

AGENDA FOR THE REGULAR MEETING OF PARKERSBURG  
CITY COUNCIL FOR TUESDAY, NOVEMBER 27, 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 13, 2012

VI. REPORTS FROM STANDING OR SPECIAL COMMITTEES

VII. MESSAGE FROM THE EXECUTIVE

VIII. PUBLIC FORUM

IX. RESOLUTIONS

1. Resolution stating that meetings for City Council for December shall be December 11<sup>th</sup> and December 18<sup>th</sup>, 2012. (Sponsored by Councilmen Lynch, Sandy, Rockhold, and Wilcox)

2. Resolution providing for two full days for Christmas Holidays, December 24<sup>th</sup>, and December 25<sup>th</sup>, 2012. (Sponsored by Councilmen Lynch, Sandy, Rockhold and Wilcox)

XI. ORDINANCE, FINAL READING:

3. An ordinance authorizing the lease/purchasing financing of one utility truck for the Electric Department, \$99,258.00, 1.44%, 36 months, BB&T. (sponsored by councilmen Joyce, Sandy, Rockhold, and Reed)

XII. ORDINANCE, FIRST READING

4. 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.)

XIII. ADJOURNMENT

The Council of the City of Parkersburg met in regular session Tuesday, November 13, 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 Nancy Wilcox 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, Mike Reynolds, John Rockhold, Jim Reed, and Tom Joyce.

MINUTES – Mr. Sandy moved, seconded by Ms. Tallman, to approve the minutes from the meeting held October 23, 2012, and the motion was adopted by unanimous vote.

REPORTS FROM STANDING OR SPECIAL COMMITTEES – Ms. Wilcox announced that Holiday In The Park would open November 17, 2012 at 5:30 PM, and invited everyone to attend.

Mr. Reed reported on a Finance Committee meeting held prior to this meeting whereby the committee approved the payoff of software in the Finance Department in the amount of \$78,777.35.

MESSAGE FROM THE EXECUTIVE – Mayor Robert Newell told Council that Jerry Edman would be retiring as Public Works Director on December 7, 2012. He will be replaced by Rick Lemley, our Electric Supervisor, who began working with the City in 1975 as an apprentice electrician. In 1985 he became the electric supervisor. Mayor Newell said his tenure is not the reason for this appointment, but that Mr. Lemley has been an important part of many things in our community for years and every major event. He said Mr. Lemley is very well known and easy to work with and will begin working with Mr. Edman on the transition.

The Clerk presented a communication from Camden Clark Medical Center, Board of Trustees, appointing Mr. Douglas Jones, 1615 15<sup>th</sup> Street, Parkersburg, WV to serve a term beginning November 27, 2012 and ending June 30, 2018.

MOTION – Mr. Reynolds moved, seconded by Mr. Rockhold, to confirm the appointment, and the motion as adopted by majority vote with all members voting "yes" with the exception of Mr. Joyce, who abstained.

PUBLIC FORUM – No one appeared.

RESOLUTIONS – the clerk presented five resolutions authorizing Mayor Robert Newell to sign grant program contracts for YMCA, \$3,500.00 for a new computer server; Boys and Girls Club, \$3,000.00 to repair blacktop; YMCA, \$3,000.00 for account software and tech upgrades; Homeless Coalition, \$3,000.00 for roof over picnic area, etc; and MOV Regional Highway Safety/Safe Community Program grant for \$67,500.00 for the Police Department.

MOTION – Mr. Sandy moved, seconded by Ms. Tallman, to combine and approve the five resolutions, and the motion was adopted by unanimous vote.

ORDINANCE, FINAL READING:

AN 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 within 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

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PARKERSBURG, W. VA., November 13, 2012

CASTO & HARRIS, INC. SPENCER, WV RE-ORDER NO. 1633-08

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.

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

## ORDINANCE, FINAL READING:

### AN ORDINANCE AUTHORIZING THE LEASE/PURCHASE FINANCING OF SIX VEHICLES 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 cents at 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.

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

## ORDINANCE, FIRST READING:

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

MOTION – Mr. Sandy moved, seconded by Mr. Kimes, to adopt the ordinance on first reading.

Ms. Wilcox asked if this was a bucket truck, and Mr. Edman said it was and it replaces a 1993 model that has problems. The company that made it is now bankrupt and we traded it in on the new one.

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

## MISCELLANEOUS

The Clerk presented a communication from the Parkersburg News and Sentinel enclosing executed forms covering circulation and qualifications for their newspapers.

Another communication was presented from DHHR Commissioner stating proposed fee increases for the Mid Ohio Valley Health Department.

MOTION – Mr. Rockhold moved, seconded by Mr. Kimes, to combine these two items and receive and file them, and the motion was adopted by unanimous vote.

The meeting adjourned at 7:45 PM.

Lorrie Shapp  
City Clerk

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Council President

RESOLUTION



BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG  
that meetings for City Council for December shall be Tuesday, December 11,  
2012, and Tuesday, December 18, 2012, due to Christmas.

Sponsored by Councilmen Lynch, Sandy, Rockhold and Wilcox

RESOLUTION



BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the 2012 Holidays be and hereby are amended to provide two full days for Christmas (Monday, December 24, 2012, and Tuesday, December 25, 2012).

**(Instead of one half day Monday, December 24<sup>th</sup>, and the entire day December 25, 2012)**

Sponsored by Councilmen Lynch, Sandy, Rockhold and Wilcox

**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.

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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.

Sponsored by

**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 Administration 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 solicitations of money, contributions and/or subscriptions are permitted; the manner in which such solicitations 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 Administration authorizing the solicitation for such purposes in the manner and at that time, and any person, group, firm, corporation and/or association soliciting funds, 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 taxes collected thereunder, the Board of Supervisors of Public Health 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 solicitation 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.)