included in the calculation of the Participant's account for purposes of calculating availability for a loan. Additionally, no loans will be funded from any after tax money source. To the extent that a Participant has a self-directed brokerage account, no funding from such self-directed brokerage account shall be permitted. To the extent that insufficient funds from non-self-directed brokerage account are available to fund the loan, the loan shall not be approved.

4. Loan Repayment/Minimum and Maximum Loan Term. Repayment of any loan made to a participant shall be made in a manner and pursuant to the terms set forth in the loan agreement. Loans must be repaid through electronic debiting from a bank account. The participant receiving a loan shall be required to furnish the information and authorization necessary to effectuate the foregoing payments prior to the commencement of a loan. The minimum loan term over which a loan may be repaid is one (1) year. The maximum term over which a loan may be repaid is five (5) years (fifteen (15) years if the Sponsor permits loans for the purchase of the participant's principal residence) (See Section 17 below for more information about principal residence loans).

In the event that a participant elects to receive a distribution from the Plan that is less than 100% of his outstanding account balance at a time when such person has a plan loan outstanding, the participant may continue to make payments on the loan.

5. Loan Amortization. Each loan shall be amortized beginning approximately thirty (30) days from the date the loan is processed in substantially equal payments consisting of principal and interest during the term of the loan. Payments of principal and interest shall be made in a manner and pursuant to the terms set forth in the loan agreement not less frequently than quarterly. The amount of the final payment may be higher or lower.

6. Loan Frequency. Each participant may have only one (1) Plan loan outstanding at any given time from the Plan. A Plan loan which is in default, even if the defaulted loan was treated as a "deemed distribution" under federal regulations, shall be treated as an outstanding loan until the participant repays the total amount outstanding on the loan. NRS shall offset an active or defaulted loan upon a participant's request for a full distribution of his or her account from the Plan.

7. Rejected Payments. The participant must pay the full amount of each payment (principal and interest) on the date that it is due. If NRS is unable to process an ACH debit payment on the date due, NRS will assess a fee of \$25.00 that will be deducted from the participant's account(s) and will notify the participant of the rejected payment. If a payment is rejected because of insufficient funds, NRS will attempt to process the payment a second time within five (5) days of the rejected payment. If the second ACH debit processing fails, NRS will attempt to process two (2) payments on the next payment due date. If this fails, one last attempt will be made to process the payment within the next five (5) days. As an example, if a payment is due January 1 and the ACH debit payment is rejected on that date, NRS will attempt to process the payment again no later than January 6. If the January 6 attempt is rejected, NRS will attempt to process two payments on February 1. If this fails, NRS will make a final attempt to process the two payments no later than February 6.

8. Default. If a participant fails to make a loan payment when due, NRS will send written notification of the failure to the participant and request that payment be made within one calendar month of the payment due date. The entire amount of the loan will be defaulted and treated as a deemed distribution effective as of one calendar month following the original due date of the initial missed loan payment if both the missed payment and the next payment are not paid by that date. A deemed distribution is treated as a distribution from the Plan for federal (and possibly state or local) income tax purposes; therefore amounts treated as a deemed distribution will be subject to federal, state and/or local income taxes, and certain excise taxes and penalties may apply depending on the type of Plan. NRS will issue a Form 1099-R to the participant no later than January 31 of the year following the year in which the deemed distribution occurs reflecting the deemed distribution. Any payment made on a defaulted

loan must pay off the outstanding balance of the loan in full including accrued interest. Such payment following the date of default, will be treated as after tax amounts and the participant will receive tax basis in his or her Plan account for such amounts.

The entire outstanding balance of the loan will also be due and payable upon notification to NRS of the death of the participant and the outstanding balance of the loan will be treated as a deemed distribution if the loan is not repaid in full within one calendar month following the date of notification.

9. Loan Prepayment. The entire amount of a loan, including outstanding principal and any accrued interest, may be paid without penalty prior to the end of the term of the loan in the manner prescribed by NRS.

10. Loan Security. By accepting a loan, the participant is giving the Plan a security interest in his or her vested Plan balance equal to the total loan amount, but not to exceed 50% of the participant's vested Plan balance.

11. Minimum/Maximum Loan Amount. The minimum loan amount permitted is \$1,000.00². Account balances attributable to Section 3121 contributions and associated earnings will not be considered in determining the maximum and minimum loan amount. The maximum amount of any loan permitted under the Plan (when added to the outstanding balance of all other loans from the plan) is the lesser of (i) \$50,000, reduced by the excess (if any) of (A) the highest outstanding balance of loans from the plan during the one-year period ending on the day before the date on which the loan was made over (B) the outstanding balance of loans from the plan on the date on which the loan is made, or (ii) one half of the present value of the Participant's vested account balance.

Any tax reporting required as a result of the receipt by a participant of a loan that exceeds the limits imposed by federal regulations shall not be the responsibility of NRS, unless it is determined that such limits were exceeded solely as a result of a loan made through NRS as service provider. Consequently, NRS shall not be required to account for loans made pursuant to a plan other than this Plan or loans made under this Plan that are made by another provider.

² See footnote 1.

12. Loans Offered under Multiple Vendor Arrangements/Multiple Plans. The Internal Revenue Code requires that the maximum loan amount described in Section 11 above be applied in the aggregate to all loans made under any plan sponsored by an employer.

The Sponsor and/or participant and not NRS shall at all times remain responsible for ensuring that any loan received under the Plan is in accordance with such limits taking into account any other loans received by the participant under any other plans of the participant's employer. NRS shall apply the maximum loan amount limit and any other limits imposed under the Internal Revenue Code without regard to any other loans received by the participant from any other investment provider under this Plan or any other plan maintained by the Sponsor.

13. Suspension of Loan Payments. A participant's obligation to repay any loan under the Plan may be suspended during the period in which the participant is performing service in the United States military as may be required by law. The Participant must resume repayment of the loan upon his or her completion of military service and the outstanding loan balance, including any accrued interest and fees, must be repaid and may be re-amortized over a period that does not exceed the latest permissible term for a loan under the regulations plus the period of the military service. While the participant is on active duty in the United States military, the interest rate on the loan shall not exceed six percent (6%), compounded annually unless the Participant elects in writing during or after his or her military leave to have the loan higher interest rate, if applicable, apply to the loan.

In addition, a participant's obligation to repay any loan under the Plan may be suspended during the period (not to exceed one (1) year) while the participant is on an approved non-military leave of absence provided that the leave is not less than six (6) months and the participant provides requested documentation regarding the leave from his or her employer. The Participant must resume repayment of the loan upon his or her return from leave and the outstanding loan balance, including any accrued interest and fees, must be repaid and may be re-amortized over a period that does not exceed the latest permissible term for a loan under the regulations.

The Sponsor assumes responsibility to notify NRS when a Participant begins and returns from a leave described above as well as describe the type of leave.

14. Loan Interest Rate. The interest rates for a Plan loan shall be commensurate with interest rates being charged by entities in the business of lending money under similar circumstances. Generally, the rate assumed will be Prime Rate + 2.00%+ other administrative and/or asset fees, as applicable³. The Prime Rate shall be the prime rate published by the Wall Street Journal two weeks prior to the end of the most recent calendar-year quarter and the new rate will be effective on the first day of the new calendar quarter. The loan interest rate may be adjusted for participants entering active duty in the military services as may be required by law.

15. Annual Loan Maintenance and Asset Fees. An annual loan maintenance fee of \$50.00⁴ will be deducted from the participant's account until the loan is repaid in full or defaulted. The amount of the outstanding loan balance will be subject to the maximum asset fee, administrative charge or such other fees NRS is entitled to receive under its separate agreement with the Sponsor.

16. Loan Default Fee. At the time a loan is treated as a deemed distribution, a \$50.00⁵ fee will be deducted from the participant's account and will apply annually thereafter, while the defaulted loan remains unpaid.

17. Loans for the Purchase of a Principal Residence. All loans issued by the Plan will be general loans to be repaid in no more than five (5) years unless the Sponsor affirmatively elects to offer loans for the purchase of the participant's principal residence, which may be repaid in no more than fifteen (15) years. Such loans shall be solely secured by the participant's vested account balance as set forth in Section 10 above. All administrative procedures set forth herein shall apply to such loans.

Will the Sponsor permit loans for the purchase of the Participant's principal residence? Indicate below:

Yes No

³ See footnote 1.

⁴ See footnote 1.

⁵ See footnote 1.

18. Loan Correction. In the event an error occurs in the administration of the loan, at the Sponsor's direction, NRS may undertake correction of the error in accordance with methods prescribed by the IRS or through any IRS correction program. The undersigned Sponsor hereby adopts these Participant Loan Administrative Procedures effective for loans issued on or after the effective date set forth below, and instructs NRS to administer loans made to Plan participants in accordance with these terms.

19. Acceptance of Procedures. The Sponsor acknowledges the following: (i) that the Sponsor has decided to offer loans under the Plan and is instructing NRS to administer loans under the Plan; (ii) that it understands that, as a result of offering loans under the Plan, the Plan participants could be subject to adverse tax consequences upon default of the loan; (iii) that the Sponsor has independently weighed these risks, and despite the risks has determined that offering loans under the Plan is in the best interest of Plan participants; and (iv) NRS shall not be liable for any adverse tax consequences described in (ii), except as specifically stated under paragraph 11 herein, resulting from the Sponsor's decision to offer loans under the Plan.

Plan Sponsor Name ("Sponsor"): _____

Street Address: _____

City, State, Zip Code _____

Plan Name ("Plan"): _____

Plan Number: _____

Plan Sponsor Signature: _____

Title: _____

Date of Signature: _____

Email Address: _____

For new plan setup, an executed copy of these Procedures should be returned to Nationwide Retirement Solutions at 10 W. Nationwide Blvd, 05-04-101A, Columbus, Ohio 43215 (Attn: Plan Administrator)

For existing plans, an executed copy of these Procedures should be returned to Nationwide Retirement Solutions at PO Box 182797, Columbus, Ohio 43218 (Attn: Loans Administrator)

RESOLUTION CHANGING THE SCOPE OF
ACTIVITIES FOR GRANT FOR THE
PARKERSBURG ART CENTER

9/5/13
WHEREAS, on June 11, 2013, Parkersburg City Council adopted a resolution authorizing Mayor Robert Newell to sign a grant agreement from the West Virginia Development Office for a Community Participation Grant in the amount of \$9,000.00 for the Parkersburg Art Center; and

WHEREAS, the purpose of the grant was to upgrade the ventilation system in the Clay Lab and to rehab the men's restroom on the 3rd floor to make it ADA compliant; and

WHEREAS, those funds have been expended and those projects completed, with \$700.00 remaining; and

WHEREAS, the Parkersburg Art Center desires to purchase a carpet cleaner with that remaining \$700.00 and is requesting a time extension for a scope/activity change;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the City of Parkersburg request this Renewal of Contract for Project #13LEDA0744, and authorizes Mayor Robert D. Newell to sign any required contract amendment.

Sponsored by Councilmen Reynolds, Kelly, Rockhold, Reed, and Carpenter



THE PARKERSBURG
ART CENTER, INC.

725 Market Street
Parkersburg, WV 26101

304/485-3859
304/485-3850 FAX
parkersburgartcenter.org

BOARD OF TRUSTEES

Sharon Wharton
Chairman

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Patty Lassiter

Keith McClung

Debra McGuire

Joyce Stephens

EMERITUS:
Mickey Welch

Hours:
10-5 Wednesday-Saturday

GOVERNOR'S COMMUNITY PARTICIPATION GRANT PROGRAM
TIME EXTENSION REQUEST
(Form 3)

Debbie Legg, Community Development Representative
West Virginia Development Office
Community Development Division
Building 6, Room 553
Charleston, WV 25305
June 17, 2014

RE: Renewal of Contract
Project # 13LEDA0744
Project Title: Parkersburg Art Center

Dear Ms. Legg,

This request concerns the Governor's Community Participation Program contract between the West Virginia Development Office (WVDO) and the Parkersburg Art Center, Parkersburg, WV, in the amount of \$9,000.

The purpose of the time extension is to request a scope/activity change. We have completed our current scope and the reason for the scope change now is to use the remaining funds. Our grant was approved for \$9,000 and we have approximately \$700.00 remaining. We would like to use these funds to purchase a carpet cleaner to help with the dust that gets imbedded into the carpet from the clay lab. As the students exit the clay lab, they walk over the carpet, circulating the clay dust and releasing potentially hazardous silicates.

If you have any questions concerning this request for the time extension and scope/activity change, please contact me 304-485-3859.

Sincerely,

Abby Hayhurst, Director
Parkersburg Art Center

Parkersburg Clerk

From: "Mike Reynolds" <mike@reynoldsnursery.com>
To: "Parkersburg Clerk" <parkersburgclerk@parkersburg-wv.com>
Sent: Tuesday, June 24, 2014 8:09 PM
Subject: Re: sponsor, please?
Reynolds sponsors

On Jun 24, 2014 4:44 PM, "Parkersburg Clerk" <parkersburgclerk@parkersburg-wv.com> wrote:
Council, on June 11, 2013, you adopted a resolution authorizing the Mayor to accept and sign a contract for a grant to the Parkersburg Art Center for \$9,000.00 to be used to upgrade the ventilation system and to rehab the men's restroom on the 3rd floor to make it ADA compliant.

Â
They have \$700.00 left over from making those improvements, and would like to purchase a carpet cleaner.Â All we have to do is adopt a resolution on July 8th to change the scope of the project to include the carpet cleaner.

Â
Will you sponsor, please?
Thanks, Connie

Â
Connie Shaffer, CMC, MMC
City Clerk

Agenda 7-8-14



One Government Square
City of Parkersburg WV
P:Â 304-424-8442
E:Â parkersburgclerk@parkersburg-wv.com
www.parkersburg-wv.com

RESOLUTION

WHEREAS, the Parkersburg Art Center is a unique facility that provides art programs and activities for the entire family; and

WHEREAS, the Parkersburg Art Center offers innovative, distinctive and interesting art exhibits throughout the year for the community; and

WHEREAS, the Parkersburg Art Center is an active community partner that adds to the vitality of the downtown and hosts many community activities.

WHEREAS, the State of West Virginia through the 2013 Community Participation Program has awarded the Parkersburg Art Center through the City of Parkersburg a grant of \$9,000 which requires a 10% match of \$900 which will be used to upgrade the ventilation system in the Clay Lab and to rehab the men's restroom on the 3rd floor to make it ADA compliant.

WHEREAS, the 10% match will be provided by the Parkersburg Art Center.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PARKERSBURG that the City of Parkersburg accepts all the terms and conditions of the contract with the West Virginia Development Office and authorizes Mayor Robert D. Newell to sign the grant program contract.

Sponsored by: Councilmen Reed, Rockhold, and Lynch

Adopted 6-11-13

RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that Mr. George B Zivkovich, 26 Willowbrook Drive, Parkersburg, WV be re-appointed as an Administrative Law Judge for the City of Parkersburg for a term to end June 10, 2017.

Sponsored by Councilpersons Carpenter, Coram, Lynch, Rockhold, and Wilcox

RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the Finance Director be authorized to revise the Adopted Budget for FY 2014-15 to reflect the budgeted for Contributions from Capital Reserve for salaries for the sidewalk project.

GENERAL FUND

<u>REVENUES</u>				<u>DEBIT</u>	<u>CREDIT</u>
<u>Fund</u>		<u>Account</u>	<u>Description</u>	<u>Decrease</u>	<u>Increase</u>
001	369	000-000	Contributions- Cap Reserve		70,000
Net Increase/(Decrease) Revenues					\$ 70,000

EXPENDITURES

<u>Fund</u>	<u>Dept</u>	<u>Account</u>	<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
001	750	Streets	103-315 Salaries Other	<u>70,000</u>	
Net Increase/(Decrease) Expenditures				\$ 70,000	

Sponsored by the Finance Committee on June 10, 2014

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

BOND ORDINANCE

THE CITY OF PARKERSBURG

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

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

ARTICLE I

STATUTORY AUTHORITY, FINDINGS AND DEFINITIONS

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

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

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

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

*53 Page document,
Review in Clerks office.*

An Ordinance Creating and Establishing a Multi-Family Dwelling Construction
and Revitalization Business and Occupation Tax Credit Program



Whereas the City of Parkersburg wishes to create and establish a Business and Occupation Tax Credit Program for the purpose of encouraging the new construction and rehabilitation and revitalization of existing multi-family dwellings within the City; and

Whereas such a program is intended to both promote the growth of business and provide new as well as revitalize and rehabilitate existing multi-family dwellings within the City.

Now Therefore Be It Ordained By the Council of the City of Parkersburg that a Multi-Family Dwelling Construction and Revitalization Business and Occupation Tax Credit Program be and it is hereby created and established as follows:

See Program attached hereto and made a part hereof

Sponsored by Councilmen:

MULTI – FAMILY DWELLING CONSTRUCTION AND REVITALIZING BUSINESS AND OCCUPATION TAX CREDIT PROGRAM

OS

(a) Purpose. The purpose of this program is to encourage the new construction and rehabilitation or revitalization of existing multi-family dwellings in the City of Parkersburg and is intended as an incentive to new occupancies and business growth through a business and occupation tax credit.

(b) Definition.

(1) A multi-family dwelling means a residential building designed for occupancy by two families in separate dwelling units, each having separate kitchen and restroom facilities;

(2) Construction, rehabilitation and revitalization means capital investment in a multi-family dwelling to newly construct or to improve or modernize such dwelling and which new construction, improvement or modernization has a useful life of at least five (5) years at the time it is placed into service or use.

(c) Qualifying Requirements and Amount of Credit.

(1) A business shall be deemed eligible which newly constructs a multi-family dwelling or rehabilitates and revitalizes an existing multi-family dwelling and which multi-family dwelling is located within the City of Parkersburg. There is specifically excepted from this program any existing single family dwelling that is later converted to a multi-family dwelling.

(2) The tax credit may only be taken when an otherwise qualifying business files the required business and occupation tax return on or before the required due date. If said return is not filed timely then the credit will be disallowed for the time period in which the return is delinquent.

(3) The maximum credit allowed shall not exceed the total cost of the capital investment made in the construction, rehabilitation, revitalization or modernization of the multi-family dwelling

(4) The qualifying business shall submit an application to the Finance Director of the City for preliminary approval prior to the completion of its construction, rehabilitation or revitalization project. Further said qualifying business shall provide such written documentation of the actual capital investment made and as may be needed and requested by the Finance Director for his or her approval prior to said business receiving any such permitted tax credit.

(5) The Finance Director shall have full authority and discretion to grant or deny an application made pursuant to the provisions of this section.

(6) The qualifying business will be permitted a tax credit up to one hundred percent (100%) of its business and occupation tax liability annually for a period of five (5) consecutive years from and after such capital improvement is completed, but in no event shall said credit exceed the total cost of its actual expended capital investment in said building.

An Ordinance Amending and Re-Enacting, Section 779.42, Vacant Building
Revitalization Business and Occupation Tax Credit Program of the
Codified Ordinances of the City of Parkersburg

 The Council of the City of Parkersburg Hereby Ordains that Section 779.42 of the
Codified Ordinances of the City of Parkersburg be hereby amended and re-enacted to
include residential buildings and to shorten the period from two (2) years to one (1) year
for a qualifying vacancy as follows:

Attached hereto and made a part hereof is the proposed amended Section
779.42.

Sponsored by Councilmen:

779.42 VACANT BUILDING REVITALIZATION BUSINESS AND OCCUPATION TAX CREDIT PROGRAM.

(a) Purpose. The purpose of this program is to encourage the rehabilitation, revitalization, re-occupancy and use of vacant residential, commercial, and industrial buildings in the City of Parkersburg and is intended as an incentive to new occupancies and business growth through a business and occupation tax credit.

(b) Definitions.

(1) A building is a structure as set forth and defined in Section 1327.02 (81) of the City Code.

(2) A residential building is considered vacant if no person or persons actually 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 tenants on a permanent, nontransient basis and such vacancy has continued for a period of at least one (1) year.

A commercial or industrial building is considered vacant unless at least twentyfive percent (25%) of the total square footage of the building is rented to and utilized by a lessee or sub-lessee to conduct its customary business or industrial operations and or is used by the property owner to conduct its customary business or industrial operations and such vacancy shall have continued for a period of at least one (1) year.

(3) A new building or one that is under construction or which has merely been vacated for the purpose of renovation or rehabilitation is not considered vacant.

(4) Rehabilitation and revitalization means capital investment in a vacant building to improve or modernize such existing and vacant building and which improvement or modernization has a useful life of at least five (5) years at the time it is placed into service or use.

(c) Qualifying Requirements and Amount of Credit.

(1) A business shall be deemed eligible which renovates, rehabilitates or revitalizes a vacant building for a residential, business or industrial use and which building is located within the City of Parkersburg.

(2) The tax credit may only be taken when an otherwise qualifying business files the required business and occupation tax return on or before the required due date. If said return is not filed timely then the credit will be disallowed for the time period in which the return is delinquent.

(3) The maximum credit allowed shall not exceed the total cost of the capital investment made in the rehabilitation, revitalization and modernization of the then vacant building.

(4) The qualifying business shall submit an application to the Finance Director of the City for preliminary approval prior to the completion of its rehabilitation and revitalization project. Further said qualifying business shall provide such written documentation of the actual capital investment made and as may be needed and requested by the Finance Director for his or her approval prior to said business receiving any such permitted tax credit.

(5) The Finance Director shall have full authority and discretion to grant or deny an application made pursuant to the provisions of this section.

(6) The qualifying business will be permitted a tax credit up to one hundred percent (100%) of its business and occupation tax liability annually for a period of five (5)

consecutive years from and after such capital improvement is placed into service or the building is occupied, whichever first occurs, but in no event shall said credit exceed the total cost of its actual expended capital investment in said building.

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



BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that effective upon passage of this ordinance that the Compensation Plan contained in Section VII of the City of Parkersburg Personnel Policy and Procedure Manual be, and hereby is, amended and re-enacted to reflect the following re-classification:

Public Safety Tele-Communicator (TAC)	<u>Grade</u> H-8
(previously a grade H-6)	

Sponsored by Councilpersons: Brown, Carpenter, Coram, Kelly, Lynch, Reed, Reynolds, Rockhold and Wilcox.

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

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

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

Sponsored by Councilmen: Coram

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.