AGENDA FOR THE REGULAR MEETING OF PARKERSBURG
CITY COUNCIL FOR TUESDAY, AUGUST 28, 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 14, 2012

VI. REPORTS FROM STANDING OR SPECIAL COMMITTEES

VII. MESSAGE FROM THE EXECUTIVE

VIII. PUBLIC FORUM

IX. RESOLUTIONS

1. Resolution amending the Rules and Regulations of the Parkersburg Fire Department, Section 1000.5 concerning drug testing and/or physical agility testing. (Sponsored by Councilmen Joyce, Lynch, Reed, Rockhold, and Sandy.)

2. Resolution approving the change of control of the Cable Television Franchise. (Sponsored by Councilmen Lynch, Reed, Rockhold and Wilcox)

3. 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. (Sponsored by Councilmen Lynch, Wilcox, Kimes, and Rockhold)

4. Resolution allocating cash carryover from 2011/2012 **General Fund** in the amount of $314,780.00. (Sponsored by Councilmen Rockhold, Lynch, and Reed)

5. Resolution allocating cash carryover from 2011/2012 **Coal Severance Fund** in the amount of $168,911.00. (Sponsored by Councilmen Rockhold, Lynch, and Reed.)

"next page"

X. ORDINANCE, FINAL READING:

6. An ordinance authorizing the Finance Director to conduct an auction on September 8, 2012. (Sponsored by Councilmen Kimes, Rockhold, and Joyce)

7. An ordinance to approve current replacement pages to the codified ordinances of the City of Parkersburg for 2012. (Sponsored by Councilmen Rockhold, Kimes, and Reed) (professional codification service requirement)

8. An ordinance to abandon a 20' portion of public right of way (alley), north of 7th Street, south of Oakhurst Avenue, east of 13th Street, and west of 14th Street. (Sponsored by the Municipal Planning Commission)

9. An ordinance to abandon a 20' portion of public right of way (alley) south of 7th Street, north of Bird Street. (Sponsored by the Municipal Planning Commission.

XI. MISCELLANEOUS

10. 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. (receive and file)

XII. ADJOURNMENT

CASTO & HARRIS, INC., SPENCER, WV RE-ORDER NO. 1835-08

The Council of the City of Parkersburg met in regular session Tuesday, August 14, 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 that the attendance 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 Mr. Kimes, to approve the minutes from the meeting held July 24, 2012, and the motion was adopted by unanimous vote.

REPORTS FROM STANDING OR SPECIAL COMMITTEES – Ms. Lynch reported that there were two items on the agenda this evening from the Municipal Planning Commission meeting; and Mr. Rockhold reported on several sessions from the West Virginia Municipal League annual meeting held last week at Snowshoe, WV.

MESSAGE FROM THE EXECUTIVE – Mayor Robert Newell read from a prepared statement and explained and defended the recent street paving contract. He said he asked the Public Works Director for a list of streets that needed to be done in-house and by contract, and to spread them throughout the nine districts, according to our micro paver recommendations. They ended up with more streets needing attention than money, and he asked for more funds in the public work committee, but those funds were denied in a recent City Council meeting.

PUBLIC FORUM – No one appeared.

RESOLUTION – the clerk presented a resolution temporarily lifting the restrictions in City Park Rules and Regulations to allow the possession and consumption of wine and beer within Bicentennial Park and Point Park for two additional concert series at Point Park on August 24th and August 31st.

MOTION – Mr. Reed moved, seconded by Mr. Reynolds, to adopt the resolution, and the motion was adopted by majority vote, as follows:

VOTING 'YES'	VOTING 'NO'
Ms. Lynch	Ms. Wilcox
Mr. Sandy	Mr. Kimes
Mr. Reynolds	Ms. Tallman
Mr. Reed	Mr. Rockhold
Mr. Joyce	

RESOLUTION – the clerk presented a resolution authorizing Mayor Robert Newell to sign and enter into a contractual agreement with the Division of Justice and Community Service to receive $20,000.00 for one (1) PRO officer for the school year 2012/2013.

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

ORDINANCE, FIRST READING:

AN ORDINANCE AUTHORIZING THE FINANCE
DIRECTOR TO CONDUCT AN AUCTION
ON SEPTEMBER 8, 2012

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

ORDINANCE, FIRST READING:

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT
PAGES TO THE CODIFIED ORDINANCES OF THE
CITY OF PARKERSBURG

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

ORDINANCE, FIRST 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 TAX MAP 79 (NORTH)

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

JOURNAL OF THE CITY COUNCIL, NO. 53

PARKERSBURG, W. VA., August 14, 2012

ORDINANCE, FIRST 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 TAX MAP 79 (NORTH)

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

The meeting adjourned at 7:55 PM.

Connie Stapp

City Clerk

Council President

RESOLUTION

Be It Resolved By The Council Of The City of Parkersburg that the Rules and Regulations of the City of Parkersburg Fire Department, Chapter X, Eligibility For Employment, Section 1000.5 be amended as follows:

1000.5 - SUCCESSFULLY PASS THE WRITTEN EXAMINATION CONDUCTED BY THE PARKERSBURG FIRE CIVIL SERVICE COMMISSION AS WELL AS A PHYSICAL AGILITY TEST AND A DRUG TEST. IN THE EVENT THAT ONE YEAR OR MORE HAS LAPSED SINCE THE APPLICANT HAS COMPLETED THE PHYICAL AGILTY AND DRUG TESTS THE APPLICANT SHALL TAKE AND SUCCESSFULLY COMPLETE AN ADDITIONAL PHYSICAL AGILITY TEST AND AN ADDITIONAL DRUG TEST TO MAINTAIN ELIGIBILITY.

SPONSORED BY: Joyce, Lynch, Reed, Rockhold and Sandy

The amended portions are underlined.

RESOLUTION NO. _____

RESOLUTION OF CITY OF PARKERSBURG APPROVING THE CHANGE OF CONTROL OF THE CABLE TELEVISION FRANCHISE

WHEREAS, Cebridge Acquisition, LLC d/b/a Suddenlink Communications ("Franchisee" or "Suddenlink") owns, operates, and maintains a cable television system serving City of Parkersburg pursuant to a franchise agreement or similar authorization (the "Franchise") issued by City of Parkersburg (the "Franchise Authority"), and Franchisee is the duly authorized holder of the Franchise; and

WHEREAS, Cequel Communications Holdings, LLC ("Cequel"), the parent of the Franchisee, has entered into a Purchase and Sale Agreement (the "Agreement") with Nespresso Acquisition Corporation ("Nespresso"), pursuant to which all of the issued and outstanding equity interests of Cequel will be acquired by Nespresso (the "Transaction"); and

WHEREAS, Franchisee has requested the consent of the Franchise Authority for the change of control of the Franchise in connection with the Transaction in accordance with the requirements of the Franchise and applicable law and has filed with the Franchise Authority an application on FCC Form 394 that includes relevant information concerning the Transaction and Nespresso (collectively, the "Application"); and

WHEREAS, the Franchise Authority has reviewed the Application, examined the legal, financial and technical qualifications of the relevant parties, followed all required procedures to consider and act upon the Application, and considered the comments of all interested parties; and

WHEREAS, the Franchise Authority believes it is in the interest of the community to approve the Application and the change of control of the Franchise in connection with the Transaction, as described in the Application.

NOW THEREFORE BE IT RESOLVED BY THE FRANCHISE AUTHORITY AS FOLLOWS:

SECTION 1. The Franchise Authority hereby approves the Application and consents to the change of control of the Franchise in connection with the Transaction, all in accordance with the terms of the Franchise and applicable law.

SECTION 2. The Franchise Authority's approval of the Application and its consent to the change of control of the Franchise in connection with the Transaction shall be effective immediately, and Suddenlink shall notify the Franchise Authority of the closing of the Transaction promptly after the Closing Date; provided, however, this Resolution shall be null and void if the Transaction is not consummated.

SECTION 3. This Resolution shall have the force of a continuing agreement with Franchisee, and the Franchising Authority shall not revoke, amend or otherwise alter this Resolution without the consent of the Franchisee.

PASSED, ADOPTED AND APPROVED this _____ day of _____, 2012.

CITY OF PARKERSBURG

By: _____
Name: _____
Title: _____

ATTEST:

_____
Clerk

SPONSORED BY COUNCILMEN: Lynch, Reed, Rockhold and Wilcox

A Letter of explanation is attached hereto and the Application for Franchise Authority Consent To Assignment or Transfer of Control of Cable Television Franchise may be reviewed and inspected in the Office of the City Clerk

July 26, 2012

BY OVERNIGHT MAIL

City of Parkersburg
Attn: Mayor Robert Newell
One Government Square
Parkersburg, WV 26101

Dear Mayor Robert Newell:

We are writing to notify you that Cequel Communications Holdings, LLC ("Cequel"), the parent of Cebridge 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").

The purpose of this letter is to request your consent, should you conclude that your consent is required under the Franchise, to the change of control of the Franchise in connection with the Transaction, which we expect to close in the fourth quarter of 2012.

The Transaction will simply substitute Cequel's existing equity investors with new equity investors. The proposed change at the investor level will be entirely seamless from the standpoint of consumers. Suddenlink will continue to provide high-quality communications services to customers without interruption, and it has no existing plans to discontinue any existing service or to implement any changes in rates, terms, or conditions in connection with the Transaction. Significantly, the Transaction will not change Suddenlink's well established and successful senior and local management. Your community will continue to be served by the same committed local team. The Transaction will benefit the public interest by ensuring that Suddenlink has the resources available to continue delivering high-quality and innovative services to our consumers.

If you conclude that your consent to the change of control of the Franchise in connection with the Transaction is required by the terms of the Franchise, we would appreciate your consideration and prompt adoption of the enclosed resolution. To assist you, please find attached the Federal Communications Commission Form 394 "Application for Franchise Authority Consent to Assignment or Transfer of Control of Cable Television Franchise," formally requesting approval of the pending change of control. The FCC Form 394 with supporting exhibits and documents provides you with the pertinent information about the Transaction and the parties involved. If you conclude your approval is necessary, we ask that you review and adopt the attached model resolution consenting to the foregoing matters at your earliest possible convenience and return a copy to the following address:

Mr. Michael Zarrilli
Suddenlink Communications
12444 Powerscourt Drive, Suite 140
St. Louis, MO 63131

Suddenlink will cooperate fully in responding promptly to any questions that you may have concerning the Transaction and the FCC Form 394. Please feel free to contact me at 304-760-2071, or by e-mail at Edward.Kelemen@Suddenlink.com or Michael Zarrilli, Vice President Government Relations & Senior Counsel at 314-315-9337, or by e-mail at michael.zarrilli@suddenlink.com with any questions or if you need additional information.

Thank you for your consideration. We greatly appreciate your prompt assistance in this matter, and we look forward to working with you.

Sincerely,

Michael Kelemen
Director Government Relations

RESOLUTION

Be It Resolved By the City Council of the City of Parkersburg that Mayor Robert D. Newell is hereby authorized to submit an application to the State of West Virginia requesting funding for the construction of a miniature golf course at the Southwood Park out of the Land and Water Conservation Fund in the amount of $70,000 and to sign any and all documents and papers which accompany or are part of this application.

Be it further resolved that the required matching funding of $35,000 will be from in-kind services of city forces who will design and construct the miniature golf course and a cash match from the Capital Reserve Account.

The City Council of the City of Parkersburg agrees to abide by all rules and regulations pertaining to the Land and Water Conservation Fund Program, and to operate and maintain the proposed facility for public use under the requirements of the Land and Water Conservation Fund should this project receive Federal assistance.

Sponsors: Councilmen Lynch, Wilcox, Kimes, and Rockhold

MAYOR ROBERT D. NEWELL

ANGELA SMITH
FINANCE DIRECTOR
CITY OF PARKERSBURG
ONE GOVERNMENT SQUARE
P. O. BOX 1627
PARKERSBURG, WV 26102-1627
PHONE - (304) 424-8563
FAX - (304) 424-8403
asmith@netassoc.net

MEMORANDUM

TO: Finance Committee & Mayor Newell

FROM: Angie Smith, Finance Director

DATE: August 21, 2012

RE: Budget Revision, Carryover

CC: Connie Shaffer, City Clerk

The City of Parkersburg fiscal end of year has been closed, and there is a carryover balance which must be reallocated as per the WV State Code.

In the carryover balance, there are encumbrances for the Wind Symphony, the Taste of Parkersburg, and the On-Trac program. We have received designated revenues for these activites; however, the funds were not expensed in last year's budget. The City must reallocate them from the carryover.

Also, to cover the cost of processing fees for credit card payments, the Municipal Court is in need of additional funds in Contractual Service .

Finally, it is proposed that the City payoff two lease purchases in the Sanitation Department (the Recycling Center to WesBanco and the Baler to Huntington Bank) and one lease purchase in the Fire Department to BB&T for turnout gear. The balance of the carryover would be moved to the Capital Reserve Fund.

The attached budget revision is proposed to record this activity.

Thank you.

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

REVENUES

Fund	Account	Description	DEBIT Increase	CREDIT Decrease
001 299	000-000	Unassigned Fund Balance	$ 314,780	
		Sub Totals	$ 314,780	$ -
		Net Increase / (Decrease) Revenues	$ 314,780	

EXPENDITURES

Fund	Dept	Account	Description	Decrease	Increase
001 409	Mayor	230-001	Contractual - Wind Symphony		$15,500
001 409	Mayor	220-000	Advertising - Promotions		$1,000
001 416	Municipal Court	230-000	Contractual Service		$750
001 421	Development	220-001	Advertising - Taste of Pksbg		$2,970
001 421	Development	230-009	Contractual - On Trac Expense		$1,000
001 706	Fire	219-000	Bldg/Equip Rents & Lease		$39,250
001 706	Fire	219-000	Bldg/Equip Rents & Lease	$41,000	
001 800	Sanitation	219-000	Bldg/Equip Rents & Lease		$249,111
001 444	Capital Reserve	566-000	Contributions to Other Funds		$46,199
			Sub Totals	$ 41,000	$ 355,780
			Net Increase / (Decrease) Expenditures		$ 314,780
			Grand Totals	$ 355,780	$ 355,780

MAYOR ROBERT D. NEWELL

ANGELA SMITH
FINANCE DIRECTOR
CITY OF PARKERSBURG
ONE GOVERNMENT SQUARE
P. O. BOX 1627
PARKERSBURG, WV 26102-1627
PHONE - (304) 424-8563
FAX - (304) 424-8403
asmith@netassoc.net

MEMORANDUM

TO: Finance Committee & Mayor Newell
FROM: Angie Smith, Finance Director
DATE: August 21, 2012
RE: Budget Revision, Carryover
CC: Connie Shaffer, City Clerk

The City of Parkersburg fiscal year 2011/2012 has been closed. There is a carryover balance in the Coal Severance Fund which is required by the State of West Virginia State Auditor's Office to be revised to actual and submitted to that office.

There is a portion requested for allocation to the Red Cross to assist them in covering the cost of their expenses due to the June 29th storm damage.

I propose the following budget revision to record this activity.

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:

COAL SEVERANCE

REVENUES

Fund	Account	Description	DEBIT Increase	CREDIT Decrease
002 298	00	Assigned Fund Balance	$ 168,911	
		Sub Totals	$ 168,911	$ -
		Net Increase / (Decrease) Revenues	$ 168,911	

EXPENDITURES

Fund	Dept	Account	Description	Decrease	Increase
002	750 Street	341-000	Dept. Supplies & Materials		$ 163,911
002	953 Social Services	568-000	Other Contributions/Red Cross		$ 5,000
			Sub Totals	$ -	$ 168,911
			Net Increase / (Decrease) Expenditures		$ 168,911
			Grand Totals	**$ 168,911**	**$ 168,911**

AN ORDINANCE AUTHORIZING THE FINANCE
DIRECTOR TO CONDUCT AN
AUCTION SEPTEMBER 8, 2012

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the Finance Director of the City of Parkersburg be and is hereby authorized to conduct a public auction sale on Saturday, September 8, 2012, of personal property belonging to the City of Parkersburg, in accordance with and pursuant to Article 135.08 of the Codified Ordinances of the City of Parkersburg.

Sponsored by Councilmen Kimes, Rockhold, and Joyce

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE CITY OF PARKERSBURG.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG, as follows:

WHEREAS, various ordinances of a general and permanent nature have been passed by City Council which should be included in the Codified Ordinances; and

WHEREAS, Council has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is presently before Council;

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.

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 TAX 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 to 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.

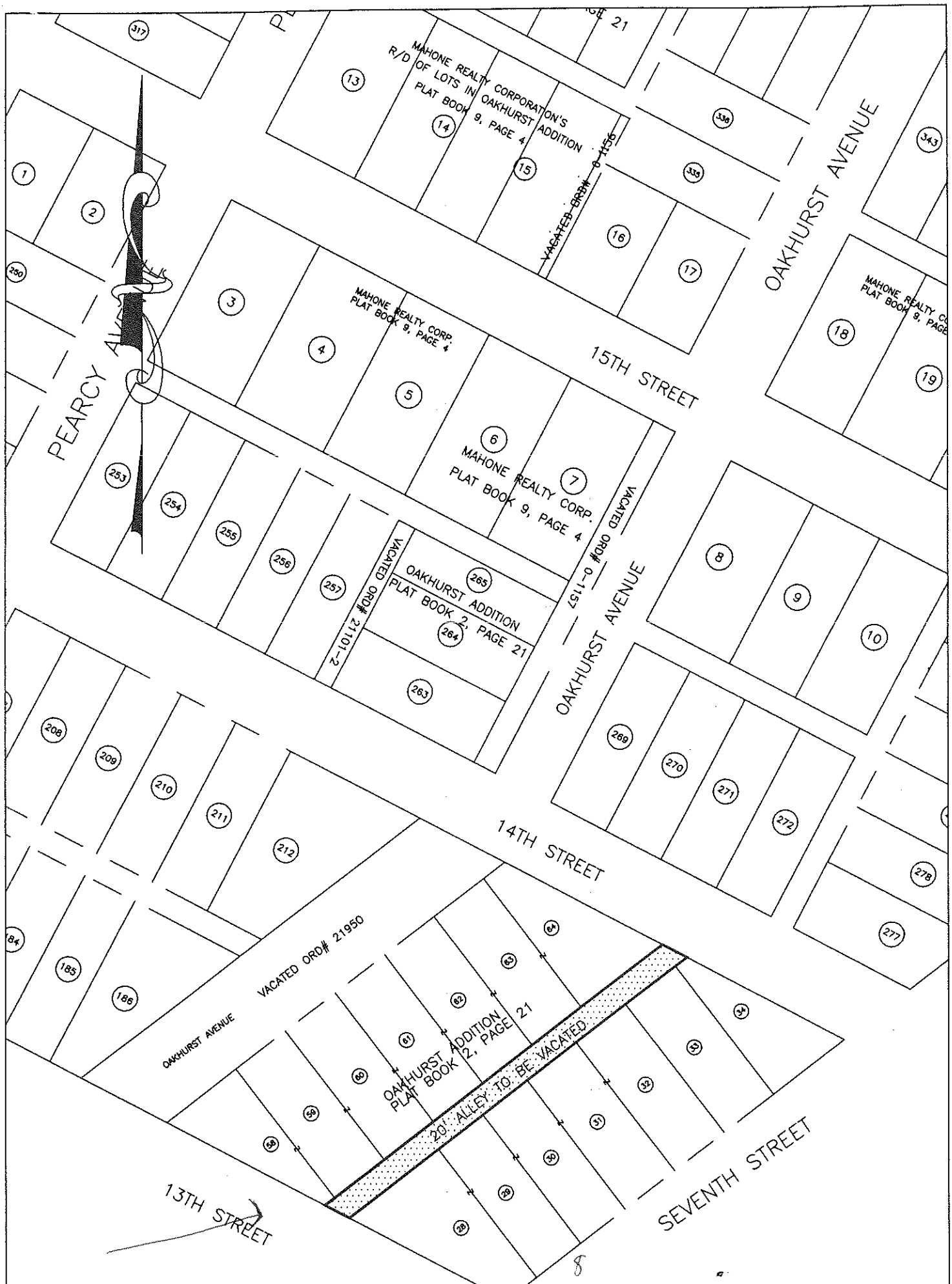
This description was prepared by Randy A. Sheppard, Professional Surveyor No. 860, and is based on instruments of record. Reference is being made to a plat attached hereto and made part of this description.

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.

SPONSORED BY: MUNICIPAL PLANNING COMMISSION


MAHONE REALTY CORPORATION'S
R/D OF LOTS IN OAKHURST ADDITION
PLAT BOOK 9, PAGE 4
VACATED ORD# 0-1156
MAHONE REALTY CORP.
PLAT BOOK 9, PAGE 4
MAHONE REALTY CORP.
PLAT BOOK 9, PAGE 4
OAKHURST ADDITION
PLAT BOOK 2, PAGE 21
VACATED ORD# 21101-2
VACATED ORD# 0-1157
OAKHURST AVENUE
PEARCY AVENUE
15TH STREET
14TH STREET
13TH STREET
SEVENTH STREET
VACATED ORD# 21950
OAKHURST AVENUE
OAKHURST ADDITION
PLAT BOOK 2, PAGE 21
20' ALLEY TO BE VACATED

Mayor Robert D. Newell

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

August 6, 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 north of 7th Street in North Parkersburg

To the Honorable Mayor and City Council:

On July 20, 2012, the Municipal Planning Commission (MPC) held a public hearing to consider the following petition:

A. Petition to abandon a 20 foot portion of public right-of-way (alley) from the southwesterly property line of City Tax Map 79, Parcel 2, easterly to the northeasterly property line of City Tax Map 79, Parcel 2, lying north of 7th Street, east of Oakhurst Avenue, north of 13th Street and south of 14th Street, located in Oakhurst Addition in North Parkersburg.

After hearing all interested parties, the MPC voted (9-0-0) to recommend that City Council approve the applicant's petition to vacate the City's right-of-way lying north of Seventh Street, South of Oakhurst Street (now vacated), east of 13th Street and west of 14th Street. However, the MPC recommend that City Council retain a permanent utility easement. In addition to stormwater utilities, a high pressure gas line, owned by the Dominion Gas Company, transverses the alley

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

Sincerely,

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

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 TAX 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 79 of A.C. Stephenson Estate as recorded in Plat Book 2, Page 32, in the office of the Clerk of the County Commission of Wood County, West Virginia; Thence with the westerly line of Park 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.

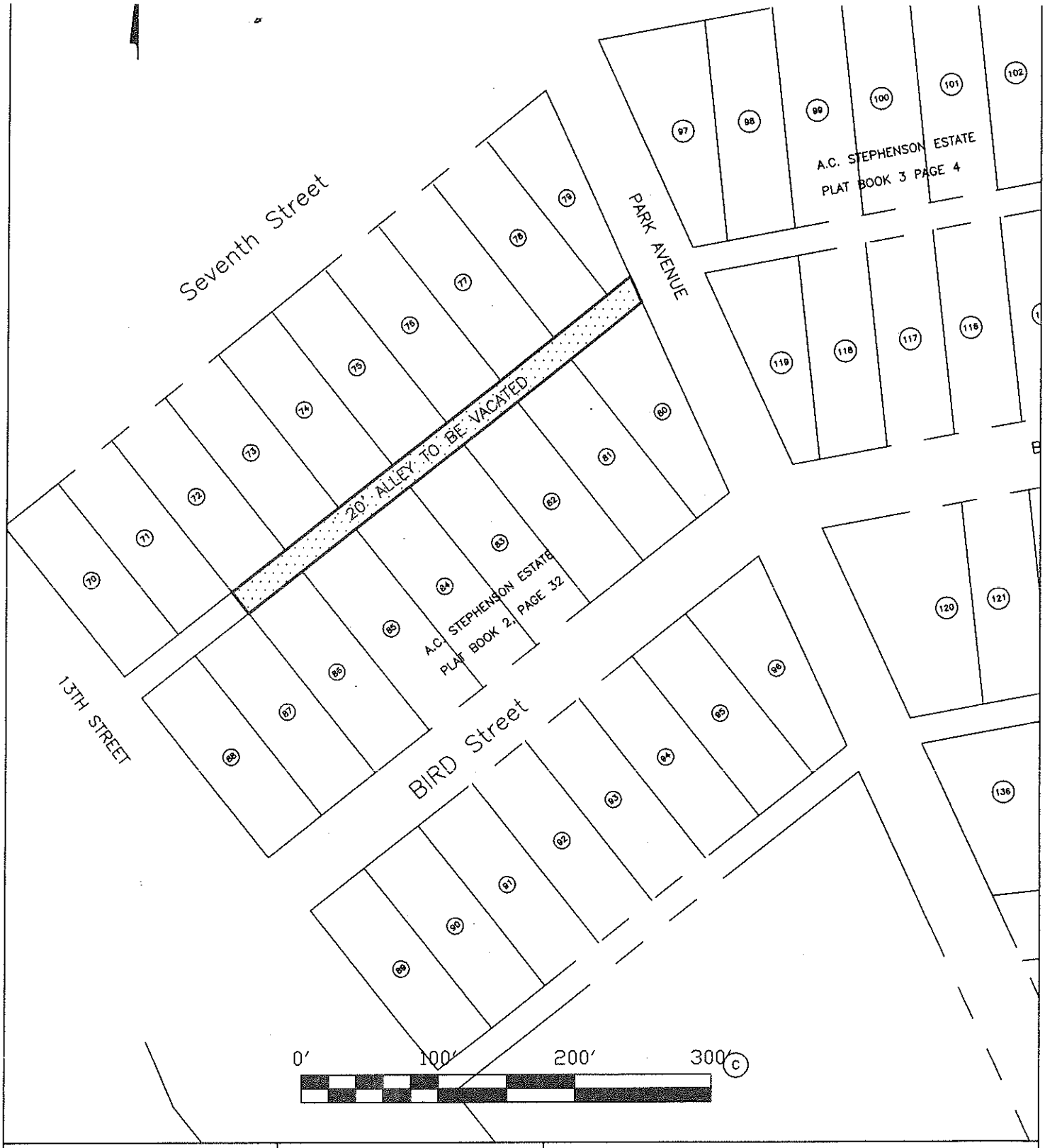
This description was prepared by Randy A. Sheppard, Professional Surveyor No. 860, and is based on instruments of record. Reference is being made to a plat attached hereto and made part of this description.

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 Rothlisberger and Simmons Development, LLC addressing stormwater runoff issues from the abutting parcels by relocating and/or installing new stormwater 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.

SPONSORED BY: MUNICIPAL PLANNING COMMISSION



SCALE = 1 INCH = 100 FEET	CITY OF PARKERSBURG.W.VA.
DATE:06/29/12	DEPARTMENT OF PUBLIC WORKS
DRAWN BY: RS	DIVISION OF ENGINEERING
CHECKED BY:	PLAT OF A PORTION OF A 20 FOOT ALLEY
MAP P.C. 79 PART OF A.C. STEPHENSON ESTATE PLAT BOOK 2, PAGE 32	TO BE VACATED

F:\SC\WORK\VAC. ALLEYS\13TH-PARK.dwg, 7/2/2012 3:24:18 PM, HP CLJ 5550 PCL 6

Mayor Robert D. Newell

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

August 6, 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 7th Street in North Parkersburg

To the Honorable Mayor and City Council:

On July 20, 2012, the Municipal Planning Commission (MPC) held a public hearing to consider the following petition:

A. 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 7th Street and north of Bird Street, located in the A.C. Stephenson Estate in North Parkersburg.

After hearing all interested parties, the MPC voted (9-0-0) to recommend that City Council approve the applicant's petition to vacate the City's right-of-way lying north of Seventh Street, South of Oakhurst Street (now vacated), east of 13th Street and west of 14th Street. However, MPC's approval was contingent on the applicant (Rothlisberger and Simmons Development, LLC) addressing stormwater related issues from the abutting parcels of said abandonment, by relocating or installing new stormwater structures. These structures are to be maintained in perpetuity by Rothlisberger and Simmons Development, LLC and its heirs and assigns. The existing stormwater utilities are no longer public, but private utilities.

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

Sincerely,

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

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BUREAU FOR PUBLIC HEALTH
Commissioner's Office
350 Capitol Street, Room 702
Charleston, West Virginia 25301-3712
Telephone: (304) 558-2971 Fax: (304) 558-1035

Earl Ray Tomblin
Governor

Rocco S. Fucillo
Cabinet Secretary

July 13, 2012

Blair Couch, Chairman
Mid-Ohio Valley Board of Health
1000 51th Street
Vienna, WV 26105

Dear Mr. Couch:

Thank you for your recent letter requesting approval to implement environmental fees. I have approved the fee schedule which the Mid-Ohio Valley Health Department proposes to begin charging as outlined in the requested guidelines. The plan outlined in your proposal is in accordance with the guidelines established and the fees do not exceed the maximum set by the West Virginia Bureau for Public Health.

Section 9.8 of the Fees for Services Rule, 64 CSR 51 requires that once the Commissioner of the Bureau for Public Health approves the fees, the local board of health shall file the fee schedule with the clerk of the county commission or municipality. After the local board has made the appropriate filing, it may begin to charge the approved fees. Attached is a copy of the Fees for Services Rule. 64 CSR 51.

If you have additional questions or concerns, please feel free to write or call Amy Atkins, Director, Division of Local Health, 350 Capitol Street, Room 515, Charleston, West Virginia 25301-3716, telephone (304) 558-8870.

Sincerely,

Marian L. Swinker, M.D., M.P.H.
Commissioner

MS/lb

Attachment

cc: Richard Wittberg
Brad Cochran
Amy Atkins

Aug 10 2012 3:35PM HP LASERJET FAX p.1