AGENDA FOR THE REGULAR MEETING OF PARKERSBURG
CITY COUNCIL FOR TUESDAY, OCTOBER 23, 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 October 9, 2012

VI. REPORTS FROM STANDING OR SPECIAL COMMITTEES

VII. MESSAGE FROM THE EXECUTIVE

VIII. PUBLIC FORUM

IX. RESOLUTION

1. Resolutions requesting budget revisions, as follows, sponsored by the Finance Committee:

   A. $40,000.00 grant for Development Department for restroom at Fort Neal Park;

   B. $34,000.00 pass-through grant for Development Department for Juleps Playground;

   C. $44,768.00 JAG grant for Police Department equipment ($28,000.00) and the remainder will be passed on to Wood County Commission.

   D. $5,400.00 moved from Public Works to the Fire Department to purchase a vehicle.

2. Resolution authorizing Mayor Robert Newell to sign a grant program contract for $1,000.00 for the Homecoming Festival from a 2012 Community Participation grant Program. (Sponsored by Councilmen Wilcox, Sandy, Rockhold, Reed, Kimes, and Lynch)

3. Resolution authorizing Mayor Robert Newell to sign a grant program contract for $3,000.00 for Juleps Pathways from a 2012 Community Participation grant program. (Sponsored by Councilmen Reed, Lynch, Kimes, Rockhold, Sandy, and Wilcox)

4. Proposed cooperation agreement between the City of Parkersburg and MPH Hotels, Inc. (Sponsored by the Finance Committee)

X. ORDINANCE, FINAL READING

5. An ordinance authorizing the lease/purchase financing of a motor grader for the Street Department, $111,224.00, 1.53%, for 36 months. (Sponsored by Councilmen Reed, Joyce, and Rockhold)

6. An ordinance amending and re-enacting subsection (f) of Section 779.13, Exemptions, of Article 779, Business and Occupation Tax, concerning credits and exemptions for business which at its commencement create five or more jobs and maintains said jobs for four years. (Sponsored by Councilmen Joyce, Reed, Rockhold, Sandy, and Wilcox, and pending approval of the Finance Committee)

XI. ORDINANCE, FIRST READING:

7. An ordinance amending Section (e) of Article 135, Purchasing Procedures, to include a provision for use of local labor. (Sponsored by Councilmen Joyce, Reed, Rockhold, Sandy and Wilcox, and pending approval of the Finance Committee.)

8. An ordinance authorizing the lease/purchase financing of six (6) vehicles for the Police Department, $172,000.00, 1.47%, 36 months, United National Bank. (Sponsored by Councilmen Reed, Rockhold, and Joyce.)

XI. ADJOURNMENT

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

The Council of the City of Parkersburg met in regular session Tuesday, October 9, 2012, at 7:30 PM in the Council Chambers on the second floor of the Municipal Building at One Government Square, Parkersburg, WV 26102.

The meeting was called to order by Council President, Tom Joyce, who presided over the meeting. Councilman John Rockhold led the Lord's Prayer and Pledge of Allegiance, and the clerk noted the attendance. Those present 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. Sandy moved, seconded by Ms. Wilcox, to approve the minutes from the meeting held September 25, 2012, and the motion was adopted by unanimous vote.

REPORTS FROM STANDING OR SPECIAL COMMITTEES – Councilman Reed reported that the Finance Committee met prior to this meeting and approved four budget revisions to be forwarded to Council. There was no action taken on the ordinance to amend the Purchasing Procedures to include a provision for use of local labor, but the ordinance concerning credits for B & O for new businesses will be considered by Council this evening. They also discussed a proposed hotel with documents coming to Council soon.

Councilman Rockhold stated that he and Ann Conageski attended a meeting last week concerning a new Boy Scout Camp being built in Fayette County, which will open opportunities for our area.

Councilman Sandy encouraged City Council to approve Jason Wyers for the Downtown Façade committee on the agenda this evening.

MESSAGE FROM THE EXECUTIVE

The clerk read a communication from Mayor Robert Newell appointing Mr. Jason Wyers, 529a Market Street, to the Downtown Façade Committee for a term to expire October 9, 2015.

MOTION – Mr. Sandy moved, seconded by Ms. Wilcox, to confirm the nomination, and the motion was adopted by unanimous vote.

The clerk presented a communication from Mayor Robert Newell re-appointing the following members to the Mid Ohio Valley Transit Authority: Belinda Fetty, 824 Lakeview Drive, through November 13, 2015; Sam Baldwin, 4313 12th Avenue, through October 9, 2015; Ron Jalbert, 61 Canterbury Drive, through October 9, 2014; and Joe Roedersheimer, 2916 Brookside Circle, through July 15, 2015.

MOTION – Mr. Rockhold moved, seconded by Mr. Sandy, to confirm all four re-appointments, and the motion was adopted by unanimous vote.

PUBLIC FORUM – No one appeared.

The clerk presented a resolution authorizing the City to enter into the WV Homeless Shelters Program for $19,000.00 obligated from the State to the City.

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

ORDINANCE, FIRST READING:

AN ORDINANCE AUTHORIZING THE LEASE/PURCHASE
FINANCING OF A MOTOR GRADER FOR THE STREET DEPARTMENT

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

Ms. Tallman stated that her budget has $42,000.00 or $1,721.00 per month, and now the number is $3,162.97, and asked about the difference, and why we were paying that much. The $42,000.00 also included two pick-ups, and she asked if we were giving up those trucks.

Ms. Smith said the $3,162.97 per month was just for nine months lease/purchase on a grader, and we had not given up the trucks.

Ms. Tallman then asked how much money we had in the bank, and Ms. Smith said roughly $2,000,000.00. Ms. Tallman said we recently paid off other things, and thought we would be putting more in savings, and asked why we needed the grader.

Mayor Newell said we needed it because the one we have is worn out. We know we will need equipment in the future, he said. We use the grader for alleys and other excavation.

Councilwoman Lynch stated that a lot of the alleys in her district are not paved, and the City grades and gravels them. She said she checked on the cost of the equipment and it is in line, and she appreciates the City having the grader.

When Mr. Rockhold asked how old our current grader was, Public Works Director, Jerry Edman, said it was a 1987 model which had been overhauled in the 1990's. The engine is blown as well as the hydraulics. We use it for maintenance on alleys twice a year, and the equipment is very much needed. We are trading it in for $10,000.00.

VOTE – the motion was adopted by unanimous vote.

JOURNAL OF THE CITY COUNCIL, NO. 53

PARKERSBURG, W. VA., October 9, 2012

ORDINANCE, FIRST READING:

AN ORDINANCE AMENDING AND RE-ENACTING SUBSECTION (f) OF SECTION 779.13, EXEMPTIONS, OF ARTICLE 779, BUSINESS AND OCCUPATION TAX, OF THE CODIFIED ORDINANCES OF THE CITY OF PARKERSBURG

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

Mr. Kimes asked if we had current incentives for new businesses, and Mayor Newell stated that everyone gets the first year entire exempted, then the second year they pay the whole amount. Recently we adopted an ordinance giving credit to someone renovating vacant buildings.

VOTE – the motion was adopted by majority vote with all members voting "yes" with the exception of Ms. Tallman, who voted "no".

The meeting adjourned at 7:45 PM.

Donna Shaffer
City Clerk

Council President

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

g5/c5

GENERAL FUND

REVENUES

Fund	Account	Description	DEBIT Increase	CREDIT Decrease
001	365-000-000	Federal Grant Revenue	$ 40,000	
		Net Increase/(Decrease) Expenditures	$ 40,000	

EXPENDITURES

Fund	Dept		Account	Description	Decrease	Increase
001	421	Development	341-002	Supplies & Materials Grant		$ 40,000
				Net Increase/(Decrease) Expenditures		$ 40,000
				Grand Totals	**$ 40,000**	**$ 40,000**

Mayor Robert D. Newell

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

MEMORANDUM

TO: Mayor Newell & Finance Committee

FROM: Angie Smith, Finance Director

DATE: 9/28/2012 ASmith

RE: State Budget Revision

The City of Parkersburg is in receipt of Federal Grant revenue from the Land and Water Conservation Division of the WV Development Office. These funds are to construct a restroom facility at Fort Neal Park.

The grant amount was not previously budgeted; and I, therefore, propose the following budget revision.

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:

p5/c5

GENERAL FUND

REVENUES

Fund		Account	Description	DEBIT Increase	CREDIT Decrease
001	366	000-000	State Grant	$34,000	
		Net Increase/(Decrease) Revenues		$34,000	

EXPENDITURES

Fund		Dept	Account	Description	Decrease	Increase
001	421	Development	568-001	Pass-Thru Juleps Playgrnd		$34,000
			Net Increase/(Decrease) Expenditures			$ 34,000
			Grand Totals		$34,000	$34,000

Mayor Robert D. Newell

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

MEMORANDUM

TO: Mayor Newell & Finance Committee

FROM: Angie Smith, Finance Director

DATE: 9/28/2012

RE: State Budget Revision – Juleps Playground

The City of Parkersburg is in receipt of Community Participation Grants for the Juleps playground project totaling $34,000. These grants will be expended in the current fiscal year and had not previously been recorded.

I, therefore, propose the following budget revision.

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

p5/c5

GENERAL FUND

REVENUES

Fund	Account	Description	DEBIT Increase	CREDIT Decrease
001	365-000-000	Federal Grant Revenue	$ 44,768	
		Net Increase/(Decrease) Revenues	$ 44,768	

EXPENDITURES

Fund	Dept		Account	Description	Decrease	Increase
001	700	Police	459-001	Capital Outlay Grant		$ 28,838
001	700	Police	459-002	Capital Outlay Grant/Pass Thru		15,948
				Net Increase/(Decrease) Expenditures		$ 44,768
				Grand Totals	**$ 44,768**	**$ 44,768**

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Mayor Robert D. Newell

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

MEMORANDUM

TO: Mayor Newell & Finance Committee

FROM: Angie Smith, Finance Director

DATE: 9/28/2012

RE: State Budget Revision JAG Grant

The City of Parkersburg is in receipt of Federal Grant revenue from the Department of Justice for a JAG Grant for 2012/13. These funds are for equipment in the Police Department and a portion will be passed on to the Wood County Commission for their use.

The grant amount was not previously budgeted; and I, therefore, propose the following budget revision.

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

Q5/C5

GENERAL FUND

EXPENDITURES

Fund	Dept		Account	Description	DEBIT Decrease	CREDIT Increase
001	566	Public Works	219-000	Bldg & Equip Lease	($ 5,400)	
001	706	Fire	219-000	Bldg & Equip Lease		$ 5,400
				Net Increase/(Decrease) Expenditures		$ 0.00
				Grand Totals	**($ 5,400)**	**$ 5,400**

Mayor Robert D. Newell

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

MEMORANDUM

TO: Mayor Newell & Finance Committee

FROM: Angie Smith, Finance Director

DATE: 9/28/2012

RE: State Budget Revision

There are two departments originally scheduled to purchase used vehicles in this budget year. The budget was to lease purchase these vehicles in the amount of $15,000 each over three years for the Public Works Department and Fire Department.

After receiving quotes on used vehicles in that price range, it was felt that a change in funding will better serve the City and the department needs. The Public Works Department will wait until next year to purchase a vehicle and the Fire Department budget will be increased to $30,000 over a three year lease. Thus, the City will have a better quality vehicle which will last longer.

This increase will reallocate the Public Works vehicle funds to the Fire Department line. I, therefore, propose the following budget revision.

RESOLUTION

WHEREAS, the Homecoming Festival is a three day festival that provides free entertainment for the citizens of the Mid-Ohio Valley; and

WHEREAS, the Homecoming Festival sponsors various events during this three day festival such as a fireworks displays a dog show, a parade, pageants, carnival rides, arts and crafts and the half marathon; and

WHEREAS the State of West Virginia through the 2012 Community Participation grant Program has awarded the Parkersburg Homecoming Festival a grant in the amount of $1,000 for equipment, staging and promotion which requires a 10% match that will be provided by the Parkersburg Homecoming Festival.

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

BE IT FURTHER RESOLVED that the Finance Director make the appropriate budget revisions.

Sponsored by: Councilmen Wilcox, Sandy, Rockhold, Reed, Kimes and Lynch

RESOLUTION

WHEREAS THE CITY OF PARKERSBURG recognizes the importance of recreation opportunities to the health and well being of the community; and

WHEREAS THE CITY OF PARKERSBURG knows that recreational opportunities enhance the quality of life for its citizens and will attract people to live and work in the community; and

WHEREAS the Juleps Pathways project sponsored by the Junior League of Parkersburg will provide a safe and exciting place for children of varying abilities to play together; and

WHEREAS the Juleps Pathways project will be the first certified boundless playground in West Virginia.

WHEREAS the State of West Virginia through the 2012 Community Participation Grant Program has awarded the Juleps Pathways a grant in the amount of $3,000 for construction of the project in City Park which requires a 10% match that will be provided by the Junior League of Parkersburg.

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

BE IT FURTHER RESOLVED that the Finance Director make the appropriate budget revisions.

Sponsored by: Councilmen Reed, Lynch, Kimes, Rockhold, Sandy and Wilcox

PROPOSED COOPERATION AGREEMENT
BETWEEN
CITY OF PARKERSBURG
AND
MPH HOTELS, INC.

WHEREAS, MPH Hotels, Inc., desires to develop a 100 unit hotel on property in the City of Parkersburg; and

WHEREAS, the City of Parkersburg desires to assist said developer with this development and growth in the City.

NOW, THEREFORE, it is agreed between the parties as follows:

1. The proposed site is presently serviced by all utilities, including water, sewer, electric, gas and cable. There are no impact fees associated with the proposed development of a hotel within the City of Parkersburg.
2. The City, upon City Council's approval, agrees to assist MPH in the acquisition and development of the proposed site as follows:
    a. The City will assist in the development of the site in the amount of $200,000 payable in two installments of $100,000 each and MPH agrees to create at least 15 full time equivalent jobs and maintained these jobs for at least five (5) years.
    b. The City will grant a Business and Occupation Tax credit/exemption on all construction costs.
    c. The City will grant a Business and Occupation Tax credit/exemption for a period of five (5) years from the commencement of the new hotel business.
    d. The City will assist MPH in applying for project financing through the State of West Virginia Tax Increment Financing (W.Va Code §70-11B-1seq.) Tax increment financing allows the developer to capture the projected increase in property tax revenue gained by developing a secrete geographic area then utilizing that increase to assist it in paying for the project.
3. MPH along with PMC agrees to:
    a. Make a best efforts basis to execute a franchise agreement with a national hotel chain for the right to develop a hotel in the City of Parkersburg.
    b. Expend the necessary monies for the due diligence of the project including site acquisition, engineering, architectural, franchise fees, etc to make the project happen.
    c. After due diligence, if all is as expected, develop on the site a 100 unit hotel including approximately 37 suites. The hotel will feature an indoor pool, exercise facility and will be a premier hotel for the City of Parkersburg and the surrounding areas.

NOW THEREFORE, The City and MPH Hotels, Inc., agree to cooperate and coordinate their efforts as aforesaid.

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AN ORDINANCE AUTHORIZING
THE LEASE PURCHASE FINANCING
OF A MOTOR GRADER FOR THE STREET DEPARTMENT

THE COUNCIL OF THE CITY OF PARKERSBURG HEREBY ORDAINS that the City enter into that certain Lease Purchase Agreement with United Bank for financing for the lease purchase of one (1) NorAm Motor Grader for the Street Department.

The total amount financed is One Hundred Eleven Thousand Two Hundred Twenty Four Dollars and 00/100 ($111,224.00) at an interest rate of One Point Five Three Percent (1.53%) for thirty six (36) months at Three Thousand One Hundred Sixty Two Dollars and Ninety Seven Cents ($3,162.97) per month, for a total of One Hundred Thirteen Thousand Eight Hundred Sixty Six Dollars and Ninety Two Cents ($113,866.92).

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.

Sponsored by Councilmen Reed, Joyce, and Rockhold

AN ORDINANCE AMENDING AND RE-ENACTING SUBSECTION (f) OF SECTION 779.13, EXEMPTIONS, OF ARTICLE 779, BUSINESS AND OCCUPATION TAX, OF THE CODIFIED ORDINANCES OF THE CITY OF PARKERSBURG

The Council of the City of Parkersburg Hereby Ordains that subsection (f) of Section 779.13, Exemptions, of Article 779, Business and Occupation Tax, of the Codified Ordinances of the City of Parkersburg be amended and re-enacted as follows:

(f) Notwithstanding any other provision of this article, any new business locating within the corporate limits of the City after the effective date of this section shall be granted a credit and exemption from the imposition of the business and occupation tax imposed by this article as follows:

I. Any such new business which at its commencement creates five (5) or more jobs (full time equivalent) and maintains said jobs for the four (4) year length of the program shall be granted such credit and exemptions as follows:

1. An eighty percent (80%) tax credit against the business and occupation tax liability for a period of one (1) year from the commencement of such business;

2. A sixty percent (60%) tax credit against the business and occupation tax liability for the second year;

3. A forty percent (40%) tax credit against the business and occupation tax liability for the third year; and

4. A twenty percent (20%) tax credit against the business and occupation tax liability for the fourth year.

II. Any other such new business shall be granted such credit and exemptions as follows:

1. A one-hundred percent (100%) credit against the business and occupation tax liability for a period of one (1) year from the commencement of such new business.

Provided, however, the claim for such exemption shall be made by such new business prior to the date the first payment of such tax would otherwise be due and such claim shall be made to the Director of Finance in writing upon forms prepared by the Director. The provisions of this exemption shall not relieve any taxpayer from the obligation to file business and occupation tax returns as required by this article. It is

further the legislative intent of this section that the credit granted herein is for the purpose of providing an incentive for new businesses to locate within the City.

Sponsored by Councilmen: Joyce, Reed, Rockhold, Sandy and Wilcox

Attached hereto is present subsection (f) of Section 779.13 and subsection (N) "New Business" as defined in Section 779.01 of the Ordinance.

Current

779.13 EXEMPTIONS.

No annual exemption shall be allowable for any taxable periods ending on or after January 1, 2003.

The provisions of the article shall not apply to:

(a) Insurance companies which pay the State a tax upon premiums, provided that such exemption shall not extend to that part of the gross income of insurance companies which is received for the use of real property, other than property in which any such company maintains its office or offices, in this City, whether such income is in the form of rentals or royalties;

(b) Nonprofit cemetery companies organized and operated for the exclusive benefit of their members;

(c) Fraternal societies, organizations and associations organized and operated for the exclusive benefit of their members and not for profit, provided, however, that such exemption shall not extend to that part of the gross income arising from the sale of alcoholic liquor, food and related services, of such fraternal societies, organizations and associations which are licensed as private clubs under the provisions of West Virginia Code Article 60-7;

(d) Corporations, associations and societies organized and operated exclusively for religious or charitable purposes;

(e) Production credit associations, organized under the provisions of the federal "Farm Credit Act of 1933", provided, however, that the exemptions of this section shall not apply to corporations or cooperative associations organized under the provisions of West Virginia Code Article 19-4.

(f) Notwithstanding any other provision of this article, any new business located within the corporate limits of the City after the effective date of this section shall be granted a credit and exemption from the imposition of the business and occupation tax imposed by this article for a period of one year from the commencement of such new business; provided however, the claim for such exemption shall be made by such new business prior to the date the first payment of such tax would otherwise be due and such claim shall be made to the Director of Finance in writing upon forms prepared by the Director.

(g) Notwithstanding any other provisions of this article, any new business located within the enterprise zone of the City after the effective date hereof shall be granted a credit and exemption from the imposition of the business and occupation tax imposed by this article, for a period of two years from the commencement of such business. It is the legislative intent of this section that the credit is granted herein for the purposes of providing an incentive for new businesses and which is authorized by enabling legislation set forth in West Virginia Code 8-13-5(f). It is also the legislative intent of this section that the credit be granted only if the City is accepted as an enterprise zone by the U.S. Department of Housing and Urban Development.

(h) Notwithstanding any other provisions of this article, any existing business located in territory annexed by the City after the effective date of this section shall be granted a credit and exemption from the imposition of the business and occupation tax imposed by this article for a period of five years from the date of annexation of such existing business. Provided, however, the claim for such exemption shall be made by such existing business prior to the date the first payment of such tax would otherwise be due and such claim shall be made to the Director of Finance in writing upon forms prepared by the Director. The provisions of this exemption shall not relieve any taxpayer from the obligation to file business and occupation tax returns as required by this article. It is further the legislative intent of this section that the credit granted herein is for the purpose of providing an incentive for existing businesses annexed into the City.

Current

(i) "Business" includes all activities engaged in or caused to be engaged in with the object of gain or economic benefit, either direct or indirect. "Business" does not include a casual sale by a person who is not engaged in the business of selling the type of property involved in such casual sale. "Business" includes the production of natural resources of manufactured products which are used or consumed by the producer or manufacturer and includes the activities of a banking business or financial organization.

(j) "Banking business" or "financial organization" means any bank, banking association, trust company, industrial loan company, small loan company or licensee, building and loan association, savings and loan association, finance company, investment company, investment broker or dealer, or any other similar business organization in which at least ninety percent (90%) of the assets consists of intangible personal property and at least ninety percent (90%) of the gross receipts consists of dividends, interest and other charges derived from the use of money or credit.

(k) "Service business or calling" includes all activities engaged in by a person for other persons for a consideration, which involve the rendering of a service as distinguished from the sale of tangible property, but does not include the services rendered by an employee to his employer. "Service business or calling" includes, but is not limited to:

(1) Persons engaged in manufacturing, compounding or preparing for sale, profit or commercial use, articles, substances or commodities which are owned by another or others;

(2) Persons engaged as independent contractors in producing natural resource products which are owned by another or others, as personal property, immediately after the same are severed, extracted, reduced to possession and produced;

(3) The repetitive carrying of accounts, in the regular course and conduct of business, and extension of credit in connection with the sale of any tangible personal property or service, except as to persons taxed pursuant to the provisions of Section 779.12.

(l) "Selling at wholesale" or "wholesale sales" means and includes:

(1) Sales of any tangible personal property for the purpose of resale in the form of tangible personal property;

(2) Sales of machinery, supplies or materials which are to be directly consumed by the purchaser in the conduct of any business or activity which is subject to the tax imposed by this article;

(3) Sales of any tangible personal property to the United States of America, its agencies and instrumentalities or to the State of West Virginia, its institutions or political subdivisions.

(m) "Contracting" includes the furnishing of work, or both materials and work, in the fulfillment of a contract for the construction, alteration, repair, decoration or improvement of a new or existing building or structure, or any part thereof or for the alteration, improvement or development of real property.

* (n) "New business" for the purpose of this article, means any business which has not maintained its principal place of business within the corporate limits of the City for one year next preceding its application for a tax exemption under this article. For the purposes of this article, the following shall not be deemed a "new business".

over

Current

(1) Any business which has relocated from one location within the corporate limits of the City to another location within the same.

(2) Any business engaged in by a person who previously has engaged in all or in part of a business of substantially the same nature within the City.

(3) Any business with the same name or a substantially similar name to a previously existing business within the corporate limits and substantially of the same nature but engaged in by a different person or different combination of persons.

(4) Any business engaged in by the same person or any combination thereof and substantially of the same nature as a previously existing or existing business but having a different name.

(5) The purchase or lease of existing real property or the rental or lease thereof.

(6) Contracting as defined in subsection (m) hereof.

(Ord. 0-1248. Passed 11-28-06.)

(o) "Existing annexed business", for the purposes of this article, means any existing business located in territory annexed by the City on or after August 1, 1995, and which was in existence and operating as a business as of the date of such annexation.

(p) "New business in annexed territory", for the purposes of this article, means any new business locating in territory annexed by the City on or after August 1, 1995, but which was not in existence and operating as a business as of the date of such annexation. (Ord. 0-781. Passed 8-8-95.)

(q) "Newly annexed development area", for the purposes of this article, means a parcel or tract of land annexed into the City on or after January 1, 2001, and on which public infrastructure improvements not in existence prior to annexation are made.

(r) "Eligible infrastructure improvements", for the purposes of this article, means: roadways built to City specifications and dedicated to and accepted by the City as a public street; storm drainage directly associated with such street; water and sanitary sewer improvements located within the public right-of-way and to be maintained by the Parkersburg Utility Board; traffic signals as required by the City or State of West Virginia; sidewalks within public rights-of-way; and other improvements of a public nature as deemed appropriate by the City Engineer. Work on all such improvements must commence within five years of the effective date of annexation.

(s) "Ineligible infrastructure improvements", for the purposes of this article, means: parking lots; entranceways to private drives; private drives; roof drains; directional signs; advertising signs; traffic signals not required by the City or State of West Virginia; site preparation costs not associated with eligible infrastructure improvements; sidewalks not within public rights-of-way; and any other costs deemed inappropriate by the City Engineer.

(t) "Other ineligible improvements or costs", for the purposes of this article, means buildings (except as required for sewer lift stations or water pump stations); landscaping; fountains; interest costs associated with short-term and/or long-term financing of improvements, eligible or ineligible; and any other costs deemed inappropriate by the City Engineer or Finance Director.

ORDINANCE AMENDING SECTION (e) OF ARTICLE 135, PURCHASING PROCEDURES, TO INCLUDE A PROVISION FOR USE OF LOCAL LABOR

The Council of the City of Parkersburg Hereby Ordains that Section (e) of Article 135, Purchasing Procedures, of the codified ordinances of the City of Parkersburg be and it is hereby amended with the inclusion of the following:

(e) (11). Use of Local Labor

In any instance that a purchase of services is made upon competitive bids and such service shall entail the use of labor to construct, adapt, restore, remodel or demolish any building, road, bridge, park or other public works the following shall apply:

A. Utilization of Business

Each contractor and subcontractor undertaking work for a City of Parkersburg project shall assure that to the greatest extent feasible, work to be performed in connection with the project is awarded to business concerns located with the local area.

B. Good Faith Effort

Each contractor and subcontractor shall make a good faith effort to fill all vacant positions during the length of the project work with local area residents. These Good Faith Efforts will include:

1. Attempt to recruit through local advertising media, signs placed at the proposed site and community organizations and public and private institutions operating within or serving the project area such as the State employment Office
2. Maintain a list of area residents who have applied either on their own or on referral from any source and employ such person if otherwise eligible and/or qualified and if a vacancy exists. If no vacancies exist, the eligibility and/or qualifications of the applicant shall be considered and listed for the first available opening.

C. Certificate of Compliance

The contractor shall execute the certificate of compliance and cause all subcontractors undertaking work in connection with this work to furnish the same.

An individual shall be deemed a local area resident if his or her primary residence is located within Wood, Wirt, Pleasants, Ritchie and Jackson County in West

Virginia or in Washington County, Ohio and such residence is recognized as their legal residence by their respective State Department of Motor Vehicles.

qs/cs

AN ORDINANCE AUTHORIZING
THE LEASE PURCHASE FINANCING
OF 6VEHICLES FOR THE POLICE DEPARTMENT

THE COUNCIL OF THE CITY OF PARKERSBURG HEREBY ORDAINS that the City enter into that certain Lease Purchase Agreement with United Bank for financing for the lease purchase of six (6) vehicles for the Police Department.

The total amount financed is One Hundred Seventy Two Thousand Dollars and 00/100 centsat an interest rate One Point Four Seven Percent (1.47%) for thirty six (36) months at Four Thousand Eight Hundred Eighty Eight Dollars and 15/100 cents ($4,888.15) per month, for a total of One Hundred Seventy Five Thousand Nine Hundred Seventy Three Dollars and 23/100 Cents ($175,973.23).

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.

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