

AGENDA FOR THE REGULAR MEETING OF PARKERSBURG
CITY COUNCIL FOR TUESDAY, SEPTEMBER 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 – Regular council meeting held August 28, 2012
- VI. REPORTS FROM STANDING OR SPECIAL COMMITTEES
- VII. MESSAGE FROM THE EXECUTIVE
- VIII. PUBLIC FORUM
- IX. RESOLUTIONS

1. Resolution authorizing Mayor Robert D. Newell to enter into an agreement with the Division of Justice and Community Services to receive and administer grant funds for overtime, in the amount of \$40,000.00, pursuant to provisions of the Purdue Pharma Asset Forfeiture Funds. (Sponsored by Councilmen Lynch, Reed, Rockhold, and Sandy.)

2. Resolution authorizing Mayor Robert D. Newell to enter into an agreement with the Division of Justice and Community Services to receive and administer grant funds for overtime, in the amount of \$40,000.00, pursuant to provisions of the Purdue Pharma Asset Forfeiture Funds. (Sponsored by Councilmen Lynch, Reed, Rockhold, and Sandy.)

X. ORDINANCE, FIRST READING

3. An ordinance amending and re-enacting sub-section E (6), Extended Medical Leave, of Section IX, Benefits, of the Personnel Policies and Procedures. (Sponsored by the Personnel Committee of City Council)

4. An ordinance amending and re-enacting sub-section I, Leave Donation Program, of Section IX, Benefits, of the Personnel Policies and Procedures. (Sponsored by the Personnel Committee of City Council.)

XI. ADJOURNMENT

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PARKERSBURG, W. VA., August 28, 2012

CASTO & HARRIS, INC., SPENCER, WV, RE-ORDER NO. 1635-06

The Council of the City of Parkersburg met in regular session Tuesday, August 28, 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. Councilman Brad Kimes led the Lord's Prayer and Pledge of Allegiance, and the Clerk noted the attendance as follows: Members attending included Councilmen Nancy Wilcox, Sharon Lynch, Brad Kimes, John Sandy, Sharyn Tallman, John Rockhold, Jim Reed (by telephone), and Tom Joyce. Councilman Mike Reynolds was absent.

MINUTES – Mr. Sandy moved, seconded by Mr. Kimes, to approve the minutes from the meeting held August 14, 2012, and the motion was adopted by unanimous vote.

REPORTS FROM STANDING OR SPECIAL COMMITTEES – Councilman John Rockhold reported on a recent Downtown Task Force meeting. That committee expressed appreciation to the City for our assistance to them on parking information. He also announced a festival on September 8th and the Chili Cook-Off on October 6th at Point Park.

MESSAGE FROM THE EXECUTIVE – There was no message this evening.

PUBLIC FORUM – No one attended this evening.

RESOLUTIONS

The clerk presented a resolution amending the Rules and Regulations of the Parkersburg Fire Department, Section 1000.5, concerning drug testing and/or physical agility testing.

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

RESOLUTION - The clerk presented a resolution approving the change of control of the Cable Television Franchise for Cebidge Acquisition, LLC d/b/a Suddenlink Communications. Their letter, in part, read "We are writing to notify you that Cequel Communications Holdings, LLC ("Cequel"), the parent of Cebidge Acquisition, LLC d/b/a/ Suddenlink Communications ("Suddenlink" or "Franchisee"), the holder of a cable franchise to serve your community (the "Franchise"), has entered into a Purchase and Sale Agreement (the "Agreement") with Nespresso Acquisition Corporation ("Buyer"), pursuant to which Buyer will acquire all of the issued and outstanding equity interests of Cequel (the "Transaction"). See file 8470.

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

RESOLUTION - The clerk then presented a resolution authorizing Mayor Robert Newell to submit an application to the State of West Virginia requesting funding to construct a miniature golf course at Southwood Park in the amount of \$70,000.00. The required matching funding of \$35,000.00 will be from in-kind services and a cash match from the Capital Reserve Account.

MOTION – Ms. Lynch moved, seconded by Ms. Wilcox, to adopt the resolution.

Councilman Sandy asked how much was needed for the cash match, and Ms. Conageski said that a maximum amount of \$25,000.00. The City will install and level the 18-hole golf course. She provided Mr. Sandy with a schematic of the course and an estimate of the materials.

VOTE – The motion was adopted by unanimous vote.

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:

GENERAL FUND

<u>REVENUES</u>				DEBIT	CREDIT
Fund	Account	Description	Increase	Decrease	
001	299	000-000	Unassigned Fund Balance	\$ 314,780	
		Sub Totals	\$ 314,780	\$	
		Net Increase / (Decrease) Revenues	\$ 314,780		
<u>EXPENDITURES</u>					
Fund	Dept	Account	Description	Decrease	Increase
001	409 Mayor	230-001	Contractual - Wind Symphony		\$15,500

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PARKERSBURG, W. VA., August 28, 2012

CASTO & HARRIS, INC., SPENCER, WV RE-ORDER NO. 1035-08

NOW, THEREFORE, BE IT ORDAINED that:

Section 1. The ordinances of the City of Parkersburg, West Virginia, of a general and permanent nature, as revised, codified, rearranged and consolidated into component codes, chapters, articles and sections within the 2012 replacement pages to the Codified Ordinances are hereby approved and adopted.

Section 2. Pursuant to Section 2.208 of the Charter and West Virginia Code 8-11-4(b):

- (a) Notice of the proposed adoption of the current supplement shall be given by publication as provided in West Virginia Code 8-11-4(a)(2);
- (b) This ordinance shall not be adopted until ninety days have elapsed following the date on which Council shall have noted in the official journal the availability of copies of the current supplement to the public.

Section 3. This ordinance shall take effect as provided in Section 2.201 of the Charter.

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

ORDINANCE, FINAL READING:

AN ORDINANCE VACATING A 20 FOOT UNNAMED ALLEY LYING NORTH OF SEVENTH STREET, SOUTH OF OAKHURST AVENUE (NOW VACATED) EAST OF 13TH STREET AND WEST OF 14TH STREET, PARKERSBURG CITY MAP 79 (NORTH)

The Municipal Planning Commission of the City of Parkersburg has recommended that 20 foot unnamed alley lying north of Seventh Street, South of Oakhurst Avenue (now vacated), East of 13th Street and West of 14th 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 southeasterly corner of Lot 64 of Oakhurst Addition as recorded in Plat Book 2, Page 21, in the office of the Clerk of the County Commission of Wood County, West Virginia; Thence with the southerly line of 14th Street, in a southeasterly direction to the northwesterly corner of Lot 34 of the aforesaid Addition; thence leaving 14th Street and with the westerly lines of Lots 34 through 28 inclusive, of the aforesaid addition in a southwesterly direction to the southwesterly corner of said Lot 28; thence with the northerly line of 13th Street, in a northwesterly direction of the southeasterly corner of Lot 58 of the aforesaid addition; thence with the easterly lines of Lots 58 through 64 inclusive, of the aforesaid addition in a northeasterly direction to the place 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 FURTHER 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.

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.

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

ORDINANCE, FINAL READING:

AN ORDINANCE VACATING A PORTION OF A 20 FOOT UNNAMED ALLEY LYING SOUTH OF SEVENTH STREET, NORTH OF BIRD STREET, EAST OF 13TH STREET AND WEST OF PARK AVENUE, PARKERSBURG CITY MAP 79 (NORTH)

The Municipal Planning Commission of the City of Parkersburg has recommended that a portion of a 20 foot unnamed alley south of Seventh Street, north of Bird Street, east of 13th Street and West of Park 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 southeasterly corner of Lot 70 of A. C. Stephenson Estate as recorded in Plat Book 2, Page 22, in

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PARKERSBURG, W. VA., August 28, 2012

Avenue, in a southeasterly direction to the northeasterly corner of Lot 80 of the aforesaid Estate; thence leaving Park Avenue and with the northerly lines of Lots 80 through 86 inclusive of the aforesaid Estate, in a southwesterly direction to the northwesterly corner of said Lot 86; thence crossing the unnamed 20 foot alley (to be vacated), in a northwesterly direction, a distance of 20 feet more or less, to the southwesterly corner of Lot 72 of the aforesaid Estate; thence with the southerly lines of Lots 72 through 79 inclusive of the aforesaid Estate, in a northeasterly direction to the place 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 FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG the City shall not maintain a utility easement for the vacated and closed public thoroughfare so as to encourage private investment and redevelopment in the community, in the portion of the 20 foot alley described herein that would revert back to the abutting property owners of said abandonment, under normal reversion rights. This shall be contingent upon Roethlisberger and Simmons Development, LLC addressing storm water runoff issues from the abutting parcels by relocating and/or installing new storm water structures and drainage pipes, as approved by the City Engineer. These structures are to become private utilities and shall be maintained by Roethlisberger and Simmons Development, LLC and its heirs and assigns forever.

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.

MISCELLANEOUS – the clerk presented a communication from the Department of Health and Human Resources, Bureau of Public Health, Charleston, WV, approving the fee schedule which the Mid Ohio Valley Health Department proposed to begin charging as outlined in the requested guidelines.

MOTION – Mr. Rockhold moved, seconded by Ms. Tallman, to receive and file the communication, and the motion was adopted by majority vote with all members voting "yes" with the exception of Ms. Lynch, who voted "no".

The meeting adjourned at 7:45 PM.

Connie Simpson

City Clerk

Council President

RESOLUTION



Be It Resolved By The Council Of The City of Parkersburg hereby authorizes Robert D. Newell, Mayor of City of Parkersburg, to act on its behalf to enter into a contractual agreement with the Division of Justice and Community Services to receive and administer grand funds pursuant to provisions of the Purdue Pharma Asset Forfeiture Funds.

Sponsored by Councilmen: Lynch, Reed, Rockhold and Sandy

A copy of the Grant Contract Agreement is attached hereto (Overtime Grant)



Department of Military Affairs & Public Safety
July 16, 2012

The Honorable Robert D. Newell
Mayor
City of Parkersburg
#1 Government Square
Parkersburg, West Virginia 26102

Re: Approved Funding – \$40,000.00
Purdue Pharma Asset Forfeiture Funds (PPF)
Project Number: 12P-PDI-05

Dear Mayor Newell:

Congratulations on your recent award for a PPF Grant Award. Enclosed you will find:

- Contract
- Sample Resolution
- Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements; and,
- EEOP Certification – Two (2) forms – one completed form to be mailed to the Office for Civil Rights at the address listed on the form and one completed form returned to the Division of Justice and Community Services
- Standard Conditions and Assurances
- Supplemental Special Conditions
- Budget pages (3,4,5) and that need to be revised based on the grant award

To formalize your acceptance of this grant award, please sign the contract, certification, affect a resolution (if necessary), and revise budget pages and return the **originals** to this office by August 10, 2012.

Additional information regarding the administrative procedures that govern this grant program will be sent directly to your designated Project Director in the near future. In the interim, should you have questions concerning the contract or other enclosures, please contact me at (304) 558-8814, extension 53330, or via email at Leslie.S.Boggess@wv.gov I look forward to working with you on this project and feel confident that our efforts will prove tremendously beneficial to the State of West Virginia.

Sincerely yours,

A handwritten signature in black ink that reads "Leslie S. Boggess". The signature is fluid and cursive, with a long horizontal stroke at the end.

Leslie S. Boggess
Deputy Director

LSB/bjf

C: Delmas Barker (*all attachments*)
Grant File (*all attachments*)

Enclosures





RESOLUTION

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- Sample Resolution
- Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements; and,
- EEOC Certification – Two (2) forms – one completed form to be mailed to the Office for Civil Rights at the address listed on the form and one completed form returned to the Division of Justice and Community Services
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- Supplemental Special Conditions
- Budget pages (3,4,5) and that need to be revised based on the grant award

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Sincerely yours,

A handwritten signature in black ink that reads "Leslie S. Boggess".

Leslie S. Boggess
Deputy Director

LSB/bjf

C: Delmas Barker (*all attachments*)
Grant File (*all attachments*)

Enclosures



**AN ORDINANCE AMENDING AND RE-ENACTING
SUB-SECTION E · (6), EXTENDED MEDICAL LEAVE,
OF SECTION IX, BENEFITS, OF THE CITY OF PARKERSBURG
PERSONNEL POLICIES AND PROCEDURES**

The Council of the City of Parkersburg Hereby Ordains that Sub-Section E · (6), Extended Medical leave, of Section IX, Benefits, of the the City of Parkersburg Personnel Policies and Procedures be hereby amended and re-enacted as follows:

See sub-section E · (6) with proposed changes which is attached hereto and made a part hereof.

Sponsored By Personnel Committee of City Council

EXTENDED MEDICAL LEAVE

(Revised 02/26/08)

Extended medical leave may be granted to an employee who has exhausted the leave provisions under The Family and Medical Leave Act, but has balances remaining in his/her paid leave benefits (sick leave, vacation leave, compensatory leave and holiday equal time off leave) **or under the Leave Donation Program**. Requests for extended medical leave must be submitted to the Personnel Director in writing, along with medical evidence in the form of a physician's statement. The physician's statement must include a diagnosis, prognosis, and expected date when the illness or disability will no longer exist or no longer hamper the employee from performing his/her regular duties. Requests for extended medical leave must be approved by the Mayor, Department Head and Personnel Director. If the employee is unable to return to work after the exhaustion of all paid leave benefits, said individual's employment with the City will be concluded, **unless a Special Leave of Absence without Pay has been approved**.

**AN ORDINANCE AMENDING AND RE-ENACTING
SUB-SECTION I, LEAVE DONATION PROGRAM,
OF SECTION IX, BENEFITS, OF THE CITY OF PARKERSBURG
PERSONNEL POLICIES AND PROCEDURES**

The Council of the City of Parkersburg Hereby Ordains that Sub-Section D, Leave Donation Program, of Section IX, Benefits, of the City of Parkersburg Personnel Policies and Procedures be hereby amended and re-enacted as follows:

See sub-section D with proposed changes which is attached hereto and made a part hereof.

These changes are effective for all current and future medical leave of absences.

Sponsored By Personnel Committee of City Council



Draft

PERSONNEL POLICIES & PROCEDURES

SUBJECT
LEAVE DONATION PROGRAM

EFFECTIVE DATE
Xx/xx/2012

PAGE
1 of 4

OBJECTIVE:

The City has established a Leave Donation Program to assist employees faced with a medical emergency. The Leave Donation Program allows employees to voluntarily transfer accrued vacation hours **leave** and holiday leave to another qualified employee who has exhausted all of his or her paid leave.

I. DEFINITIONS:

Vacation Leave: An earned employee benefit of paid time off from work.

Holiday Leave: A benefit for civil service employees of equal time off from work in lieu of holiday pay on holidays.

Dollar Value of Vacation Leave: The hourly rate of an employee multiplied by the number of hours of vacation leave.

Donor: An employee who voluntarily donates accrued vacation leave or holiday leave to a recipient.

Hourly Rate: ~~The total annual base salary for a full-time employee divided by 2,080 hours (civilian, police civil service, and fire [40-hour shift] civil service employees) and 2,808 hours (fire [54-hour shift] civil service employees).~~ **Employee's hourly pay rate. For exempt personnel, it is their annual base salary divided by 2,080 hours.**

Immediate Family: The immediate family consists of the spouse, child, or parent **as defined by the Family and Medical Leave Act.**

Medical Emergency: A medical condition of an employee or a member of the employee's immediate family that is likely to require the prolonged absence of the employee from work and which will result in a substantial loss of income to the employee because of the unavailability of paid leave.

Recipient: An employee who receives vacation leave donations from other employees.

Substantial Loss of Income: An amount greater than or equal to one-half month of an employee's base pay.

LEAVE DONATION PROGRAM

II. ELIGIBILITY:

A. Recipient Eligibility: In order to be eligible to receive donations of vacation leave or holiday leave, an employee must meet the following conditions:

1. Apply and be approved for leave under The Family and Medical Leave Act as provided in Section IV.N, ~~Subsection N~~ of this manual **or be approved for an Extended Medical Leave as provided in Section IX.E.6 of this manual.**
2. The employee must have a medical emergency involving a medical condition of the employee or a member of the employee's immediate family.
3. The employee must have exhausted **all** sick leave and ~~all~~ vacation leave, as well as any other accrued paid leave to which the employee is entitled.
4. The medical condition of the employee or the member of the employee's immediate family must be verified in writing by a physician or medical practitioner as requiring the absence of the employee from work for at least one-half a month continuously after the exhaustion of available leave as specified above.
5. The employee must apply to receive donated leave. If, because of the nature of an employee's medical condition, the employee is unable to apply to receive donated leave, the application may be made by a member of the employee's immediate family or by the employee's Department Head.
6. The employee must not be receiving or be eligible to receive compensation for his or her absence from work from the Workers' Compensation Fund, nor may the employee be receiving Social Security Disability benefits for his or her absence from work.

B. Donor Eligibility: In order to be eligible to make donations of vacation leave or holiday leave, an employee must meet the following conditions:

1. The employee must have a remaining balance of 80 hours of accrued sick and/or vacation/holiday leave after making the vacation/holiday leave donation.

III. RECIPIENT STATUS:

Employees who are recipients of donated leave are considered on leave in accordance with The Family and Medical Leave Act **or on an approved Extended Medical Leave.** All paid leave benefits and leave donation benefits run concurrently with leave under The Family and Medical Leave Act.

IV. RESTRICTIONS:

- A. Recipient Eligibility: In order to be eligible to receive donations of vacation leave or holiday leave, an employee must meet the following conditions:
1. Recipients do not accrue annual or sick leave, nor do they earn years of service credit for leave accrual purposes, while in this status.
 2. Recipients are not eligible for paid holidays or holiday equal pay while in this status.
 3. Recipients do not earn service credit for purposes of order of separation on lay-off while in this status.
 4. Recipients do not earn service credit for purposes of an annual increment while in this status.
 5. Recipients do not earn service credit for any retirement system offered by the City of Parkersburg or administered by the State of West Virginia while in this status.
 6. Paid medical insurance will be provided to the recipient for a period equal to the period of such leave under The Family and Medical Leave Act **and/or the Extended Medical Leave period. The City will continue to deduct the employee's portion of the premium from their paid donation leave.**

V. METHOD OF DONATIONS AND USE OF DONATED LEAVE:

All donations of vacation or holiday leave and the use of donated leave is governed by the following criteria:

A. Method of Donations:

1. Donations shall be in the form of whole hours of vacation **or holiday** leave ~~only~~.
2. Donors shall specifically designate the recipient(s) of the leave donation.
3. The City shall deduct the total donation from the vacation **/ holiday** leave balance of the donor upon receipt of the donation form.

B. Use of Donated Leave:

1. Donated leave shall be used at its present dollar value.

C. End of Use of Donated Leave:

A recipient's use of donated leave shall cease:

1. If the recipient, for any reason, ceases employment with the City of Parkersburg.
2. If the recipient voluntarily requests termination of the use of donated leave.
3. If the recipient fails to provide the required physician's verification(s) as requested or otherwise fails or ceases to meet eligibility requirements.
4. Upon the exhaustion of the total dollar value of all leave donated to the recipient.
5. Upon expiration of the leave provided under The Family and Medical Leave Act or the end of the Extended Medical Leave.
6. At the end of one (1) year from the first day of the start of the medical leave.
7. Upon the recipient's return to work.

D. Unused Donation Leave:

Any unused leave donation shall be returned to the donors and re-credited to his or her vacation / holiday leave balance on a pro-rated basis.