

**PRE-COUNCIL MEETING 6:45 PM
SMALL CONFERENCE ROOM**

**AGENDA FOR PARKERSBURG CITY COUNCIL,
TUESDAY, OCTOBER 24, 2017, 7:30 PM
SECOND FLOOR, COUNCIL CHAMBERS
MUNICIPAL BUILDING**

- I. CALL TO ORDER – Council President, JR Carpenter
- II. ROLL CALL
- III. MINUTES - Council meeting October 10, 2017
- IV. REPORTS FROM STANDING OR SPECIAL COMMITTEES
- V. MESSAGE FROM THE EXECUTIVE
 - A. Proclamation for October as our Community Planning Month
- VI. PUBLIC FORUM
- VII. RESOLUTIONS
 1. Resolution closing to all new hires the existing City of Parkersburg Policemen's Pension and Relief Fund established under WV Code 8-22-16, and entering into the West Virginia Police Officer's Retirement System under WV Code 8-22A-1 et. Seq. (Sponsored by the Finance Committee)
 2. Resolution closing to all new hires the existing City of Parkersburg Firemen's Pension and Relief Fund established under WV Code 8-22-16, and entering into the West Virginia Firefighter's Retirement System under WV Code 8-22A-1 et. Seq. (Sponsored by the Finance Committee)
 3. Request for budget revision for fund balance 2017/2018, \$1,068,204 from the fund balance, plus \$957,559 from Stabilization Fund and \$256,963 from Capital Reserve (total \$2,282,726) for the first year's additional pension contribution upon plan closures. (Sponsored by the Finance Committee)
 4. Request for budget revision for fund balance 2017/2018, various City departments, \$457,703. (Sponsored by the Finance Committee)
 5. Request for budget revision for fund balance within User Fee Special Revenue Fund budget for (\$121,429) resulting from additional paving ahead of schedule during FY 2017. (Sponsored by the Finance Committee)

6. Request for budget revision for fund balance within the Memorial Bridge Budget for 2017/2018 (\$126,623) (Sponsored by the Finance Committee)

VIII. ORDINANCE, FINAL READING

7. An ordinance amending section 549.10, Discharging of firearms (and fireworks) within the City. (Sponsored by the Public Works Committee)

IX. MISCELLANEOUS

8. Affidavit of Circulation and Qualification for The Parkersburg News and Sentinel.

X. ADJOURNMENT

The Council of the City of Parkersburg met in regular session Tuesday, October 10, 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 Councilmen Dave McCrady, Sharon Kuhl, Bob Mercer, Eric Barber, Mike Reynolds, John Reed, Zach Stanley, Jeff Fox, and JR Carpenter.

MINUTES – Mr. Stanley moved, seconded by Mr. Reynolds to approve the City Council minutes from September 26, 2017, and the motion was adopted by unanimous vote.

REPORTS FROM STANDING OR SPECIAL COMMITTEES – President Carpenter announced that Council Bob Mercer has resigned as Chairman of the Public Safety and Service Achievement Committee of City Council, and appointed Councilman Eric Barber to fill that position.

City Council and all attending heard a detailed presentation from Mr. Matt Boggs, Mr. Judd Fulks and Mr. Seth Brown from Recovery Point Parkersburg program, located at 4204 Emerson Avenue. This is a drug and alcohol rehabilitation facility that has been renovated with a \$1.2 million dollar grant. They take their first client this Thursday in the 80-bed facility. This is not a lockdown facility, but it is highly structured, they said. They have partnered with the local medical field if they need professional therapy. They will do drug testing randomly and if someone is suspicious. They said they were here to be part of the community and Parkersburg has welcomed them. They will have nine people who are paid to oversee the facility.

Councilman Reed thanked them for being here and asked how they qualify people who need to be in their program. Mr. Boggs said the cost is \$25.00 per day per person, but it is funded by the State of WV, private donors, and foundations.

Ms. Kuhl asked what happens after they go through the program, and Mr. Boggs said the program is long term from nine months to a year, but some may be quicker. After they graduate, 55% become employable and the program helps them with life skills. They link them with rehabilitation services and some will go through college. Recovery Point works with Workforce WV to see what their skillset is.

Mr. Carpenter asked if there was drug testing on site, and Mr. Boggs said they have some instant screening, but it takes 72 hours to get some results from the lab. They are kept at the facility until they know the results.

When Mr. Fox asked how many people they thought would come to the facility, Mr. Fulks said they have 11 coming soon, and another 10 in two weeks. They will set up slowly because they cannot take 80 at one time, but he thinks within six months they will be at capacity. People from our community will be taken immediately and some will come through the criminal justice system.

Mr. Barber asked what the role of government should be with the organization, and they said that elected officials have a platform to advocate for the programs. They will also be submitting an application for funding to the City. It is a free service and they will employ people at their open door facility.

MESSAGE FROM THE EXECUTIVE – Mayor Tom Joyce stated that on September 27th, Hino Manufacturing USA announced they would be moving to the Coldwater Creek Facility. The Mayor thanked Rickie Yeager and the Development Department, Gary Moss and the Code Department, and City Engineer, Justin Smith for their assistance with geological information, etc.

Councilman Reed announced that Rickie Yeager received an award for Volunteer of the Year from Main Street and Downtown PKB recently, and they recognized him with applause and congratulations.

PUBLIC FORUM

Mr. Eddie McDonough, 72 Oak Drive, Parkersburg, asked Council to define 'residents' when they discuss the public forum tonight.

Susan Sharp, 33rd Street, Parkersburg, said she admired Council for allowing people to speak during Council meetings similar to Town Hall meetings, and thinks it is valuable. Cutting their time back to 2 minutes would not be productive, she said, because some issues are complex.

Jennifer Bryant, said that to shorten the public forums would send a message that the people are an annoyance to Council, and two minutes is not enough for any hope of making a well thought-out plan.

Council President Carpenter stated that citizens have access to their councilman by phone or email at any time.

RESOLUTION

RESOLUTION AMENDING COUNCIL'S RULES AND REGULATIONS TO REMOVE SECOND PUBLIC FORUM

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the Rules and Regulations for Parkersburg City Council be amended and re-enacted in

Rule XI, OPEN MEETINGS, ORDER OF BUSINESS, as follows:

All regular and special meetings of City Council shall be open to the public. The business of the Council shall be taken up for consideration and disposition in the following manner:

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

1. Call to order
2. Roll Call
3. To read, correct and approve the minutes of the previous meeting
4. Message from the Executive
5. Reports from standing or special committees
6. Public Forum, thirty (30) minute maximum. Five (5) minutes per person.
7. Resolutions, petitions, or motions
8. Unfinished business
9. Ordinances, final reading
10. Ordinances, first reading
11. Miscellaneous business
12. Adjournment

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

MOTION TO AMEND – Mr. Reed moved, seconded by Mr. Barber, to limit the speaking time to two (2) minutes each, and the amendment was adopted as follows: Voting "yes" – Mr. McCrady, Ms. Kuhl, Mr. Barber, and Mr. Reynolds. and Mr. Reed. Voting "no" – Mr. Mercer, Mr. Stanley, Mr. Fox, and Mr. Carpenter.

MOTION TO AMEND – Mr. Reed moved, seconded by Mr. Barber, to allow the Council President to call forward people who live in the corporation limits first, followed by others, and the motion failed by majority vote with all members voting "no" with the exception of Mr. Reed, who voted "yes".

VOTE – the motion as amended, was adopted by majority vote as follows: Voting "yes" Mr. McCrady, Ms. Kuhl, Mr. Reynolds, Mr. Reed, and Mr. Stanley. Voting "no" Mr. Mercer, Mr. Barber, Mr. Fox and Mr. Carpenter.

ORDINANCE, FINAL READING:

AN ORDINANCE AMENDING SECTION 549.10,
DISCHARGING FIREARMS (AND FIREWORKS)
WITHIN THE CITY

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

MOTION TO AMEND – Mr. Stanley moved, seconded by Mr. Barber, to increase the time in Section 2A for fireworks to be allowed all day on July 4th from 9:00 a.m. until midnight, and the motion was adopted by majority vote with all members voting "yes" with the exception of Mr. Mercer, Mr. Reynolds, and Mr. Carpenter, who voted "no".

VOTE – the motion, as amended, was adopted by majority vote as follows: Voting "yes" Mr. McCrady, Ms. Kuhl, Mr. Barber, Mr. Reed, and Mr. Fox. Voting "no" Mr. Mercer, Mr. Reynolds, Mr. Stanley and Mr. Carpenter.

PUBLIC FORUM

Mr. Darrell Cobranchi, 1360 Market Street, asked the City to contact the State about Garfield Avenue paving project that has been delayed.

Jeanne Peters, Vienna, thanked everyone involved during the donation drive at Mangos on Market Street to benefit Puerto Rico that was damaged from the last hurricane.

Others speaking included Sherry Ward, Carrie Adams, Don Wehr. Members of City Council who had comments about appreciation or community events included Ms. Kuhl, Mr. Mercer, Mr. Carpenter and Mr. Fox.

The meeting adjourned at 8:40 PM.

Christa Stapp
City Clerk

Council President

Community Planning Month Proclamation

WHEREAS, change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and

WHEREAS, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

WHEREAS, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

WHEREAS, the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

WHEREAS, the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and

WHEREAS, The American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our settlements and environment; and

WHEREAS, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of the City of Parkersburg; and

WHEREAS, we recognize the many valuable contributions made by professional community planners of the City of Parkersburg and extend our heartfelt thanks for the continued commitment to public service by these professionals;

NOW, THEREFORE, BE IT PROCLAIMED THAT, the month of October 2017 is hereby designated as **Community Planning Month** in the City of Parkersburg in conjunction with the celebration of National Community Planning Month.

Adopted this _____ Day of _____, 2017.

Tom Joyce, Mayor
City of Parkersburg
West Virginia

RJ
10/18/17

**RESOLUTION CLOSING, TO ALL NEW HIRES, THE EXISTING CITY OF PARKERSBURG
POLICEMEN'S PENSION AND RELIEF FUND ESTABLISHED UNDER W.V. CODE §8-22-16 AND
ENTERING INTO THE WEST VIRGINIA MUNICIPAL POLICE OFFICERS AND FIREFIGHTERS
RETIREMENT SYSTEM UNDER W.V. CODE §8-22A-1 ET. SEQ.**

WHEREAS it has become increasingly evident that the City of Parkersburg's continued participation in the existing Policemen's Pension and Relief Fund is financially untenable; and

WHEREAS the City has determined that it is therefore incumbent that the City's existing Policemen's Pension and Relief Fund be financed under the optional funding method and closed to all future police officer hires in the City Police Department.

NOW THEREFORE BE IT RESOLVED that the existing Policemen's Pension and Relief Fund, as established under W.V. Code §8-22-16, be and is hereby financed under the optional method as authorized under W.V. Code §8-22-20(e)(1).

BE IT FURTHER RESOLVED that said existing Policemen's Pension and Relief Fund, as established under W.V. Code §8-22-16, be and is hereby closed to all future police officers hired by the City of Parkersburg as required under W.V. Code §8-22-20(e)(3) as a condition of the optional method of financing.

BE IT FURTHER RESOLVED that said existing Policemen's Pension and Relief Fund shall continue for all current police officers and current retirees and any present or future beneficiaries of said police officers under said current plan.

BE IT FURTHER RESOLVED that the City hereby elects to become a participating public employer (W.V. Code §8-22A-1 et. seq.) and thereby includes all future police officer hires of the City Police Department as members of the West Virginia Municipal Police Officers and Firefighters Retirement System Plan established and hereby entered into by the City under W.V. Code §8-22A-1 et. seq.

Adopted this _____ day of _____, 2017.

Attest:

Connie Shaffer, Parkersburg City Clerk

RT 10/18/17

RESOLUTION CLOSING, TO ALL NEW HIRES, THE EXISTING CITY OF PARKERSBURG FIREMEN'S PENSION AND RELIEF FUND ESTABLISHED UNDER W.V. CODE §8-22-16 AND ENTERING INTO THE WEST VIRGINIA MUNICIPAL POLICE OFFICERS AND FIREFIGHTERS RETIREMENT SYSTEM UNDER W.V. CODE §8-22A-1 ET. SEQ.

WHEREAS it has become increasingly evident that the City of Parkersburg's continued participation in the existing Firemen's Pension and Relief Fund is financially untenable; and

WHEREAS the City has determined that it is therefore incumbent that the City's existing Firemen's Pension and Relief Fund be financed under the optional funding method and closed to all future firefighter hires in the City Fire Department.

NOW THEREFORE BE IT RESOLVED that the existing Firemen's Pension and Relief Fund, as established under W.V. Code §8-22-16, be and is hereby financed under the optional method as authorized under W.V. Code §8-22-20(e)(1).

BE IT FURTHER RESOLVED that said existing Firemen's Pension and Relief Fund, as established under W.V. Code §8-22-16, be and is hereby closed to all future firefighters hired by the City of Parkersburg as required under W.V. Code §8-22-20(e)(3) as a condition of the optional method of financing.

BE IT FURTHER RESOLVED that said existing Firemen's Pension and Relief Fund shall continue for all current firefighters and current retirees and any present or future beneficiaries of said firefighters under said current plan.

BE IT FURTHER RESOLVED that the City hereby elects to become a participating public employer (W.V. Code §8-22A-1 et. seq.) and thereby includes all future firefighter hires of the City Fire Department as members of the West Virginia Municipal Police Officers and Firefighters Retirement System Plan established and hereby entered into by the City under W.V. Code §8-22A-1 et. seq.

Adopted this _____ day of _____, 2017.

Attest:

Connie Shaffer, Parkersburg City Clerk

RT
10/19/17

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 Year 2017-2018 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	CURRENT BUDGET	REVISION	REVISED BUDGET	SUMMARY DESCRIPTION
REVENUE						
001	299-00	FUND BALANCE	1,216,919	1,068,204	2,285,123	UNENC. FUND BALANCE
001	369-000-000	TRANSFERS IN - OTHER FUNDS	1,329,223	<u>1,214,522</u>	2,543,745	STABIL/CAP RES XFER IN
				<u>2,282,726</u>		
POLICE DEPARTMENT						
001	700-106-000	RETIREMENT EXPENSE	1,632,485	1,843,711	3,476,196	PD PENSION CONTRIB
FIRE DEPARTMENT						
001	706-106-000	RETIREMENT EXPENSE	2,884,002	<u>439,015</u>	3,323,017	FD PENSION CONTRIB
				<u>2,282,726</u>		
GRAND TOTAL				<u>-</u>		

The above resolution proposes to revise the General Fund budget to appropriate the first year's additional pension contributions required associated with the closing of the Police & Fire Pension Plans and adoption of the Optional Funding Policy. The funding sources proposed include \$1,068,204 of FY17 unencumbered/unappropriated fund balance, a \$957,559 transfer in from the Stabilization Fund, and a \$256,963 transfer in from Capital Reserve.

RO
10/28/17

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 Year 2017-2018 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	CURRENT BUDGET	REVISION	REVISED BUDGET	SUMMARY DESCRIPTION
REVENUE						
001	299-00	FUND BALANCE	801,416	415,503	1,216,919	ENC. FUND BALANCE
001	366-000-000	STATE GRANTS	54,392	3,000	57,392	LITTER CTRL GRANT
001	366-557-000	STATE GRANTS - REAP	-	39,200	39,200	REAP GRANT
				<u>457,703</u>		
MAYOR'S OFFICE						
001	409-214-000	TRAVEL	1,000	268	1,268	MUNICIPAL LEAGUE TA
CITY COUNCIL						
001	410-214-000	TRAVEL	6,000	1,072	7,072	MUNICIPAL LEAGUE TA
FINANCE						
001	414-230-000	CONTRACTUAL SERVICES	104,000	1,500	105,500	ADDRESS VERIFICATION
001	414-353-000	COMPUTER SOFTWARE	6,000	62,661	68,661	SOFTWARE CONVERSION
CITY CLERK						
001	415-214-000	TRAVEL	3,500	402	3,902	MUNICIPAL LEAGUE TA
ENGINEERING						
001	420-230-000	CONTRACTUAL SERVICES	4,000	4,000	8,000	DOCUMENT SCANNING
DEVELOPMENT						
001	421-230-000	CONTRACTUAL SERVICES	35,000	67,400	102,400	ENV REMEDIATION PROG
CONTRIBUTIONS TO OTHER GOVERNMENTS						
001	424-567-001	CONTRIB - OTHER GOV UNITS	-	31,250	31,250	MULTI-USE TRAIL PMT
CODE ENFORCEMENT						
001	436-230-000	CONTRACTUAL SERVICES	75,000	32,166	107,166	G&W MOWING SERVICE
MUNICIPAL BUILDING						
001	440-215-000	REPAIR & MAINT - BUILDINGS	46,000	5,600	51,600	SPANDREL INSTALLATION
MARKETPLACE						
001	590-458-000	CAPITAL OUTLAY - OTHER	-	5,000	5,000	MKTPLACE REPAIR/MAIN.
POLICE DEPARTMENT						
001	700-341-000	DEPARTMENTAL SUPPLIES	75,096	22,820	97,916	BALLISTIC VESTS
001	700-459-000	CAPITAL OUTLAY - EQUIP	228,000	5,968	233,968	VEHICLE INS CLAIM
FIRE DEPARTMENT						
001	706-221-000	TRAINING & EDUCATION	10,000	3,135	13,135	ONLINE TRNG SUBSCRIP

STREET CLEANING

001	756-459-000	CAPITAL OUTLAY - EQUIP	-	96,991	96,991	SIGN TRUCK (IN PROG.)
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STORMWATER MANAGEMENT

001	805-458-000	CAPITLA OUTLAY - OTHER	231,200	53,954	285,154	STMWATER DRAINAGE
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HEALTH & SANITATION GRANTS

001	809-230-000	CONTRACTUAL SERVICES	-	2,000	2,000	REAP GRANT CARRYOVER
001	809-341-000	DEPARTMENTAL SUPPLIES	-	12,516	12,516	REAP GRANT CARRYOVER
001	809-458-000	CAPITAL OUTLAY - OTHER	-	<u>49,000</u>	49,000	REAP GRANT CARRYOVER
				457,703		

GRAND TOTAL

-

The above resolutions proposes to reappropriate the portion of the FY17 General Fund balance that is already encumbered from prior appropriations and for which the City is contractually obligated to fulfill.

RT 10/18/17

RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the Mayor, or his designee, be authorized to revise the User Fee Special Revenue Fund Budget for Fiscal Year 2017-2018 to reflect the following changes:

USER FEE SPECIAL REVENUE FUND

FUND	ACCOUNT	DESCRIPTION	CURRENT BUDGET	REVISION	REVISED BUDGET	SUMMARY DESCRIPTION
REVENUE						
036	297-00	FUND BALANCE	442,599	<u>(121,429)</u> (121,429)	321,170	BUD./ACT. FUND BAL
STREETS						
001	706-106-000	STREET IMPROVEMENTS	610,777	<u>(121,429)</u> (121,429)	489,348	STREET IMPROVEMENTS
GRAND TOTAL			<u>-</u>			

The above resolution proposes to revise the User Fee Special Revenue Fund Budget to reflect the difference between the actual and budgeted fund balance for FY17. The downward revision is the result of the timing of the timing of the 2017 annual paving contract in which the hired contractor was able to perform additional paving ahead of schedule during the 2017 fiscal year.

*RT
10/18/17*

RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the Mayor, or his designee, be authorized to revise the Memorial Bridge Fund Budget for Fiscal Year 2017-2018 to reflect the following changes:

MEMORIAL BRIDGE FUND

FUND	ACCOUNT	DESCRIPTION	CURRENT BUDGET	REVISION	REVISED BUDGET	SUMMARY DESCRIPTION
REVENUE						
092	299-00	FUND BALANCE	8,701,102	<u>695,543</u>	9,396,645	BUD./ACT. FUND BAL
				695,543		
MEMORIAL BRIDGE EXPENDITURES						
092	570-223-002	PROF SVS - ARCH/ENGINEERING	50,000	20,000	70,000	ANNUAL RPT REV. EST.
092	570-223-005	PROF SVS - LOAD ANALYSIS	5,000	46,000	51,000	BRIDGE RATING SERVICE
092	570-458-004	CAPITAL OUTLAY - OTHER IMP	-	579,162	579,162	BRIDGE OVERLAY C/O
092	570-458-006	CAPITAL OUTLAY - RETRO MAINT	205,000	<u>177,004</u>	382,004	RETRO MAINT C/O
				822,166		
GRAND TOTAL				<u>(126,623)</u>		

The above resolution proposes to revise the Memorial Bridge Fund to reflect the difference between the actual and budgeted fund balance. The revision includes bridge deck overlay contracts that were appropriated and in progress as of the end of FY17. Additionally, a revised estimate of the annual report and a required load rating inspection is included in the proposed revision.

RS
10/18/17

AN ORDINANCE AMENDING SECTION 549.10, DISCHARGING FIREARMS (AND FIREWORKS) WITHIN THE CITY

NOW COMES THE COUNCIL OF THE CITY OF PARKERSBURG AND HEREBY ORDAINS that Section 549.10 of the Codified Ordinances be and it is hereby amended in regard to discharging fireworks within the City of Parkersburg as follows:

549.10 DISCHARGING FIREARMS AND FIREWORKS WITHIN THE CITY RESTRICTED; FIREWORKS SAFETY.

(a) No person within the corporate limits of the City shall fire or discharge any cannon, gun, pistol or firearm, unless it is a case of necessity or in the discharge of some public duty or with the permission of Council, or by a member of a duly organized military company under the order of an officer in command thereof. However, any gun, rifle, pistol or other firearm may be fired or discharged at a regularly organized rifle or pistol range within the City, which rifle or pistol range shall be first inspected and approved by the Chief of Police. The inspection by the Chief of Police of such rifle or pistol range shall be subject to ratification and review by Council.

(b) It shall be unlawful for a person within the corporate limits of the City to manufacture, wholesale, distribute, import, sell or store for the purpose of resale, consumer fireworks, sparkling devices, or toy caps without a license, registration, certificate or permit from the State Fire Marshall and a valid business license issued by the City.

- (1) Definitions. As used in this section, all terms, including but not limited to “consumer fireworks”, “firework or fireworks”, “model rocket”, “new explosive”, “novelties”, “person”, “sparkling devices”, “special effect and “toy caps” shall have the meanings ascribed to them in West Va. Code 29-3E-2 Definitions.
- (2) Governing Conduct. The following conduct shall govern the use, ignition and discharge of consumer fireworks and sparkling devices in the corporate limits of the City.
 - (i) All persons who use or ignite or discharge consumer fireworks or sparkling devices shall abide by all legal requirements concerning such firework use, including the provisions of West Va. Code 29-3E-1 et seq., and Title 103 Legislative Rule West Virginia Fire Marshall Series 4 Regulation of Fireworks.
 - (ii) A person who is less than eighteen years of age shall only use, ignite or discharge consumer fireworks or sparkling devices under the direct supervision of his or her parent, guardian or other adult person having the care and custody of the minor.
 - (iii) All persons who use, ignite or discharge consumer fireworks shall ensure that such consumer fireworks are not propelled through, come in contact with, or discharge or explode onto any public street, highway or sidewalk, in or upon any building, at or near any person, or within 500 feet of any location posing a special fire danger, such as a gas station, lumber yard, bulk mulch, propane or chemical storage area.
 - (iv) No person shall use, ignite or discharge consumer fireworks within corporate limits of the City except as follows:

- A. Between the hours of 9:00 p.m. and 11:00 p.m. on July 2, July 3 and 9:00 a.m. and 12:00 a.m. (midnight) on July 4 (Independence Day); and
- B. Between 9:00 p.m. on December 31 and 12:30 a.m. on January 1 (New Year's Eve).

(3) Fireworks Enforcement. See West Va. Code 29-3E-13(b) – The City of Parkersburg Police Officers and Fire Department Personnel shall have the authority to enforce the provisions of this section.

Whenever reasonable grounds exist to believe that a violation of this section has occurred, all officers vested with the authority of its enforcement, may forthwith summon, by the issuance of a citation, any person charged with a violation of same to appear before the Judge of the Municipal Court for the City and to answer said charge on or before a date therein stated.

- (4) Fireworks Exemptions. This article does not prohibit any of the following:
- (i) The use of fireworks by railroads or other transportation agencies for signaling purposes or illumination;
 - (ii) The sale or use of blank cartridges for a theatrical performance, use by military organizations or signal or ceremonial purposes in athletics or sports; or
 - (iii) The possession, sale or disposal of fireworks incidental to the public display of fireworks by wholesalers or other persons who have a permit to possess, store and sell explosives from the Bureau of Alcohol, Tobacco, Firearms, and Explosives of the United States Department of Justice and the State Fire Marshall. (WV Code §29-3E-9).

Sponsored by Council Public Works Committee

Penalty is covered under City Code §501.99

PT 10/18/17



**STATE OF WEST VIRGINIA
AFFIDAVIT OF CIRCULATION AND QUALIFICATION
CHAPTER 59, ARTICLE 3, WEST VIRGINIA CODE**

(This affidavit is for the fiscal year beginning July 1, 2018)

STATE OF WEST VIRGINIA

COUNTY OF Wood;

I, James T. Spanner, being first sworn, state that: my title is Publisher,

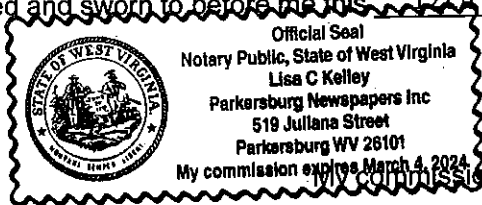
the name of the publishing firm is The Nutting Company Inc. and the name of the newspaper is Parkersburg News & Sentinel, a [please circle: ~~Democratic~~, ~~Republican~~, No Party Affiliation)] newspaper. I have been authorized by the board of directors of the newspaper to furnish this sworn affidavit of circulation and qualification to publish legal advertisements. The average paid circulation of the newspaper during the preceding calendar year was 14,876; the newspaper has been published for at least 118 years and/or XXX months and the newspaper is regularly published at least weekly for fifty weeks or more during the calendar year, in the Municipality of Parkersburg, and in the County of Wood, State of West Virginia. The newspaper is of general circulation and interest; the newspaper has a circulation large enough to provide reasonable belief that publication of a legal advertisement will give effective notice to the residents of the publication area; the newspaper averages four or more pages in length, exclusive of any cover, per issue; the newspaper is circulated to the general public at a definite price; and, the general public relies on the newspaper for news of events of a political, religious, commercial or social nature, and current happenings, announcements, miscellaneous reading matters, advertisements and other notices.

Applicable Legal Ad Rate is thirteen cents (.13) per word.

James T. Spanner
Authorized Official

Subscribed and sworn to before me this 12th day of October, 2017.

SEAL



Lisa C. Kelley
Notary Public

My commission expires 03/04/2024.

(INCLUDE WITH THIS AFFIDAVIT A COPY OF THE STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION FILED WITH THE UNITED STATES POST OFFICE IN THE CURRENT CALENDAR YEAR.)

THIS AFFIDAVIT MUST BE FILED WITH THE SECRETARY OF STATE NO LATER THAN NOVEMBER 1, 2017.



**UNITED STATES
POSTAL SERVICE®**

**Statement of Ownership, Management, and Circulation
(All Periodicals Publications Except Requester Publications)**

1. Publication Title Parkersburg News and Sentinel	2. Publication Number								3. Filing Date
	4	2	2	1	-	6	0	0	0
4. Issue Frequency Daily and Sunday	5. Number of Issues Published Annually 365								6. Annual Subscription Price \$221/\$234
7. Complete Mailing Address of Known Office of Publication (Not printer) (Street, city, county, state, and ZIP+4®) 519 Juliana St, Parkersburg, Wood, WV 26101								Contact Person James T. Spanner Telephone (Include area code) 304-485-1891	
8. Complete Mailing Address of Headquarters or General Business Office of Publisher (Not printer) Same									

9. Full Names and Complete Mailing Addresses of Publisher, Editor, and Managing Editor (Do not leave blank)

Publisher (Name and complete mailing address)

James T. Spanner 707 5th Street, Marietta, OH 45750

Editor (Name and complete mailing address)

Christina Myer 237 MORELAND ROAD, BELPRE, OH 45714

Managing Editor (Name and complete mailing address)

N/A

10. Owner (Do not leave blank. If the publication is owned by a corporation, give the name and address of the corporation immediately followed by the names and addresses of all stockholders owning or holding 1 percent or more of the total amount of stock. If not owned by a corporation, give the names and addresses of the individual owners. If owned by a partnership or other unincorporated firm, give its name and address as well as those of each individual owner. If the publication is published by a nonprofit organization, give its name and address.)

Full Name	Complete Mailing Address
As per list furnished to postal service	

11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check box None

Full Name	Complete Mailing Address
N/A	

12. Tax Status (For completion by nonprofit organizations authorized to mail at nonprofit rates) (Check one)

The purpose, function, and nonprofit status of this organization and the exempt status for federal income tax purposes:

Has Not Changed During Preceding 12 Months

Has Changed During Preceding 12 Months (Publisher must submit explanation of change with this statement)

13. Publication Title		14. Issue Date for Circulation Data Below		
Parkersburg News and Sentinel		August 24/August 27, 2017		
15. Extent and Nature of Circulation		Average No. Copies Each Issue During Preceding 12 Months	No. Copies of Single Issue Published Nearest to Filing Date	
a. Total Number of Copies (<i>Net press run</i>)		16747/20824	20371/20326	
b. Paid Circulation (<i>By Mail and Outside the Mail</i>)	(1)	Mailed Outside-County Paid Subscriptions Stated on PS Form 3541 (Include paid distribution above nominal rate, advertiser's proof copies, and exchange copies)	35/28	34/24
	(2)	Mailed In-County Paid Subscriptions Stated on PS Form 3541 (Include paid distribution above nominal rate, advertiser's proof copies, and exchange copies)	0/0	0/0
	(3)	Paid Distribution Outside the Mails Including Sales Through Dealers and Carriers, Street Vendors, Counter Sales, and Other Paid Distribution Outside USPS®	14841/18861	17505/18693
	(4)	Paid Distribution by Other Classes of Mail Through the USPS (e.g., First-Class Mail®)	0/0	0/0
c. Total Paid Distribution (Sum of 15b (1), (2), (3), and (4))		14876/18891	17539/18717	
d. Free or Nominal Rate Distribution (<i>By Mail and Outside the Mail</i>)	(1)	Free or Nominal Rate Outside-County Copies included on PS Form 3541	0/0	0/0
	(2)	Free or Nominal Rate In-County Copies Included on PS Form 3541	0/0	0/0
	(3)	Free or Nominal Rate Copies Mailed at Other Classes Through the USPS (e.g., First-Class Mail)	0/0	0/0
	(4)	Free or Nominal Rate Distribution Outside the Mail (<i>Carriers or other means</i>)	261/9	153/9
e. Total Free or Nominal Rate Distribution (Sum of 15d (1), (2), (3) and (4))		261/9	153/9	
f. Total Distribution (Sum of 15c and 15e)		15137/18900	17692/18726	
g. Copies not Distributed (See Instructions to Publishers #4 (page #3))		1610/1924	2679/1600	
h. Total (Sum of 15f and g)		16747/20824	20371/20326	
i. Percent Paid (15c divided by 15f times 100)		98.3/99.9	99.1/99.9	

* If you are claiming electronic copies, go to line 16 on page 3. If you are not claiming electronic copies, skip to line 17 on page 3.



16. Electronic Copy Circulation

	Average No. Copies Each Issue During Preceding 12 Months	No. Copies of Single Issue Published Nearest to Filing Date
a. Paid Electronic Copies	238/238	202/203
b. Total Paid Print Copies (Line 15c) + Paid Electronic Copies (Line 16a)	15114/19129	17707/18896
c. Total Print Distribution (Line 15f) + Paid Electronic Copies (Line 16a)	15375/19138	17894/18929
d. Percent Paid (Both Print & Electronic Copies) (16b divided by 16c × 100)	98.3/99.9	99/99.8

I certify that 50% of all my distributed copies (electronic and print) are paid above a nominal price.

17. Publication of Statement of Ownership

If the publication is a general publication, publication of this statement is required. Will be printed

Publication not required.

in the October 3, 2017 issue of this publication.

18. Signature and Title of Editor, Publisher, Business Manager, or Owner

Date

James T. Spunner Publisher

9-18-17

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