

**AGENDA FOR THE REGULAR MEETING OF PARKERSBURG
CITY COUNCIL FOR TUESDAY, JULY 13, 2010, 7:30 PM
SECOND FLOOR, COUNCIL CHAMBERS, MUNICIPAL BUILDING**

- I. CALL TO ORDER – Council President, John W. Rockhold III
- II. PRAYER - Please join us in the Lord's Prayer.
- III. PLEDGE OF ALLEGIANCE – Please join us in the Pledge of Allegiance
- IV. ROLL CALL – City Clerk
- V. MINUTES – Council meeting held June 22, 2010
- VI. REPORTS FROM STANDING OR SPECIAL COMMITTEES
- VII. MESSAGE FROM THE EXECUTIVE
- VIII. PUBLIC FORUM
- IX. RESOLUTION

1. Resolution authorizing Mayor Robert D. Newell to accept a JAG grant in the amount of \$57,000.00 to fund police officers' salaries and to attend the annual State Pro Conference. \$19,000.00 match required. (Sponsored by Councilmen Rockhold, Sandy, Lynch, Reed, and Kimes.)

2. Resolution authorizing Mayor Robert D. Newell to accept a JAG grant in the amount of \$56,250.00 to fund officers' salaries and attend the Task Force Commander School. \$18,750.00 match required. (Sponsored by Councilmen Lynch, Rockhold, Sandy, Reed, and Kimes.)

3. Resolution authorizing Mayor Robert D. Newell to execute a contract with Tetrick and Bartlett, PLLC to perform an audit of the City of Parkersburg for fiscal year 2009/2010 for \$25,000.00, as recommended by the Audit Committee. (Sponsored by Councilmen Rockhold, Reed, Kimes, Tallman, Joyce, and Lynch)

4. Resolution adopting the Wood County Hazard Mitigation Plan, and authorizing the Mid Ohio Valley Regional Council to submit it on behalf of participating municipalities in Wood County. (Sponsored by Councilmen Reed, Joyce, and Reynolds.) – (50-page plan available in City Clerk's Office.)

5. Resolution designating two additional targeted neighborhoods to the City's Neighborhood Revitalization Project as follows: Census Tract 7.02 Block Group 1, 7th Street to 13th Street and Plum Street to Market Street; and Census Tract 9.02 Block Group 1, Neal Run to 4th Avenue and WV 95 to Lubeck Avenue. (Sponsored by the URA)

Page two
Agenda for July 13, 2010

6. Resolution authorizing an agreement with the Urban Renewal Authority to implement the Neighborhood Stabilization Project. (sponsored by

XI. ORDINANCE, FINAL READING:

7. An ordinance to approve current replacement pages to the codified ordinances of the City of Parkersburg for 2010. (Councilmen Joyce, Rockhold, and Reed)

XII. ORDINANCE, FIRST READING:

8. An ordinance to close an alley 20' x 316' north of WV State Rt. 95, south of 8th Avenue and west of Kemper Street. Planning Commission voted 10-0 to allow the closure. Business to be built on top of the existing alley, City is not to maintain an easement. (Sponsored by Municipal Planning Commission.)

XIII. ADJOURNMENT

NOTE – Urban Renewal Authority meeting immediately following City Council.

AGENDA FOR URBAN RENEWAL AUTHORITY
TUESDAY, JULY 13, 2010
SECOND FLOOR, COUNCIL CHAMBERS
MUNICIPAL BUILDING

I. CALL TO ORDER – Councilwoman Sharyn Tallman, Chairman

II. ROLL CALL

III. MINUTES – Meeting held June 22, 2010

IV. RESOLUTION – to enter into an agreement with the City of Parkersburg to implement the Neighborhood Stabilization Project.

V. ADJOURNMENT

Council minutes
Next four pages

JOURNAL OF THE CITY COUNCIL, NO. 53

PARKERSBURG, W. VA., June 22, 2010

The Council of the City of Parkersburg met in regular session Tuesday, June 22, 2010, 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, John Rockhold III, who presided over the meeting. Councilman Jim Reed led the Lord's Prayer and the Pledge of Allegiance. The Clerk noted the attendance and those present included Councilmen Sharon Lynch, Brad Kimes, John Sandy, Sharyn Tallman, Tom Joyce, Jim Reed, and John Rockhold. Councilmen Nancy Wilcox and Mike Reynolds were absent.

MINUTES – Mr. Kimes moved, seconded by Mr. Sandy, to approve the minutes from the meeting held June 8, 2010, and the motion was adopted by unanimous vote.

REPORTS FROM STANDING OR SPECIAL COMMITTEES – Councilman Jim Reed reported that his Revenue Enhancement Committee met prior to this meeting to organize and review current City and State laws. Mr. Reed distributed information and budgets for several WV cities for his committee to review and decided to meet in two or three weeks to continue reviewing Parkersburg's revenue sources.

Councilwoman Lynch reported that the Bicentennial Committee met recently and continues to plan activities for Parkersburg's 200th birthday. A chorus will perform at the City Park over the 4th of July week-end, and they are selling hats, tee shirts, and ornaments to celebrate the occasion.

Councilwoman Sharyn Tallman reported that as a member of the Finance Committee for the National League of Cities, she recently attended a committee meeting in Washington DC, and expenses were paid by the NLC. She said the committee discussed the Job Recovery Act and said we would be eligible to apply for \$4.5 million dollars to help obtain 81 jobs in Parkersburg, if Congress passes the bill.

Councilman Tom Joyce announced that the Finance Committee of City Council would meet tomorrow evening to discuss revisions for the Fire Department.

ANNOUNCEMENT – Council President, John Rockhold III announced that Councilman Jim Reed would serve on the Audit Committee, a committee formed by City Council by resolution on June 6, 2010. Other members include the Finance Director, Assistant Finance Director, Chairman of the Council's Finance Committee, and another Councilman appointed by the Council President – Mr. Reed.

There was no message from the executive this evening.

PUBLIC FORUM

Ms. Maryann Hollis, 2902 Avery Street, appeared before City Council to speak concerning recent changes planned for the operation of our Humane Society, and the fact that the Wood County Commission would now have to fully fund that operation. Ms. Hollis said she understood that we had to cut the budget, but she was concerned about animals running at large and who the citizens were to call. She said this was a community problem and a public health and safety issue, and she hopes the City will continue to contribute to the Humane Society.

Mr. Robert Sims, 2902 Avery Street, said he was a Deputy Sheriff and he has a unique insight into problems that may come up with animals running at large. He believes that calls for animal control will have a low priority with the Parkersburg Police Department. The Parkersburg Humane Society has two officers and a truck and asked if we could dedicate two officers and if it would be wise to do that. He said if our men were not trained in animal control, they may get hurt, costing the city in sick leave and/or worker's compensation claims.

A lady from 715 Briscoe Road said he had served on the Board of Directors for the Humane Society, but she advocates for humane issues. Over those years, she said she has seen the effort it takes to provide animal control. She said she knows we are facing financial challenges and she hope we can find a way to fund them, because it will affect us all. She believes we are a fair and nurturing community and does not think if this problem as a legality, but as a moral responsibility. She asked us to do what is right for the animals and the citizens.

Mr. Al Behnke, 1524 Willoughby Drive, told Council he has been in Parkersburg about ten years, and he knows we take care of the streets and garbage, etc, but he does not know if animal control it is the best thing to use our police for animal control. The Humane Society is faced with an overwhelming number of animals, he said, and 2,152 animals were killed last year because of a lack of space. You can rehabilitate any animal with enough time. They have 2 ½ times the number of homeless animals they can handle and their expenses are too high. They need political leadership. Perhaps we should have higher fees for non spayed animals, and we should license cats. We should require that dogs are spayed. He said that 1 to 2% of real estate funds from real estate taxes to the Humane Society over a ten year period would eliminate 80% of the problem, and our Humane Society could be a 'no kill' shelter. The City and County contribute 1/3 of the funding for the Humane Society and 2/3 of their budget is contributions. The dog and cats and people deserve better, he said, and asked them to do what is right.

A resident from 71 State Street, and a humane officer for the Humane Society, said she did not know how much of a problem we had with animals until she worked there. She said they do more than check incidents when they get a call – they check back and cite the owners. They are allowed to go into homes, and they get a lot of calls at night. Our police officers thank them for their help, she said. They stop people and check on their licenses, and she said they know where the dogs are and the City does not.

Another humane officer, Kate Morgan, said she knows she makes a difference, and they work with our police department. She reminded is there are transport needs and housing needs, and they are passionate about what they do, she said.

Ms. Carol Hannah, 2515 Vaughan Avenue, is with the Save a Kitty Program. She said they have seen an increase in animals being abandoned by their owners, and she agreed with what she has heard this evening.

JOURNAL OF THE CITY COUNCIL, NO. 53

PARKERSBURG, W. VA., June 22, 2010

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

Ms. Erin Clovis, 1603 Avery Street, also agreed with what she has heard because it is all common sense. This is about what is best for our community, she said, and she does not discount the value of pets to their owners. If we do not care about these animal problems, it will reflect on Parkersburg, she said.

RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that \$10,000.00 be expended from the Capital Reserve Fund for the Kids First Program.

MOTION – Mr. Joyce moved, seconded by Mr. Reed, to adopt the resolution.

Ms. Ann Pifer was available to explain that the exchange and supervision for the children was necessary. She said they have some volunteers, but every day they need an officer because the kids think they are safe and their parents are safe. They have about 60 kids in this program with a waiting list of about 10 families. The kids range in age from 8 weeks to 15 years old, and the parents have court-ordered rights to visit the children.

VOTE – The motion was adopted by unanimous vote.

ORDINANCE, FINAL READING:

AN ORDINANCE AMENDING AND RE-ENACTING SECTION 779.14, DEFINITIONS, OF ARTICLE 779, BUSINESS AND OCCUPATION TAX CODE OF THE CODIFIED ORDINANCES OF THE CITY OF PARKERSBURG

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that Section 779.14, Definitions, be and it is hereby amended and re-enacted as follows:

779.14 DEFINITIONS; ~~REDUCTION ALLOWED IN TAX DUE~~; NORMAL TAX

"Normal Tax" means the tax computed by the application of rates against values or gross income as set forth in Sections 779.03 through 779.12, ~~less exemption at the rate of fifty dollars (\$50.00) annually or at the rate of four dollars and sixteen cents (\$4.16) per month or fourteen cents (14 cents) per day. This exemption is to be computed for the period actually engaged in business covered by the tax schedule being filed.~~

~~The normal tax shall be computed by the application of rates against values or gross income as set forth in Sections 779.03 through 779.12~~

NOTE – The proposed amendment eliminates the lined through portions of the Definitions of "Normal Tax" and brings the definition into accord with Section 779.13 as amended in 2002 and which eliminated the described \$50.00 annual exemption.

MOTION – Mr. Joyce 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 AMENDING AND/OR REPEALING SECTIONS 505.01, DEFINITIONS; 505.02, ENFORCEMENT DUTIES; 505.03, RIGHT OF ENTRY FOR INSPECTION; 505.09, RUNNING AT LARGE PROHIBITED; IMPOUNDING, CONDITIONS FOR RELEASE OF IMPOUNDING DOG; 505.16 REMOVAL OF DEAD ANIMALS OR FOWL BY HUMANE OFFICER; 505.17 VICIOUS OR RABID ANIMALS; AND 505.99 PENALTY OF ARTICLE 505, ANIMALS AND BIRDS OF THE CODIFIED ORDINANCES OF THE CITY OF PARKERSBURG

NOW BE IT ORDAINED that Sections 505.01, 505.02, 505.03, 505.09, 505.16, 505.17 and 505.99 of Article 505 Animals and Birds be amended and or repealed as follows:

505.01 DEFINITIONS.

Definitions of terms as used in this article, unless the context otherwise indicates, shall be as follows:

- (a) Animals and fowl shall be as specifically named herein, by whatever name they might be called.
- (b) "Owner" means any person or persons, firm, association or corporation owning, keeping or harboring animals or fowl.
- (c) "At large" means not secured on the owner's premises nor secured by leash, cord, or chain.
- (d) "Approval" means approval by the Health Officer or his authorized representative.
- (e) "Rodent proof" means a state or condition not conducive to the entry, feeding or harboring of rodents.
- (f) "Sanitary" means a condition of good order and cleanliness which precludes the probability of disease transmission.
- (g) "Health Officer" means the Health Officer or his duly authorized representative.
- (h) "Agent" means an agent of the City.
- (i) "City" means the City of Parkersburg or its duly authorized representative, County of Wood, State of West Virginia.

505.02 ENFORCEMENT DUTIES

The provisions of this article shall be enforced by the ~~Humane Officer~~ Health Officer or their authorized agent or agents of the City, and may also be enforced by any police officer. All such officers shall be authorized to issue citations to persons accused of violation of any provisions of this article returnable to the Parkersburg Municipal Court in the same manner as traffic citations.

505.03 RIGHT OF ENTRY FOR INSPECTION.

JOURNAL OF THE CITY COUNCIL, NO. 53

PARKERSBURG, W. VA., June 22, 2010

enter any premises, public or private, at any reasonable hour of the day to make inspection for the purpose of carrying out the provisions of this article.

505.09 RUNNING AT LARGE PROHIBITED; IMPOUNDING. CONDITIONS FOR RELEASE OF IMPOUNDING DOG.

The owner or keeper of an animal or fowl shall secure such upon their premises in such a manner so it will not run at large within the limits of the City.

Any animal or fowl found running at large may be impounded. ~~The Humane Officer shall make a complete registry pertaining to the animal. Not later than twenty-four hours after the impounding of any dog the owner shall be notified, or, if the owner is unknown, written notice describing the dog and the place and time of taking shall be posted at the Office of the Humane Officer for five days.~~

For purposes of this section, a completed telephone call to the residence of the owner or the mailing of a postal card or letter, first class, to the owner at the owner's residence address as indicated by dog licensing data, shall be deemed notice. The owner of any dog so impounded may reclaim such dog upon payment of the City license tax, if due and unpaid and all cost and charges incurred for impounding and the maintenance of such dog. The following charges shall be paid:

- (a) For impounding and giving notice on any animal or fowl, twenty dollars (\$20.00).
- (b) For keeping and maintaining any animal or fowl, two dollars (\$2.00) per day.

No animal shall be released until the owner, purchaser or donee has obtained a current City license if the dog is to be kept within the limits of the City.

All dogs impounded, unless sooner redeemed by the owner thereof, may be impounded for a period of five days. If at the expiration of five days from the date of notice to the owner of the posting of notice, such dog has not been redeemed, it may be humanely destroyed, sold or otherwise disposed of.

505.16 REMOVAL OF DEAD ANIMALS OR FOWL BY HUMANE OFFICER

~~The Humane Officer shall cause to be removed as promptly as possible, any animal or fowl found dead on any street or public place within the corporate limits of the City. Fowl, snakes or rats will not be retrieved until regular business hours except in unusual circumstances.~~

505.17 VICIOUS OR RABID ANIMALS

No person shall own, keep or harbor any dog or cat known by him, or which in the exercise of reasonable diligence he should know, to be vicious, dangerous or in the habit of biting or attacking persons, or to be suffering with rabies. Vicious or dangerous animals or animals suffering with rabies are hereby declared to be public nuisances and a menace to the public safety and may be summarily destroyed if found running at large.

If a dog, cat or other animal is suspected to have rabies or to have been bitten by an animal suspected of having rabies, such animal shall be confined by a leash or chain on the owner's premises and shall be placed under the observation of a veterinarian or Health Officer at the expense of the owner for a period of two weeks. ~~The owner shall notify the Humane Officer of the fact, and the Humane Officer, at his discretion, is hereby empowered to have such animal removed from the owner's premises to a veterinary hospital and there placed under observation for a period of two weeks at the expense of the owner.~~

No person knowing or suspecting an animal of having rabies shall allow it to be taken off his premises without the written permission of the Health Officer ~~and the Humane Officer~~. Every owner or other person, upon ascertaining an animal is rabid shall immediately notify ~~the Humane Officer or~~ a police officer, who shall either remove the animal to the pound, or summarily destroy it.

505.99 PENALTY.

- (a) Whoever violates any provision of this article, or fails or refuses to comply with any notice issued by any officer or agent of the City with reference to the enforcement of the provisions of this article, for which no penalty is provided, shall be fined not more than one hundred dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
- (b) Whoever violates Section 505.10 shall be fined not more than one thousand dollars (\$1,000.00). (WVa C 61-8-19)
- (c) Whoever violates Section 505.105 shall be fined not more than one thousand dollars (\$1,000.00). ~~In addition the Humane Officer may remove the dog or cat involved and place it in the pound and such dog or cat shall not be returned to the owner or perpetrator of the act of cruelty, but shall be put up for adoption to a desirable home or given into the care of a humane society or upon the recommendation of a licensed veterinarian shall be humanely destroyed.~~

The lined-through portions are proposed for elimination while the underlined portions are proposed changes.

These amendments are necessary as the City will no longer be contracting with the Humane Society for animal control services. The City will, after June 30, 2010, rely on the County Commission to provide such services as is the Commission's responsibility under State Law.

MOTION – Mr. Reed moved, seconded by Mr. Joyce, to adopt the ordinance on final reading.

City Attorney, Joe Santer, told those attending that this is not a funding issue, but an animal control issue. Thirty (30) years ago, Parkersburg assumed the role and costs to help the Humane Society, and we had a contract. We are a part of Wood County. No other city in West Virginia does what we have done financially for thirty years. Wheeling does nothing.

JOURNAL OF THE CITY COUNCIL, NO. 53

PARKERSBURG, W. VA., June 22, 2010

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

Charleston pays no money. Morgantown pays a nominal amount as does Fairmont. Mr. Santer stated. This is a situation where we will step back and no longer provide animal control, but Wood County will, and the City is part of the county.

Councilman Joyce reviewed a letter from the Humane Society to the City about reduction in service. The Board has decided to cease service to the City as of July 1, 2010. Concerning the funding, the letter read that \$74,000.00 was due from the City for 09/10; \$142,000.00 for 10/11; and \$176,915.00 for 11/12. He said he understood the good work provided by the Humane Society, but he does not think the City wastes money. We have a lot of infrastructure issues that take a lot of money. He found the letter informative, he said.

Mayor Robert Newell said this ordinance was not about the Humane Society. Everyone in Parkersburg already pays taxes to Wood County for that service, he said. He said he appreciated all the people who spoke this evening, but this is the wrong entity. There was a task force that was given one year to come up with options, and there are no solutions.

All of a sudden, there are a lot of suggestions, Mayor Newell stated. The letter Mr. Joyce referred to was an ultimatum, and we let the County take the lead, and they need a solution. Parkersburg citizens get double taxed, he said. There is a lot of work to be done by the Humane Society, and we appreciate all they do, he said. Over the years, Parkersburg has paid a lot of money for animal control service. We don't ask the County to help fund our streets, but we are asking them to fund the Humane Society. It is an expensive program, but he said they were talking to the wrong entity.

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

ORDINANCE, FIRST READING:

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

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

The meeting adjourned at 8:20 PM.

Carmel Shaffer
City Clerk Council

Council President

Res. #1 grant funds
Next nine pages

RESOLUTION

WHEREAS, the City of Parkersburg previously applied for a Justice Assistant Grant with the West Virginia Division of Criminal Justice Services, Department of Military Affairs and Public Safety;

WHEREAS, the Justice Assistance Grant Program helps to fund a variety of efforts to ensure that the local communities have the tools and equipment necessary to build safer communities; and

WHEREAS, the City of Parkersburg has been awarded a grant through the State of West Virginia from the Justice Assistance Grant in the amount of \$57,000.00 to fund officers' salaries and attend the Annual State PRO Conference.



NOW THEREFORE BE IT RESOLVED by the City Council of the City of Parkersburg that Mayor Robert D. Newell be and hereby is authorized to accept the grant to the Justice Assistance Grant Program for funding for officers' salaries and for funds to attend the Annual State Pro Conference and to sign all the necessary award documents and that Finance Director, Doug Life, be authorized to make all necessary budget revisions.

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

Division of
**CRIMINAL
JUSTICE
SERVICES**



Department of Military Affairs
& Public Safety

June 21, 2010

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

Re: Approved Funding – \$57,000.00
Justice Assistance Grant Program (JAG)
Project Number: 09-JAG-30

Dear Mayor Newell:

Congratulations on your recent Justice Assistance Grant Award. Enclosed you will find:

- A Contract with attachment of the approved grant budget;
- A Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements;
- A sample resolution.
- Revised Standard Conditions and Assurances;
- JAG Program Special Conditions and Assurances; and,
- Supplemental Conditions and Assurances (if applicable)

To formalize your acceptance of this grant award, please sign the contract, certification regarding lobbying, Standard, Special and any Supplemental Conditions and Assurances and affect a resolution (if necessary) and return the **originals** to this office by **Friday, July 30, 2010**.

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 53323 or via email at Jason.W.Metzger@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,



Jason W. Metzger
Senior Justice Program Specialist

JWM/jas
Enclosures

c: Captain D. G. Barker (*all enclosures*)
Grant File (*all enclosures*)

Q:\Tdrive\JMetzger\JAG\FY 2010 JAG\Contract Award Doc and attachments\JAG Standard Contract.doc



GRANT CONTRACT AGREEMENT

BETWEEN

DIVISION OF JUSTICE AND COMMUNITY SERVICES

AND

City of Parkersburg

09-JAG-30

This **AGREEMENT**, entered into this **8th** day of **June 2010**, by the Director of the Division of Justice and Community Services, hereinafter referred to as "DJCS", and the **City of Parkersburg**, hereinafter referred to as "Grantee."

WHEREAS, DJCS is the recipient of a Justice Assistance Grant from the United States Department of Justice, and

WHEREAS, the Grantee is an eligible applicant who is desirous of receiving funds for **Funds will provide for Prevention Resource Officers (PRO) at Parkersburg and Parkersburg South High Schools.**

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. The Grantee agrees to comply with all applicable federal and state laws and rules, regulations and policies promulgated thereunder.
2. DJCS agrees to assist the Grantee to perform such tasks and functions as set forth in the application which is attached hereto and made part hereof, hereinafter referred to as Attachment A.
3. The Grantee shall do, perform, and carry out in a satisfactory and proper manner as determined by DJCS all duties, tasks and functions necessary to implement the application which is hereto attached as Attachment A.
4. The Grantee will commence its duties under the Agreement on **July 1, 2010**, and shall continue those services/activities until **June 30, 2011**. The terms of this Agreement may only be extended or modified by the mutual written agreement of the parties hereto.

5. In consideration of the services rendered by the Grantee, the sum of up to **\$57,000.00** shall be obligated by DJCS and said amount shall be deemed to be the maximum compensation to be received for this Agreement unless a written modification is entered into between the parties amending this Agreement.
6. It is the understanding of all parties to this Agreement that DJCS by joining in the Agreement does not pledge, or promise to pledge, the credit of the State of West Virginia, nor does it promise to pay all of the compensation hereunder from monies of the Treasury of the State of West Virginia.
7. To be eligible for any and all payments of the grant amount, the Grantee shall submit a Request for Funds once per month to DJCS. Upon receipt of said request, DJCS shall review the same for reasonableness and appropriateness; and if approved, will cause a warrant to be requested on that sum considered reasonable and appropriate. It is expressly understood that the total compensation shall not exceed the amount set forth in Paragraph Five hereinbefore cited and said compensation will be expended only as outlined in the budget sections of Attachment A, unless written approval of modification of the budget is signed by the parties hereto. Grantee shall submit a fiscal report detailing expenditures to DJCS by the twentieth (20th) day of each month.
8. Grantee hereby represents that it possesses the legal authority to contract for this Agreement and that attached hereto and made a part hereof as Attachment B is a certified copy of the resolution, motion or similar action which was clearly adopted or passed by the Grantee's governing body; and further, that it has directed and authorized an official representative to act in connection with this Agreement. If the Grantee is a State agency, the completed application signed by the agency head is sufficient.
9. Grantee agrees to abide by the grant conditions, terms, assurances and certifications which are a part of Attachment A and such other special terms and conditions that DJCS has set forth in Attachment C which is incorporated herein and made part hereof, if said Special Conditions are appropriate to this Agreement.
10. If, through any cause, the Grantee shall fail to fulfill in a necessary and proper manner, obligations under this Agreement, the DJCS may withhold payments to the Grantee upon notice in writing, suspend, or cancel this Agreement and Attachments. The notice of withholding payments, suspension, or cancellation should set forth the DJCS reasons for taking said action.
11. DJCS and Grantee may from time to time require changes in the scope of services performed hereunder. Grantee agrees to submit a written request for modification prior to changing any budget line item. All such changes, including any increase or decrease in the amount of compensation hereunder or work to be performed, which are mutually agreed upon between the parties shall be in writing.
12. If for any reason funds received by DJCS are suspended or terminated, in whole or in part, funding for this Agreement shall cease.

13. Grantee shall within the time period prescribed by grant conditions upon the termination of the Agreement, submit to DJCS a final report on forms provided by DJCS. Said reports shall reflect actual costs incurred during the terms of this Agreement.
14. The parties hereto agree that notice shall be given by personal service or served when mailed certified U.S. Mail, postage prepaid, return receipt requested to the following addresses:
 - a. Division of Justice and Community Services
1204 Kanawha Boulevard, East
Charleston, West Virginia 25301
 - b. **Grantee Mailing Address:**

**City of Parkersburg
One Government Square
Parkersburg, West Virginia 26102**
15. The Grantee shall hold and save DJCS and its officers, agents and employees harmless from liability of any nature, including cost and expense, for or on account of any suits or damages of any character whatsoever resulting from injuries or damages sustained by any persons or property resulting in whole or in part from the negligent performance or omission of any employee, agent or representative of the Grantee.

IN WITNESS WHEREOF, the parties hereto attach their signatures representing that each is acting with full authority.

**Robert D. Newell, Mayor
Authorized Official**

**J. Norbert Federspiel, Director
Division of Justice and Community Services**

RESOLUTION

The Council of the **City of Parkersburg** met on _____ (date) with a quorum present and passed the following resolution.

Be it resolved that the Council of the **City of Parkersburg** hereby authorizes **Robert D. Newell, Mayor** of the **City of Parkersburg**, to act on its behalf to enter into a contractual agreement with the Division of Criminal Justice Services to receive and administer grant funds pursuant to provisions of the Justice Assistance Grant (JAG) program.

Signed: _____

City Clerk

Justice Assistance Grant Program	Itemization of Funds By Category Page 3		
Budget Category	Local Matching Funds	Requested JAG Grant Funds	Approved JAG Funds (DCJS ONLY)
Personnel and Contractual:			
Prevention Resource Officer Salary	\$9,500	\$28,000	\$28,000
Prevention Resource Officer Salary	\$9,500	\$28,000	\$28,000
Travel and Training:			
Prevention Resource Officer Conference			\$1,000
Equipment (\$5,000 or more "per unit"):			\$0
Space (includes telephone):			\$0
Other:			\$0
Total Local Matching Funds	\$19,000		
Total Federal Funds			\$57,000
Total Approved Project (DCJS ONLY)			\$76,000

WEST VIRGINIA DIVISION OF CRIMINAL JUSTICE SERVICES JUSTICE ASSISTANCE GRANT PROGRAM	Budget Summary PAGE - 4
---	--

Applicant: City of Parkersburg	Federal Employer Identification Number (FEIN) 556-000-227
--	---

Category	Grant Funds (A)*	Matching Funds (Cash)(B)	Total Funds (A + B)
Personnel/Contractual	\$56,000	\$19,000	\$75,000
Travel/Training	\$1,000	\$0	\$1,000
Equipment	\$0	\$0	\$0
Other	\$0	\$0	\$0
Total Budget	\$57,000	\$19,000	\$76,000

FUNDING STRATEGY

Funding Source(s)	Amount	Status
Grant Funds:	\$57,000	
Cash Match:	\$19,000	
	\$	
	\$	
	\$	
Total:	\$76,000	

All funds must be rounded to the nearest whole dollar amount.

Do not forget the FEIN Number.

Res. #2 grant funds
Next eight pages

RESOLUTION

WHEREAS, the City of Parkersburg previously applied for a Justice Assistance Grant with the West Virginia Division of Criminal Justice Services, Department of Military Affairs and Public Safety;

WHEREAS, the Justice Assistance Grant Program helps to fund a variety of efforts to ensure that the local communities have the tools and equipment necessary to build safer communities; and

WHEREAS, the City of Parkersburg has been awarded a grant through the State of West Virginia from the Justice Assistance Grant in the amount of \$56,250.00 to fund officers' salaries and attend the Task Force Commander School.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Parkersburg that Mayor Robert D. Newell be and hereby is authorized to accept the grant to the Justice Assistance Grant Program for funding officers' salaries and for funds to attend the Annual Task Force Commander School and to sign all the necessary award documents and that Finance Director, Doug Life, be authorized to make all necessary budget revisions.

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

Division of
**CRIMINAL
JUSTICE
SERVICES** 
Department of Military Affairs
& Public Safety

June 21, 2010

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

Re: Approved Funding – \$56,250.00
Justice Assistance Grant Program (JAG)
Project Number: 09-JAG-04

Dear Mayor Newell:

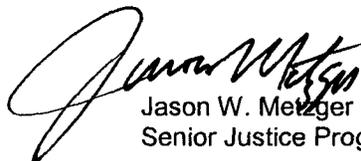
Congratulations on your recent Justice Assistance Grant Award. Enclosed you will find:

- A Contract with attachment of the approved grant budget;
- A Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements;
- A sample resolution.
- Revised Standard Conditions and Assurances;
- JAG Program Special Conditions and Assurances; and,
- Supplemental Conditions and Assurances (if applicable)

To formalize your acceptance of this grant award, please sign the contract, certification regarding lobbying, Standard, Special and any Supplemental Conditions and Assurances and affect a resolution (if necessary) and return the **originals** to this office by **Friday, July 30, 2010**.

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 53323 or via email at Jason.W.Metzger@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,



Jason W. Metzger
Senior Justice Program Specialist

JWM/jas
Enclosures

c: Captain Delmas Barker (*all enclosures*)
Grant File (*all enclosures*)

Q:\Tdrive\JMetzger\JAG\FY 2010 JAG\Contract Award Doc and attachments\JAG Standard Contract.doc



GRANT CONTRACT AGREEMENT

BETWEEN

DIVISION OF JUSTICE AND COMMUNITY SERVICES

AND

City of Parkersburg

09-JAG-04

This **AGREEMENT**, entered into this **8th** day of **June 2010**, by the Director of the Division of Justice and Community Services, hereinafter referred to as "DJCS", and the **City of Parkersburg**, hereinafter referred to as "Grantee."

WHEREAS, DJCS is the recipient of a Justice Assistance Grant from the United States Department of Justice, and

WHEREAS, the Grantee is an eligible applicant who is desirous of receiving funds for **Funds will provide for officer salaries to continue a multi-jurisdictional drug and violent crime task force.**

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. The Grantee agrees to comply with all applicable federal and state laws and rules, regulations and policies promulgated thereunder.
2. DJCS agrees to assist the Grantee to perform such tasks and functions as set forth in the application which is attached hereto and made part hereof, hereinafter referred to as Attachment A.
3. The Grantee shall do, perform, and carry out in a satisfactory and proper manner as determined by DJCS all duties, tasks and functions necessary to implement the application which is hereto attached as Attachment A.
4. The Grantee will commence its duties under the Agreement on **July 1, 2010**, and shall continue those services/activities until **June 30, 2011**. The terms of this Agreement may only be extended or modified by the mutual written agreement of the parties hereto.

5. In consideration of the services rendered by the Grantee, the sum of up to **\$56,250.00** shall be obligated by DJCS and said amount shall be deemed to be the maximum compensation to be received for this Agreement unless a written modification is entered into between the parties amending this Agreement.
6. It is the understanding of all parties to this Agreement that DJCS by joining in the Agreement does not pledge, or promise to pledge, the credit of the State of West Virginia, nor does it promise to pay all of the compensation hereunder from monies of the Treasury of the State of West Virginia.
7. To be eligible for any and all payments of the grant amount, the Grantee shall submit a Request for Funds once per month to DJCS. Upon receipt of said request, DJCS shall review the same for reasonableness and appropriateness; and if approved, will cause a warrant to be requested on that sum considered reasonable and appropriate. It is expressly understood that the total compensation shall not exceed the amount set forth in Paragraph Five hereinbefore cited and said compensation will be expended only as outlined in the budget sections of Attachment A, unless written approval of modification of the budget is signed by the parties hereto. Grantee shall submit a fiscal report detailing expenditures to DJCS by the twentieth (20th) day of each month.
8. Grantee hereby represents that it possesses the legal authority to contract for this Agreement and that attached hereto and made a part hereof as Attachment B is a certified copy of the resolution, motion or similar action which was clearly adopted or passed by the Grantee's governing body; and further, that it has directed and authorized an official representative to act in connection with this Agreement. If the Grantee is a State agency, the completed application signed by the agency head is sufficient.
9. Grantee agrees to abide by the grant conditions, terms, assurances and certifications which are a part of Attachment A and such other special terms and conditions that DJCS has set forth in Attachment C which is incorporated herein and made part hereof, if said Special Conditions are appropriate to this Agreement.
10. If, through any cause, the Grantee shall fail to fulfill in a necessary and proper manner, obligations under this Agreement, the DJCS may withhold payments to the Grantee upon notice in writing, suspend, or cancel this Agreement and Attachments. The notice of withholding payments, suspension, or cancellation should set forth the DJCS reasons for taking said action.
11. DJCS and Grantee may from time to time require changes in the scope of services performed hereunder. Grantee agrees to submit a written request for modification prior to changing any budget line item. All such changes, including any increase or decrease in the amount of compensation hereunder or work to be performed, which are mutually agreed upon between the parties shall be in writing.
12. If for any reason funds received by DJCS are suspended or terminated, in whole or in part, funding for this Agreement shall cease.

13. Grantee shall within the time period prescribed by grant conditions upon the termination of the Agreement, submit to DJCS a final report on forms provided by DJCS. Said reports shall reflect actual costs incurred during the terms of this Agreement.
14. The parties hereto agree that notice shall be given by personal service or served when mailed certified U.S. Mail, postage prepaid, return receipt requested to the following addresses:
 - a. Division of Justice and Community Services
1204 Kanawha Boulevard, East
Charleston, West Virginia 25301
 - b. **Grantee Mailing Address:**

**City of Parkersburg
One Government Square
Parkersburg, West Virginia 26102**
15. The Grantee shall hold and save DJCS and its officers, agents and employees harmless from liability of any nature, including cost and expense, for or on account of any suits or damages of any character whatsoever resulting from injuries or damages sustained by any persons or property resulting in whole or in part from the negligent performance or omission of any employee, agent or representative of the Grantee.

IN WITNESS WHEREOF, the parties hereto attach their signatures representing that each is acting with full authority.

**Robert D. Newell, Mayor
Authorized Official**

**J. Norbert Federspiel, Director
Division of Justice and Community Services**

RESOLUTION

The Council of the **City of Parkersburg** met on _____ (date) with a quorum present and passed the following resolution.

Be it resolved that the Council of the **City of Parkersburg** hereby authorizes **Robert D. Newell, Mayor** of the **City of Parkersburg**, to act on its behalf to enter into a contractual agreement with the Division of Criminal Justice Services to receive and administer grant funds pursuant to provisions of the Justice Assistance Grant (JAG) program.

Signed: _____

City Clerk

**WEST VIRGINIA
DIVISION OF CRIMINAL JUSTICE SERVICES
JUSTICE ASSISTANCE
GRANT PROGRAM**

**Budget Summary
PAGE - 4**

Applicant: City of Parkersburg	Federal Employer Identification Number (FEIN) 556-000-227
--	---

Category	Grant Funds (A)*	Matching Funds (Cash)(B)	Total Funds (A + B)
Personnel/Contractual	\$56,000	\$18,750	\$74,750
Travel/Training	\$250	\$0	\$250
Equipment	\$0	\$0	\$0
Other	\$0	\$0	\$0
Total Budget	\$56,250	\$18,750	\$75,000

FUNDING STRATEGY

Funding Source(s)	Amount	Status
Grant Funds:	\$56,250	
Cash Match:	\$18,750	
	\$	
	\$	
	\$	
Total:	\$75,000	

All funds must be rounded to the nearest whole dollar amount.

Do not forget the FEIN Number.

Res. #3 – audit
Next three pages

**A RESOLUTION APPROVING
THE SELECTION OF TETRICK AND BARTLETT, PLLC
AS AUDITORS FOR FISCAL YEAR 2009/2010**

WHEREAS: The City of Parkersburg ("City") has previously been notified by the Office of the State Auditor of the State of West Virginia that the City is to form an Audit Committee to select an approved auditor for fiscal year 2009/2010.

WHEREAS: The City has, by action of Council on June 8, 2010, formed said committee consisting of: the Chairman of the Finance Committee, Brad Kimes; the Finance Director, Doug Life; the Assistant Finance Director, Angie Smith; the Development Director, Ann Conageski; and one to be appointed by the President of Council, John Rockhold.

WHEREAS: The President of Council, John Rockhold, did announce on June 22, 2010 his selection of Councilman Jim Reed to serve on said Committee.

WHEREAS: Said Committee met on June 24, 2010, reviewed all of the submissions, and unanimously selected Tetrick and Bartlett, PLLC, to perform an audit of the City for fiscal year 2009/2010.

NOW, THEREFORE BE IT RESOLVED that the City select Tetrick and Bartlett, PLLC to perform an audit of the City for fiscal year 2009/2010; and furthermore to authorize the Mayor, Robert Newell; and Finance Director, Doug Life to contract with Tetrick and Bartlett, PLLC for said audit.

City Clerk Connie Shaffer

Mayor Robert D. Newell

City Seal

Sponsored by Councilmen: Rockhold, Reed, Tallman, Joyce, Lynch, Kimes

Mayor Robert D. Newell



DOUGLAS E. LIFE
FINANCE DIRECTOR
CITY OF PARKERSBURG
ONE GOVERNMENT SQUARE
P. O. BOX 1627
PARKERSBURG, WV 26102-1627
PHONE - (304) 424-8563
FAX - (304) 424-8403
DLife@Parkersburg-WV.com

MEMORANDUM

TO: Council

FROM: Doug Life, Finance Director 

DATE: June 29, 2010

RE: Selection of CPA firm to Perform Audit

CC: Angie Smith, Assistant Finance Director
Ann Conageski, Development Director
Robert Newell, Mayor

Five CPA firms submitted applications to perform an audit of the City for fiscal year 2009/2010. They were:

Tetrick And Bartlett, PLLC
Suttle and Stalnaker, PLLC
Teed and Associates, PLLC
Perry and Associates, A.C.
David L. Howell, CPA

The audit firm selection committee met on June 24, 2010 to review the submissions. It was noted that David L. Howell's application had arrived two days late, and therefore, was not considered. The committee reviewed the four remaining applications and unanimously selected Tetrick and Bartlett, PLLC to perform the audit.

Please consider the attached Resolution selecting, and approving contracting with, Tetrick and Bartlett, PLLC for the audit of the City for fiscal year 2009/2010.

AUDIT PROPOSAL

submitted by the firm of

Tetrick & Bartlett, PLLC

Certified Public Accountants

Consultants

P. O. Box 1916, Clarksburg, WV 26302-1916

for conducting the audit or review of

A. Entity: City of Parkersburg
One Government Square
Address: P.O. Box 1627
Parkersburg, WV 26102

for the fiscal year(s) ending June 30, 2010.

B. The amount of our bid for this proposal is \$ 25,000.00. The amount for each applicable fiscal year is:

6/30/10 \$ 25,000.00, 6/30/0 \$ N/A, 6/30/0 \$ N/A.

**Res. #4 Haz Mit Plan
One page**

**Note: 35-page report in City
Clerk's office for review**

Hazard Mitigation Plan Adoption Resolution

gpc

Adopting the City of Parkersburg Hazard Mitigation Plan

Whereas, the City of Parkersburg recognizes the threat that natural hazards pose to people and property; and

Whereas, undertaking hazard mitigation actions before disasters occur will reduce the potential for harm to people and property and save taxpayer dollars; and

Whereas, an adopted hazard mitigation plan is required as a condition of future grant funding for mitigation projects; and

Whereas, the City of Parkersburg participated jointly in the planning process with the other local units of government within the County to prepare the Wood County Hazard Mitigation Plan;

Now, therefore, be it resolved, that the City of Parkersburg Council, hereby adopts the Wood County Hazard Mitigation Plan as the official Plan for the City; and

Be it further resolved, that Mid-Ohio Valley Regional council will submit on behalf of the participating municipalities the adopted Hazard Mitigation Plan to Federal Emergency Management Agency officials for final review and approval.

Passed: ___ / ___ / ___

Robert Newell, Mayor, City of Parkersburg

ATTEST

Res. #5 – targeted neighborhoods
One page

RESOLUTION

WHEREAS THE CITY OF PARKERSBURG is an entitlement community under the U. S. Department of Housing and Urban Development's Community Development Block Grant Program (CDBG); and

WHEREAS the CDBG Program charges the City of Parkersburg to meet three national objectives of providing decent housing, a suitable living environment and expanding economic opportunities when expending these funds; and

WHEREAS the City's Neighborhood Revitalization Project is a strategy which tries to meet all of these objectives by targeting a Census Block Group; and

WHEREAS the goal of this project is an effort to stabilize and increase home ownership; strengthen property values; and improve the physical appearance of the neighborhood; and

WHEREAS the Urban Renewal Authority of the City of Parkersburg is adding two additional targeted neighborhoods to this project which are Census Tract 7.02 Block Group 1 (7th Street to 13th Street and Plum Street to Market Street) and Census Tract 9.02, Block Group 1 (Neal Run to 4th Avenue and WV 95 to Lubeck Avenue).

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Parkersburg concurs with the Urban Renewal's Authority's designation of these targeted areas to be included in the Neighborhood Revitalization Project.

Sponsored by: The Urban Renewal Authority of the City of Parkersburg

**Res. #6 – to implement the
Neighborhood Stabilization
Program**

RESOLUTION

WHEREAS, the City of Parkersburg/Urban Renewal Authority of the City of Parkersburg has received a Neighborhood Stabilization Program (NSP) Grant from the State of West Virginia in the amount of \$1,350,000; and

WHEREAS, these NSP funds will be used to purchase and/or rehabilitate eight (8) foreclosed and/or vacant properties and/or vacant and slum and blighted properties in the City's targeted neighborhood; and

WHEREAS, these funds were made available to the State of West Virginia from the Title II of Division B of the Housing and Economic Recovery Act of 2008, federal Public Law 110-289, with the City of Parkersburg being the designated "sub-recipient" thereof

NOW THEREFORE BE IT RESOLVED BY THE URBAN RENEWAL AUTHORITY OF THE CITY OF PARKERSBURG THAT the Authority agrees to enter into an agreement with the City of Parkersburg for implementation of the NSP Grant which includes the transfer of grant funds and donation of support services from the City to the Authority,

BE IT FURTHER RESOLVED that the Authority shall agree to all the terms and conditions of the NSP Contract with the West Virginia Development Office and the City of Parkersburg and hereby authorizes its Chairman, Sharyn Tallman to sign such contract and all other documents necessary for such purpose.

**#7 Ord. final reading
Adopting codified ordinances for
2010**

One page

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 2010 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.

**Ord. #8 – alley closure near
8th avenue and Kemper Street
Next 12 pages**

Mayor Robert D. Newell

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

9/10/10



July 7, 2010

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

Re: Petition For Public Thoroughfare Abandonment (Alley Closure)

To the Honorable Mayor and City Council:

On June 18th 2010, the Municipal Planning Commission (MPC) held a public hearing to consider abandoning a 20' by 316' portion of public right-of-way (alley) situated north of WV State Route 95, south of 8th Avenue and west of Kemper Street, as platted in the Kemper Place Subdivision. After hearing all interested parties, the MPC voted unanimously (10-0-0) to recommend that the aforementioned section of right-of-way be abandoned and that the City not maintain an easement for the alley. A new Dollar General Store is to be built on top of the existing alley.

Please find the petition and minutes from the MPC meeting for your review.

Should 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,

Eric D. Gumm, President
Municipal Planning Commission
City of Parkersburg, West Virginia

EDG/rmy
Attachments

**AN ORDINANCE VACATING A 20' BY 316' PORTION OF AN
UNNAMED ALLEY LYING WEST OF KEMPER STREET AND
NORTH OF WEST VIRGINIA ROUTE 95
PARKERSBURG CITY MAP 124**

The Municipal Planning Commission of the City of Parkersburg has recommended the portion of alley described hereinafter be vacated and that the City not retain a utility easement for the alley.

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

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF
PARKERSBURG HEREBY ORDAINS** that a 20' by 316' portion of
alley described hereinafter is hereby vacated and closed as a public
thoroughfare:

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

Vacating an unimproved variable width unnamed alley lying west
of Kemper Street, north of the northerly right-of-way line of West Virginia
Route #95, running in a northerly direction, approximately 316 feet, to the
southerly right-of-way, line of the first alley south, and parallel to 8th
Avenue, as platted in Kemper Place, recorded in Plat Book 2, Page 82, in
The County Commission of Wood County, West Virginia.

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

**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.

Mayor Robert D. Newell is accordingly authorized to execute a quit-claim
deed conveying the interest of the City of Parkersburg to the abutting
property owner(s).

Sponsored by: Municipal Planning Commission

PETITION FOR PUBLIC THOROUGHFARE ABANDONMENT
CITY OF PARKERSBURG, WV

Please complete all sections of this petition. Failure to submit a completed application will invalidate your petition. Any questions you have reference to this petition, please call 304-424-8558.

PROCEDURE: This application shall be accompanied by a non-refundable fee payable to the City of Parkersburg in the amount of \$100.00, submitted to the Planning Division with this petition.

Upon receipt of the petition, a public hearing is scheduled at the next available Municipal Planning Commission meeting. Note: State law requires 30 days notice be given for any abandonment petition.

Approximately 10 days prior to the scheduled public meeting, the Land Use Committee of the Municipal Planning Commission will meet to discuss the petition and make a recommendation to the full Commission. The Committee will visit the site on the petition.

After considering information from the staff, applicant and public, the Municipal Planning Commission will make a recommendation to City Council regarding the petition. If the recommendation is positive it will be in the form of an ordinance. To become effective, ordinances must be adopted on two readings by City Council and signed by the Mayor. If the recommendation is negative, it will be in the form of a report which City Council can either accept or refer back to the Municipal Planning Commission for further study.

Municipal Planning Commission meetings are held the third Friday of each month at the Conference Room, 2nd floor of the Municipal Building unless there is a scheduling conflict. You will be told the exact date and time of the meeting when the petition is brought into the office.

City Council meetings are held the second and fourth Tuesdays of each month in Council Chambers, 2nd floor, Municipal Building.

Date \$100.00 paid: _____ cash/check #: _____

1. Name of Petitioner: Daniel E. McAners - D. B. H. 5/14/10

2. Address of Petitioner: _____

3. Petitioner's Phone #: 304-483-5457

PETITION FOR PUBLIC THOROUGHFARE ABANDONMENT
CITY OF PARKERSBURG, WV

Please complete all sections of this petition. Failure to submit a completed application will invalidate your petition. Any questions you have reference to this petition, please call 304-424-8558.

PROCEDURE: This application shall be accompanied by a non-refundable fee payable to the City of Parkersburg in the amount of \$100.00, submitted to the Planning Division with this petition.

Upon receipt of the petition, a public hearing is scheduled at the next available Municipal Planning Commission meeting. Note: State law requires 30 days notice be given for any abandonment petition.

Approximately 10 days prior to the scheduled public meeting, the Land Use Committee of the Municipal Planning Commission will meet to discuss the petition and make a recommendation to the full Commission. The Committee will visit the site on the petition.

After considering information from the staff, applicant and public, the Municipal Planning Commission will make a recommendation to City Council regarding the petition. If the recommendation is positive it will be in the form of an ordinance. To become effective, ordinances must be adopted on two readings by City Council and signed by the Mayor. If the recommendation is negative, it will be in the form of a report which City Council can either accept or refer back to the Municipal Planning Commission for further study.

Municipal Planning Commission meetings are held the third Friday of each month at the Conference Room, 2nd floor of the Municipal Building unless there is a scheduling conflict. You will be told the exact date and time of the meeting when the petition is brought into the office.

City Council meetings are held the second and fourth Tuesdays of each month in Council Chambers, 2nd floor, Municipal Building.

Date \$100.00 paid: _____ () cash/check #:

1. Name of Petitioner: Dege, Uddaker, Harry J. Uddaker
2. Address of Petitioner: 1224 Pike St. 170 Empire Lake Dr.
3. Petitioner's Phone #: 304-485-1467 482-7875

MUNICIPAL PLANNING COMMISSION

June 18, 2010

A regular meeting of the Municipal Planning Commission was held on Friday, June 18, 2010, in the Executive Chambers, Municipal Building, Parkersburg, West Virginia, at 12:30 p.m. with Mr. Eric Gumm, presiding.

MEMBERS PRESENT:

Mr. Steve Gainer
Mr. Eric Gumm
Mrs. Ann Conageski
Mrs. Pat Vincent

Mr. Francis Angelos
Mr. Sel Wigal
Mr. James Greene

Mr. Greg Herrick
Mrs. Sharon Lynch
Mrs. Sherry Dugan

MEMBERS ABSENT:

Mr. Eddie Staats

Mrs. Kim Wilson

Mr. Charlie Matthews

STAFF PRESENT:

Mr. Rickie Yeager, Planning Administrator

STAFF ABSENT

Mr. Rob Tebay, Assist. City Attorney
Ms. Andrea Farrell, Development Sec.

OTHERS PRESENT:

See attached list.

ROLL CALL:

Rickie Yeager noted the roll call with 10 voting members.

MINUTES

Mr. Angelos moved to accept the minutes and Mr. Gainer seconded the Motion. A vote was taken and passed 9-0-0.

PRESIDENT'S REPORT

Mr. Gumm didn't have a report.

PLANNING ADMINISTRATOR'S REPORT

Mr. Yeager discussed the Little Kanawha Riverfront Redevelopment Project. Mr. Yeager noted that the City formulated a Steering Committee and hired Burgess and Niple as a consultant. The consultant will develop a conceptual land use plan for the 12 acre site. Mr. Yeager invited the Planning Commission to attend a public meeting (detail forthcoming).

NEW BUSINESS

A. Proposed abandonment of a 20' by 316' portion of alley, situated north of

**West Virginia Route 95, south of 8th Avenue and West of Kemper Street, as platted in the Kemper Place Subdivision.
Applicant: Roger and Henry Oldaker and Daniel McPherson**

Mr. Roger Oldaker and Mr. McPherson were present.

The Public Hearing began at 12:40 P.M.

IN FAVOR

Mr. Oldaker said that alley needed to be closed to build a new Dollar General Store on his property. Mr. Oldaker continued by saying that the alley has not been used in the past.

Mr. McPherson said he supported the application to close the portion of alley.

IN OPPOSITION

There was nobody present to speak in opposition to the proposed alley closure.

MOTION

Before making a motion, Mr. Yeager noted that since a building is planned to be built on the area where the alley currently exists, the City should vacate the easement it usually retains for utilities.

Mrs. Conageski moved to accept the proposed abandonment of a 20' x 316' portion of alley, situated north of West Virginia State Route 95, south of 8th Avenue and west of Kemper Street, as platted in the Kemper Place Subdivision and that the City not retain an easement on the portion of alley to be closed. Mrs. Vincent seconded the Motion. The motion failed 10-0.

- B. Proposed rezoning of Parkersburg Tax Map 30, Parcel 14 from a Residential (R-2) District to a Business (B-2) District.
Applicant: Astorg Imports, Inc.**

Mr. Paul Astorg was present.

The Public Hearing began at 12:55pm.

IN FAVOR

Mr. Astorg said that in order for business (River City Grill) to remain viable, the restaurant needed to have additional parking. Mr. Astorg said he expects to get approximately 30 spaces from a new lot. However, parking lots are not permitted

on residential properties. Mr. Gumm noted that the original application had been scaled back – originally two other properties on Lakeview Drive (620 and 704) were also part of the rezoning application.

Mr. West Peters (971 River Hill Rd, Washington, WV) said that there is a battle for parking with nearby businesses. Mr. Peters also said there is not additional parking available on Lakeview Drive or Murdoch Avenue.

Mr. John Rockhold said that Mr. Astorg was willing to work with his neighbors to ensure their concerns are addressed.

Mr. Dana Carrier (706 Lake View Drive) said he was not opposed to the rezoning application, but was concerned with the type of buffer that would screen the parking lot. Mr. Carrier commented that he had two young children.

Mr. Chris Peau (714 Lakeview Drive) said he was not opposed to the rezoning either, but was concerned about how property values would be impacted. Mr. Peau was also concerned about the last buffer and whether or not it was built as promised.

Mr. Gumm stated that the Municipal Planning Commission can stipulate what type of buffer should be installed. However, Mr. Gumm said he did not believe the original buffer/screening for the existing parking lot, was completed as promised. Mr. Wigal stated that the existing parking lot was landscaped.

Mr. Astorg said that he would put in a buffer to screen the new parking lot according to the Municipal Planning Commission's specifications.

A discussion ensued about the type of buffer should be required. Mrs. Conageski said that Staff Report recommends that new buffer be consistent with Article 1363.02 of the City's Codified Ordinances.

MOTION

Mrs. Conageski moved that Tax Map 30, Parcel 14 be rezoned from a Residential (R-2) District to a Business (B-2) District, provided that new parking lot is properly screened and consistent with Article 1363.02 of the City's Codified Ordinances. Mr. Angelos seconded the Motion. Motion passed (10-0) unanimously.

Mrs. Lynch asked Mr. Astorg to update the Planning Administrator if/when the project is completed. The Planning Administrator shall then inform the Municipal Planning Commission.

ADJOURNMENT

The meeting adjourned at 1:25 P.M.

SUBMITTED BY:

A handwritten signature in black ink, appearing to read "Rickie Yeager", written in a cursive style.

**RICKIE M. YEAGER
PLANNING ADMINISTRATOR**



Municipal Planning Commission Staff Report

Municipal Building | Executive Conference Room | June 18th 2010 at 12:30am

Planning Commission

President

Eric Gumm

Vice-President

Charlie Matthews

Council

Representative

Sharon Lynch

Members

Francis Angelos
Ann Conageski
Sherry Dugan
Stephen Gainer
James Green II
Greg Herrick
James Ritchea
Eddie Staats
Pat Vincent
Seldon Wigal
Kim Bock Wilson

Project: Public Thoroughfare Abandonment (Alley Closure)
Location: Situated between WV State Route 95 and 8th Avenue
Zoning: Business (B-2) District

Owner/Applicant: Roger Oldacker and Daniel McPherson

PROJECT DESCRIPTION

Applicants are seeking to close a 20' by 316' portion of alley located north of WV State Route 95, south of 8th Avenue and west of Kemper Street. The proposed portion of alley to be closed is in a Business (B-2) District.

ANALYSIS

There are plans to build a Dollar General Store on Tax Map 124, Parcels 8 and 25-28, which is in the City limits. The building is to be constructed over the platted alley. However, the alley has never been officially abandoned by the City of Parkersburg. According to Mr. Oldacker, the alley is not used.

Mr. McPherson later joined Mr. Oldacker's petition to close the northerly portion of the platted alley. According to City Staff, Mr. McPherson legally owns the platted right-of-way, but the City currently maintains an easement on the property.

DEPARTMENTAL REPORTS

The following City Departments commented on the applicant's petition to close a 20' by 316' foot portion of alley between WV State Route 95 and 8th Avenue:

Public Works - Engineering Division:

- Approved proposed right-of-way abandonment

Parkersburg Utility Board:

- Approved proposed right-of-way abandonment

Fire Department:

- Approved proposed right-of-way abandonment

Police Department:

- Approved proposed right-of-way abandonment

Sanitation Department:

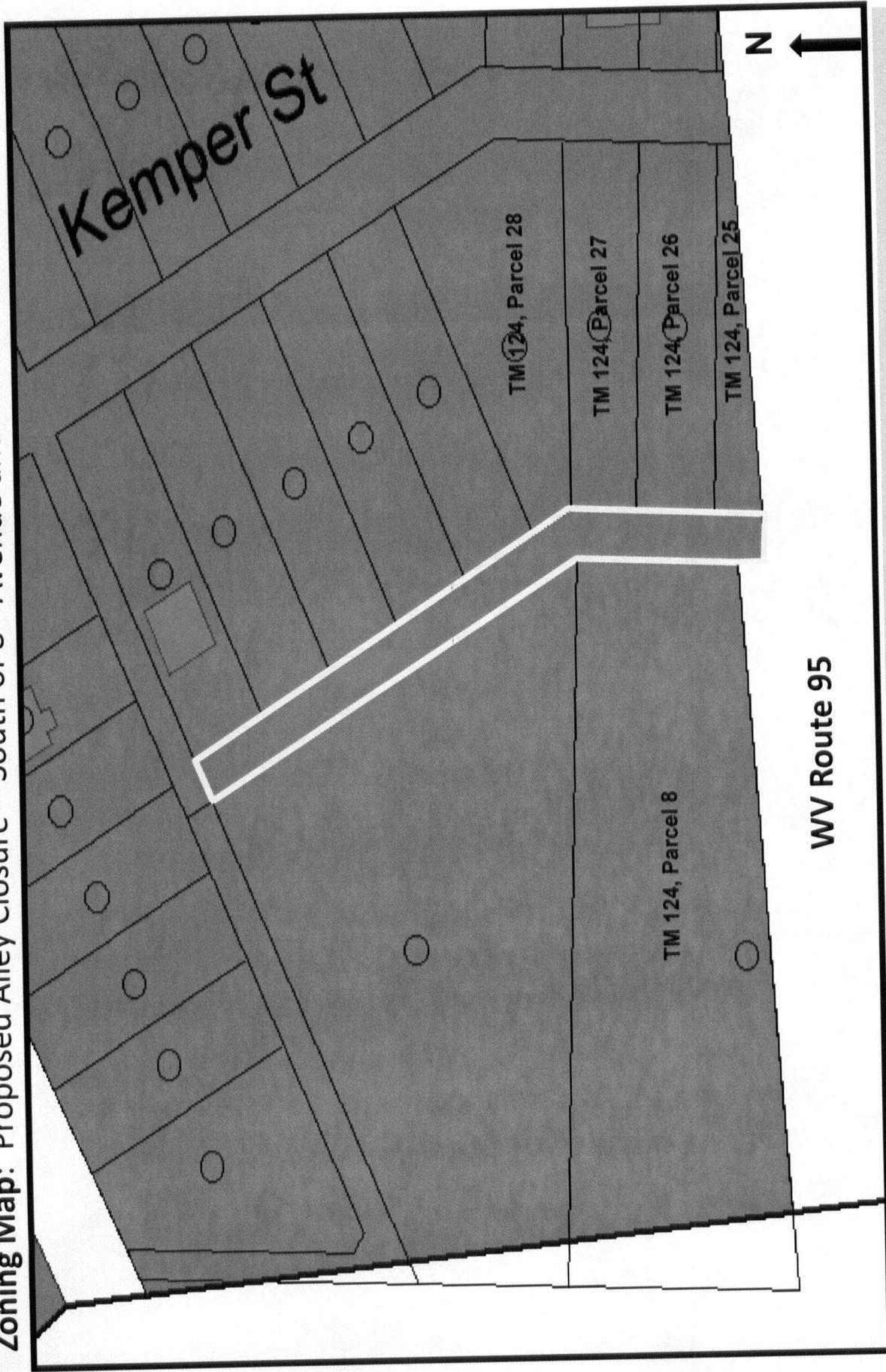
- Right-of-way abandonment does not interfere with trash collection

SUBDIVISION COMMITTEE RECOMMENDATION

On Thursday, June 3rd 2010 the Subdivision Committee met to discuss the proposed alley closure. Members in attendance included Greg Herrick and Francis Angelos. Mr. Gumm provided the City Staff with comments prior to the meeting.

Members present recommended that the Municipal Planning Commission approve the applicant's petition to close the portion of alley (20' by 316') north of WV State Route 95, south of 8th Avenue and west of Kemper Street. Furthermore, the Committee recommended that the City not retain a utility easement, because of the structure being built on the alley.

Zoning Map: Proposed Alley Closure – South of 8th Avenue and North of WV Rt. 95



Portion of alley to be closed

B-2 District



**AN ORDINANCE AMENDING AND RE-ENACTING
CHAPTER X OF THE PARKERSBURG FIRE
DEPARTMENT RULES AND REGULATIONS,
ELIGIBILITY FOR EMPLOYMENT**

**THE COUNCIL OF THE CITY OF PARKERSBURG HEREBY ORDAINS
that Chapter X of the Rules and Regulations for the Parkersburg Fire Department
are hereby amended and re-enacted, as follows:**

(see attachment)

Sponsored by Councilmen Kimes, Wilcox, and Rockhold.

CHAPTER X
ELIGIBILITY FOR EMPLOYMENT

- 1000 TO BE ELIGIBLE FOR APPOINTMENT AS A MEMBER OF THE PARKERSBURG FIRE DEPARTMENT, AN APPLICANT MUST:
- 1000.2 BE A CITIZEN OF THE UNITED STATES.
- 1000.4 BE BETWEEN THE AGES OF EIGHTEEN AND THIRTY-FIVE YEARS, PER WV STATE CODE 8-15-17.
- 1000.5 SUCCESSFULLY PASS THE WRITTEN EXAMINATION CONDUCTED BY THE PARKERSBURG FIRE CIVIL SERVICE COMMISSION AS WELL AS THE INITIAL AGILITY TEST.
- 1000.6 SUCCESSFULLY PASS THE PHYSICAL EXAMINATION STANDARDS OF THE PARKERSBURG FIRE DEPARTMENT PER NFPA, AND THE WV STATE CODE PENSION REQUIREMENTS.
- 1000.8 BE OF GOOD MORAL CHARACTER.
- 1000.14 APPLICANTS FOR APPOINTMENT TO THE PARKERSBURG FIRE DEPARTMENT SHALL BE RESIDENTS OF WOOD COUNTY WITH IN 120 DAYS OF DATE OF EMPLOYMENT AND SHALL MAINTAIN PERMANENT RESIDENCE IN WOOD COUNTY WEST VIRGINIA.
- 1000.16 SUCCESSFULLY PASS TWO ADDITIONAL PHYSICAL AGILITY TESTS WITHIN THE FIRST YEAR.
1002. APPOINTMENTS TO THE PARKERSBURG FIRE DEPARTMENT ARE FOR A PROBATIONARY PERIOD OF 12 MONTHS. CONTINUATION ON THE DEPARTMENT AFTER THE EXPIRATION OF THAT PERIOD IS CONSIDERED A PERMANENT APPOINTMENT, UNLESS THE EMPLOYEE FAILS TO PASS THE EMERGENCY MEDICAL TECHNICIAN CLASS WITHIN FOUR YEARS OF DATE OF EMPLOYMENT AND MAINTAIN EMT CERTIFICATION THROUGHOUT YOUR CAREER. IN ADDITION THE JOINT APPRENTICESHIP TRAINING PROGRAM AS REQUIRED BY WEST VIRGINIA STATE CODE, MUST BE COMPLETED WITHIN FOUR YEARS OF DATE OF EMPLOYMENT.
- 1 002.2 FAILURE TO PASS ANY OF THE REQUIREMENTS SET FORTH IN 1002 ABOVE WILL RESULT IN DISMISSAL.

I HAVE READ AND UNDERSTOOD THE REQUIREMENTS SET FORTH ABOVE FOR PERMANENT EMPLOYMENT TO THE PARKERSBURG FIRE DEPARTMENT.

CURRENT REGS.

CHAPTER X
ELIGIBILITY FOR APPOINTMENT

1000 TO BE ELIGIBLE FOR APPOINTMENT AS A MEMBER OF THE PARKERSBURG FIRE DEPARTMENT, AN APPLICANT MUST:

1000.2 BE A CITIZEN OF THE UNITED STATES.

1000.4 BE BETWEEN THE AGES OF EIGHTEEN AND THIRTY-FIVE YEARS.

1000.6 SUCCESSFULLY PASS THE PHYSICAL EXAMINATION STANDARDS OF THE PARKERSBURG FIRE DEPARTMENT PENSION BOARD AS DETERMINED BY QUALIFIED PHYSICIANS IN ACCORDANCE WITH PROVISIONS OF THE WEST VIRGINIA STATE CODE.

1000.8 BE OF GOOD MORAL CHARACTER.

1000.10 BE OF PHYSICAL HEALTH AND VIGOR AS DETERMINED BY SUCH EXAMINATION AS MAY BE PRESCRIBED.

1000.12 PASS SUCH MENTAL TEST AS MAY BE PRESCRIBED BY THE PARKERSBURG FIRE DEPARTMENT CIVIL SERVICE COMMISSION.

1000.14 APPLICANTS FOR APPOINTMENT TO THE PARKERSBURG FIRE DEPARTMENT WILL BE A RESIDENT OF WOOD COUNTY, WEST VIRGINIA, AND MAINTAIN A FULL TIME RESIDENCE IN THE COUNTY.

1000.16 SUCCESSFULLY PASS A PHYSICAL AGILITY AND DRUG TEST REQUIRED BY THE PARKERSBURG FIRE DEPARTMENT.

1002 APPOINTMENTS FOR PROBATIONARY PERIOD OF 12 MONTHS

APPOINTMENTS TO THE PARKERSBURG FIRE DEPARTMENT ARE FOR A PROBATIONARY PERIOD OF 12 MONTHS, CONTINUATION ON THE DEPARTMENT AFTER THE EXPIRATION OF THAT PERIOD BEING CONSIDERED A PERMANENT APPOINTMENT, UNLESS THEY FAIL TO PASS THE JOINT APPRENTICESHIP TRAINING PROGRAM AS REQUIRED BY WEST VIRGINIA STATE CODE AND PRO-BOARD TEST WITHIN A THREE (3) YEAR PERIOD AND SUCCESSFUL COMPLETION OF EMERGENCY MEDICAL TECHNICIAN CLASS AND MAINTAIN CERTIFICATION THROUGHOUT CAREER TIME.

1002.2 FAILURE TO PASS THE REQUIREMENTS SET FORTH IN 1002 ABOVE WILL RESULT IN AUTOMATIC DISMISSAL.



RESOLUTION

WHEREAS, the City of Parkersburg has received a Neighborhood Stabilization Program (NSP) Grant from the State of West Virginia in the amount of \$1,350,000; and

WHEREAS, the Urban Renewal Authority of the City of Parkersburg has purchased, with plans to rehabilitate, seven (7) foreclosed and/or vacant properties and/or vacant and slum and blighted properties in the City's targeted neighborhood; and

WHEREAS, the City of Parkersburg and the Urban Renewal Authority of the City of Parkersburg plan to work together to use the NSP Grant Funds to reimburse the Urban Renewal Authority for the purchase of the seven properties and to further rehabilitate the seven properties by and through the granting of the NSP funds from the City of the Parkersburg to the Urban Renewal Authority; and

WHEREAS, these ultimate use of the NSP funds will be for the purchase and/or rehabilitation of seven (7) foreclosed and/or vacant properties and/or vacant and slum and blighted properties in the City's targeted neighborhood; and

WHEREAS, these funds were made available to the State of West Virginia from the Title II of Division B of the Housing and Economic Recovery Act of 2008, Federal Public Law 110-289, with the City of Parkersburg being the designated "sub-recipient" thereof

NOW THEREFORE BE IT RESOLVED BY THE URBAN RENEWAL AUTHORITY OF THE CITY OF PARKERSBURG THAT the Authority agrees to enter into an agreement with the City of Parkersburg for implementation of the NSP Grant which includes the transfer of grant funds and donation of support services from the City to the Authority,

BE IT FURTHER RESOLVED that the Authority shall agree to all the terms and conditions of the NSP Contract with the West Virginia Development Office and the City of Parkersburg and hereby authorizes its Chairman, Sharyn Tallman to sign such contract and all other documents necessary for such purpose.