

AMENDED, see item #7, brunch ordinance.

AGENDA FOR PARKERSBURG CITY COUNCIL,
TUESDAY, FEBRUARY 14, 2017, 7:30 PM
SECOND FLOOR, COUNCIL CHAMBERS
MUNICIPAL BUILDING

I. CALL TO ORDER – Council President, JR Carpenter

II. ROLL CALL

III. MINUTES – meeting held January 24, 2017

IV. REPORTS FROM STANDING OR SPECIAL COMMITTEES

A. Youth Achievement Award,
South Parkersburg High School Flag Corp

V. MESSAGE FROM THE EXECUTIVE

VI. PUBLIC FORUM

VII. RESOLUTIONS

1. Resolution authorizing Mayor Tom Joyce to revise the Memorial Bridge Fund to reflect retrofit maintenance and deck overlay. Bridge may be closed up to 21 days with approximately \$111,000.00 in lost revenue; and approximately \$715,000.00 in overlay and maintenance costs. (Sponsored by Councilmen Stanley, Kuhl, McCrady, Fox and Reed.)
2. Resolution requesting approval from the State Auditor's Office to move \$50,000 in the general fund to the Municipal Building Commission Agency Fund for Architectural and Engineering professional services for the firehouse project. (Sponsored by Councilmen Stanley, Kuhl, McCrady, and Reed.)
3. Resolution authorizing Mayor Tom Joyce to transfer \$198,251.00 out of Capital Reserve to the Municipal Building Commission for the purpose of providing funding pursuant to the fire station project. (Sponsored by Councilmen Stanley, Kuhl, McCrady, and Reed.)
4. Resolution authorizing Mayor Tom Joyce to submit the 2016 annual TIF report for the Avery Court Redevelopment District #3 to the WV Development Office. (Sponsored by Councilmen Reynolds, Carpenter, Reed, Kuhl, and Stanley.)

PUBLIC HEARING

VIII. ORDINANCE, FINAL READING:

5. An ordinance authorizing the lease/purchase financing of street paving and signage equipment, \$693,536.03, 2.09%, 60 months, BB&T. (milling machine, paver, 5-ton roller, one-ton roller, backhoe, sign truck, and one fuel truck.) (Sponsored by all members of City Council.)

IX. ORDINANCE, FIRST READING:

6. An ordinance abandoning and vacating a portion of 10th Street, 40' x 125' at and along the Quincy Hill Steps. (Sponsored by Councilmen Carpenter, Reynolds, Fox, Mercer, and Kuhl.)
7. An ordinance amending Article 521, Part Five, of the codified ordinances to allow for Sunday alcohol sales after 10:00 A.M. by certain alcohol beverage control administration class "A" license holders. (Sponsored by Councilmen Reed, Fox, McCrady, Stanley, and Carpenter)

X. ADJOURNMENT

CASTO & HARRIS, INC., SPENCER, WV. RE-ORDER NO. 12275-13

The Council of the City of Parkersburg met in regular session Tuesday, January 24, 2017 at 7:30 PM in the Council Chambers on the second floor of the Municipal Building at One Government Square, Parkersburg, and joined in the Lord's Prayer and Pledge of Allegiance prior to the beginning of the meeting.

The meeting was called to order by Council President, JR Carpenter, who presided over the meeting. The Clerk noted those members attending as Dave McCrady, Sharon Kuhl, Bob Mercer, Eric Barber, Mike Reynolds, John Reed, Zach Stanley, Jeff Fox, and JR Carpenter.

MINUTES – Mr. Reynolds moved, seconded by Mr. Mercer, to approve the minutes from the meetings held January 10, 2017, and the motion was adopted by unanimous vote.

REPORTS FROM STANDING OR SPECIAL COMMITTEES – Council President Carpenter announced that he was creating a City Charter Review Committee with the members to be the Committee of the Whole, and Councilman Stanley has agreed to be the chairman.

MESSAGE FROM THE EXECUTIVE – Mayor Tom Joyce asked Council to approve two buildings for demolition on their URA meeting to be held later this evening. He told Council that he would be spending a few hours a week with the Code Enforcement employees, going through the Council districts, and he asked them to get him a note or email of any houses they would like for him to look at.

Mayor Joyce and Mr. Jiles have been meeting on our upcoming budget and are on schedule to bring the budget to Council during their February 28th Council meeting. He also mentioned that the City was a member of the Chamber of Commerce and if any of them would like to be on our list to let him know. The Mayor also asked for input for members of the Municipal Planning Commission where there vacancies, and also for the Code Board of Appeals.

Mayor Joyce then asked for approval of Ms. Sondra Wallace as Personnel Director for the City of Parkersburg. He said he knew she would do a good job for the City and she believes, as he believes, in holding employees accountable.

MOTION – Mr. Reynolds moved, seconded by Mr. Stanley, to confirm Ms. Wallace as Personnel Director.

MOTION TO TABLE - Mr. Mercer moved, seconded by Mr. Fox, to table the nomination for two weeks to review information on the appointment.

VOTE – the motion to table failed by majority vote with all members voting "no" with the exception of Mr. Mercer and Mr. Fox, who voted "yes".

VOTE – the motion to confirm Ms. Wallace was adopted by majority vote with all members voting "yes" with the exception of Mr. Mercer and Mr. Fox, who voted "no".

The clerk presented a communication from City Engineer, Justin Smith, concerning a 24" storm sewer lining project in an unimproved alley between 25th Street and 26th Street, behind St. Margaret Mary Church.

City Attorney, Joe Santer, told them it takes no Council action. It is a pipe that is collapsing and is out of our normal circumstances where we would bid the project, but we are getting other quotes. There is a contractor currently doing this kind of work for the Parkersburg Utility Board, and since they are on-site, it will save the City \$16,000.00.

Mr. Reynolds asked if there was any blame on the property owners, and Mr. Santer said there was not. The pipe probably cracked 100 years ago, and their recreation hall was built inadvertently over the pipe. The church thought they were several feet away from it, but they were not. The whole project is 120' and it is 14' deep. Two other companies that we have talked with are out of state, he said. There is no chance anything will happen to the building because of these repairs, Mr. Smith stated.

The Utility Board took their camera through the pipe, and it is cracked all the way through, Mr. Smith stated, but it is repairable, and will probably last another 80 years.

PUBLIC FORUM – no one appeared.

RESOLUTION

RESOLUTION

WHEREAS, the Council of the City of Parkersburg, newly elected on November 8, 2016, desires to have a motto as their guidance for conducting the affairs for the City of Parkersburg; and

WHEREAS, the following motto is proposed and offered for consideration:

WE ARE A COMMUNITY
AND WE WILL
COOPERATE WHEN POSSIBLE
COMPROMISE WHEN NECESSARY
CONFRONTATION IS NOT AN OPTION

MOTTO OF THE PARKERSBURG CITY COUNCIL

Dave McCrady, District 1
 Sharon A. Kuhl, District 2
 Robert Mercer, District 3
 Eric Barber, District 4
 JR Carpenter, District 5
 Mike Reynolds, District 6
 John Reed, District 7
 Zachary T. Stanley, District 8
 Jeff Fox, District 9
 Tom Joyce – Mayor

MOTION – Mr. Reynolds moved, seconded by Mr. Stanley, to adopt the resolution.

Mr. Reed stated that it became obvious during the election campaign that the Councilmen all wanted to work together, and the most important of the motto is 'unity', as they want a bond with the community. Ms. Kuhl agreed and said Mayor Joyce was 100% behind it, and she was very proud to make this their motto.

VOTE – the motion was adopted by unanimous vote.

RESOLUTION

RESOLUTION AMENDING RULE XVI,
 COUNCIL COMMITTEES, OF THE RULES
 AND REGULATIONS OF CITY COUNCIL RELATIVE
TO THE CREATION OF SPECIAL COMMITTEES

WHEREAS City Council desires to establish two (2) special committees the purpose of which said committees is to allow for public recognition of certain outstanding and exemplary individuals and groups within our community; and

WHEREAS it is necessary to amend Rule XVI, Council Committees, of the Rules and Regulations of City Council in order to effect Council's wishes. NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that Rule XVI, Council Committees, of the Rules and Regulations of City Council be and it is hereby amended as to the first paragraph thereof as follows:

All standing and special committees, and the chairman thereof, shall be appointed by the presiding officer at regular or special meetings. All committees shall consist of five (5) members, including the chairman. However, in addition to the preceding, City Council may by Resolution establish such special City Council committees and their composition in number and membership as it may deem proper and warranted.

The remainder of Rule XVI is not affected by this amendment and is hereby re- adopted in total.

*The amended portion is underlined

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

RESOLUTION

RESOLUTION ESTABLISHING TWO SPECIAL
 COMMITTEES OF CITY COUNCIL FOR THE
 PURPOSE OF PROVIDING FOR PUBLIC
 RECOGNITION OF CERTAIN OUTSTANDING AND
 EXEMPLARY INDIVIDUALS OR GROUPS
WITHIN OUR COMMUNITY

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that there be and there is hereby established two (2) special committees of City Council as follows:

1. Youth Achievement Committee which special committee shall consist of three (3) members as follows:

Sharon Kuhl, Chairman and two (2) additional members of City Council as shall be selected by said chairman.

The purpose of said special committee is to seek the input of youth leaders be they teachers, scout leaders, ministers, leader of youth groups or others who deal with our youth with the intent to find and publicly recognize through City Council any youth who has by her, his or their activities, work or otherwise done some act or deed or accomplished some goal or task worthy and deserving of special recognition.

CASTO & HARRIS, INC., SPENCER, WV RE-ORISH No. 12275-13

II. Public Safety Achievement Committee which special committee shall consist of three (3) members as follows:

Bob Mercer, Chairman, and two (2) additional members of City Council as shall be selected by said chairman.

The purpose of said special committee is to seek the input of the Chief of the Fire Department, the Chief of the Police Department and such other first responder and public safety services with the intent to find and publicly recognize through City Council any first responders or other individuals who provide a public safety service and which individual's or group's actions go above and beyond the normal or customary call of duty in providing fire, police or other public safety services to our community.

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

RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the lot along Avery Street and adjacent and contiguous to and at the southerly base of the steps known as the Quincy Hill Steps and which lot is identified as Map 80, Parcel 126, (32.5 x 75') and more particularly described in that Deed of Record in Deed Book 1069, at Page 199 together with the said Quincy Hill Steps and the easterly part of that paper street known as 10th Street and running easterly from Avery Street be hereafter accepted as, and be a part of, the Parkersburg Quincy Hill City Park.

MOTION – Mr. Reynolds moved, seconded by Mr. Fox, to adopt the resolution.

Mr. Santer explained that it was the steps coming down, and the paper street 350' long, and the lot to the right of the steps.

Mr. Carpenter added that we sold part of the property that was given to the City to remain part of the park, and this will prevent that from happening in the future.

VOTE – the motion was adopted by unanimous vote.

RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG THAT, to ensure the proper accounting and transparency of expenditures, line of credit liability balances, and accumulation of repayment contributions related to the West Virginia Housing Development Fund Demolition Program, a Special Revenue Fund, designated as "039 – WVHDF Demolition Fund", is hereby established and shall serve the following functions:

1. The Fund will be used to accumulate expenditures related to the WVHDF Demolition Program per the guidelines and limitations as set forth in the line of credit agreements between the City and the WVHDF, and the associated reimbursement drawdown revenues.
2. To accumulate repayment contributions from the General Fund to ensure timely remittance of amounts due to best avoid interest charges as outlined in the line of credit agreements.

MOTION – Mr. Reynolds moved, seconded by Mr. Stanley, to adopt the resolution, and the motion was adopted by unanimous vote.

RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the Mayor, or his designee, be authorized to request approval from State Auditor's Office for the following budget revision within the General Fund for the Fiscal Years 2016-2017 prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists, and to make said budget revisions upon the State Auditor's approval:

GENERAL FUND

Fund	Account	Description	Revenue Increase/ (Decrease)	Expenditure Increase/ (Decrease)	Fund Source / Description
001	381-000-002	REIMBURSEMENTS - WVHDF	(100,000.00)		EST. WVHDF DEMO FUND
001	436-220-000	ADVERTISING & LEGAL PUB		(3,200.00)	EST. WVHDF DEMO FUND
001	436-230-000	CONTRACTUAL SERVICES		(96,800.00)	EST. WVHDF DEMO FUND
001	424-567-020	CONTRIB - WVHDF		(100,000.00)	EST. WVHDF DEMO FUND
001	444-566-039	CONTRIB - WVHDF DEMO		100,000.00	EST. WVHDF DEMO FUND
			(100,000.00)	(100,000.00)	

PARKERSBURG, W. VA., January 24, 2017

Pursuant to the resolution establishing Special Revenue Fund 036, WVHDF Demolition Fund, the above resolution proposes a budget revision to remove the currently budgeted revenues and expenditures associated with the program from the General Fund and appropriates a contribution to the WVHDF Demolition Fund. To provide for ease of accounting and transparency, revenue earned and expenditures incurred to date will be moved to the new fund, and future revenue and expenditures will be accumulated in the new fund as well as General Fund contributions to fund repayments per the line of credit agreements.

MOTION – Mr. Reynolds moved, seconded by Mr. Mercer, to adopt the resolution, and the motion was adopted by unanimous vote.

RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the Mayor, or his designee, be authorized to request approval from State Auditor's Office for the following budget revision within the General Fund for the Fiscal Years 2016-2017 prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists, and to make said budget revisions upon the State Auditor's approval:

Fun	Account	Description	Revenue	Expenditure	Fund Source / Description
			Increase/ (Decrease)	Increase/ (Decrease)	
001	366-557-	STATE GRANTS - REAP	98,000.00		REAP GRANT AWARD
001	809-230-	CONTRACTUAL SERVICES		2,000.00	WEBSITE UPGRADE
001	809-341-	SUPPLIES		6,000.00	CONTAINER MATERIALS
001	809-458-	CAPITAL OUTLAY - OTHER		40,000.00	PAVING OF REC. CTR DRIVE
001	809-459-	CAPITAL OUTLAY -		50,000.00	SKID STEER LOADER
			98,000.00	98,000.00	

The above resolution proposes to revise the General Fund to reflect the award of the WV Department of Environment Protection REAP grant and the expenditure budget per the grant award. The first installment of the grant award in the amount of \$29,400 was received and deposited on 1/12/2017.

The grant expenditures are proposed to be appropriated in cost object 809, Health & Sanitation Grants, in order to segregate the expenditures from general operating accounts and provide for ease of accounting and transparency.

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

Mayor Joyce told Council that the priority would be paving that area, which will help everyone, and if there are any funds, he would like to construct a shed roof. Mr. Carpenter said that it is very dark there, and asked for lighting also if funds were available.

Mr. Reed said there was a grant due in April through the Wood County Recycling program from DEP which could include a shed and lighting, and he will apply for that grant.

VOTE – the motion was adopted by unanimous vote.

ORDINANCE, FIRST READING:

AN ORDINANCE AUTHORIZING THE
LEASE/PURCHASE FINANCING OF
STREET PAVING AND SIGNAGE EQUIPMENT
(\$693,536.03)

MOTION – Mr. Reynolds moved, seconded by Mr. Stanley, to adopt the ordinance on first reading.

Council discussed this item at length since it had been authorized by the previous Council, and wanted to know about all the equipment in this financing package. Mayor Tom Joyce and Public Works Director, Everett Shears, assured Council they would maintain the equipment in accordance with their maintenance schedule, and would make sure our employees are fully trained, and that the equipment would not be abused.

Mayor Joyce told them there would not be as much equipment in our upcoming budget since all of this is a significant purchase. We will be able to do much more with the new paver and milling machine for overlays, he said.

VOTE – the motion was adopted by unanimous vote.

The clerk presented a communication from the Department of Health and Human Resources, Bureau of Public Health, stating their approved fee schedule for the Mid-Ohio Valley Health Department.

MOTION – Mr. Reynolds moved, seconded by Ms. Kuhl, to receive and file the communication and with no objection, passed by unanimous vote.

The meeting adjourned at 8:15 PM.

Conne Shaper
City Clerk

Council President

OS

RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the Mayor, or his designee, be authorized to revise the Adopted Budget for Fiscal Year 2016-2017 to reflect the following changes:

MEMORIAL BRIDGE FUND

Fund	Account	Description	Revenue Increase/ (Decrease)	Expenditure Increase/ (Decrease)	Fund Source / Description
092	315-000-000	BOOK SALES	(58,194.00)		REV LOSS ESTIMATE
092	316-000-000	CASH SALES	(53,444.00)		REV LOSS ESTIMATE
092	570-103-315	OTHER SALARIES & WAGES		(13,125.00)	LABOR SAVINGS
092	570-104-000	FICA EXPENSE		(1,004.00)	LABOR SAVINGS
092	570-226-005	WORKERS COMP PREMIUM		(240.00)	LABOR SAVINGS
092	570-458-004	CAPITAL OUTLAY - BRIDGE		595,000.00	OVERLAY COSTS
092	570-458-006	CAPITAL OUTLAY - RETRO MAINT		120,000.00	RETRO MAINT COSTS
			<u>(111,638.00)</u>	<u>700,631.00</u>	

The above resolution proposes a revision to the Memorial Bridge Fund to reflect the opportunity costs and expenses related to the shutdown of the bridge for up to 21 days for retrofit maintenance and deck overlay per an engineer's estimate received from the City's contracting engineer consulting firm.

RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the Mayor, or his designee, be authorized to request approval from State Auditor's Office for the following budget revision within the General Fund for the Fiscal Years 2016-2017 prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists, and to make said budget revisions upon the State Auditor's approval:

GENERAL FUND

Fund	Account	Description	Revenue Increase/ (Decrease)	Expenditure Increase/ (Decrease)	Fund Source / Description
001	706-230-000	CONTRACTUAL SERVICES		(50,000.00)	A&E CONSULT EXPENSES
001	444-566-420	CONTRIB - MUN BDLG COMM		50,000.00	TRANSFER TO MBC FUND

The above resolution proposes a revision to the General Fund to transfer \$50,000 currently appropriated in the Fire Department for Architectual & Engineering professional services related to the Firehouse project to the Municipal Building Commission Agency Fund to accumulate and report the costs associated with the project.

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075

RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the Mayor, or his designee, be authorized to transfer One Hundred Ninety Eight Thousand Two Hundred and Fifty One Dollars (\$198,251) of Capital Reserve fund balance currently earmarked toward costs associated with the demolition and replacement of three (3) Fire Stations to the Municipal Building Commission Agency Fund for the purpose of providing funding for the accumulation of costs related to professional services and other allowable expenses pursuant to the Fire Station project.



**RESOLUTION AUTHORIZING MAYOR JOYCE TO SUBMIT THE 2016 ANNUAL TIF
REPORT FOR THE AVERY
COURT REDEVELOPMENT DISTRICT #3 TO THE WEST VIRGINIA
DEVELOPMENT OFFICE**

WHEREAS, the AVERY COURT REDEVELOPMENT DISTRICT #3 was established on July 26, 2005, and

WHEREAS, the boundaries of the District are Eleventh Street, Cornwall Street (Tax Map 76, Parcel 233) and Avery Street in the City of Parkersburg, and

WHEREAS, the payment made in lieu of taxes received and expanded for 2015 was \$0.00, and

WHEREAS, the amount of disbursements from the tax increment financing fund during the most recently completed fiscal year was 25,509.87, and

WHEREAS, the attached progress report is required by West Virginia Code 7-11B-15,

NOW THEREFORE BE IT RESOLVED, that Parkersburg City Council hereby authorizes Mayor, Tom Joyce, to submit the 2016 Annual Tax Increment Financing Report for the Avery Court Redevelopment Project to the West Virginia Development Office, having made the report available to the public for comment and having a public hearing.

Sponsored by: Reynolds, Carpenter, Reed, Kuhl

**2016 ANNUAL TAX INCREMENT FINANCING (TIF) REPORT
FOR
THE AVERY COURT REDEVELOPMENT PROJECT**

As required by West Virginia Code 7-11B-15, the following is a progress report for the approved T.I.F. District for the Avery Court Project:

1. Aggregate amount and the amount by source of revenue in the T.I.F. financing fund: The bonds were sold on May 1, 2006.

The total bond sale was \$2 Million.

2. The amount and purpose of expenditures from the tax increment financing fund.

Developer Reimbursement	\$188,420.00
Cost of Bond Issuance	200,000.00
Administrative Expense Fund	15,000.00
Capitalized Interest	200,000.00
Debt Service on Bonds	00.00
Bond Redemption	00.00
Total Disbursements	\$603,420.00

3. The amount of any pledge of revenues, including principal and interest on any outstanding tax increment financing indebtedness: **\$2,000,000**
4. The base assessed value of the development or redevelopment project or the development or redevelopment district, as appropriate: **Class II Property - \$19,200; Class IV Property - \$36,960; Total base-year value is \$56,160. (The properties in the TIF project have been consolidated into one lot.)**
5. Assessed value for the current tax year of the development or redevelopment project property or of the taxable property having a tax situs in the development or redevelopment district, as appropriate: **\$1,454,700**
6. Assessed value added to base assessed value of the development or redevelopment project or the taxable property having a tax situs in the development or redevelopment district, as the case may be: **\$1,510,860**
7. Payments made in lieu of taxes received and expended: **\$0.00**

The assets are held privately, therefore no payments have been made and Castle Ventures, LLC continues to pay property taxes to Wood County, WV.

8. Reports on contracts made incidental to the implementation and furtherance of a development or redevelopment plan or project. **Not applicable.**

9. Copy of any development or redevelopment plans, which shall include the required findings and cost-benefit analysis. **Previously submitted to the WV Development Office.**
10. The Cost of any property Acquired, disposed of, rehabilitated, reconstructed, repaired or remodeled: **The Developer acquired property from the City of Parkersburg at a cost of \$65,386.19. The Developer acquired additional property adjacent to the site from a private landowner to expand the project. The closing on the property was in October 2006 at a cost of \$13,855.**
11. Number of parcels of land acquired by or through initiation of eminent domain proceedings: **1**
12. The number and types of jobs projected by the project developer to be created, if any, and the estimated annualized wages and benefits paid or to be paid to person filling those jobs:

The estimated number of jobs to be created was 10. These positions were to include clerical, maintenance, sales and marketing. The estimated annualized wages and benefits on an annual basis is \$450,000.

During construction of this project, the developer hired an architectural firm as well as an Engineering firm to prepare the plans and construction drawings. A construction company was hired as a project manager. The estimated labor cost associated with the planning and construction of this project is over \$5,000,000.

13. The number, type and duration of the jobs created, if any, and the annualized wages and benefits paid:

Castle Ventures, LLC has a property manager and maintenance technician on staff for the Avery Court Apartments. Their combined annualized wage, including wage and benefits, is approximately \$60,000. In addition, the company has contracts with local landscape, cleaning, appliance and pest management companies for general maintenance and upkeep.

14. The amount of disbursements from the tax increment financing fund during the most recently completed fiscal year, in the aggregate and in such detail as the executive director of the development office may require.

Developer Reimbursement	\$ 25,509.87
Cost of Bond Issuance	00.00
Administrative Expense Fund	00.00
Capitalized Interest	00.00
Debt Service on Bonds	00.00

Bond Redemption
Total Disbursements

00.00
\$ 25,509.87

Since 2009, the developer has been reimbursed a total of \$100,103 for the project. Below is a schedule for reimbursements made to date:

Assessed	Paid Over	Date Received	Amount	Total Tax
2009/2010	2010/2011	03/17/2011	\$ 1,221.26	\$ 1,221.26
2009/2010	2011/2012	07/18/2011	\$ 1,704.30	\$ 2,925.56
2010/2011	2012/2013	07/18/2012	\$ 7,128.22	\$ 10,053.78
2011/2012	2012/2013	06/06/2013	\$ 17,577.24	\$ 27,631.02
2012/2013	2013/2014	05/16/2014	\$ 22,395.72	\$ 50,026.74
2013/2014	2014/2015	05/05/2015	\$ 24,566.39	\$ 74,593.13
2014/2015	2015/2016	11/04/2016	\$ 25,509.87	\$ 100,103.00

15. An Annual statement showing payments made in lieu of taxes received and expended during the fiscal year: **Not applicable.**

16. The status of the development or redevelopment plan and projects therein:

The Avery Court Project is complete. The TIF portion of the project was completed in the summer of 2008. A total of 68 (one, two and three bedroom) units were built. Construction on the other (non-TIF) portion of the site was completed in 2012, creating an additional 12 units. A total of 80 units have been developed within walking distance of the central business district, 90 percent of which are occupied at the present time.

17. The amount of outstanding tax increment financing obligations: **\$1,899,897**

18. Any additional information the County Commission or the Municipality preparing this report deems necessary or that the executive director of the development office may by procedural rule require. **None at this time.**

19. The Annual TIF Report for the Avery Court Redevelopment Project is made available to the public in the City Clerk's Office and the City's website every year prior to the public hearing. A legal ad will be published in the in the local newspaper about the report on January 13, 2017 and a public hearing will be held on February 14, 2017.

20. Affidavit of publication for annual statement required to be published by county or municipality prior to October 1 of each year. [NOTE: Only required for each development or redevelopment project for which tax increment financing

obligations have been issued. **No tax increment financing obligations have been issued.**

21. Annual Statement to be published in a qualified newspaper, to include:

- (a) A summary of receipts and disbursements, by major category, of moneys in the tax increment financing fund during that fiscal year;
- (b) A summary of the status of the development or redevelopment plan and each project therein;
- (c) The amount of tax increment financing principal outstanding as of the close of the fiscal year; and
- (d) Any additional information the county commission or municipality deems necessary or appropriate to publish.

22. Name, address, phone number and primary line of business of any business that relocates to the development or redevelopment district during the immediately preceding fiscal year of the state. **No new businesses have moved into the immediate vicinity of the Avery Court Redevelopment Project.**

**WEST VIRGINIA
TAX INCREMENT FINANCING**

**ANNUAL REPORT OF
STATUS OF PROJECT PLAN(S) AND PROJECTS(S)**

Date of Report: January 3, 2016

SECTION I. COVER SHEET

1. Name of County or Municipality which established District: **City of Parkersburg**

2. Contact Person/Title: **Rickie Yeager, Development Director**

3. Address:

**#1 Government Square
P.O. Box 1627
Parkersburg, WV 26102**

4. Telephone Number:

**Phone: (304) 424-8415
Fax Number: (304) 424-8464
Email Address: rickie.yeager@parkersburgwv.gov**

5. Name of development or redevelopment district:

Avery Court Redevelopment, District #3

6. Name of development or redevelopment project(s):

Avery Court Redevelopment Project #1

7. Name of Developer or Agency: **The Phoenix Group, LLC**

8. Contact Person/Title: **Michael L. Castle, Jr., President**

9. Address:

**1117 University Avenue
Morgantown, WV 26505**

10. Phone:

**Office: (304) 284-0123
Fax Number: (304) 288-0124
Email: castle@phoenixgroupwv.com**

NOTICE OF PUBLIC HEARING

PROGRESS OF TIF PROJECT PLANS AND TIF PROJECTS IN THE TAX INCREMENT FINANCING DISTRICT KNOWN AS THE AVERY COURT REDEVELOPMENT DISTRICT #3 WHICH HAS BEEN ESTABLISHED BY THE CITY OF PARKERSBURG

A public hearing will be held at a regular meeting of the City Council of the City of Parkersburg, West Virginia (the "City") on **February 14, 2017 at 7:30 p.m.** prevailing time, in the Council chambers of the Parkersburg Municipal Building, located at #1 Government Square, Parkersburg, West Virginia, and at such public hearing any person interested may appear before the City Council of the City ("Council") and present comments and suggestions regarding the City of Parkersburg Redevelopment Project District No. 1 (the "TIF District"), established pursuant to an ordinance enacted by the City on January 25, 2005, and the approved project plans for the TIF District (the "Project Plans"). The approved Project Plan for the TIF District includes the Avery Court Redevelopment (Project No. 1), approved pursuant to an Ordinance enacted by the City on July 26, 2005. At such public hearing all comments, protests and suggestions shall be heard by the City Council regarding the TIF District, the approved Project Plans for the TIF District, and the progress of such Project Plans and the projects included therein, in accordance with Chapter 7, Article 11B of the Code of West Virginia, 1931, as amended (the "West Virginia Tax Increment Financing Act"). Following is a brief summary of such matters.

The TIF District

The TIF District was created on July 26, 2005 pursuant to an Ordinance enacted by Council for the purpose of providing for the redevelopment of a portion of the central downtown district of the City. The boundaries of the District are Eleventh Street, Cornwall Street, Parcel 233, Tax Map 76 and Avery Street in the City of Parkersburg.

The TIF Project Plans

Project Plan No. 1 consists generally of the acquisition, construction and equipping of a high density multi-family residential development with parking by the Phoenix Group, LLC, a West Virginia limited liability company.

Tax Increment Financing Obligations

Tax Increment Revenue Bonds for the purpose of funding a portion of the cost of Project Plan No. 1, were sold on May 1, 2006. The total bond sale was \$2 Million.

Further information regarding the TIF District, the Project Plan for the TIF District and the Bonds is contained in the City's Annual Report for the TIF District, which is on file and available for inspection during regular business hours at the office of Connie Shaffer, City Clerk and the Parkersburg Development Office, Municipal Building, #1 Government Square, Parkersburg, WV 26101 and online at www.parkersburgcity.com.

PLEASE PUBLISH IN BOTH NEWSPAPERS AS A LEGAL ADVERTISEMENT, ONCE EACH WEEK, FOR FOUR CONSECUTIVE WEEKS, STARTING JANUARY 13, 2017. PLEASE SEND A COPY OF THE PUBLIC NOTICE AND INVOICE TO THE:

ATTN: RICKIE YEAGER
DEVELOPMENT DEPARTMENT
CITY OF PARKERSBURG
ONE GOVERNMENT SQUARE
PARKERSBURG, WV 26101.

AN ORDINANCE AUTHORIZING
THE LEASE PURCHASE FINANCING OF
STREET PAVING AND SIGNAGE EQUIPMENT

THE COUNCIL OF THE CITY OF PARKERSBURG HEREBY ORDAINS the City enter into that certain Lease Purchase Agreement with Branch Banking and Trust, Inc., for financing for the lease purchase of one (1) milling machine, one (1) paver, one (1) five (5)-ton roller, one (1) one (1)-ton roller, one (1) backhoe, one (1) sign truck, and one (1) fuel truck for the Streets and Street Cleaning/Signage Departments.

The total amount financed is Six Hundred Ninety Three Thousand Five Hundred Thirty Six Dollars and Three Cents (\$693,536.03) at an interest rate of Two Point Zero Nine Per Cent (2.09%) for sixty (60) months; and the amount per month is Twelve Thousand One Hundred Eighty Three Dollars and Forty Six Cents (\$12,183.46). The total amount is Seven Hundred Thirty One Thousand Seven Dollars and Sixty Cents (\$731,007.60).

BE IT FURTHER ORDAINED that Mayor Tom Joyce, or his designee, is authorized to execute said Lease Agreement and any and all accompanying papers needed and necessary to effectuate said lease for and on behalf of the City.

Attached hereto and made a part hereof is a copy of the price quote page of the bid.

Sponsored by all Council Members.

BID TABULATIONS

INQUIRY NO. 2243

DATE: 1-13-17

TIME: 10:00AM

BANK	AMOUNT FINANCED	INTEREST	MONTHLY PAYMENT	2% WV 2% B & O
	\$693,536.03			
<i>Wesbanc</i>		<i>2.95</i>	<i>12,446.53</i>	<i>gas/gas</i>
<i>United Bank</i>		<i>2.15</i>	<i>12,201.37</i>	<i>gas/gas</i>
<i>BBIT</i>		<i>2.09</i>	<i>12,183.44</i>	<i>gas/gas</i>

AN ORDINANCE ABANDONING AND VACATING
A PORTION OF 10TH STREET AT AND ALONG
THE QUINCY HILL STEPS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the section of 10th Street which is crossed over and contains a portion of the Quincy Hill Steps and which portion of 10th Street is otherwise unimproved and which is not utilized as a public street or thoroughfare, be and it is hereby abandoned and vacated as a public street or thoroughfare.

The description below more specifically shows and defines the area of 10th Street to be abandoned and vacated hereby:

Situate in the City of Parkersburg, County of Wood, State of West Virginia, and being more particularly described as follows:

Beginning on the easterly line of Avery Street at the southwesterly corner of lot 10 of Jackson's Addition as recorded in deed book 24, page 333, in the office of the clerk of the county commission of Wood County, West Virginia; thence with the southerly line of said lot 10, in a southeasterly direction, 125 feet more or less, to the southeasterly corner of said lot 10; thence with the easterly line of the aforesaid Jackson's Addition, and the terminus of Tenth Street, in a southwesterly direction, 40 feet more or less, to the northeasterly corner of lot 8 of the aforesaid Jackson's Addition; thence with the northerly line of said lot 8, in a northwesterly direction, 125 feet more or less, to the northwesterly corner of said lot 8; thence with the easterly line of Avery Street, in a northeasterly direction, 40 feet more or less to the point 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.

The closure of this paper street completes the inclusion of this area into and part of Quincy Park.

Sponsored by Councilmen Carpenter, Reynolds, and

9

12

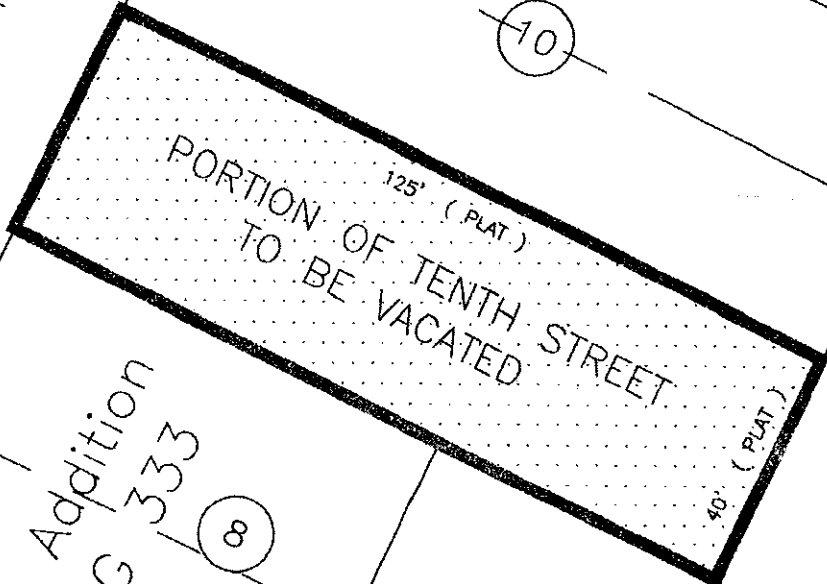
10

8

6

10th STREET

AVERY STREET



Jackson's Addition
DB 2/4, PG 333



SCALE = 1 INCH = 30 FEET

DATE: 08/07/15

DRAWN BY: R.S.

CHECKED BY:

MAP P.C. 80

JACKSON'S ADDITION

DERD BOOK 24 PAGE 333

CITY OF PARKERSBURG.W.V.
 DEPARTMENT OF PUBLIC WORKS
 DIVISION OF ENGINEERING
 PLAT OF A PORTION OF TENTH STREET
 TO BE VACATED

**AN ORDINANCE OF THE CITY OF PARKERSBURG AMENDING ARTICLE 521
PART FIVE OF THE CODIFIED ORDINANCE OF THE CITY OF PARKERSBURG TO
ALLOW FOR SUNDAY ALCOHOL SALES AFTER 10 A.M. BY CERTAIN ALCOHOL
BEVERAGE CONTROL ADMINISTRATION CLASS "A" LICENSE HOLDERS
BEGINNING AT 10:00 A.M. ON SUNDAYS**

WHEREAS, on January 9, 2017, the West Virginia Municipal Home Rule Board reviewed and approved the proposed amendments to the City of Parkersburg's Home Rule Application/Plan to allow for the sale of alcoholic beverages after 10 A.M. on any Sunday by certain licensees, and

WHEREAS, the City Council of the City of Parkersburg desires to amend and reenact the current ordinances relating to the sale of alcoholic beverages to permit certain licensees to sell alcoholic beverages after 10 A.M. on any Sunday, and to enact a new section clarifying that certain licensees shall be permitted to sell alcoholic beverages after 10 A.M. on any Sunday.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARKERSBURG, WEST VIRGINIA:

Section One: Amendment of Article 521.03

521.03 PROHIBITED ACTS.

No person shall:

- (a) Manufacture or sell in this City, without a license, any alcoholic liquor except as permitted by W. Va. Code Chapter 60;
- (b) Aid or abet in the manufacture or sale of alcoholic liquor without a license, except as permitted by W. Va. Code Chapter 60;
- (c) Sell without a license any alcoholic liquor other than provided by W. Va. Code Article 60-6 and Section 521.03A of this ordinance;
- (d) Adulterate any alcoholic liquor by the addition of any drug, methyl alcohol, crude, unrectified or impure form of ethyl alcohol, or any other foreign or deleterious substance or liquid;
- (e) Refill, with alcoholic liquor, any bottle or other container in which alcoholic liquor has been sold at retail in this State;
- (f) Advertise any alcoholic liquor in this State except in accordance with the rules and regulations of the West Virginia Alcohol Beverage Control Commissioner;
- (g) Distribute, deal in, process, or use crowns, stamps or seals required under the authority of W. Va. Code Chapter 60, except in accordance with the rules and regulations prescribed by the West Virginia Alcohol Beverage Control Commissioner. (W.Va. Code 60-6-7)

Section Two: Enactment of Article 521.03A

521.03A: Sale of Alcohol on Sundays

A) "On-Premise Licensee" shall be defined to mean any person who holds one of the following Class A Licenses issued by the West Virginia Alcohol Beverage Control Administration to sell alcoholic beverages:

- i. Private Club (less than 1,000 members) - liquor, wine & non-intoxicating beer
- ii. Private Club (1,000 or more members) - liquor, wine & non-intoxicating beer
- iii. Fraternal Club (Non-Profit) - liquor, wine & non-intoxicating beer
- iv. Fraternal Club (Non-Profit) - non-intoxicating beer
- v. Tavern - non-intoxicating beer
- vi. Private Wine Restaurant - wine only
- vii. Private Wine Restaurant - wine & non-intoxicating beer only
- viii. Private Wine Spa - wine only
- ix. Private Wine Bed & Breakfast - wine only
- x. Brew Pub (Resident Brewer/Importer License Required)
- xi. Special Events (Fairs and Festivals) - wine & non-intoxicating beer
- xii. Special Events (Fairs and Festivals) - wine only
- xiii. Special Events (Fairs and Festivals) - non-intoxicating beer only
- xiv. Off-Premise Wine Sales - Private Clubs and Private Wine Restaurants only
- xv. Growler

B) "Person" shall be defined to mean an individual, firm, corporation, association, partnership, limited partnership, limited liability company or other entity, regardless of its form, structure or nature.

B) Notwithstanding anything to the contrary contained in the Code of the City of Parkersburg, Code of West Virginia, or Code of State Rules of West Virginia, any On-Premise Licensee shall be permitted to sell alcoholic beverages pursuant to the terms of the its license, but beginning at ten o'clock a.m. (10:00 AM) on any Sunday.

Section Three: Amendment of Article 521.07

Article 521.07 is hereby repealed and the following is hereby enacted in its place and stead:

521.07 CERTAIN ACTS PROHIBITED BY NONINTOXICATING BEER LICENSEE.

(a) No licensee under West Virginia Code Article 11-16, his, her, its or their servants, agents or employees shall sell, give or dispense, and no individual shall drink or consume, in or on any licensed premises or in any rooms directly connected therewith, nonintoxicating beer or cooler on weekdays between the hours of 2:00 a.m. and 7:00 a.m., or between the hours of 2:00 a.m. and 1:00 p.m. on any Sunday, except in private clubs licensed under the provisions of West

Virginia Code Article 60-7 and Section 521.03A of this ordinance, where the hours shall conform with the hours of sale of alcoholic liquors;

(b) No licensee, his, her, its or their servants, agents or employees shall sell, furnish or give any nonintoxicating beer as defined in this article to any person visibly or noticeably intoxicated, or to any person known to be insane or known to be a habitual drunkard;

(c) No licensee, his, her, its or their servants, agents or employees, shall sell, furnish or give any nonintoxicating beer as defined in this article to any person who is less than twenty- one years of age;

(d) No distributor shall sell or offer to sell, and no retailer shall purchase or receive, any nonintoxicating beer as defined in this article, except for cash; and no right of action shall exist to collect any claims for credit extended contrary to the provisions of this subsection. Nothing herein contained shall prohibit a licensee from crediting to a purchaser the actual price charged for packages or containers returned by the original purchaser as a credit on any sale, or from refunding to any purchaser the amount paid or deposited for such containers when title is retained by the vendor;

(e) No brewer or distributor or brew pub or his, her, its or their agents shall transport or deliver nonintoxicating beer as defined in this article to any retail licensee on Sunday;

(f) No brewer or distributor shall give, furnish, rent or sell any equipment, fixtures, signs or supplies directly or indirectly or through a subsidiary or affiliate to any licensee engaged in selling products of the brewing industry at retail, or offer any prize, premium, gift or other similar inducement, except advertising matter of nominal value, to either trade or consumer buyers: provided that a distributor may offer, for sale or rent, tanks of carbonic gas. Nothing herein contained shall prohibit a brewer from sponsoring any professional or amateur athletic event or from providing prizes or awards for participants and winners in any such events: provided however that no such event shall be sponsored which permits actual participation by athletes or other persons who are minors, unless specifically authorized by the Nonintoxicating Beer Commissioner.

(g) No licensee shall permit in his premises any lewd, immoral or improper entertainment, conduct or practice;

(h) No licensee except the holder of a license to operate a private club issued under the provisions of West Virginia Code Article 60-7, or a holder of a license for a private wine restaurant issued under the provisions of West Virginia Code Article 60-8, shall possess a Federal license, tax receipt or other permit entitling, authorizing or allowing such licensee to sell liquor or alcoholic drinks other than nonintoxicating beer;

(i) No licensee shall obstruct the view of the interior of his premises by enclosure, lattice, drapes or any means which would prevent plain view of the patrons occupying such premises. The interior of all licensed premises shall be adequately lighted at all times: provided, that provisions of this subsection shall not apply to the premises of a Class B retailer, the premises of a private club licensed under the provisions of West Virginia Code Article 60-7, or the premises of a private wine restaurant licensed under the provisions of West Virginia Code Article 60-8;

(j) No licensee shall manufacture, import, sell, trade, barter, possess or acquiesce in the sale, possession or consumption of any alcoholic liquors on the premises covered by such license or on premises directly or indirectly used in connection therewith: provided, that the prohibition contained in this subsection with respect to the selling or possessing or to the acquiescence in the sale, possession or consumption of alcoholic liquors shall not be applicable with respect to the holder of a license to operate a private club issued under the provisions of West Virginia Code

Article 60-7, nor shall the prohibition be applicable to a private wine restaurant licensed under the provisions of West Virginia Code Article 60-8 insofar as such private wine restaurant is authorized to serve wine;

(k) No retail licensee shall sell or dispense nonintoxicating beer as defined in this article, purchased or acquired from any source other than a distributor, brewer or manufacturer licensed under the laws of this State;

(l) No licensee shall permit loud, boisterous or disorderly conduct of any kind upon his or her premises or permit the use of loud musical instruments if either or any of the same may disturb the peace and quietude of the community wherein such business is located: provided, that no licensee shall have in connection with his or her place of business any loudspeaker located on the outside of the licensed premises that broadcasts or carries music of any kind;

(m) No person whose license has been revoked, shall obtain employment with any retailer within the period of one year from the date of such revocation, and no retailer shall employ knowingly any such person within such time;

(n) No distributor shall sell, possess for sale, transport or distribute nonintoxicating beer except in the original container;

(o) No licensee shall knowingly permit any act to be done upon the licensed premises, the commission of which constitutes a crime under the laws of this State or Municipality;

(p) No Class B retailer shall permit the consumption of nonintoxicating beer upon his licensed premises;

(q) No Class A licensee, his, her, its or their servants, agents or employees, or any licensee by or through such servants, agents or employees, shall allow or permit any person less than eighteen years of age to loiter in or upon any licensed premises; except, however, that the provisions of this subsection shall not apply where such person under the age of eighteen years is in or upon such premises in the immediate company of his or her parent or parents, or where and while such person under the age of eighteen years is in or upon such premises for the purpose of and actually making a lawful purchase of any items or commodities therein sold, or for the purchase of and actually receiving any lawful service therein rendered, including the consumption of any item of food, drink or soft drink therein lawfully prepared and served or sold for consumption on such premises;

(r) No distributor shall sell, offer for sale, distribute or deliver any nonintoxicating beer outside the territory assignee to such distributor by the brewer or manufacturer of such nonintoxicating beer or sell, offer for sale, distribute or deliver any such nonintoxicating beer to any retailer whose principal place of business or licensed premises is within the assigned territory of another distributor of such nonintoxicating beer: provided, that nothing herein shall be deemed to prohibit sales of convenience between distributors licensed in this State wherein one such distributor sells, transfers or delivers to another such distributor a particular brand or brands for sale at wholesale; and

(s) No licensee or any agent, servant or employee of any such licensee shall knowingly violate any rule or regulation lawfully promulgated by the Commissioner.

(t) Any person who violates any provision of this section, or any rule, regulation or order lawfully promulgated by the Commissioner, or who makes any false statement concerning any material fact in submitting application for license or for a renewal of a license or in any hearing concerning the revocation thereof, or who commits any of the acts herein declared to be unlawful, shall be punished as provided in Section 521.99.

(u) Nothing in this section nor any rule or regulation of the Commissioner shall prevent or be deemed to prohibit any licensee from employing any person who is at least eighteen years of age to serve in such licensee's lawful employ, including the sale or delivery of nonintoxicating beer as defined in this article. With the prior approval of the Commissioner, a licensee whose principal business is the sale of food or consumer goods or the providing of recreation activities, including, but not limited to, nationally franchised fast food outlets, family-oriented restaurants, bowling alleys, drug stores, discount stores, grocery stores and convenience stores, may employ persons who are less than eighteen years of age but at least sixteen years of age: provided, that such person's duties shall not include the sale or delivery of nonintoxicating beer or alcoholic liquors: provided, however, that the authorization to employ such persons under the age of eighteen years shall be clearly indicated on the licensee's license. (WVaC 11-16-18)

Section Four: Enactment of Article 521.08

521.08 ACTS PROHIBITED BY PRIVATE CLUB LICENSE

(a) No person licensed under West Virginia Code Article 60-7, or his agent, employee or member thereof on such licensee's premises shall:

- (1) Sell or offer for sale any alcoholic liquors other than from the original package or container;
- (2) Authorize or permit any disturbance of the peace; obscene, lewd, immoral or improper entertainment, conduct or practice, gambling or any slot machine, multiple coin console machine, multiple coin console slot machine or device in the nature of a slot machine;
- (3) Sell, give away or permit the sale of, gift to or the procurement of any nonintoxicating beer, wine or alcoholic liquors for or to, or permit the consumption of nonintoxicating beer, wine or alcoholic liquors on the licensee's premises, by any person less than twenty-one years of age;
- (4) Sell, give away or permit the sale of, gift to or the procurement of any nonintoxicating beer, wine or alcoholic liquors, for or to any person known to be deemed legally incompetent, or for or to any person who is physically incapacitated due to consumption of nonintoxicating beer, wine or alcoholic liquor or the use of drugs;
- (5) Sell, give or dispense nonintoxicating beer, wine or alcoholic liquors in or on any licensed premises or in any rooms directly connected therewith, between the hours of three o'clock a.m. and one o'clock p.m., or, between the hours of three o'clock a.m. and ten o'clock a.m. in any county upon approval as provided for in section three-pp, article one, chapter seven of this code, on any Sunday except as provided under Section 521.03A;
- (6) Permit the consumption by, or serve to, on the licensed premises any nonintoxicating beer, wine or alcoholic liquors, covered by this article, to any person who is less than twenty-one years of age;

Comment [RY1]: This was included in Clarksburg's ordinance, because State Code references time period under #5. The City's ordinance did not have this reference, so I assigned it 521.08, which is next in chronological order. NOTE: Clarksburg has several more articles under 521 than we do, all of which are taken from State Code. Should we go ahead and update now?

(7) With the intent to defraud, alter, change or misrepresent the quality, quantity or brand name of any alcoholic liquor;

(8) Sell or offer for sale any alcoholic liquor to any person who is not a duly elected or approved dues paying member in good standing of said private club or a guest of such member;

(9) Sell, offer for sale, give away, facilitate the use of or allow the use of carbon dioxide, cyclopropane, ethylene, helium or nitrous oxide for purposes of human consumption except as authorized by the commissioner;

(10) (A) Employ any person who is less than eighteen years of age in a position where the primary responsibility for such employment is to sell, furnish or give nonintoxicating beer, wine or alcoholic liquors to any person;

(B) Employ any person who is between the ages of eighteen and twenty-one who is not directly supervised by a person aged twenty-one or over in a position where the primary responsibility for such employment is to sell, furnish or give nonintoxicating beer, wine or alcoholic liquors to any person; or

(11) Violate any reasonable rule of the commissioner.

(b) It is unlawful for any licensee to advertise in any news media or other means, outside of the licensee's premises, the fact that alcoholic liquors may be purchased thereat.

(c) Any person who violates any of the foregoing provisions is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000, or imprisoned in the county jail for a period not to exceed one year, or both fined and imprisoned.

Section Five: Effective Date

This Ordinance shall be effective upon passage

Passed by Council of the City of Parkersburg on FIRST READING on this ____ day of ____ 2017.

Passed by Council of the City of Parkersburg on SECOND READING on this ____ day of ____ 2017.