

AGENDA FOR THE REGULAR MEETING OF PARKERSBURG
CITY COUNCIL FOR TUESDAY, DECEMBER 11, 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 – meeting held November 27, 2012

VI. REPORTS FROM STANDING OR SPECIAL COMMITTEES

A. Board of Canvassers' Certificate of Votes Cast in the General Election on November 6, 2012, received from the Wood County Commission and the Wood County Clerk.

VII. MESSAGE FROM THE EXECUTIVE

B. Communication from Mayor Robert Newell **re-appointing** Mr. Charlie Matthews, 3002 25th Street; Mr. Francis Angelos, 3304 Avery Street; and Mr. Seldon Wigal, Jr., 1814 33rd Street, to the Municipal Planning Commission for terms to expire December 31, 2015.

C. Communication from Mayor Robert Newell **appointing** Mr. Eric Gumm, 301 Franklin Street, and Mr. Luke Peters, 1328 16th Street, to the Municipal Planning Commission for terms to expire December 31, 2015.

VIII. PUBLIC FORUM

IX. RESOLUTIONS

1. Resolution requesting approval from the State Tax Commissioner for a budget revision to move \$58,780.00 from Capital Reserve to pay off software in the Finance Department. (Sponsored by the Finance Committee of City Council)

XI. ORDINANCE, FINAL READING:

2. An ordinance repealing in its entirety, Article 761, Solicitation of Funds, of the Codified Ordinances of the City of Parkersburg. (Sponsored by Councilmen Rockhold, Lynch, and Joyce.)

“next page”

XII. ORDINANCE, FIRST READING

3. An ordinance establishing a State-wide Floodplain Ordinance. (Sponsored by Councilmen Reed, Rockhold, and Lynch.)

4. An ordinance to vacate a 20' public right-of-way on an unnamed alley lying south of 28th Street and north of Bird Street. (Sponsored by the Municipal Planning Commission.)

5. An ordinance to abandon the City's right-of-way on a 20 foot portion of Roosevelt Avenue, lying south of 28th Street and north of 27th Street. (Sponsored by the Municipal Planning Commission)

6. An ordinance to rezone 925 24th Street from a split zoned lot, having both a Business (B-2) and Residential (R-3) zoning designation, to a Business (B-2) zoning designation, applicant Henry Logan Children's Home, Inc. (Sponsored by the Municipal Planning Commission.)

XIII. ADJOURNMENT

JOURNAL OF THE CITY COUNCIL, NO. 53

PARKERSBURG, W. VA., November 27, 2012

The Council of the City of Parkersburg met in regular session Tuesday, November 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 attending included Councilmen Nancy Wilcox, Sharon Lynch, Brad Kimes, John Sandy, Sharyn Tallman, John Rockhold, Jim Reed, and Tom Joyce. Councilman Mike Reynolds was absent.

MINUTES – Mr. Kimes moved, seconded by Mr. Sandy, to approve the minutes from the meeting held November 13, 2012, and the motion was adopted by unanimous vote.

REPORTS FROM STANDING OR SPECIAL COMMITTEES – Ms. Lynch reported that there will be an item from Municipal Planning Commission concerning a development project beside residential properties on the next Council agenda. Mr. Rockhold reported that the Area Roundtable had a presentation on the future of Marcellus Shale drilling in the area.

MESSAGE FROM THE EXECUTIVE – No message.

PUBLIC FORUM – No one appeared.

RESOLUTIONS – The clerk presented a resolution stating that meetings for City Council for December shall be December 11th and December 18th, 2012.

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

The clerk presented a resolution providing for two full days for Christmas Holidays, December 24th, and December 25th, 2012.

MOTION – Mr. Sandy moved, second by Ms. Tallman, to adopt the resolution and the motion was adopted by unanimous vote.

ORDINANCE, FINAL READING

AN ORDINANCE AUTHORIZING THE LEASE/ PURCHASE FINANCING OF ONE UTILITY TRUCK

THE COUNCIL OF THE CITY OF PARKERSBURG HEREBY ORDAINS that the City enter into that certain Lease Purchase Agreement with Branch Banking & Trust Company for financing for the lease purchase of one (1) utility truck for the Electric Department.

The total amount financed is Ninety Nine Thousand Two Hundred Fifty Eight Dollars and 00/100 cents (\$99,258.00) at an interest rate One Point Four Four Percent (1.44%) for thirty six (36) months at Two Thousand Eight Hundred Eighteen Dollars and 80/100 cents (\$2,818.80) per month, for a total of One Hundred and One Thousand Four Hundred Seventy Six Dollars and 80/100 Cents (\$101,476.80).

BE IT FURTHER ORDAINED that Mayor Robert D. Newell, or his designee, is authorized to execute said Lease Agreement and any and all accompanying papers needed and necessary to effectuate said lease for and on behalf of the City. Attached hereto and made a part hereof is a copy of the price quote page of the bid.

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

ORDINANCE, FIRST READING

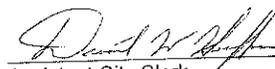
AN ORDINANCE REPEALING ARTICLE 761, SOLICITATION OF FUNDS OF THE CODIFIED ORDINANCES OF THE CITY OF PARKERSBURG

MOTION – Mr. Kimes moved second by Ms. Lynch, to adopt the ordinance on first reading.

Mr. Rockhold asked if City Council would have to take any other action to enforce solicitation of funds, and City Attorney Joe Santer said that Council passed an ordinance back in 2005 that prohibits solicitation at intersections, public right of ways and certain streets and that article 761 should have been repeal after article 347.28 was passed.

VOTE – The motion passed by unanimous vote.

The meeting adjourned at 7:38 PM.


Assistant City Clerk

Council President

Board of Canvassers' Certificate of Votes Cast
General Election
November 6, 2012

Office of the County Commission
Wood County, West Virginia

To: CITY OF PARKERSBURG

The Board of Canvassers of the County of Wood, State of West Virginia, having carefully and impartially examined the returns of the Election held in said county, in each district thereof, on the 6th day of November, 2012, and do hereby certify that in said County for the office of:

CITY OF PARKERSBURG - MAYOR

Robert D. Newell	Received	Five thousand eight hundred and thirty nine (5,839) votes
Sharyn Tallman	Received	Four thousand seven hundred and twenty four (4,724) votes

CITY OF PARKERSBURG – CITY COUNCIL DISTRICT 1

Nancy M. Wilcox	Received	Four hundred and seventy two (472) votes
Kenneth Ed Judy	Received	Four hundred and thirty (430) votes

CITY OF PARKERSBURG – CITY COUNCIL DISTRICT 2

Sharon Lynch	Received	Six hundred and eighty one (681) votes
James M Richards	Received	Four hundred and seventy seven (477) votes

CITY OF PARKERSBURG – CITY COUNCIL DISTRICT 3

Roger E. Brown	Received	Six hundred and seventy six (676) votes
Tandra Mays	Received	Three hundred and seventy seven (377) votes

CITY OF PARKERSBURG – CITY COUNCIL DISTRICT 4

Kimberly Jo Coram	Received	Three hundred and sixty two (362) votes
John R. Sandy	Received	Three hundred and thirty six (336) votes

CITY OF PARKERSBURG – CITY COUNCIL DISTRICT 5

J. R. Carpenter	Received	Five hundred and sixteen (516) votes
Joseph K. Backus	Received	Two hundred and ninety seven (297) votes

CITY OF PARKERSBURG – CITY COUNCIL DISTRICT 6

Mike Reynolds	Received	Nine hundred and fifty six (956) votes
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(continued)

CITY OF PARKERSBURG – CITY COUNCIL DISTRICT 7

John R. Kelly Received One thousand two hundred and eighteen (1,218) votes

CITY OF PARKERSBURG – CITY COUNCIL DISTRICT 8

John W. Rockhold III Received Six hundred and seventy five (675) votes

Jim Knapp Received Five hundred sixty seven (567) votes

CITY OF PARKERSBURG – CITY COUNCIL DISTRICT 9

W. James Reed Received Eight hundred and eighty (880) votes

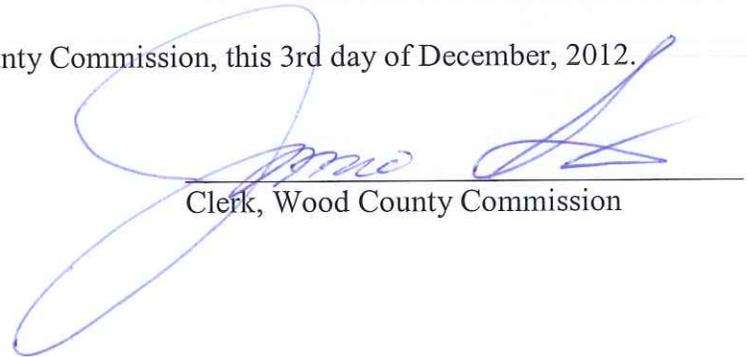
Julia Ann Monroe Received Six hundred and four (604) votes

Given under our hands this 3rd day of December, 2012.



Board of Canvassers

Filed with the Clerk of the Wood County Commission, this 3rd day of December, 2012.



Clerk, Wood County Commission

Rec'd 12-5-12
C. Shaffer

Mayor Robert D. Newell



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

MEMORANDUM

TO: Council President, Tom Joyce and all members
of Parkersburg City Council

FROM: Mayor Robert D. Newell

DATE: December 4, 2012

SUBJECT: re-appointments to Municipal Planning Commission

The terms for three members to the Municipal Planning Commission will expire as of December 31, 2012.

I offer the following members for re-appointment to serve a three-year term to expire on December 31, 2015:

Mr. Charlie Matthews, 3002 25th Street;
Mr. Francis Angelos, 3304 Avery Street;
Mr. Seldon Wigal, Jr. 1814 33rd Street.

I would appreciate your favorable consideration for these re-appointments.

Thank you.

RDN:css

Mayor Robert D. Newell



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

MEMORANDUM

TO: Council President, Tom Joyce and all members
of Parkersburg City Council

FROM: Mayor Robert D. Newell

DATE: December 4, 2012

SUBJECT: Appointment, to Municipal Planning Commission

I have been advised that there is a vacancy on the Municipal Planning Commission. I hereby appoint Mr. Eric Gumm, 301 Franklin Street, to that Commission for a term to expire December 31, 2015, and I ask for your confirmation of this appointment.

Also, I hereby appoint Mr. Luke Peters, 1328 16th Street, Parkersburg, to the Municipal Planning Commission for a term to expire December 31, 2015, due to a vacancy.

I ask for your favorable consideration of these appointments.

Thank you.

RDN:dh

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 2012/13 prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists:

KS

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	General	369-000-000	Contribution from Capital Reserve	\$58,780		
			Net Increase/(Decrease) Revenues	<u>\$58,780</u>		
<u>EXPENDITURES</u>						
<u>Fund</u>	<u>Dept</u>	<u>Account</u>	<u>Description</u>	<u>Decrease</u>	<u>Increase</u>	
001	414	Finance	219-000	Building & Equipment Lease/Purchase		\$ 58,780
			Net Increase/(Decrease) Expenditures		<u>\$ 58,780</u>	
				Grand Totals	<u>\$58,780</u>	<u>\$58,780</u>

AN ORDINANCE REPEALING IN ITS ENTIRETY, ARTICLE 761, SOLICITATION OF FUNDS, OF THE CODIFIED ORDINANCES OF THE CITY OF PARKERSBURG



The City Council of the City of Parkersburg hereby ordains that Article 761, Solicitation of Funds, of The Codified Ordinances of the City of Parkersburg be and it is hereby repealed in its entirety.

Sponsored by: Lynch, Joyce, Rockhold

City Council on September 27, 2005 enacted Section 347.28, Restrictions on Solicitation of Money, in the place of Article 761 which article was ineffective, unenforceable and largely unlawful. See section 347.28 attached hereto for informational purposes together with article 761.

761.01 BOARD OF SUPERVISORS OF PUBLIC SOLICITATION FUNDS ESTABLISHED; MEMBERSHIP; TERM; POWER; AUTHORITY.

For the purpose of authorizing, regulating, restricting and controlling public begging or soliciting of money, subscriptions and/or contributions for any charitable, religious, educational and/or benevolent purpose as herein set forth, there is hereby created a nonpartisan Board of Supervisors of Public Solicitation of Funds. The Board shall consist of nine members who shall be over the age of twenty-one years and residents of the City. They shall be appointed by the Mayor, and one of them shall hold office for a term of one year, two for a term of two years, three for a term of three years and three for a term of four years. The appointees at the end of such terms shall each hold office for terms of four years. All Board members shall serve without salary, or until their successors are appointed and qualified. The chairman of the Board shall be elected by the Board from its membership, and the Board of Supervisors shall have power to prescribe rules and regulations for carrying out the purposes herein expressed. The Board shall meet in regular session at least once a month, at a time to be fixed by the Board, and shall meet more often if necessary to perform the duties imposed on the Board by this article.

The Board shall have authority to issue placards or notices for the use of all persons, firms or corporations in giving the public notice that no contributions are made for the purposes set forth in this article except to solicitors authorized by the Board.

(Ord. 21093. Passed 7-30-57.)

761.02 UNAUTHORIZED SOLICITATION PROHIBITED; EXCEPTIONS.

The unauthorized, unrestricted and unregulated public begging or solicitation in the City of money, subscriptions and/or contributions for any charitable, educational and/or benevolent purpose upon the streets, in public places, buildings, and from house to house, or by the use of the telephone or otherwise, is contrary to the promotion of economic integrity, is detrimental to the morals, comfort and welfare of the inhabitants of the City, is unlawful and is forbidden; but nothing herein shall be construed to prevent or forbid any pastor, priest, rabbi, rector or minister of the gospel, or the governing body of any church from soliciting funds within their membership exclusively for religious and church purposes.

The offering for sale of tickets for any dance, show or other performance represented as being for the benefit of a charitable purpose shall be deemed to be the solicitation of money within the prohibition of this section. (Ord. 21093. Passed 7-30-57.)

761.03 APPLICATION FOR SOLICITATION PERMIT.

Any person, firm or corporation, organization or association desiring to solicit money, subscriptions and/or contributions for any charitable, religious, educational and/or benevolent purpose as herein set forth, shall file with the Board of Supervisors of Public Solicitation of Funds, an application on a form approved by the Board and shall answer, under oath, all of the questions contained in the form and furnish to the Board all such information as may be of assistance to it in determining whether permission shall be given for soliciting funds.

The failure or refusal to file an application and furnish the required information shall constitute sufficient grounds for the Board or the secretary of the Board to decline the application.

The Board may impose such conditions and terms precedent to the issuance of the permit hereinafter provided for as it believes reasonable. (Ord. 21093. Passed 7-30-57.)

761.04 DUTIES AND POWERS OF BOARD SECRETARY; APPEALS FROM DECISIONS OF SECRETARY AND BOARD.

The Board of Supervisors of Public Utility District No. 1 shall designate one of their members to be secretary of the Board and the Board shall have authority to fix his salary if any funds are available for this purpose.

It shall be the duty of the secretary of the Board to investigate all applications of persons, firms, corporations, organizations and/or associations desiring to solicit funds for charitable, religious, educational and/or benevolent purposes. If the secretary, after such investigation, is satisfied that the purpose of the solicitation is a bona fide charitable, religious, educational and/or benevolent purpose, that the applicant for a permit will solicit in good faith and in the manner authorized for such bona fide charitable, religious, educational and/or benevolent purpose; and that the proper proportion of the money subscribed and/or contributed will be used for the purpose for which the subscription and/or contribution is made, the secretary shall issue to the applicant or applicants a card giving the name of the person so authorized to solicit; the purpose for which the funds are being solicited; the time within which solicitation of money, contributions and/or subscriptions are permitted; the manner in which such solicitation is authorized and whether the person soliciting funds is being paid for his or her services as such a solicitor. However, it shall not be necessary for each solicitor to apply to the Board where more than one person is soliciting for the same purpose, but a general application for such persons may be made by any one of them and cards for all such solicitors may be issued upon one application therefor. If the secretary of the Board, after investigation of any application for a permit to solicit funds as herein provided decides that a permit should not be issued, the secretary shall decline to issue such permit, and the person, firm, corporation, organization or association whose application has been declined shall have the right of appeal to the Board. The Board shall hear and determine the application and appeal at an open meeting, after notice thereof to the applicant and appellant, and the decision of a majority of the members of the Board, after such hearing, shall be binding on all of the parties thereto.

An appeal from the decision of the Board may be taken before Council, who shall, in such instances, have the power to sustain or reverse the decision of the Board, but no appeal to Council shall be recognized as such until after notice of the appeal has been published in at least one newspaper in Parkersburg for ten consecutive days, and at the time of the hearing the secretary or some other member of the Board shall be present to furnish Council with full information in support of its decision.

(Ord. 21093. Passed 7-30-57.)

761.05 CERTIFICATE REQUIRED WHILE SOLICITING.

Any person, group, firm, corporation, organization and/or association conducting a campaign or soliciting money, subscriptions and/or contributions for any charitable, religious, educational and/or benevolent purposes upon the street, in public places, buildings, and from house to house, or by telephone or otherwise in the City, shall have and exhibit at all times when soliciting such funds a card or certificate from the Board of Supervisors of Public Utility District No. 1 authorizing the solicitation for such purposes in the manner and at that time, and any person, group, firm, corporation and/or association soliciting money, subscriptions and/or contributions without such permit or certificate duly issued by the Board or in any manner not authorized by the Board, shall be guilty of a violation of this section.

(Ord. 21093. Passed 7-30-57.)

761.06 VIOLATION OF PERMIT RESTRICTIONS; HEARING BY BOARD.

In the event of violation of the condition, limitation or restriction imposed in the granting of any permit herein provided for, or in the event of the misapplication of any fees collected thereunder, the Board of Supervisors of Public may suspend the effectiveness of the permit pending a hearing before it as to whether or not any condition, limitation or restriction imposed by the Board in the granting of the permit has been violated. The suspension of a permit shall be in effect only until the hearing before the Board which shall be held upon reasonable notice. At the hearing the holder of the permit may appear before the Board in person or by counsel, and may produce evidence. The Board is hereby authorized to hear testimony, swear witnesses, and it may require the production of papers and documents by subpoena to be served by any lawful police officer of the City. If upon hearing the Board determines that this article has been violated, or any condition, limitation or restriction imposed in any permit has been violated, the Board may cancel such permit or may suspend the effectiveness thereof for such time as the Board believes advisable. The Board shall make a written finding of the facts, based upon the testimony heard by it, and its findings as to the facts shall be conclusive.

(Ord. 21093. Passed 7-30-57.)

761.99 PENALTY.

Any person, firm, organization, corporation or association violating any provision of this article shall be fined not more than fifty dollars (\$50.00) for each violation of this article. Each violation in violation of the provisions of this article shall be considered a separate offense.

(Ord. 0-584. Passed 1-9-90.)

347.28 RESTRICTION ON SOLICITATION OF MONEY.

It shall be unlawful for any person, firm, corporation, organization or association to solicit money or contributions for any purpose in an intersection, or in that portion of the public right of way that is within twenty feet of an intersection, on or upon the following streets:

- (a) All state and federal highway routes;
- (b) Broadway Avenue, from Pike Street to Camden Avenue;
- (c) Avery Street, from First Street to Thirteenth Street;
- (d) Market Street, from Second Street to Thirteenth Street;
- (e) Second Street, from Juliana Street to the end at Green Street;
- (f) Nineteenth Street, from the intersection of Park Avenue to the intersection of Garfield Avenue;
- (g) Park Avenue, from the intersection of Seventh Street to the intersection of Nineteenth Street;
- (h) St. Marys Avenue/Dudley Avenue, to the intersection between Thirteenth Street and Emerson Avenue;
- (i) Twenty-third Street, from the intersection of Dudley Avenue to the intersection of Fairview Avenue;
- (j) Broad Street, from the intersection of Foley Avenue to the intersection of Thirty- Sixth Street;
- (k) West Virginia Avenue, from the intersection of Murdoch Avenue to the intersection of Poplar Street;
- (l) Poplar Street, from the intersection of Twenty-Ninth Street to the intersection of West Virginia Avenue;
- (m) Twenty-ninth Street, from the intersection of Murdoch Avenue to the intersection of Poplar Street; and
- (n) Walnut Street, from the intersection of Twenty-Ninth Street to the intersection of West Virginia Avenue.

(Ord. 0-1206. Passed 9-27-05.)

NOTE

24 Page storm water ordinance is available in the City Clerk's Office for viewing.

First 3 pages follows.

**CITY OF PARKERSBURG
FLOODPLAIN ORDINANCE**

AUTHORITY AND PURPOSE:

AN ORDINANCE ESTABLISHING A FLOODPLAIN AREA AND REQUIRING ALL CONTRACTORS, PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A PERMIT FOR DEVELOPMENT AND THE CONSTRUCTION, SUBSTANTIAL IMPROVEMENT, OR RELOCATION OF ANY BUILDING OR STRUCTURE; PROVIDING FOR CERTAIN MINIMUM STANDARDS FOR CONSTRUCTION WITHIN THE FLOODPLAIN AREA AND SETTING FORTH SPECIAL PROCEDURES FOR SUBMISSION AND APPROVAL OF PLANS; AND ESTABLISHING PENALTIES FOR ANY PERSON WHO FAILS TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

BE IT ENACTED AND ORDAINED BY THE CITY OF PARKERSBURG

ARTICLE I - GENERAL PROVISIONS

Section 1.1 Authority

- A. The provisions of this ordinance have been prepared with the intention of meeting the requirements of THE NATIONAL FLOOD INSURANCE ACT OF 1968 (42 U.S.C. 4001 et seq.) AMENDED BY THE CONGRESS OF THE UNITED STATES THROUGH THE 15TH. OF FEBRUARY, 1975 (PUBLIC LAW 91-152),
- B. Authority to adopt, administer and enforce this Ordinance is vested in the City of Parkersburg pursuant to WEST VIRGINIA STATE CODES 8-12-14, 7-1-3n, 7-1-3v and 7-1-3kk and/or WEST VIRGINIA STATE CODE 8A-4-2, 8A-5-7, 8A-7-2

Section 1.2 Intent

The intent of this ordinance is to:

- A. Promote the general health, welfare, and safety of the City of Parkersburg.
- B. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future and protect natural drainage.
- C. Minimize danger to public health and safety by protecting water supply and sanitary sewage disposal in cooperation with the County Sanitarian.
- D. Assure the County Assessor obtains information concerning improvement of real property as required by WV State Code 11-3-3A.
- E. Assure County E-911 addresses are obtained to maintain the currency of established emergency response dispatch systems.
- F. Reduce financial burdens imposed on the City of Parkersburg, its governmental units, and its residents, by preventing the unwise design and construction of development in areas subject to flooding.

Section 1.3 Abrogation and Greater Restrictions

This ordinance supersedes any ordinance currently in effect in flood prone areas. Any ordinance, however, shall remain in full force and effect to the extent that its provisions are more restrictive.

Section 1.4 Applicability

It shall be unlawful for any contractor, person, partnership, business, or corporation to undertake or cause to be undertaken, any development, new construction, substantial improvement, repair of substantial damage, or the placement or relocation of any structure (including manufactured homes) within City of Parkersburg, unless a permit application has been completed and a permit or certificate of compliance has

been obtained from the Floodplain Administrator. In addition, where land partially or fully in the special flood hazard area is to be subdivided, utilized for a manufactured home park or subdivision or otherwise developed as defined in this ordinance, a site plan with elevation data shall be submitted to, and approved by, the Floodplain Administrator prior to any development.

Provision of all other codes, ordinances, and regulations shall be applicable insofar as they are consistent with the provisions of this ordinance and the community's need to minimize the hazards and damage resulting from flooding.

Section 1.5 Matters not provided for specifically

Where conditions are encountered that are not specifically provided for herein, the Floodplain Administrator shall determine the applicability of the provisions of this ordinance in accordance with its intent, and shall require the applicant to take appropriate measures pursuant to such determination.

ARTICLE II - INTERPRETATIONS AND DEFINITIONS

Section 2.1 Interpretations

A. For the purpose of this ordinance, the following interpretations shall apply:

1. Words used in the present tense include the future tense
2. The singular includes the plural.
3. The plural includes the singular.
4. The word "person" includes a corporation, unincorporated association or partnership as well as an individual.
5. The Term "shall" or "will" is always mandatory.
6. The word "building" or "structure" shall be construed as if followed by the phrase "or part thereof".
7. The word "ordinance" shall refer to the Floodplain Ordinance.

Section 2.2 Definitions

Unless specifically defined below, words and phrases used in this ordinance shall be interpreted so as to give this ordinance it's most reasonable application.

Appurtenant Structure

A structure on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. This does not include a gas or liquid storage tank.

Base Flood

Means the flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE)

The water surface elevation of the base flood in relation to the datum specified on the City of Parkersburg's Flood Insurance Rate Map. For the purposes of this ordinance, the one hundred (100) year flood or 1% annual chance flood.

Basement

Any area of the building having its floor sub grade (below ground level) on all sides.

Certificate of Compliance

A certification that all development is in compliance with the provisions of this ordinance.

Compensatory storage

An artificially excavated, hydraulically equivalent volume of storage within the special flood hazard area used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the special flood hazard area.

Contractor - WV State Code 21-11-3(c)

A person who in any capacity for compensation, other than as an employee of another, undertakes, offers to undertake, purports to have the capacity to undertake, or submits a bid to construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, structure or excavation associated with a project, development or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith, where the cost of the undertaking is one thousand dollars or more. Contractor includes a construction manager who performs management and counseling services on a construction project for a professional fee.

Contractor does not include:

- (1) One who merely furnishes materials or supplies without fabricating or consuming them in the construction project.
- (2) A person who personally performs construction work on the site of real property which the person owns or leases whether for commercial or residential purposes;
- (3) A person who is licensed or registered as a professional and who functions under the control of any other licensing or regulatory board, whose primary business is real estate sales, appraisal, development, management and maintenance, who acting in his or her respective professional capacity and any employee of such professional, acting in the course of his or her employment, performs any work which may be considered to be performing contracting work
- (4) A pest control operator licensed under the provisions of section seven, article sixteen-a, chapter nineteen of this code to engage in the application of pesticides for hire, unless the operator also performs structural repairs exceeding one thousand dollars on property treated for insect pests; or
- (5) A corporation, partnership or sole proprietorship whose primary purpose is to prepare construction plans and specifications used by the contractors defined in this section and who employs full time a registered architect licensed to practice in this state or a Registered Professional Engineer licensed to practice in this state. Contractor also does not include employees of such corporation, partnership or sole proprietorship.

Critical Facility

Any facility in which, even a slight chance of flooding is too great a threat. Typical critical facilities include hospitals, fire stations, police stations, storage of critical records, and similar facilities. These should be given special consideration when formulating regulatory alternatives and floodplain management plans. A critical facility should not be located in a special flood hazard area if at all possible. If a critical facility must be located in a special flood hazard area it should be provided a higher level of protection so that it can continue to function and provide services during a flood.

Development

Mayor Robert D. Newell



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

December 3, 2012

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

Re: Petition to vacate City's public right-of-way on a 20 foot unnamed alley lying south of 28th Street in North Parkersburg.

To the Honorable Mayor and City Council:

On November 16, 2012, the Municipal Planning Commission (MPC) held a public hearing to consider the following petitions:

*Petition to abandon a 20 foot portion of public right-of-way (alley) from the northeasterly property line of City Tax Map 79, Parcel 47, easterly to the northeasterly property line of City Tax Map 79, Parcel 23, lying south of 28th Street and north of Bird Street, located in the A.C. Stephenson Estate in North Parkersburg.
Applicant: Tom Evans*

After hearing all interested parties, the MPC voted (9-0-1) to recommend that Parkersburg City Council approve the aforementioned petitions to vacate the City's right-of-way as described herein, provided the City retained a permanent utility easement for the purpose of future ingress and egress and that the applicant consolidate their respective portion of the alley with City Tax Map 79, Parcel 71.

Please find minutes from the MPC Meeting, as well as the MPC Staff Report for your review. If you have any questions or concerns, please contact me at 304.424.8558 or by email at rmyeager@parkersburg-wv.com.

Sincerely,

Rickie Yeager
Planning Administrator

**AN ORDINANCE VACATING AN UNNAMED 20 FOOT ALLEY
LYRING SOUTH OF 28th STREET, NORTH OF 27th STREET AND
WEST OF ROOSEVELT AVENUE
PAREKSRBURG CITY TAX MAP 50 (NORTH)**

The Municipal Planning Commission of the City of Parkersburg has recommended that 20 foot unnamed alley lying south of 28th Street, North of 27th Street and West of Roosevelt Avenue be vacated;

WHEREAS, the City believes it proper to do so, and

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PARKERSBURG HEREBY ORDAINS that the following described property is hereby vacated and closed as a public thoroughfare.

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

Beginning at the northeasterly corner of lot 28 of Brookside Addition as recorded in Plat Book 3, page 62, in the office of the clerk of the county commission of Wood County, West Virginia; thence with the northerly lines of lots 28, 27, and 26, of the aforesaid addition, in a northwesterly direction, a distance of 150 feet more or less to the northwesterly corner of said lot 26; thence with the easterly line of an unnamed alley, in a northeasterly direction, a distance of 20 feet more or less, to the southwesterly corner of lot 29, of the aforesaid addition; thence with the southerly lines of lots 29, 30, and 31, of the aforesaid addition, in a southeasterly direction, a distance of 150 feet more or less, to the southeasterly corner of said lot 31, thence with the westerly line of Roosevelt Avenue, in a southwesterly direction, a distance of 20 feet more or less to the point of beginning.

This description was prepared by Randy A. Sheppard, Professional Surveyor No. 860, and is based on instruments of record. Reference is being made to a plat attached hereto and made part of this description.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the City shall retain a permanent easement for the benefit of the City of Parkersburg, the Parkersburg Utility Board, and all other public utility companies, for ingress and egress over, along and under said portion of right-of-way for the installation, maintenance, location, relocation and removal of public utilities of any kind, and



BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the property owner of City Tax Map 50, Parcel 71 consolidates their portion of the vacated right-of-way with said lot.

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

SPONSORED BY: MUNICIPAL PLANNING COMMISSION

Mayor Robert D. Newell



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

December 3, 2012

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

Re: Petition to abandon City's public right-of-way on a 20 foot portion of Roosevelt Avenue ,
lying south of 28th Street and north of 27th Street.

To the Honorable Mayor and City Council:

On November 16, 2012, the Municipal Planning Commission (MPC) held a public hearing to
consider the following petition:

*Petition to abandon a 20' portion of Right-of-Way on the westerly side of Roosevelt
Avenue, running from northerly Right-of-Way line of 27th Street in a northerly direction
and parallel to City Tax Map 50, Parcel 71, of Brookside Addition, as recorded in Plat
Book 3, Page 62, ending at the northeasterly corner of said Parcel 71.
Applicant: Tom Evans*

After hearing all interested parties, the MPC voted (8-1-1) to recommend that Parkersburg City
Council approve the aforementioned petitions to vacate the City's right-of-way as described
herein, provided the City retained a permanent easement for utility, street and other service
improvements implemented by the City of Parkersburg and that the applicant consolidate the 20'
portion of right-of-way with City Tax Map 79, Parcel 71.

Please find minutes from the MPC Meeting, as well as the MPC Staff Report for your review. If
you have any questions or concerns, please contact me at 304.424.8558 or by email at
rmyeager@parkersburg-wv.com.

Sincerely,

Rickie Yeager
Planning Administrator

**AN ORDINANCE VACATING A 20 FOOT PORTION OF THE
WESTERLY SIDE OF ROOSEVELT AVENUE,
LYING NORTH OF 27th STREET
PAREKSRBURG CITY TAX MAP 50 (NORTH)**

The Municipal Planning Commission of the City of Parkersburg has recommended that a 20 foot portion of the westerly side of Roosevelt Avenue, lying north of 27th Street be vacated;

WHEREAS, the City believes it proper to do so, and

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PARKERSBURG HEREBY ORDAINS that the following described property is hereby vacated and closed as a public thoroughfare.

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

Beginning at the northeasterly corner of lot 28 of Brookside Addition as recorded in Plat Book 3, page 62, in the office of the clerk of the county commission of Wood County, West Virginia; thence with the northerly line of said lot 28 projected in a southeasterly direction, a distance of 20 feet, to a point in Roosevelt Avenue; thence with a line parallel to the easterly line of said lot 28, in a southwesterly direction, a distance of 165 feet, more or less to a point on the northerly line of 27th Street; thence with the northerly line of 27th Street, in a northwesterly direction, a distance of 20 feet to the southeasterly corner of said lot 28; thence with the easterly line of said lot 28, in a northeasterly direction, a distance of 165 feet, more or less to the point of beginning.

This description was prepared by Randy A. Sheppard, Professional Surveyor No. 860, and is based on instruments of record. Reference is being made to a plat attached hereto and made part of this description.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the City shall retain a permanent easement for the benefit of the City of Parkersburg, the Parkersburg Utility Board, and all other public utility companies, for ingress and egress over, along and under said portion of right-of-way for the installation, maintenance, location, relocation and removal of public utilities of any kind, and

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the property owner of City Tax Map 50, Parcel 71 consolidates their portion of the vacated right-of-way with said lot.

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

SPONSORED BY: MUNICIPAL PLANNING COMMISSION

Public Thoroughfare Abandonment Petitions : North Parkersburg



--- 20' unnamed alley (public right-of-way) to be abandoned

--- 20' portion of Roosevelt Avenue (public right-of-way) to be abandoned

Mayor Robert D. Newell



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

December 3, 2012

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

Re: Petition to Rezone 925 24th Street (City Tax Map 46, Parcel B)

To the Honorable Mayor and City Council:

On November 16, 2012 the Parkersburg Municipal Planning Commission (MPC) heard the following request:

Petition to rezone City Tax Map 46, Parcel B, commonly known as 925 24th Street, from a split zoned lot, having both a Business (B-2) and Residential (R-3) zoning designation, to a Business (B-2) zoning designation.

Applicant: Henry Logan Children's Home, Inc.

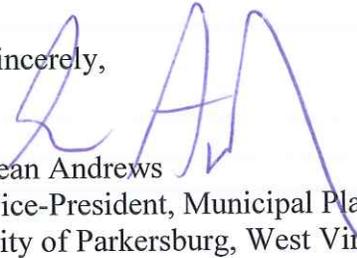
Upon hearing all interested parties, the MPC voted unanimously (10-0-0) to recommend that the aforementioned petition be approved by Parkersburg City Council provided the following conditions were met:

1. The West Virginia Department of Highways approves a two-way drive way to access the proposed hotel development and any other improvements needed to address traffic concerns on Emerson Avenue, and that sufficient documentation stating as much is submitted to the City's Development Office,
2. The developer maintains a buffer, which shall include a privacy fence and landscaping, to screen the adjoining residential properties from the proposed hotel development. They include City Tax Map 46, Parcels 111,112, 113, 114, 115, and 116, and City Tax Map 54, Parcels 1, 2 and 3.
3. Ambient lighting from the site is minimized. Whatever method is decided upon by the developer must be approved by City Development and Code Enforcement staff.

4. If construction on the proposed hotel development does not commence within 730 days of the said MPC hearing (November 16, 2014), City Tax Map 46, Parcel B will revert back to its original zoning (R-3 and B-2) designation. To continue with the proposed hotel development, the property owner would have to submit a new rezoning petition to the MPC for consideration.

The Commission imposed these conditions as it felt they would address some of the concerns expressed by residents present at the public hearing and the neighborhood in general. Please find minutes from the MPC meeting, as well as the MPC Staff report for your review. Should you have any questions or concerns, please contact Rickie Yeager at 304.424.8558 or by email at rmyeager@parkersburg-wv.com.

Sincerely,



Sean Andrews
Vice-President, Municipal Planning Commission
City of Parkersburg, West Virginia

**AN ORDINANCE TO REZONE
CITY TAX MAP 46, PARCEL B
FROM A RESIDENTIAL (R-3) AND BUSINESS (B-2) Zone
TO A BUSINESS (B-2) ZONE**



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 Residential (R-3) and 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:

The intent of this description is to rezone the easterly portion of the Henry Logan Children's Home property, Parkersburg Corporation Tax Map 46, Parcel B; Being part of the property conveyed in Deed Book 52, Page 220, recorded in the office of the clerk of the county commission of Wood County, West Virginia. The said property is bounded on the north by the southerly right of way line of Emerson Avenue; on the south by the northerly right of way line of 24th Street; on the east by the westerly lines or portions of lines of lots 31 through 38 inclusive of the Revised Plat No. 2 of High School Place Addition, recorded in Plat Book 3, Page 34; and on the west by the easterly right of way line of Murdoch Avenue. The property is currently split zoned B-2 and R-3, and the intent is to rezone the entire parcel to a B-2 zone.

This description was prepared by Randy A. Sheppard, Professional Surveyor No. 860, and is based on instruments of record. Reference is being made to a plat attached hereto and made part of this description.

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-205 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, provided the following conditions are met:

1. The West Virginia Department of Highways approves a two-way drive way to access the proposed hotel development and any other improvements needed to address traffic concerns on Emerson Avenue, and that sufficient documentation stating as much is submitted to the City's Development Office.

2. The developer maintains a buffer, which shall include a privacy fence and landscaping, to screen the adjoining residential properties from the proposed hotel development. They include City Tax Map 46, Parcels 111,112, 113, 114, 115, and 116, and City Tax Map 54, Parcels 1, 2 and 3.

3. Ambient lighting from the site is minimized. Whatever method is decided upon by the developer must be approved by City Development and Code Enforcement staff.

4. If construction on the proposed hotel development does not commence within 730 days of the said MPC hearing (November 16, 2014), City Tax Map 46, Parcel B will revert back to its original zoning (R-3 and B-2) designation. To continue with the proposed hotel development, the property owner must submit a new rezoning petition to the MPC for consideration.

SPONSORED BY: MUNICIPAL PLANNING COMMISSION

Proposed Rezoning Map of 925 24th Street



Business (B-2) Zone
Residential (R-3) Zone

Business (B-1) Zone
Property to be rezoned