

AGENDA FOR THE REGULAR MEETING OF PARKERSBURG
CITY COUNCIL FOR TUESDAY, APRIL 10, 2012, 7:30 PM
SECOND FLOOR, COUNCIL CHAMBERS, MUNICIPAL BUILDING

- I. CALL TO ORDER – Council President, Tom Joyce
- II. PRAYER
- III. PLEDGE OF ALLEGIANCE
- IV. ROLL CALL
- V. MINUTES – Regular Council meeting held March 27, 2012
- VI. REPORTS FROM STANDING OR SPECIAL COMMITTEES
- VII. MESSAGE FROM THE EXECUTIVE

A. Communication from Mayor Robert Newell re-appointing Ms. Judy Peters, Parkersburg, WV, to the Board of Commissioners for the Parkersburg Housing Authority through April 24, 2017.

VIII. PUBLIC FORUM

IX. RESOLUTIONS

1. Resolution adopting the 2012 CDBG budget (\$848,862.00); and 2012 HOME budget (\$333,625.00) (Sponsored by the Finance Committee)

2. Resolution amending the 2008, 2009, 2010 and 2011 Consolidated Plan and Budget for the HOME Program, moving \$241,013.24 into the 2011 SHOP line item from Owner Occupied Rehab. (Sponsored by the Finance Committee)

3. Resolution amending the 2007, 2008, and 2011 Consolidated Plan and Budget for CDBG, moving funds from Targeted Neighborhood Revitalization to Demolitions (\$60,000.00) and Smoke Detector Program (\$5,000.00). (Sponsored by the Finance Committee)

4. Resolution requesting approval for a budget revision in the general fund in the amount of \$41,631.00 from incoming grants and donations going to Development, Police, Sanitation and Fire Departments. (Sponsored by the Finance Committee)

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X. ORDINANCE, FINAL READING:

5. An ordinance establishing a Vacant Building Revitalization Tax Credit Program. (Sponsored by Councilmen Reed, Rockhold, and Joyce)

6. An ordinance for a Drug and Alcohol Testing Policy for City employees. (Sponsored by the Personnel Committee of City Council.)

XI. ORDINANCE, FIRST READING

7. An ordinance to rezone the southerly half of City Map 62, parcel 301 (formerly parcels 302, 303, 304, 305, 314, 314A, 315, 316, and part of C) from R-4 to B-2. (these parcels were part of the old Stork Bakery located at 19th and Lynn Street) Sponsored by the Municipal Planning Commission.

8. An ordinance repealing in its entirety Article 783, Floodwall Maintenance Fees, of the codified ordinances of the City of Parkersburg. (Sponsored by Councilmen Sandy, Reed, and Tallman)

XII. MISCELLANEOUS

9. City of Parkersburg Audit for the year ended June 30, 2011.

10. Communication from the Municipal Planning Commission who voted 2-7-0 not to approve a petition to abandon an 18' unnamed alley, 153', known as 1230 Garfield Avenue.

XII. ADJOURNMENT

NOTE – NEXT COUNCIL MEETING IS APRIL 17, 2012

JOURNAL OF THE CITY COUNCIL, NO. 53

PARKERSBURG, W. VA., March 27, 2012

The Council of the City of Parkersburg met Tuesday, March 27, 2012, at 7:30 PM in the Council Chambers on the second floor of the Municipal Building at One Government Square, Parkersburg WV 26101.

The meeting was called to order by Council President, Tom Joyce, who presided over the meeting. Councilwoman Sharon Lynch led the Lord's Prayer and Pledge of Allegiance, and the clerk noted the attendance, as follows: Those present included Councilmen Nancy Wilcox, Sharon Lynch, Brad Kimes, John Sandy, Sharyn Tallman, Mike Reynolds, John Rockhold, Jim Reed, and Tom Joyce.

MINUTES – Ms. Tallman moved, seconded by Ms. Wilcox, to approve the minutes from the budget meeting held February 21, 2012, and the motion was adopted by unanimous vote.

Mr. Sandy moved, seconded by Ms. Wilcox, to approve the minutes from the regular meeting held March 13, 2012, and the motion was adopted by unanimous vote.

REPORTS FROM STANDING OR SPECIAL COMMITTEES – Councilman Reed reported that the Finance Committee met this evening prior to City Council, and heard a good report from our auditors, Tetrick and Bartlett; approved several budget revisions, and moved an ordinance forward to Council this evening concerning a tax credit for vacant buildings.

Councilman Rockhold reported on a Roundtable meeting from March 14th, which has been newly organized with more interest. He also stated that the Task Force was in favor of the tax credit ordinance for vacant buildings.

Councilwoman Lynch reported that the Personnel Committee met last week and sent forth the Drug and Alcohol Testing Policy for City employees, on the agenda for first reading this evening.

MESSAGE FROM THE EXECUTIVE – VETO MESSAGE – Mayor Robert Newell has previously sent his veto message to City Council on the budget, which was primarily about the floodwall fee and his request to remove it from the budget. He told Council that if they do not override his veto, it will have no affect on the timeliness of any projects. The only thing that is vetoed is the one line item about the floodwall, he said, and said he considered it a very important issue before them. His message in full is as follows:

Floodwall Fee Veto Message

I have decided to veto the 2012 – 2013 budget for several reasons. This is not being done to make a point or to try to make everyone happy. It is not being done for just the businesses or for just the residents in the flood zone.

This is simply being done because I promised the citizens of Parkersburg that as the economy improved we would reduce or eliminate fees as we could and it's the right thing to do.

During the economic downturn and with the loss of tax revenue from St. Joseph's Hospital, City Council faced some very difficult decisions. This administration provided plenty of information and several options to Council members to make these decisions. This administration also made significant cuts to the city's expenses, without cutting or reducing services to our citizens. City Council adopted the Service User Fee.

When City Council adopts a resolution or ordinance, the administration is required to enforce the measure, and, ultimately, is held responsible by Council's actions. We do this whether or not it's popular, whether the vote is 9 to 0, 8 to 1, or even 5 to 4. We treat all legislation as if it were passed unanimously.

When City Council passes a user fee it becomes my user fee. When Council cut funding I put in the budget for the Humane Society, I backed Council and defended Council members very publicly. The cuts became my budget cuts. That's what being a Mayor is.

However, when the user fee and other options were discussed by Council members in the very first committee meeting, I made it clear that I could only support city council on the measure if we would cut other city fees on our residents as the economy improves.

Previous to this meeting on March 25, 2010, I sent a memo to City Council President John Rockhold and City Council after several City Council members asked about options available for increasing revenue. This was even before the St. Joe Hospital issue. In that memo, I stated I was only favorable to any of these options if some money was used to offset other fees when money became available.

This year, I submitted a balanced budget to City Council that included many line items with no increases and many line items with decreases and, again, without cutting or reducing services. We continue to consolidate jobs.

This allowed us to eliminate the floodwall fee. I chose this fee because taxes and fees already paid by those in the flood zone, now pay for a storm water management system, which includes the floodwall. For them to pay additional is not fair.

This City Council, more than any before them, have earned the right to make changes in the budget. In this instance, City Council can still provide for the wage increase proposed and eliminate the Floodwall Fee.

Some people will try to paint a picture that the mayor and city council can't work together. As stated earlier, we literally have agreed on 98% of all issues. However, in a Strong Mayor form of government the Mayor does not get to vote for or against any issue. Individual members of City Council can, and often do, vote against an issue based on their convictions.

A veto is the only method for a Mayor to have an official voice in legislation he or she opposes.

MOTION – Mr. Sandy moved, seconded by Ms. Wilcox, to override the Mayor's veto. The motion was adopted by majority vote with all members voting "yes" with the exception of Mr. Rockhold and Mr. Joyce, who voted "no".

The Clerk presented a communication from Mayor Robert Newell appointing Mrs. Mari Keller, Parkersburg, WV to the Board of Commissioners for the Parkersburg Housing Authority through April 16, 2016.

MOTION – Mr. Kimes moved, seconded by Mr. Sandy, to approve the appointment, and the motion was adopted by unanimous vote.

PUBLIC FORUM – Mr. Dave Pasadyn, 4016 10th Avenue, questioned the fairness of the tax credit ordinance on first reading this evening, and thought all tax payers should be considered. He was satisfied when Mr. Santer explained that it was just for vacant buildings and anyone who was rehabilitating a building vacant for two years could be eligible for the credit on their B & O tax.

The Clerk presented a resolution stating that City Council meetings shall be April 10th and 17th; and May 15th and 22nd, 2012.

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

The clerk presented a resolution authorizing Mayor Robert Newell to submit a grant application to the WV Development Office for a \$5,000.00 grant for the Women's Care Center.

MOTION – Mr. Rockhold moved, seconded by Mr. Reed, to adopt the resolution, and the motion was adopted by majority vote with all members voting "yes" with the exception of Mr. Kimes, who abstained.

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 \$7,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2012 A (WEST VIRGINIA SRF PROGRAM); 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 BOND PURCHASE 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 22C, Article 2 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 (the "System"). However, it is deemed necessary and desirable for the health and welfare of the inhabitants of the Issuer that there be acquired and constructed certain additions, betterments and improvements to the existing sewerage portion of the System of the Issuer, consisting of First Avenue and Agnes Street pumping stations upgrades and Agnes Street force main replacement, 2 together with all necessary appurtenances (collectively, the "Project") (the existing combined waterworks and sewerage system of the Issuer, the Project and any further additions, betterments and improvements thereto are herein called the "System"), in accordance with the plans and specifications prepared by the Consulting Engineers, which plans and specifications have heretofore been filed with the Issuer.

C. The Issuer intends to permanently finance the costs of acquisition and construction of the Project through the issuance of its revenue bonds to the West Virginia Water Development Authority (the "Authority"), which administers the West Virginia Water Pollution Control Revolving Fund Program (the "SRF Program"), all pursuant to the Act.

D. It is deemed necessary for the Issuer to issue its Combined Waterworks and Sewerage System Revenue Bonds, in the total aggregate principal amount of not more than \$7,000,000 in one or more series (the "Series 2012 A Bonds") initially planned to be the Combined Waterworks and Sewerage System Revenue Bonds, Series 2012 A (West Virginia SRF Program) in the aggregate principal amount of not more than \$7,000,000 (the "Series 2012 A Bonds") to permanently finance a portion the costs of acquisition and construction of the Project, and pay the costs of issuance thereof. Such costs shall be deemed to include the cost of all property rights, easements and franchises deemed necessary or convenient thereof; interest, if any, upon the Series 2012 A Bonds prior to and during acquisition or construction and for a period not exceeding 6 months after completion of acquisition and construction of the Project; amounts which may be deposited in the Reserve Accounts (as hereinafter defined); engineering and legal expenses; expenses for estimates of costs and revenues, expenses for plans, specifications and surveys; other expenses necessary or incident to determining the feasibility or practicability of the enterprise, administrative expense, commitment fees, fees and expenses of the Authority including the SRF Administrative Fee (as hereinafter defined) for the Series 2012 A Bonds; discount, initial fees for the services of registrars, paying agents, depositories or trustees or other costs in connection with the sale of the Series 2012 A Bonds and such other expenses as may be necessary or incidental to the financing herein authorized, the acquisition or construction of the Project and the placing of same in operation, and the performance of the things herein required or permitted, in connection with any thereof, provided, that reimbursement to the Issuer for any amounts expended by it for allowable costs prior to the issuance of the Series 2012 A Bonds or the repayment of indebtedness incurred by the Issuer for such purposes shall be deemed Costs of the Project, as hereinafter defined.

E. The period of usefulness of the System after completion of the Project is not less than 22 years.

F. It is in the best interests of the Issuer that its Series 2012 A Bonds be sold to the Authority pursuant to the terms and provisions of a bond purchase agreement by and among the Issuer, the Authority and the West Virginia Department of Environmental Protection (the "DEP"), in form satisfactory to the respective parties (the "Bond Purchase Agreement"), to be approved hereby if not previously approved by resolution of the Issuer.

G. There are outstanding obligations of the Issuer which will rank on a parity with the Series 2012 A Bonds as to liens, pledge and source of and security for payment, being the (i) Combined Waterworks and Sewerage System Revenue Bonds, Series 2003 A (West Virginia 3 Infrastructure Fund), dated March 4, 2003, issued in the original aggregate principal amount of \$4,000,000 (the "Series 2003 A Bonds"); (ii) Combined Waterworks and Sewerage System Revenue Bonds, Series 2003 B (West Virginia Water Development Authority), dated March 4, 2003, issued in the original aggregate principal amount of \$3,250,000 (the "Series 2003 B Bonds"); (iii) Combined Waterworks and Sewerage System Revenue Bonds, Series 2003 D (West Virginia Infrastructure Fund), dated August 4, 2003, issued in the original aggregate principal amount of \$926,000 (the "Series 2003 D Bonds"); (iv) Combined Waterworks and Sewerage System Revenue Bonds, Series 2003 E (West Virginia SRF Program), dated August 4, 2003, issued in the original aggregate principal amount of \$4,326,705 (the "Series 2003 E Bonds"); (v) Combined Waterworks and Sewerage System Revenue Bonds, Series 2005 A, dated August 1, 2005, issued in the original aggregate principal amount of \$34,950,000 (the "Series 2005 A Bonds"); (vi) Combined Waterworks and Sewerage System Refunding Revenue Bonds, Series 2006 C, dated

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PARKERSBURG, W. VA., March 27, 2012

CASTO & HARRIS, INC., SERVICES, WV REG-ORDER NO. 1635-08

Sewerage System Refunding Revenue Bonds, Series 2006 D (West Virginia SRF Program), dated December 14, 2006, issued in the original aggregate principal amount of \$9,000,000 (the "Series 2006 D Bonds"); (viii) Combined Waterworks and Sewerage System Revenue Bonds, Series 2006 E (West Virginia SRF Program), dated December 14, 2006, issued in the original aggregate principal amount of \$4,372,600 (the "Series 2006 E Bonds"); and (ix) Combined Waterworks and Sewerage System Revenue Bonds, Series 2011 A (West Virginia DWTRF Program), dated March 16, 2011, issued in the original aggregate principal amount of \$5,800,000 (the "Series 2011 A Bonds"), (collectively, the "Prior Bonds"). The Prior Bonds are payable from and secured by a first lien on the Gross Revenues of the System.

The Series 2012 A Bonds shall be issued on a parity with the Prior Bonds, with respect to liens, pledge, source of and security for payment and in all other respects. Prior to the issuance of the Series 2012 A Bonds, the Issuer will obtain (a) a certificate of an Independent Certified Public Accountant stating that the coverage and parity tests of the Prior Bonds are met and (b) the written consent of the registered owners of the Series 2003 A Bonds, Series 2003 B Bonds, Series 2003 D Bonds, Series 2003 E Bonds, Series 2006 D Bonds, Series 2006 E Bonds and Series 2011 A Bonds to the issuance of the Series 2012 A Bonds on a parity with the Prior Bonds. The Series 2005 A Bonds and Series 2006 C Bonds do not require consent. Except for the Prior Bonds the Issuer has no other bonds, notes or other obligations secured by or payable from revenues or assets of the System.

H. The estimated revenues to be derived in each year after completion of the Project from the operation of the System will be sufficient to pay all costs of operation and maintenance of the System, the principal of and interest on the Series 2012 A Bonds and the Prior Bonds and to make payments into all funds and accounts and other payments provided for herein.

I. The Issuer has complied with all requirements of West Virginia law and the Bond Purchase Agreement relating to authorization of the acquisition, construction and operation of the Project and the System and issuance of the Series 2012 A Bonds, or will have so complied prior to issuance of any thereof, including, among other things, the approval of the Project and the financing thereof by the Council and the obtaining of a Certificate of Public Convenience and Necessity from the Public Service Commission of West Virginia by final order, the time for rehearing and appeal of which will either have expired prior to the issuance of the Series 2012 A Bonds or such final order will not be subject to appeal. 4J. The Project has been reviewed and determined to be technically and financially feasible by the Council as required under Chapter 31, Article 15A of the West Virginia Code of 1931, as amended.

Section 1.03. Bond Legislation Constitutes Contract. In consideration of the acceptance of the Series 2012 A Bonds by the Registered Owners of the same from time to time, this Bond Legislation shall be deemed to be and shall constitute a contract between the Issuer and such Bondholders, and the covenants and agreements herein set forth to be performed by the Issuer shall be for the equal benefit, protection and security of the Bondholders of any and all of such Series 2012 A Bonds, all which shall be of equal rank and without preference, priority or distinction between any one Bond and any other Bonds and by reason of priority of issuance or otherwise, except as expressly provided therein and herein.

Section 1.04. Definitions. The following terms shall have the following meanings herein unless the context expressly requires otherwise:

"Act" means, collectively, Chapter 8, Article 20 and Chapter 22C, Article 2 of the West Virginia Code of 1931, as amended and in effect on the date of enactment hereof.

"Authority" means the West Virginia Water Development Authority, which is expected to be the original purchaser and Registered Owner of the Series 2012 A Bonds, or any other agency, board or department of the State that succeeds to the functions of the Authority, acting in its administrative capacity and upon authorization from the DEP under the Act.

"Authorized Officer" means the Mayor of the Issuer, or any other officer of the Issuer specifically designated by resolution of the Governing Body.

"Bondholder," "Holder of the Bonds," "Holder," "Registered Owner" or any similar term whenever used herein with respect to an outstanding Bond or Bonds, means the person in whose name such Bond is registered.

"Bond Legislation," "Ordinance," "Bond Ordinance" or "Local Act" means this Bond Ordinance and all ordinances, orders and resolutions supplemental hereto or amendatory hereof.

"Bond Purchase Agreement" means, the Bond Purchase Agreement heretofore entered, or to be entered into by and among the Issuer, the Authority, and the DEP, providing for the purchase of the Series 2012 A Bonds from the Issuer by the Authority, the form of which shall be approved, and the execution and delivery by the Issuer authorized and directed or ratified by the Supplemental Resolution.

"Bond Registrar" means the bank or other entity to be designated as such in the Supplemental Resolution and its successors and assigns.

"Bonds" means, collectively, the Series 2012 A Bonds and the Prior Bonds and, where appropriate, any bonds on a parity therewith subsequently authorized to be issued hereunder or by another ordinance of the Issuer. 5 "Bond Year" means the 12-month period beginning on the anniversary of the Closing Date in each year and ending on the day prior to the anniversary date of the Closing Date in the following year, except that the first Bond Year shall begin on the Closing Date.

"Clerk" means the Clerk of the Issuer.

"Closing Date" means the date upon which there is an exchange of the Series 2012 A Bonds for all or a portion of the proceeds of the Series 2012 A Bonds from the Authority.

"Code" means the Internal Revenue Code of 1986, as amended, and the Regulations.

"Commission" means the West Virginia Municipal Bond Commission or any other agency of the State of West Virginia that succeeds to the functions of the Commission.

"Consulting Engineers" means Strand & Associates, Madison, Wisconsin, or any qualified engineer or firm of engineers, licensed by the State, that shall at any time hereafter be procured by the Issuer as Consulting Engineers for the System, or portion thereof, in accordance with Chapter 5G, Article 1 of the West Virginia Code of 1931, as amended; provided however, that the Consulting Engineers shall not be a regular, full-time employee of the State or any of its agencies, commissions, or political subdivisions.

"Costs" or "Costs of the Project" means those costs described in Section 1.02G hereof to be a part of the cost of acquisition and construction of the Project.

"DEP" means the West Virginia Department of Environmental Protection, or any other agency, board or department of the state that succeeds to the functions of the DEP.

"Depository Bank" means the bank designated as such in the Supplemental Resolution, and its successors and assigns, which shall be a member of FDIC.

"FDIC" means the Federal Deposit Insurance Corporation and any successor to the functions of the FDIC.

"Fiscal Year" means each 12-month period beginning on July 1 and ending on the succeeding June 30.

"Governing Body" means the City Council of the Issuer, as it may now or hereafter be constituted.

"Grants" means any grants committed to the Project.

"Government Obligations" means direct obligations of, or obligations the timely payment of the principal of and interest on which is guaranteed by, the United States of America.

"Gross Revenues" means the aggregate gross operating and non-operating revenues of the System, determined in accordance with generally accepted accounting principles, after 6 deduction of prompt payment discounts, if any, and reasonable provision for uncollectible accounts; provided, that "Gross Revenues" does not include any gains from the sale or other disposition of, or from any increase in the value of, capital assets (including Qualified Investments, as hereinafter defined, purchased pursuant to Article 8.01 hereof), or any Tap Fees, as hereinafter defined.

"Herein," "hereto" and similar words shall refer to this entire Bond Legislation.

"Independent Certified Public Accountants" means any certified public accountant or firm of certified public accountants that shall at any time hereafter be retained by the Issuer to prepare an independent annual or special audit of the accounts of the System or for any other purpose except keeping the accounts of the System in the normal operation of its business and affairs.

"Issuer" means The City of Parkersburg, a municipal corporation and political subdivision of the State of West Virginia, in Wood County, West Virginia, and, unless the context clearly indicates otherwise, includes the Governing Body of the Issuer.

"Mayor" means the Mayor of the Issuer.

"Net Proceeds" means the face amount of the Series 2012 A Bonds, plus accrued interest and premium, if any, less original issue discount, if any, and less proceeds, if any, deposited in the Series 2012 A Bonds Reserve Account. For purposes of the Private Business Use limitations set forth herein, the term Net Proceeds shall include any amounts resulting from the investment of proceeds of the Series 2012 A Bonds, without regard to whether or not such investment is made in tax-exempt obligations.

"Net Revenues" means the balance of the Gross Revenues, remaining after deduction of Operating Expenses, as hereinafter defined.

"Operating Expenses" means the current expenses, paid or accrued, of operation and maintenance of the System and its facilities, and includes, without limiting the generality of the foregoing, the SRF Administrative Fee (as hereinafter defined), insurance premiums, salaries, wages and administrative expenses of the Issuer relating and chargeable solely to the System, the accumulation of appropriate reserves for charges not annually recurrent but which are such as may reasonably be expected to be incurred, and such other reasonable operating costs as are normally and regularly included under recognized accounting practices.

"Outstanding" when used with reference to Bonds or Prior Bonds and as of any particular date, describes all Bonds or Prior Bonds theretofore and thereupon being authenticated and delivered except (i) any Bond or Prior Bond cancelled by the Bond Registrar or Registrar for the Prior Bonds, at or prior to said date; (ii) any Bond or Prior Bond, for the payment of which monies, equal to its principal amount and redemption premium, if applicable, with interest to the date of maturity or redemption shall be in trust hereunder, and set aside for such payment (whether upon or prior to

maturity); (iii) any Bond deemed to have been paid as provided in Article X hereof; (iv) any Prior Bond deemed to have been paid; and (v) for purposes of consents or other 7 action by a specified percentage of Bondholders, or holders of any Bonds or Prior Bonds registered to the Issuer.

"Parity Bonds" means Parity Bonds issued under the provisions and within the limitations prescribed by Section 7.07 hereof.

"Paying Agent" means the Commission or such other entity or authority as may be designated as a Paying Agent by the Issuer in the Supplemental Resolution with the written consent of the Authority and the DEP.

"Prior Bonds" means, collectively, the Series 2003 A Bonds, Series 2003 B Bonds, Series 2003 D Bonds, Series 2003 E Bonds, Series 2005 A Bonds, Series 2006 C Bonds, Series 2006 D Bonds, Series 2006 E Bonds and Series 2011 A Bonds.

"Prior Ordinance" means the ordinances of the Issuer, as supplemented by the supplemental resolutions of the Issuer, authorizing the Prior Bonds.

"Project" means the Project as described in Section 1.02B hereof.

"Qualified Investments" means and includes any of the following, unless otherwise set forth in the Supplemental Resolution:

- (a) Government Obligations;
- (b) Government Obligations which have been stripped of their unmatured interest coupons, interest coupons stripped from Government Obligations, and receipts or certificates evidencing payments from Government Obligations or interest coupons stripped from Government Obligations;
- (c) Bonds, debentures, notes or other evidences of indebtedness issued by any of the following agencies: Banks for Cooperatives; Federal Intermediate Credit Banks; Federal Home Loan Bank System; Export-Import Bank of the United States; Federal Land Banks; Government National Mortgage Association; Tennessee Valley Authority; or Washington Metropolitan Area Transit Authority;
- (d) Any bond, debenture, note, participation certificate or other similar obligations issued by the Federal National Mortgage Association to the extent such obligation is guaranteed by the Government National Mortgage Association or issued by any other federal agency and backed by the full faith and credit of the United States of America;
- (e) Time accounts (including accounts evidenced by time certificates of deposit, time deposits or other similar banking arrangements) which, to the extent not insured by the FDIC, shall be secured by a pledge of Government Obligations, provided, that said Government Obligations pledged either must mature as nearly as practicable coincident with the maturity of said time accounts or must be replaced or increased so that the market value thereof is always at least equal to the 8 principal amount of said time accounts;
- (f) Money market funds or similar funds whose only assets are investments of the type described in paragraphs (a) through (e) above;
- (g) Repurchase agreements, fully secured by investments of the types described in paragraphs (a) through (e) above, with banks or national banking associations which are members of FDIC or with government bond dealers recognized as primary dealers by the Federal Reserve Bank of New York, provided, that said investments securing said repurchase agreements either must mature as nearly as practicable coincident with the maturity of said repurchase agreements or must be replaced or increased so that the market value thereof is always at least equal to the principal amount of said repurchase agreements, and provided further that the holder of such repurchase agreement shall have a prior perfected security interest in the collateral therefor; must have (or its agent must have) possession of such collateral; and such collateral must be free of all claims by third parties;
- (h) The West Virginia "consolidated fund" managed by the West Virginia Board of Treasury Investments pursuant to Chapter 12, Article 6C of the West Virginia Code of 1931, as amended; and
- (i) Obligations of States or political subdivisions or agencies thereof, the interest on which is excluded from federal income taxation, and which are rated at least "A" by Moody's Investors Service, Inc. or Standard & Poor's Corporation.

"Registrar" means the Bond Registrar.

"Regulations" means temporary and permanent regulations promulgated under the Code, or any predecessor thereto.

"Renewal and Replacement Fund" means the Depreciation Account created by the Prior Ordinance and renamed and continued per Section 5.01 herein.

"Reserve Accounts" means, collectively, the reserve accounts established for the Prior Bonds and the Series 2012 A Bonds.

"Reserve Requirement" means, collectively, the respective amounts required to be on deposit in any Reserve Account for the Prior Bonds and the Series 2012 A Bonds.

"Revenue Fund" means the Revenue Fund established by the Prior Ordinance.

"Series 2003 A Bonds" means the Issuer's Combined Waterworks and Sewerage System Revenue Bonds, Series 2003 A (West Virginia Infrastructure Fund), dated March 4, 2003, issued in the original aggregate principal amount of \$4,000,000. 9 "Series 2003 B Bonds" means the Issuer's Combined Waterworks and Sewerage System Revenue Bonds, Series 2003 B (West Virginia Water Development Authority), dated March 4, 2003, issued in the original aggregate principal amount of \$3,250,000.

"Series 2003 D Bonds" means the Issuer's Combined Waterworks and Sewerage System Revenue Bonds, Series 2003 D (West Virginia Infrastructure Fund), dated August 4, 2003, issued in the original aggregate principal amount of \$926,000.

"Series 2003 E Bonds" means the Issuer's Combined Waterworks and Sewerage System Revenue Bonds, Series 2003 E (West Virginia SRF Program), dated August 4, 2003, issued in the original aggregate principal amount of \$4,326,705.

"Series 2005 A Bonds" means the Issuer's Combined Waterworks and Sewerage System Revenue Bonds, Series 2005 A, dated August 1, 2005, issued in the original aggregate principal amount of \$34,950,000.

"Series 2006 C Bonds" means the Issuer's Combined Waterworks and Sewerage System Refunding Revenue Bonds, Series 2006 C, dated June 15, 2006, issued in the original aggregate principal amount of \$17,425,000.

"Series 2006 D Bonds" means the Issuer's Combined Waterworks and Sewerage System Refunding Revenue Bonds, Series 2006 D (West Virginia SRF Program), dated December 14, 2006, issued in the original aggregate principal amount of \$9,000,000.

"Series 2006 E Bonds" means the Issuer's Combined Waterworks and Sewerage System Revenue Bonds, Series 2006 E (West Virginia SRF Program), dated December 14, 2006, issued in the original aggregate principal amount of \$4,372,600.

"Series 2011 A Bonds" means the Combined Waterworks and Sewerage System Revenue Bonds, Series 2011 A (West Virginia DWTRF Program), dated March 16, 2011, issued in the original aggregate principal amount of \$5,800,000.

"Series 2012 A Bonds" means the Combined Waterworks and Sewerage System Revenue Bonds, Series 2012 A (West Virginia SRF Program), of the Issuer, authorized by this Bond Legislation.

"Series 2012 A Bonds Construction Trust Fund" means the Series 2012 A Bonds Construction Trust Fund established by Section 5.01 hereof.

"Series 2012 A Bonds Reserve Account" means the Series 2012 A Bonds Reserve Account established in Section 5.02 hereof.

"Series 2012 A Bonds Reserve Requirement" means, as of any date of calculation, the maximum amount of principal and interest which will become due on the Series 2012 A Bonds in the then current or any succeeding year. 10 "Series 2012 A Bonds Sinking Fund" means the Series 2012 A Bonds Sinking Fund established by Section 5.02 hereof.

"Sinking Funds" means, collectively, the respective reserve accounts established for the Prior Bonds and the Series 2012 A Bonds.

"SRF Administrative Fee" means the Administrative Fee required to be paid pursuant to the Bond Purchase Agreement for the Series 2012 A Bonds.

"SRF Program" means the State's Water Pollution Control Revolving Fund Program, under which the Authority purchases the water pollution control revenue bonds of local governmental entities satisfying certain legal and other requirements with the proceeds of a capitalization grant award from the United States Environmental Protection Agency and funds of the State.

"SRF Regulations" means the SRF regulations set forth in Title 47, Series 31 of the West Virginia Code of State Regulations, as amended from time to time.

"State" means the State of West Virginia.

"Supplemental Resolution" means any resolution, ordinance or order of the Issuer supplementing or amending this Ordinance and, when preceded by the article "the," refers specifically to the supplemental resolution authorizing the sale of the Series 2012 A Bonds; provided, that any matter intended by this Ordinance to be included in the Supplemental Resolution with respect to the Series 2012 A Bonds, and not so included may be included in another Supplemental Resolution.

"Surplus Revenues" means the Net Revenues not required by the Bond Legislation or the Prior Ordinance to be set aside and held for the payment of or security for the Bonds or any other obligations of the Issuer, including, without limitation, the Renewal and Replacement Fund, the Sinking Funds and the Reserve Accounts.

"System" means collectively, the existing combined waterworks and sewerage system of the Issuer, and shall include any additions, betterments and improvements thereto hereafter acquired or constructed for the System from any sources whatsoever.

"Tap Fees" means the fees, if any, paid by prospective customers of the System in order to connect thereto.

Words importing singular number shall include the plural number in each case and vice versa; words importing persons shall include firms and corporations; and words importing the masculine, feminine or neutral gender shall include any other gender.

ARTICLE II

AUTHORIZATION OF ACQUISITION AND CONSTRUCTION 11 OF THE PROJECT

Section 2.01. Authorization of Acquisition and Construction of the Project. There is hereby authorized and ordered the acquisition and construction of the Project, at an estimated cost not to exceed 9,000,000, and ordered in accordance with the plans and specifications which have been prepared by the Consulting Engineers, heretofore filed in the office of the Governing Body. The proceeds of the Series 2012 A Bonds hereby authorized shall be applied as provided in Article X hereof.

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PARKERSBURG, W. VA., March 27, 2012

The cost of the Project is estimated not to exceed \$9,000,000 of which approximately \$7,000,000 will be obtained from proceeds of the Series 2012 A Bonds and approximately \$2,000,000 will be a contribution from the Issuer.

ARTICLE III

AUTHORIZATION, TERMS, EXECUTION, REGISTRATION AND SALE OF BONDS; AUTHORIZATION AND EXECUTION OF BOND PURCHASE AGREEMENT

Section 3.01. Authorization of Bonds. For the purposes of paying Costs of the Project not otherwise provided for and paying certain costs of issuance of the Series 2012 A Bonds and related costs, or any or all of such purposes, as determined by the Supplemental Resolution, there shall be and hereby are authorized to be issued the negotiable Series 2012 A Bonds of the Issuer. The Series 2012 A Bonds shall be issued in one series, as a single bond, designated as "Combined Waterworks and Sewerage System Revenue Bonds, Series 2012 A (West Virginia SRF Program)", in the principal amount of not more than \$7,000,000, and shall have such terms as set forth hereinafter and in the Supplemental Resolution. The proceeds of the Series 2012 A Bonds remaining after funding of the Reserve Accounts (if funded from Bond proceeds) and capitalization of interest, if any, shall be deposited in or credited to the Series 2012 A Bonds Construction Trust Fund established by Section 5.01 hereof.

Section 3.02. Terms of Bonds. The Series 2012 A Bonds shall be issued in such principal amounts; shall bear no interest, payable quarterly on such dates; shall mature on such dates and in such amounts; and shall be redeemable, in whole or in part, all as the Issuer shall prescribe in a Supplemental Resolution or as specifically provided in the Bond Purchase Agreement. The Series 2012 A Bonds shall be payable as to principal at the office of the Paying Agent, in any coin or currency which, on the dates of payment of principal is legal tender for the payment of public or private debts under the laws of the United States of America. Principal of the Series 2012 A Bonds, if any, shall be paid by check or draft of the Paying Agent or its agent, mailed to the Registered Owner thereof at the address as it appears on the books of the Bond Registrar, or by such other method as shall be mutually agreeable so long as the Authority is the Registered Owner thereof. Unless otherwise provided by the Supplemental Resolution, the Series 2012 A Bonds shall be issued in the form of a single bond for each series, fully registered to the Authority, with a record of advances and a debt service schedule attached, representing the aggregate principal 12 amount of the Series 2012 A Bonds. The Series 2012 A Bonds shall be exchangeable at the option and expense of the Registered Owner for another fully registered Bond or Bonds of the same series in aggregate principal amount equal to the amount of said Bonds then Outstanding and being exchanged, with principal installments or maturities, as applicable, corresponding to the dates of payment of principal installments of said Bonds; provided, that the Authority shall not be obligated to pay any expenses of such exchange. Subsequent series of Bonds, if any, shall be issued in fully registered form and in denominations as determined by a Supplemental Resolution. Such Bonds shall be dated and shall bear no interest as specified in a Supplemental Resolution.

Section 3.03. Execution of Bonds. The Series 2012 A Bonds shall be executed in the name of the Issuer by the Mayor, and the seal of the Issuer shall be affixed thereto or imprinted thereon and attested by the Clerk. In case any one or more of the officers who shall have signed or sealed the Series 2012 A Bonds shall cease to be such officer of the Issuer before the Series 2012 A Bonds so signed and sealed have been actually sold and delivered, such Bonds may nevertheless be sold and delivered as herein provided and may be issued as if the person who signed or sealed such Bonds had not ceased to hold such office. Any such Bonds may be signed and sealed on behalf of the Issuer by such person as at the actual time of the execution of such Bonds shall hold the proper office in the Issuer, although at the date of such Bonds such person may not have held such office or may not have been so authorized.

Section 3.04. Authentication and Registration. No Series 2012 A Bonds shall be valid or obligatory for any purpose or entitled to any security or benefit under this Bond Legislation unless and until the Certificate of Authentication and Registration on such Bond, substantially in the form set forth in Section 3.10 hereof shall have been manually executed by the Bond Registrar. Any such executed Certificate of Authentication and Registration upon any such Bond shall be conclusive evidence that such Bond has been authenticated, registered and delivered under this Bond Legislation. The Certificate of Authentication and Registration on any Series 2012 A Bond shall be deemed to have been executed by the Bond Registrar if manually signed by an authorized officer of the Bond Registrar, but it shall not be necessary that the same officer sign the Certificate of Authentication and Registration on all of the Bonds issued hereunder.

Section 3.05. Negotiability, Transfer and Registration. Subject to the provisions for transfer of registration set forth below, the Series 2012 A Bonds shall be and have all of the qualities and incidents of negotiable instruments under the Uniform Commercial Code of the State of West Virginia, and each successive Holder, in accepting the Series 2012 A Bonds shall be conclusively deemed to have agreed that such Bonds shall be and have all of the qualities and incidents of negotiable instruments under the Uniform Commercial Code of the State of West Virginia, and each successive Holder shall further be conclusively deemed to have agreed that said Bonds shall be incontestable in the hands of a bona fide holder for value. So long as the Series 2012 A Bonds remain outstanding, the Issuer, through the Bond Registrar or its agent, shall keep and maintain books for the registration and transfer of such Bonds.

The registered Series 2012 A Bonds shall be transferable only upon the books of the Bond Registrar, by the registered owner thereof in person or by his attorney duly authorized in 13 writing, upon surrender thereto together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the registered owner or his duly authorized attorney.

In all cases in which the privilege of exchanging Series 2012 A Bonds or transferring the registered Bonds are exercised, Bonds shall be delivered in accordance with the provisions of this Bond Legislation. All Bonds surrendered in any such exchanges or transfers shall forthwith be cancelled by the Bond Registrar. For every such exchange or transfer of Bonds, the Bond Registrar may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer and the cost of preparing each new Bond upon each exchange or transfer, and any other expenses of the Bond Registrar incurred in connection therewith, which sum or sums shall be paid by the Issuer. The Bond Registrar shall not be obliged to make any such exchange or transfer of Bonds during the period commencing on the 15th day of the month next preceding an interest payment date on the Bonds or, in the case of any proposed redemption of Bonds, next preceding the date of the selection of Bonds to be redeemed, and ending on such interest payment date or redemption date.

Section 3.06. Bonds Mutilated, Destroyed, Stolen or Lost. In case any Series 2012 A Bond shall become mutilated or be destroyed, stolen or lost, the Issuer may, in its discretion, issue, and the Bond Registrar shall, if so advised by the Issuer, authenticate and deliver, a new Bond of the same series and of like tenor as the Bonds so mutilated, destroyed, stolen or lost, in exchange and substitution for such mutilated Bond, upon surrender and cancellation of such mutilated Bond, or in lieu of and substitution for the Bond destroyed, stolen or lost, and upon the Holder's furnishing satisfactory indemnity and complying with such other reasonable regulations and conditions as the Issuer may prescribe and paying such expenses as the Issuer and the Bond Registrar may incur. All Bonds so surrendered shall be cancelled by the Bond Registrar and held for the account of the Issuer. If any such Bond shall have matured or be about to mature, instead of issuing a substitute Bond, the Issuer may pay the same, upon being indemnified as aforesaid, and if such Bond be lost, stolen or destroyed, without surrender thereof.

Section 3.07. Bonds not to be Indebtedness of the Issuer. The Series 2012 A Bonds shall not, in any event, be or constitute a corporate indebtedness of the Issuer within the meaning of any constitutional or statutory provision or limitation, but shall be payable solely from the Gross Revenues derived from the operation of the System as herein provided. No holder or holders of the Series 2012 A Bonds shall ever have the right to compel the exercise of the taxing power of the Issuer to pay the Series 2012 A Bonds.

Section 3.08. Bonds Secured by Pledge of Gross Revenues; Lien Position with Respect to Prior Bonds. The payment of the debt service on the Series 2012 A Bonds shall be secured by a first lien on the Gross Revenues derived from the System, on a parity with the lien on the Gross Revenues in favor of the Holders of the Prior Bonds. The Gross Revenues in an amount sufficient to pay the principal of and interest, if any, on and other payments for the Series 2012 A Bonds and the Prior Bonds and to make all other payments hereinafter set forth, are hereby irrevocably pledged to such payments as they become due.

Section 3.09. Delivery of Bonds. The Issuer shall execute and deliver the Series 2012 A Bonds to the Bond Registrar, and the Bond Registrar shall authenticate, register and deliver the Series 2012 A Bonds to the original purchasers upon receipt of the documents set forth below:

- A. If other than the Authority, a list of the names in which the Series 2012 A Bonds are to be registered upon original issuance, together with such taxpayer identification and other information as the Bond Registrar may reasonably require;
- B. A request and authorization to the Bond Registrar on behalf of the Issuer, signed by an Authorized Officer, to authenticate and deliver the Series 2012 A Bonds to the original purchasers;
- C. An executed and certified copy of the Bond Legislation;
- D. Executed copies of the Bond Purchase Agreement; and
- E. The unqualified approving opinion of bond counsel on the Series 2012 A Bonds.

Section 3.10. Form of Bonds. The text of the Series 2012 A Bonds shall be in substantially the following form, with such omissions, insertions and variations as may be necessary and desirable and authorized or permitted hereby, or by any Supplemental Resolution adopted prior to the issuance thereof:

[Remainder of Page Intentionally Blank] 15 (FORM OF SERIES 2012 A BOND)
UNITED STATES OF AMERICA
STATE OF WEST VIRGINIA
THE CITY OF PARKERSBURG
COMBINED WATERWORKS AND SEWERAGE SYSTEM REVENUE BONDS, SERIES 2012 A

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PARKERSBURG, W. VA., March 27, 2012

CASTO & HARRIS, INC., SPENCER, WV RE-ORDER NO. 1635-08

THE HUNTINGTON NATIONAL BANK,
as Registrar

Authorized Officer 21EXHIBIT A
RECORD OF ADVANCES

AMOUNT _____ (19)
DATE _____

AMOUNT _____
DATE _____ (1) \$

(2) (20)
(3) (21)
(4) (22)
(5) (23)
(6) (24)
(7) (25)
(8) (26)
(9) (27)
(10) (28)
(11) (29)
(12) (30)
(13) (31)
(14) (32)
(15) (33)
(16) (34)
(17) (35)
(18) (36)

MOTION – Mr. Sandy moved, seconded by Mr. Reed, to adopt the ordinance on third and final reading.

PUBLIC HEARING – At 7:43 PM, President Joyce declared a public hearing open to give the citizens and opportunity to voice their opinion on this ordinance. No one appeared and the hearing was declared closed at 7:44 PM.

VOTE – The motion was adopted by unanimous vote.

ORDINANCE, FINAL READING:

AN ORDINANCE AMENDING THE CITY OF
PARKERSBURG CHARTER, SECTION 4.301
DIRECTOR OF FINANCE, POWERS AND DUTIES,
SUBPART (10) PHYSICAL INVENTORY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that section 4.301, Director of Finance, Powers and Duties, subpart 910) Physical Inventory, of the Charter of the City of Parkersburg be and it is hereby amended to increase the threshold amount for inclusion in the annual physical inventory of all City owned equipment of the initial purchase value from \$100.00 to \$500.00 and as follows:

(10) Conduct or provide for the conduct of a complete and accurate annual physical inventory of all City owned equipment of the initial purchase value of \$500.00 or more; provided however, that Council may by ordinance provide for the increase or decrease of the purchase value amount here in specified.

MOTION – Mr. Reed moved, seconded by Ms. Wilcox, 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. Tallman, who voted "no".

ORDINANCE FIRST READING:

AN ORDINANCE ESTABLISHING A VACANT BUILDING
REVITALIZATION BUSINESS AND OCCUPATION
TAX CREDIT PROGRAM

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

MOTION TO AMEND – Ms. Wilcox moved, seconded by Mr. Reed, to amend the ordinance to provide for a three-member panel consisting of the Mayor, Finance Director, and Chairman of the Finance Committee, for the approval of the process.

Mr. Kimes stated that the process should come through City Council and not a committee, and felt it was just another layer that was not needed.

The amendment and second was withdrawn.

Ms. Tallman asked if there would be any other changes, and asked if the contracts were ready. Mr. Santer said there were no contracts, but a preliminary application to give the City the opportunity to explain what they the applicant needs to do to qualify for the credit. When they are done with their renovations, they will provide documentation that the City needs to see if their expenditures are capital improvements. We only let them know what will qualify, he said. Ms. Tallman asked if we would check every year, and Mr. Santer said once they move into their business, we assume they are done. Mayor Newell stated that the five years does not start until they move in. Mr. Santer said we will have approved what their capital expenditures will be and we will know what they are entitled to.

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PARKERSBURG, W. VA., March 27, 2012

Mayor Newell said it was a very simple process. There are a lot of people behind the process before it gets to the Finance Director, he said, and he agrees they do not need a panel after that. He said there was one group in a time crunch, and that is why he asked to come through the Finance Committee on this matter prior to Council this evening.

VOTE -- The motion was adopted by unanimous vote.

ORDINANCE, FIRST READING:

AN ORDINANCE FOR A DRUG AND ALCOHOL TESTING POLICY FOR CITY EMPLOYEES

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

The meeting adjourned at 8:00 PM.

Crown Shapton
City Clerk

Council President

*Parkersburg
Housing Authority*

To Connie

*Ms. D. J. Morris, Executive Director
Mr. Tim D. Halbert, Deputy Director*

1901 Cameron Avenue, Parkersburg, WV 26101

Homecrest Manor Apartments • (304) 428-6753
Rental Assistance Program • (304) 428-6400
FAX & TDD • (304) 428-5259

March 6, 2012

The Honorable Robert Newell, Mayor
City of Parkersburg
One Government Square
Parkersburg, WV 26101

Dear Mayor Newell:

Ms. Judy Peters is a member of the Parkersburg Housing Authority's Board of Commissioners. Her five-year term as Commissioner will expire on April 24, 2012. Would you please re-appoint her to our Board.

If you have any questions, please do not hesitate to contact our office.

Sincerely,

D. J. Morris

Ms. D. J. Morris
Executive Director

A

Equal Housing Opportunity

**2012
CDBG BUDGET**

2011 Allocation - \$953,888
 Program Income - \$50,000
 TOTAL - \$1,003,868

2012 Allocation - \$798,862
 Program Income - \$50,000
 TOTAL - \$848,862

REDUCTION - \$155,026 (16.3%)

COMMITMENTS

<u>PROJECTS</u>	<u>AMOUNT</u>	<u>REMAINING BALANCE</u>
Administration	\$169,772	
COPE	70,000	
CODE	48,000	
Fire Trucks - pumper	130,000	
Riverfront	180,000	
Downtown Façade Program	30,000	
Emergency Home Repair	10,000	
Minor Home Repair	15,000	
Smoke Detectors	5,000	
WVU-P ADA accessibility	50,000	
ADA Handicapped ramps	141,090	
BALANCE	\$0	

2011 HOME Budget

2011 Allocation - \$437,582
Program Income - \$25,000
Total - \$462,603

2011 Allocation - \$308,625
Program Income - \$25,000
Total - \$333,625

REDUCTION - \$128,957 (29.5%)

<u>PROJECTS</u>	<u>AMOUNT</u>	<u>REMAINING BALANCE</u>
Administration	\$ 33,362	
Owner-Occupied	70,000	
CHDO	85,000	
First time Homebuyer	145,263	
BALANCE		\$0

RESOLUTION

Be it resolved by the City Council of the City of Parkersburg that the City of Parkersburg's 2008, 2009, 2010, and 2011 Consolidated Plan and Budget for the HOME Program be and hereby be amended as follows:

HOME

<u>Project</u>	<u>Current Budget</u>	<u>Proposed Budget</u>	<u>Change</u>
2008 Owner Occupied Rehab	\$ 73,481	\$ 68,167.76	(\$5,313.24)
2009 Owner Occupied Rehab	\$125,700.00	\$0	(\$125,700.00)
2010 Owner Occupied Rehab	\$110,000.00	\$0	(\$110,000.00)
2011 SHOP	\$116,343.00	\$357,356.24	\$241,013.24

RESOLUTION

Be it resolved by the City Council of the City of Parkersburg that the City of Parkersburg's 2007, 2008 and the 2011 Consolidated Plan and Budget for the CDBG Programs be and hereby be amended as follows:

CDBG

<u>Project</u>	<u>Current Budget</u>	<u>Proposed Budget</u>	<u>Change</u>
2007 Targeted Neighborhood Revitalization	\$100,000	\$ 51,000	(\$49,000)
2008 Targeted Neighborhood Revitalization	\$ 21,000	\$ 0.00	(\$21,000)
2011 Demo	\$ 60,000	\$125,000	\$ 65,000
2011 Smoke Detector Program	\$5,000	\$ 10,000	\$ 5,000

SPONSORED BY: Finance Committee

RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the Finance Director be authorized to request approval from the State Tax Commissioner for the following budget revision within the General Fund for fiscal year 2011-12 prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists:

GENERAL FUND

<u>REVENUES</u>				<u>DEBIT</u>	<u>CREDIT</u>
<u>Fund</u>	<u>Account</u>		<u>Description</u>	<u>Increase</u>	<u>Decrease</u>
001	365	000-000	Federal Grants	\$ 34,281	
001	366	000-000	State Grants	\$ 1,000	
001	368	000-000	Donations	\$ 6,350	
			Sub Totals	<u>\$ 41,631</u>	<u>\$ -</u>
			Net Increase / (Decrease) Revenues	<u>\$ 41,631</u>	
<u>EXPENDITURES</u>					
<u>Fund</u>	<u>Dept</u>	<u>Account</u>	<u>Description</u>	<u>Decrease</u>	<u>Increase</u>
001	421	Development	568-000 Other Contrib-Pass Through		\$ 9,203
001	700	Police	459-001 Capital Outlay - Grant		\$ 22,148
001	421	Development	458-001 Capital Proj-Jefferson		\$ 2,930
001	800	Sanitation	212-001 Adv & Legal Publications		\$ 1,000
001	706	Fire	221-001 Training - K-9		\$ 6,350
			Sub Totals	<u>\$ -</u>	<u>\$ 41,631</u>
			Net Increase / (Decrease) Expenditures		<u>\$ 41,631</u>
			Grand Totals	<u>\$ 41,631</u>	<u>\$ 41,631</u>

Mayor Robert D. Newell



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

MEMORANDUM

TO: Finance Committee

FROM: Angie Smith, Finance Director

DATE: 3/9/2012

RE: Budget Revision

CC: Connie Shaffer

The City of Parkersburg has received donations in the amount of \$6,350 for the training of a new EOD K-9 in the Fire Department. The K-9 has been obtained and went through training in late February.

Also, in July 2011, the City of Parkersburg received a State Grant from the EPA in the amount of \$1,000 for Litter Control. The Sanitation Department has completed the project by purchasing educational handouts.

In addition, the City of Parkersburg received a JAG Grant in 2009 and has completed the final expenses for that grant in the Police Department and final payout of the pass through portion for the Wood County Sheriff's Office. The amount to be recorded is \$31,351.

Finally, the City of Parkersburg received a Safe Routes to School Grant for Jefferson Elementary. The project crossed over two fiscal years (2010/2011 and 2011/2012). The project is completed and a budget revision to record the final expenses and reimbursement of that grant in the amount of \$2,930 is required.

Therefore, I propose the following budget revision to record the increased revenue and corresponding expenditure.

Please see the attached resolution.

Thank you.

Attachment (1)

**AN ORDINANCE ESTABLISHING A VACANT BUILDING REVITALIZATION
BUSINESS AND OCCUPATION TAX CREDIT PROGRAM**

The Council of the City of Parkersburg hereby ordains that a vacant building revitalization Business and Occupation Tax Credit shall and hereby is established and as follows:

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 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 commercial or industrial building is considered vacant unless at least twenty-five 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 two (2) years.
 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 owns or leases a vacant building for a commercial, 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.

Sponsored by Councilmen: Joyce, Lynch, Reynolds and Wilcox

26 page

Policy may be

Reviewed in

City clerk's office

**AN ORDINANCE TO REZONE
THE SOUTHERLY HALF OF CITY TAX MAP 62, PARCEL
301 (FORMERLY PARCELS 302, 303, 304, 305, 314, 314A, 315,
316 AND PART OF C) FROM A RESIDENTIAL (R-4) ZONE
TO A BUSINESS (B-2) ZONE**

KS
O

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

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

Being the southerly 1.215 Acre portion of the 2.33 Acre parcel of land conveyed to Terry R. Wyatt as recorded in Deed Book 1170, Page 405, in the office of the Clerk of the County Commission of Wood County, West Virginia, said 1.215 Acre portion is currently zoned R-4 and is to be changed to a B-2 zone, thus making the entire 2.33 Acre parcel a B-2 zone.

This description was prepared by Randy A. Sheppard, Professional Surveyor No. 860, reference is being made to a plat of this property prepared by Matthew B. Harper, Professional Surveyor No. 989, reference job number 2011020, attached hereto and made part of this description.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that in accordance with the provisions of Article 1345 of the Codified Ordinances of the City of Parkersburg, the zoning of said parcels shall be designated as C-204 and shall be set forth verbatim as adopted and approved by the Ordinance in the bound book entitled, "Official Zoning Map Changes" kept by the City Clerk.

Sponsored by: Municipal Planning Commission

Mayor Robert D. Newell



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

March 30, 2012

The Honorable Robert D. Newell, Mayor
Members of City Council
One Government Square
Parkersburg, WV 26102

Re: Rezoning Application

To the Honorable Mayor and City Council:

On March 16th 2012, the Municipal Planning Commission (MPC) held a public hearing to reconsider rezoning the southerly half of City Corporation Tax Map 62, Parcel 301 (formerly comprised of Parcels 302, 303, 304, 305, 314, 314A, 315, 316 and part of C) from a Residential (R-4) District to a Business (B-2) Zone.

After hearing all interested parties, the MPC voted (8-1-0) to recommend that the southerly half of City Tax Map 62, Parcel 301 be rezoned from an R-4 to a B-2 District. The proposed zoning designation is consistent commercial properties along 19th Street, between St. Mary's Avenue and Latrobe Street.

Please find minutes from the March MPC meeting, as well as the MPC Staff report for your review. Please further note that while the Planning Commission initially proposed making the rezoning contingent on a buffer requirement, this requirement was not included in the motion and therefore was not being recommended by the MPC. Should you have any questions or concerns, please contact Rickie Yeager at 304.424.8558 or by email at rmyeager@parkersburg-wv.com.

Sincerely,

Charlie Matthews
President, Municipal Planning Commission
City of Parkersburg, West Virginia

**Description to Re-Zone
The Southerly Portion of Parcel 301
Parkersburg Corporation Tax Map 62
From Current R-4 to B-2 Zone**

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

Being the southerly 1.215 Acre portion of the 2.33 Acre parcel of land conveyed to Terry R. Wyatt as recorded in Deed Book 1170, Page 405, in the office of the Clerk of the County Commission of Wood County, West Virginia, said 1.215 Acre portion is currently zoned R-4 and is to be changed to a B-2 zone, thus making the entire 2.33 Acre parcel a B-2 zone.

This description was prepared by Randy A. Sheppard, Professional Surveyor No. 860, reference is being made to a plat of this property prepared by Matthew B. Harper, Professional Surveyor No. 989, reference job number 2011020, attached hereto and made part of this description.

Property to be rezoned: City Tax Map 62, Parcel 302,303, 304, 305, 314, 314A, 315, 316 and part of C



Property to be rezoned to a Business (B-2) District

Residential (R-4)
Residential (R-3)

Business (B-2)

**AN ORDINANCE REPEALING IN ITS ENTIRETY ARTICLE 783,
FLOODWALL MAINTENANCE FEES, OF THE CODIFIED
ORDINANCES OF THE CITY OF PARKERSBURG**



Be It Ordained By The Council of The City of Parkersburg that Article 783,
Floodwall Maintenance Fees, be and it is hereby repealed in its entirety, effective 12:01
a.m., July 1, 2012.

Sponsored by Councilmen: Sandy, Reed and Tallman

Audit available

In the City

Clerk's office

Mayor Robert D. Newell



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

March 30, 2012

The Honorable Robert D. Newell, Mayor
Members of City Council
One Government Square
Parkersburg, WV 26102

Re: Petition to abandon an 18' unnamed alley

To the Honorable Mayor and City Council:

On March 16th 2012, the Municipal Planning Commission (MPC) held a public hearing to consider the following request:

Petition to abandon a portion of an 18 ft. unnamed alley from the northerly boundary line of City Tax Map 68, Parcel 44, southerly to it terminus with the southerly boundary line of City Tax Map 68, Parcel 46, located behind parts of lots 8, 9 and 10 of partition of the P.G. Van Winkle Estate, commonly known as 1230 Garfield Avenue.

Applicant: J Breckenridge Martin c/o GKG, LLC

After hearing from all parties supporting and opposing the petition, the Planning Commission voted (2-7-0) not to approve the applicant's petition. Therefore the Planning Commission is recommending that the City not vacate its public right-of-way in the 18' unnamed alley as requested by the applicant. Attached is a copy of the petition, meeting minutes, MPC staff report and letters from the abutting property owners who objected to the applicant's petition.

If you have any questions or concerns, please contact Rickie Yeager at 304.424.8558 or by email at rmyeager@parkersburg-wv.com.

Sincerely,


Charlie Matthews
President, Municipal Planning Commission
City of Parkersburg, West Virginia