

Mayor James E. Colombo



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

December 27, 2016

Honorable Members of the Home Rule Board
West Virginia Home Rule Pilot Program
West Virginia Department of Commerce
State Capitol Complex, Building 6, Room 525
Charleston, West Virginia 25303

Dear Members of the Board:

Thank you for allowing our community to participate in the Home Rule Pilot Program. Since being admitted to the program in 2014, the City has implemented a one percent sales tax and reduced and/or eliminated business and occupations taxes on several industries. As a result, the City has been able to initiate infrastructure projects, while making our community more attractive to prospective businesses.

At this time, the City of Parkersburg is seeking to amend its Home Rule Plan. The City's proposal would give local officials the authority to enact legislation allowing Class A licensed establishments by the West Virginia Alcohol Beverage Control Administration to sale alcohol before 1 p.m. on Sundays. If approved, the City will take all reasonable steps to responsibly enact such legislation.

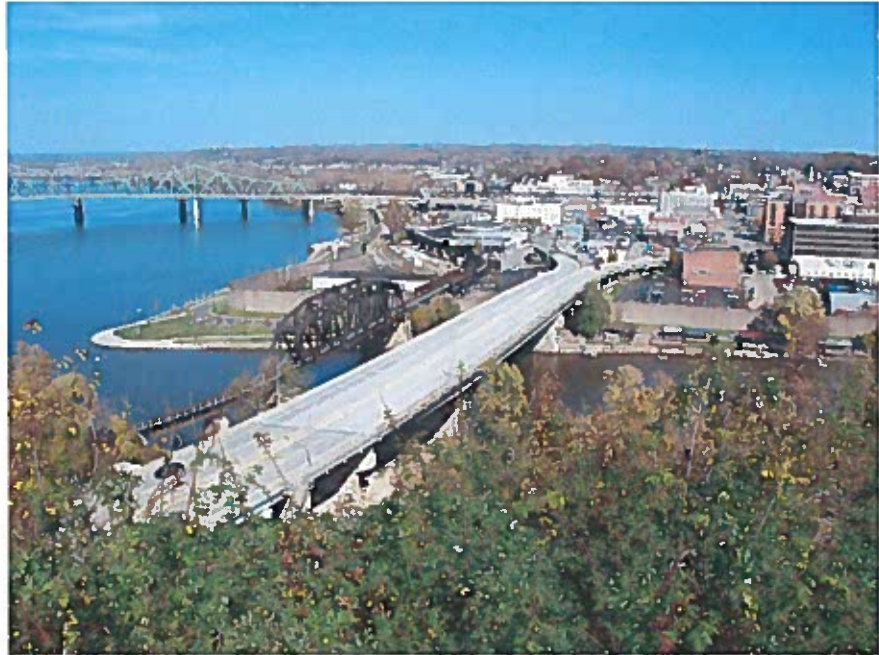
Thank you for considering the City's proposal. If you have any questions, please contact Rickie Yeager, Development Director for the City of Parkersburg at 304.424.8415.

Sincerely,

James E. Colombo
Mayor

Handwritten signature in blue ink, possibly reading "R. J. ...".

Proposal to Amend Approved Home Rule Plan



City of Parkersburg, West Virginia

The City of Parkersburg desires to enact legislation that is consistent with Senate Bill 298. The following describes the problem with the aforementioned legislation and proposes a solution for the City of Parkersburg. In accordance with the plan amendment process, this proposal was made available to the public at least 30 days prior to the public hearing scheduled on December 13, 2016 at a Parkersburg City Council meeting.

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SECTION I: APPLICATION INFORMATION

A. General Information

Name of Municipality: City of Parkersburg
Certifying Official: James E. Colombo, Mayor
Contact Persons: Rickie Yeager, Development Director
Address: One Government Square, P.O. BOX 1627
City, State, Zip: Parkersburg, West Virginia, 26101
Telephone Number: (P): 304.424.8415 (F): 304.424.8464
Email Address: rickie.yeager@parkersburgwv.gov
2010 Census Population: 31,492

B. Municipal Classification

Please identify municipal class/metro government: (check one)

Class I Class II Class III Metro-Government

C. Category of Issues to Addressed

Please identify areas to be addressed through Home Rule: (check all that apply)

Taxing Organization Administrative Personnel

EXECUTIVE SUMMARY:

Pursuant to the authority provided by West Virginia State Code § 8-1-5a, the the City of Parkersburg was selected to participate in the West Virginia Home Rule Pilot Program in October 2014. Since then the City has enacted a one percent sales tax on eligible goods and services sold in the community. Revenue from the one percent sales tax has been used to make critical improvements and investments in the community.

In March 2016, the West Virginia Legislature adopted Senate Bill 298. It gave County Commissions the opportunity to conduct an election to allow certain, authorized establishments to sale alcohol after 10 a.m. However, this opportunity was not afforded to municipalities. The City of Parkersburg is seeking to amend its written plan to adopt similar legislation through the Home Rule Pilot Program. The following amendment describes the problem and proposed solution.

SECTION II: NARRATIVE

PERMIT SALE OF ALCOHOL BEFORE 1:00 P.M. ON SUNDAYS

Introduction: Parkersburg, West Virginia is located at the confluence of the Ohio and Little Kanawha Rivers. Our community is poised for economic development and long-term growth, because of our geography (as it relates to oil and gas development), access to critical infrastructure, institutions of higher learning and skilled labor force. To build on these competitive advantages and ensure our community remains an attractive place for people to live and do business, the City proposes to amend its Home Rule Application in the following manner;

Under WV State Code Section §8-1-5a(k), municipalities participating in the Municipal Home Rule Pilot Program may amend their written plans. For the reasons set forth herein, Parkersburg is now requesting that the Board authorize the following amendment (attached hereto) to Parkersburg's plan originally approved on October 6, 2014.

Specific State Laws, Policies, Rules or Regulations: WV State Code Section 60-7-12(a)(5); 60-8-34; 11-16-18(a)(1), attached hereto.

Problem: West Virginia State Code restrains restaurants, hotels and other Class A establishments (licensed by the WV Alcohol Beverage Control Commission) during brunch hours by prohibiting the sale of alcoholic beverages before one o'clock p.m. on Sundays. Below is a short history about brunch and applicable West Virginia State Code.

According to the Smithsonian, Sunday brunch was popularized in the 1930's by hotels as a dining option for travelers on a day when many restaurants were closed. Combining two services (breakfast and lunch) into one provided staffing and kitchen economies for the establishment. Restaurants soon also began offering brunch service and began popularizing the inclusion of morning cocktails such as Bloody Mary's, Bellini's, or Mimosas. The popularity of brunch extended as women entered the post-World War II workforce and began looking for an option to preserve the tradition of a Sunday meal with family and friends, but without the time spent in the kitchen preparing that meal. More and more, weekend mornings became the preferred time for groups of friends with career and family obligations to get together. Brunch also offered a form of celebration on holidays like Mother's Day and Easter, and in the last decade has given rise to new traditions like the bridal brunch.

Since the repeal of prohibition, West Virginia has maintained several laws that prohibit the sale of alcohol by licensed businesses until 1 p.m. (WV State Code §60-7-12 (a)(5)). As a result, businesses in the restaurant and hospitality industry have been discouraged to open early on Sundays. They are also not meeting consumers demand or realizing the full economic benefits associated with a traditional brunch service.

Establishments can often charge higher prices for brunch, because the menu has unique and/or creative items says Eric Stoessel, Editor for Restaurant Hospitality.com. This combined with the sale of alcoholic beverages can yield higher profit margins than other services¹. While at least one establishment in Parkersburg already offers brunch, the service has not realized its full potential since the sale of alcohol is prohibited before 1 p.m. on Sundays in the State of West Virginia. More establishments would also consider opening early on Sundays if this prohibition was lifted. That is why the Greater Parkersburg CVB and West Virginia Hospitality and Travel Association support relaxing this regulation.

¹ Stoessel, Eric. (2013, May 13). Brunch, 'America's pastime,' can be a real moneymaker. Restaurant Hospitality.com

Proposed Solution: The City of Parkersburg requests the authority to authorize certain Class “A” ABCA License Holders to serve alcohol beginning at ten o’clock a.m. on Sundays.

The City of Parkersburg desires to amend its approved Home Rule Plan in order to allow certain Class A, WVABCA license holders to serve alcohol beginning at 10 a.m. on Sundays. This modification is an innovative solution and consistent with the intent regarding the Home Rule Statute. See §8-1-5(a)(a) intent; see also §8-1-5a(i) (modification of time for sale of alcohol within a Home Rule City is not contrary to the provisions of the Home Rule Statute). The Legislature has acknowledged the value of the Home Rule Program as an incubator for municipalities to try new ideas and solutions to overcome administrative and economic restraints and has enacted several state laws that began as one City’s idea in the Home Rule Program.

Although Counties do not currently have Home Rule powers, the Legislature did recently address the issue of relaxing restrictions on Sunday alcohol sales on a countywide basis. During the 2016 regular session, the Legislature enacted a law that provides a mechanism for interested counties to place that issue on the ballot. Notwithstanding, counties and cities often serve a very different population. A survey of Google search interests in “brunch” published in the Washington Post indicates that brunch is much more popular in urban areas than in rural areas. Given that the interests of Parkersburg and those of the rest of the county may be varied, restaurant and hotel owners and operators in Parkersburg and the Greater Parkersburg Visitor’s Bureau (CVB) have requested that the City pursue this issue now. Attached hereto is a letter of support from the Greater Parkersburg CVB. The CVB and its Board of Directors, which is composed of civic leaders and people involved in the City’s hospitality and tourism industries, fully support the City’s amendment to allow the sale of alcohol beginning at 10 a.m. on any Sunday.

Shepherdstown was the first community in West Virginia to successfully address the issue of Sunday alcohol sales through Home Rule. Since then, fourteen other communities have been approved by the Municipal Home Rule Board to implement similar legislation. They include the cities of Clarksburg, Bluefield, Charleston, South Charleston, Lewisburg, Martinsburg, Oak Hill, Bridgeport, Charlestown, Morgantown, Nitro, Ranson, Wheeling and Beckley. The City of Parkersburg request that it be given the authority to enact similar legislation to give residents and visitors an opportunity (choice) to enjoy an unrestricted, traditional brunch service. In so doing, the local restaurants and hoteliers will be able to compete for more business opportunities in West Virginia and Ohio.

Allowing licensed businesses to sale alcohol before 1 p.m. will have positive impacts in the community. They include increased profits to private enterprise, as well as increased revenues to the City and State from sales tax and business and occupation taxes. Apart from the potential financial benefit, this legislation may improve the City’s image in the eyes of business and leisure travelers thereby enriching their travel experience in Parkersburg. This is especially important because Parkersburg is the major employment center and tourist destination in the Mid-Ohio Valley (home to 160,000 people). It would also compliment the City’s efforts to transform downtown Parkersburg into a destination for arts, culture and entertainment.

Recent investments in downtown include a new craft brewing company, farmers marketplace and adult artisan studio. A new, eighty-room, all-suite hotel is also slated to open in 2017. Giving licensed businesses the opportunity to serve this market is important. It is also consistent with the City’s 2020 Comprehensive Master Plan. The plan was developed by a diverse group of stakeholders and strongly

recommends that the City provide services and amenities that appeal to all lifestyles with the goal being to retain and attract residents and businesses.

Conclusion: The City of Parkersburg respectfully requests that it be granted the power under WV State Code Section 8-1-5a to amend its approved Home Rule Plan to permit the City to allow certain Class "A" ABCA license holders to begin serving alcohol at ten o'clock a.m. on Sundays.

SECTION III: AFFIDAVITS

PUBLIC HEARING MANDATE VERIFICATION (LEGAL NOTICE)

**PUBLIC HEARING NOTICE
CITY OF PARKERSBURG,
WEST VIRGINIA
HOME RULE PLAN
AMENDMENT**

Notice is hereby given by City Council of the City of Parkersburg, WV, that it will hold a public hearing on Tuesday, December 13, 2016 at 7:30 p.m. at the Parkersburg Municipal Building (City Council Chambers - 2nd Floor), located at One Government Square, Parkersburg, WV 26101. The purpose of this public hearing is to discuss a proposed amendment to the City of Parkersburg's Home Rule Plan that would allow the sale of alcohol beverages by certain Alcohol Beverage Control Administration Class "A" license holders beginning at 10:00 A.M. on Sundays.

The City of Parkersburg's proposed amendment to its Home Rule written plan and application to the Municipal Home Rule Board will be made available for review 30 days prior to the public hearing, in the Office of the City Clerk and Development Department, located in the Parkersburg Municipal Building, One Government Square, Parkersburg, WV 26101, beginning November 11, 2016, Monday through Friday, between the hours of 8:00 a.m. and 4:30 p.m. as well as online at www.parkersburgcity.com.

All interested citizens are invited to attend the public hearing scheduled on December 13, 2016 at 7:30 p.m. in the City Council Chambers to discuss the City's written plan and application. Written comments may be addressed to the City Clerk of the City of Parkersburg, One Government Square, Parkersburg, WV 26101.

The first reading of the ordinance approving the proposed amendment and subsequent application to the Municipal Home Rule Board will be held at the Parkersburg City Council meeting on Tuesday, December 13, 2016 at 7:30 p.m. in the Parkersburg Municipal Building (City Council Chambers - 2nd Floor). A second reading on the City's amendment and application will be held on December 20, 2016 at the same time and location.

Nov 11, 16

.....MARY J BUCK.....

Being first duly sworn, says that the

"PUBLIC HEARING NOTICE".....

Hereto attached was printed in the

..XX...The Parkersburg News and Sentinel,

A daily newspaper published in the City of Parkersburg,

Wood County, West Virginia, for ...TWO..... successive

Week(s), the first publication and posting thereon being on

the11TH.....day of ...NOVEMBER... 2016., and

subsequent publication on the18TH.....

day (s) ...NOVEMBER.... 2016....

Printer's Fee \$...89.86...

Notarized Signature \$....2.00...

Additional Copy Fee \$.....

Total Due: \$... 91.86...

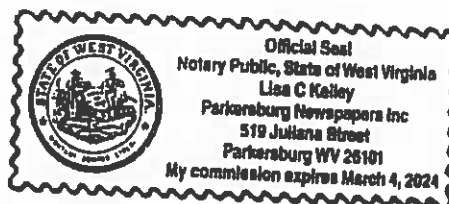
By: *Mary J Buck*

Subscribed and sworn to before me this

18th day of November 2016

Lisa C. Kelley
Notary Public for Wood County, West Virginia

My commission expires 3/4/2024



PUBLIC HEREING MANDATE VERIFICATION (CITY COUNCIL AGENDA)

AGENDA FOR PARKERSBURG CITY COUNCIL,
TUESDAY, DECEMBER 13, 2016, 7:30 PM
SECOND FLOOR, COUNCIL CHAMBERS
MUNICIPAL BUILDING

PRAYER AND PLEDGE OF ALLEGIANCE

- I. CALL TO ORDER – Council President, John Rockhold
- II. ROLL CALL
- III. MINUTES – meeting held November 29, 2016
- IV. REPORTS FROM STANDING OR SPECIAL COMMITTEES
 - A. City Clerk announces that amendments to our City Code for 2016 are available, with an ordinance to follow in ninety (90) days.
- V. MESSAGE FROM THE EXECUTIVE
 - B. Five-Year Capital Improvement Plan, to be distributed on Tuesday, December 13, 2016.
- VI. PUBLIC FORUM
- VII. RESOLUTIONS
 - 1. Resolution re-appointing Mr. Eddie Staats, Ms. Sherry Dugan, and Mr. Sean Andrews to the Municipal Planning Commission for terms to expire December 31, 2019. Requires Council's confirmation. (Sponsored by Councilmen Rockhold, Reed, Carpenter, and Lynch).
 - 2. Resolution accepting a Recycling Assistance Grant in the amount of \$98,000.00, to be used to assist with the purchase of a skid steer loader, steel materials to build storage containers, plastic storage containers, asphalt to pave the road to the recycling center and to update the website, no match required. (Sponsored by Councilmen Rockhold, Reed, Carpenter, Brown and Lynch.)
- VIII. **ORDINANCE, FIRST READING**
 - 3. **PUBLIC HEARING** on an ordinance authorizing the Mayor to submit an amendment to the Home Rule Board to allow the sale of alcohol beverages by Class "A" license holders beginning at 10:00 AM on Sundays. (Sponsored by Councilmen Reed, Coram, Carpenter, Reynolds, Bigley, Lynch, and Wilcox.) (21 page plan available in Clerk's Office.)
- IX. MISCELLANEOUS
 - 4. Board of Canvassers' Certificate of Votes Cast for the General Election November 8, 2016. (Receive, file, approve)
- X. ADJOURNMENT (NOTE – our next council meeting is December 20, 2016)

**AGENDA FOR PARKERSBURG CITY COUNCIL,
TUESDAY, DECEMBER 20, 2016, 7:30 PM
SECOND FLOOR, COUNCIL CHAMBERS
MUNICIPAL BUILDING**

PRAYER AND PLEDGE OF ALLEGIANCE

- I. CALL TO ORDER – Council President, John Rockhold**
- II. ROLL CALL**
- III. MINUTES – meeting held December 13, 2016**
- IV. REPORTS FROM STANDING OR SPECIAL COMMITTEES**
- V. MESSAGE FROM THE EXECUTIVE**
- VI. PUBLIC FORUM**
- VII. RESOLUTIONS**
 - 1. Resolution re-appointing Rebekah Mathis-Stump, 2000 Newberry Drive, as Administrative Law Judge for the City of Parkersburg through March 31, 2019; and re-appointing C. Blaine Myers, 1915 Foley Avenue, as Administrative Law Judge for the City of Parkersburg through September 30, 2019. (Sponsored by Councilmen Lynch, Reed, and Rockhold)**
 - 2. Resolution committing matching funds in the amount of \$31,250.00 from the Capital Reserve Fund to extend the City's Multiuse Trail along the Ohio River from Point Park to the City's northern corporation limits. The WVDOT-DOH is willing to commit \$593,750.00. Provided they execute a cooperative agreement in 2017. (Sponsored by Councilmen Reynolds, Lynch, Rockhold, Carpenter, Brown, Coram, Bigley and Wilcox.)**
 - 3. Resolution authorizing Mayor Colombo to sign a Memorandum of Agreement with the US Corp of Engineers to expedite and evaluate a permit application for extending the Multiuse Trail, as stated above, and allocating \$35,000.00 from the Capital Reserve Fund for the project. (Councilmen Reynolds, Lynch, Rockhold, Carpenter, Brown, Coram, Bigley, and Wilcox).**

4. Resolution requesting approval from the State Auditor's Office:
 - A. \$25,000.00 donation from Spartan to complete basketball/pickleball court at City Park; (Councilmen Reynolds, Rockhold, and Carpenter)
 - B. \$21,407.00 from insurance claims first half of 2017;
 - C. Various reallocations in Public Works for unexpected repairs and maintenance, and actual budgeted amounts for Police Department lease/purchase.
 - D. \$66,250.00 for the WV DOH contribution and also for the US Corps of Engineers – concerning the Multi-Use Trail Project. (Councilmen Wilcox, Lynch, Brown, Coram, Carpenter, Reynolds, Bigley, and Rockhold)
 - E. \$2,000.00 from the line item for funding from the Bicycle Board, moved to the funds for a new fire station. (Councilmen Coram, Reynolds, Carpenter, and Brown.
5. Resolution amending the CDBG budget by moving funds from the Administration line item in the amount of \$5,969.20 for minor and emergency home repair. (Sponsored by Councilmen Rockhold, Brown, and Reynolds)
6. Resolution authorizing the Mayor to submit a Transportation Alternatives Program Grant Application to the WV DOT DOH in the amount of \$105,475.00 (cash match \$26,369.00) to improve the line site for motorists on Stewart Avenue between 15th and 16th Avenues. (Councilmen Brown, Bigley, Coram, Carpenter, and Reynolds.)
7. Resolution appointing Warren Bigley, 2421 Harrison Avenue, to the Board of Zoning Appeals for a term to end April 12, 2019. (Councilmen Rockhold, Wilcox, Reynolds, and Lynch)
8. Resolution appointing Mr. Charlie Casto, 20th Street, Parkersburg, to the Mid Ohio Valley Board of Health for an unexpired term to end June 30, 2018. (Sponsored by Councilmen Rockhold, Brown, Bigley, and Reynolds)

VIII. **ORDINANCE, FINAL READING**

9. An ordinance authorizing the Mayor to submit an amendment to the Home Rule Board to allow the sale of alcohol beverages by Class "A" license holders beginning at 10:00 AM on Sundays. (Sponsored by Councilmen Reed, Coram, Carpenter, Reynolds, Bigley, Lynch, and Wilcox.) (21 page plan available in Clerk's Office.)

IX. **ADJOURNMENT**

PUBLIC HEREING MANDATE VERIFICATION (CITY COUNCIL MINUTES)

Mayor James E. Colombo



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

CERTIFICATION

I, Connie Shaffer, City Clerk of the City of Parkersburg, West Virginia, do hereby certify that the attached is a true and accurate copy of minutes from the City of Parkersburg City Council meeting held December 13, 2016.

Dated this 22nd day of December, 2016.



City Clerk


CITY SEAL

Castro & Moore, Inc., SERVICES, WV Reg-Order No. 12275-13

The Council of the City of Parkersburg met in regular session Tuesday, December 13, at 7:30 PM in the Council Chambers on the second floor of the Municipal Building at One Government Square, Parkersburg, WV 26101 and joined in the Lord's Prayer and Pledge of Allegiance.

The meeting was called to order by Council President, John Rockhold, who presided over the meeting. The clerk noted the attendance and those present included Councilmen Nancy Wilcox, Sharon Lynch, Roger Brown, Kim Coram, JR Carpenter, Mike Reynolds, Warren Bigley, and John Rockhold. Councilman Jim Reed was absent.

MINUTES – Ms. Coram moved, seconded by Mr. Brown, to approve the minutes from the meeting held November 29, 2016 and the motion was adopted by unanimous vote.

REPORTS FROM STANDING OR SPECIAL COMMITTEES – the City Clerk reported that amendments to our City Code for 2016 are available, with an ordinance to follow in ninety (90) days.

MESSAGE FROM THE EXECUTIVE – Mayor Jimmy Colombo had earlier this evening distributed copies of the City's Five-Year Capital Improvement Plan. He said the plan will be on the website when it is adopted by City Council. Mayor Colombo also offered a silent prayer for Mr. Eddie Staats, Sr. who passed recently.

The Mayor thanked everyone involved in our recent Christmas parade and fireworks and winter fest, and Holiday in the Park. Anything that makes people feel joyful and good is good for everyone, he said.

Ms. Coram asked when the plan would be available to the public, and Mr. Jiles said it is only a draft until it is adopted by Council, but it is available at any time.

MOTION – Ms. Wilcox moved, seconded by Mr. Bigley, to receive and file the report, and the motion was adopted by unanimous vote.

PUBLIC FORUM – no one from the public spoke this evening.

Councilman Brown stated that he was not in favor of the ordinance this evening to ask the Home Rule Board to allow the sale of alcohol beginning at 10:00 a.m. on Sundays. Drugs and alcohol run together and we are adding to the same problem, he said, with no benefit to adopt it. We pay the Police Department to keep our streets safe, he said.

Councilman Bigley said that he thought our winter fest this year was fantastic, and thanked everyone for a great job. It is good for the public to see our City at its' best, he said.

RESOLUTION – the clerk presented a resolution re-appointing Mr. Eddie Staats, Ms. Sherry Dugan, and Mr. Sean Andrews to the Municipal Planning Commission for terms to expire December 31, 2019.

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

**WEST VIRGINIA RECYCLING ASSISTANCE
GRANT PROGRAM, 2017 GRANT AGREEMENT
RESOLUTION**

WHEREAS, the City of Parkersburg recognizes the importance of promoting recycling in the community; and

WHEREAS, recycling helps to reduce the need for new landfills and extends the useful life of present landfills and allows the recycling of valuable materials; and

WHEREAS, the City of Parkersburg has been awarded a 2017 REAP Recycling Assistance Grant from the West Virginia Department of Environmental Protection in the amount of \$98,000; and

WHEREAS, these funds will be used to assist with the purchase of a skid steer loader, steel materials to build storage containers, plastic storage containers, asphalt to pave road to the recycling center and to update the recycling center's website.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG, that Mayor, James E. Colombo be and hereby is authorized to sign a grant agreement in the amount of \$98,000 to the West Virginia Department of Environmental Protection, Division of Land Restoration, for a Recycling Assistance Grant which requires no match.

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

ORDINANCE, FIRST READING:

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PARKERSBURG
TO SUBMIT AN AMENDMENT TO THE MUNICIPAL HOME RULE BOARD
AMENDING THE CITY'S HOME RULE PLAN TO ALLOW THE SALE OF
ALCOHOL BEVERAGES BY CERTAIN ALCOHOL BEVERAGE CONTROL
ADMINISTRATION CLASS "A" LICENSE HOLDERS BEGINNING
AT 10:00 A.M. ON SUNDAYS

MOTION – Mr. Carpenter moved, seconded by Ms. Coram, to adopt the ordinance on first reading.

PUBLIC HEARING – at 7:40 PM, President Rockhold declared a public hearing open to give the citizens an opportunity to voice their opinion on this ordinance.

Ms. Sharon Kuhl, 2624 Hugh Street, asked Council to vote against this ordinance. She said that we have five DUI's every day and over 1,800 per year. We don't need to do this, she said. It ties up our court system, and she is also thinking about the safety of our community. We can't stop the sale of alcohol, but we don't need to sell it earlier.

Mr. Joe Sims, 107 Wolf Run, Rockport, WV, agreed that we did not need to sell alcohol that early on Sundays.

Mr. Joe Roedersheimer, Emerson Avenue – North End Tavern – told Council that DUIs happen all the time, and you can get alcohol all the time. He is in business to create business, and he has a license to do that. Alcohol is a legal beverage, he said, and those three extra hours on Sunday would create more hours for his employees. He does not know if this will make a big difference, but it will make an economic difference. People are not going to Marietta, and they open at 8:00 a.m...

Mr. Robert Meadows, Emerson Avenue Hill House, said this would give his employees more money and hours to work. Their customers are leaving and going to Marietta. He said he respected what people say about DUIs, but he does not think this will make a difference. It will mean more sales for the businesses and more taxes for the city. A lot of businesses will benefit from this, he said.

Mr. Mark Lewis, Director for the Visitors and Convention Bureau, said he lobbied for this at the legislature. Fifteen (15) cities have applied to the Home Rule Board, and thirteen (13) cities have been approved. He said he respects people's convictions, but we would be giving them the starting time of what it is every other day of the week. Travelers look for these things, and it is a business friendly thing to do. With such freedoms there is responsibility, he said, and he does not think it will increase the problems we have now. This will put Parkersburg on an equal footing with other states and cities.

Ms. Debbie Hendershot, 4809 Emerson Avenue, said that she drives to church on Sundays and does not want to worry about people drinking alcohol at that time, possibly causing an accident.

Ms. Elizabeth Fordyce, Highland Avenue, Williamstown, said she was very much against increasing the time to sell alcohol. We have drug problems, and she does not see the argument that business cannot survive without it.

The Public hearing closed at 7:55 PM.

Mr. Rockhold asked the City Attorney, Joe Santer, to explain the ordinance. Mr. Santer said this ordinance is just to submit the application to the Home Rule Board after two readings, and then it will come back to Council for a vote.

Mr. Brown said he remembered the Blue Law where businesses were not open on Sundays, and now businesses are open all hours. To give an inch will take a mile, he said, and this will compound the Police Department's jobs.

Mr. Carpenter said he does not sell alcohol at his restaurant, and he does not work on Sunday. The consumer will judge the failure or success of this ordinance.

VOTE- the motion was adopted on first reading by majority vote with all members voting "yes" with the exception of Mr. Brown and Mr. Rockhold, who voted "no".

The clerk presented the Wood County Commissioner's Board of Canvassers' Certificate of Votes Cast for the General Election November 8, 2016.

MOTION – Ms. Wilcox moved, seconded by Mr. Bigley, to receive, file and approve the certificate, and the motion was adopted by unanimous vote.

The meeting adjourned at 8:00 PM.

Cynthia Shaw
City Clerk

Council President

Mayor James E. Colombo



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

CERTIFICATION

I, Connie Shaffer, City Clerk of the City of Parkersburg, West Virginia, do hereby certify that the attached is a true and accurate copy of drafted minutes from the City Council meeting held December 20, 2016.

Dated this 22nd day of December, 2016.



City Clerk

CITY SEAL

The Council of the City of Parkersburg met in regular session Tuesday, December 20, 2016, at 7:30 PM in the Council Chambers on the second floor of the Municipal Building at One Government Square, Parkersburg, WV 26101 and joined in the Lord's Prayer and Pledge of Allegiance.

The meeting was called to order by Council President, John Rockhold, who presided over the meeting. The clerk noted the attendance and those present included Councilmen Sharon Lynch, Roger Brown, Kim Coram, JR Carpenter, Mike Reynolds, Warren Bigley, and John Rockhold. Councilmen Nancy Wilcox and Jim Reed were absent.

MINUTES – Mr. Bigley moved, seconded by Mr. Brown, to approve the minutes from the meeting held December 13, 2016, and the motion was adopted by unanimous vote.

REPORTS FROM STANDING OR SPECIAL COMMITTEES – there were no reports.

MESSAGE FROM THE EXECUTIVE – Mayor Jimmy Colombo told everyone that he was happy to have been Mayor for two terms, then came back for the past year and a half. He said it had been a wonderful experience and he would never forget it. He commended City Council for funding \$2,000,000.00 to pave our streets, and said we would be building affordable homes due to legislation they adopted. He told them they have changed the face of Parkersburg, and asked them not to stop. Mayor Colombo has always told us he is a "public works kind of guy", and enjoys even simple steps of progress, such as painting improvements.

PUBLIC FORUM – Mr. Gene Butler, owner of the Polo Club in Parkersburg, asked Council to adopt the ordinance this evening to submit an amendment to the Home Rule Board which would allow restaurants to sell alcohol at 10:00 a.m... He said he and others are losing business to Ohio.

Mr. Jeff Fox, 3315 Clement Avenue, asked Council to vote in favor of the Multiuse Trail resolution on the agenda this evening. People are now going to Athens or Marietta to use their facilities. He hopes that the trail will continue into Vienna for fitness and recreation. He said that perhaps Wood County officials could get together with the North Bend trail, and this would all be a great way to move forward.

Mr. Rodney Holbert, from Burgess and Niple on Emerson Avenue, also asked Council to support the Multiuse Trail project. He said he worked on this plan twenty five (25) years ago and would be very excited to see it completed. He was young and did not realize how long it could take to complete, he said. This would be a project we can all be proud of, including the Corps of Engineers, CSX and other property owners.

Ms. Lynch said the drawings for the project were great. Mr. Yeager had told them about the trail two years ago, and it slowed down for a while, but they were excited about it and she said everyone would love it.

Ms. Coram asked for prayers for victims in Germany and Turkey after attacks there. She also thanked the citizens in her district who elected her to serve these past four years, and said she was excited about the future of Parkersburg.

Mr. Carpenter thanked Mayor Colombo for working with him to take care of some issues in his district that saved property values.

Mr. Bigley thanked his colleagues for serving with them the past year and a half. He said he never took one vote personally and is leaving with friends. He said he tried to do what was right and best for the people of Parkersburg.

Mr. Brown stated that the ordinance this evening to allow alcohol at 10:00 a.m. has not been needed for 65 years. If we turn down the money made on these sales, he said the City will be repaid ten times that amount. He added that he enjoyed working with Council and tried to do the right thing for Parkersburg.

Mr. Reynolds said he would miss the Councilmen leaving and is looking forward to working with the new council and Mayor. Even though he ran unopposed, he said he appreciated everyone who voted for him in November.

Mr. Rockhold said this was a historical time. We had three different councilmen in District #7, and two different Mayors. Mayor Colombo has made several improvements, including Home Rule, and said more good things would come.

RESOLUTIONS

The clerk presented a resolution reappointing Rebekah Mathis-Stump, 2000 Newberry Drive, and C. Blaine Myers, 1915 Foley Avenue, as Administrative Law Judges for the City of Parkersburg through September 30, 2019.

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

**RESOLUTION AUTHORIZING MAYOR COLOMBO TO SIGN A MEMORANDUM
OF AGREEMENT WITH THE UNITED STATES ARMY CORP OF ENGINEERS
TO EXPEDITE AND EVALUATE A PERMIT APPLICATION PURSUANT
TO 33 U.S.C. 408 FOR EXTENDING THE MULTIUSE TRAIL ALONG
THE OHIO RIVER TO THE CITY'S NORTHERN CORPORATION LIMITS**

WHEREAS, the City of Parkersburg is working with the West Virginia Department of Transportation – Division of Highways to extend an existing multiuse trail from Point Park to the City's northern corporations limits, and

WHEREAS, the City Council of the City of Parkersburg has contributed a 5 percent match to WVDOT-DOH for the project, and

CASTO & HARRIS, INC., SPRINGFIELD, WV REG-ORDER NO. 12275-13

WHEREAS, this project also requires review and approval by the United States Army Corp. of Engineers (USACE) pursuant to U.S.C. 408 (Section 408), and

WHEREAS, USACE's priority review and analysis of the documentation and proposed project is currently estimated to be \$35,000, and

WHEREAS, this amount is an estimate subject to adjustment by USACE, after consultation with the City, and is not to be construed as the total financial responsibilities for the Section 408 review, and

WHEREAS, the City desires to complete the Section 408 review process in a timely manner,

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Parkersburg hereby allocates \$35,000 from the City's Capital Reserve Fund for the project and hereby authorizes Mayor James E. Colombo to sign a Memorandum of Agreement (attached hereto) with the United States Army Corp. of Engineers to review of the City's Section 408 Permit Application regarding said multiuse trail.

MOTION – Ms. Coram moved, seconded by Mr. Carpenter, to adopt the resolution.

MOTION TO AMEND – Ms. Coram moved, seconded by Mr. Reynolds, to amend the resolution to state that the trail will extend over Pond Run to Little Pond Run (not to the City's northern boundary), and the amendment was adopted by unanimous vote.

**RESOLUTION COMMITTING MATCHING FUNDS TO
EXTEND THE CITY'S MULTIUSE TRAIL ALONG
THE OHIO RIVER FROM POINT PARK TO THE CITY'S
NORTHERN CORPORATION LIMITS
(to Little Pond Run)**

WHEREAS, the City of Parkersburg is committed to providing areas residents with the best quality of life, and

WHEREAS, the City has already made significant investments in public infrastructure projects like the expansion of Riverfront Park in downtown Parkersburg, and

WHEREAS, this particular improvement resulted in the partial construction of a multiuse trail from Riverfront Park to the Pond Run Outfall, and

WHEREAS, the City desires to extend this multiuse trail over Pond Run to the City's northern corporation limits, and

Whereas, this project would allow residents to enjoy the City's waterfront by creating a 3.1 multiuse trail between the Ohio River and City's floodwall, and

WHEREAS, the extension of this trail is an integral to developing a larger trail network systems in Wood County and greater Mid-Ohio Valley, and

WHEREAS, the total project is estimated to cost \$625,000, and

WHEREAS, the West Virginia Department of Transportation – Division of Highways supports this projects and is willing to commit \$593,750 in Transportation Alternative and Recreational Trails funds to the project provided the City's provides a 5 percent cash match of \$31,250, and

WHEREAS, infrastructure projects like this are critical to retaining, attracting and foster economic growth and development,

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Parkersburg supports the Administration's efforts to extend the multiuse trail along the Ohio River to the City's northern corporations limits and hereby commits \$31,250 from the City's Capital Reserve Fund to the West Virginia Department of Transportation – Division of Highways, toward the project, provided WVDOT-DOH and the City execute a cooperative agreement in 2017.

MOTION – Mr. Carpenter moved, seconded by Mr. Reynolds, to combine the vote on the previous resolution, and adopt this resolution, and the motion as amended, 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	368-000-000	CONTRIB - OUTSIDE ENTITIES	25,000.00		ADDTL SPARTAN DONATION
001	900-458-000	CAPITAL OUTLAY - OTHER IMP		25,000.00	ADDTL SPARTAN DONATION
			25,000.00	25,000.00	

The above resolution proposes a revision to the General Fund to reflect an additional donation from the Spartan Foundation, received on December 2, 2016, as additional support toward the completion of the basketball/pickleball court project at City Park.

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

RESOLUTION

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	386-000-000	INSURANCE CLAIMS	21,407.00		INSURANCE CLAIM REV
001	706-341-000	DEPARTMENTAL SUPPLIES		250.00	SUPPLIES LINE REIMB.
001	700-459-000	CAPITAL OUTLAY - EQUIP		7,606.00	TOTAL VEH. REIMB.
001	751-459-000	CAPITAL OUTLAY - EQUIP		13,150.00	5TH & JULIANA POLE REIMB
001	751-341-000	DEPARTMENTAL SUPPLIES		401.00	DUDLEY POLE REIMB.
			21,407.00	21,407.00	

The above resolution proposes a revision to the General Fund to reflect insurance claim activity for the first half of the 2017 fiscal year.

MOTION – Mr. Bigley moved, seconded by Ms. Coram, 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	377-000-000	CAPITAL LEASE REVENUE	(10,836.00)		ADJ. TO ACTUAL - PD LEASE
001	700-458-000	CAPITAL OUTLAY - EQUIPMENT		(10,836.00)	ADJ. TO ACTUAL - PD LEASE
001	440-230-000	CONTRACTUAL SERVICES		(25,000.00)	MOVE TO 440-215-000
001	440-215-000	MAINT & REPAIR BUILDING		25,000.00	CITY BUILDING REPAIRS
001	440-230-000	CONTRACTUAL SERVICES		(3,000.00)	MOVE TO 440-103-008
001	440-103-008	OVERTIME EXPENSE		3,000.00	REVISED OVERTIME EST
001	440-106-000	RETIREMENT EXPENSE		375.00	REVISED OVERTIME EST
001	440-104-000	FICA EXPENSE		230.00	REVISED OVERTIME EST
001	440-226-005	W/C EXPENSE		25.00	REVISED OVERTIME EST
001	440-341-043	SUPPLIES - MOSQUITO CONTROL		(2,630.00)	MOVE TO 440-211/103-008
001	440-211-000	TELEPHONE/COMM EXPENSE		2,000.00	PAGER CONTRACT CORRECT.
001	750-219-000	BUILDING/EQUIPMENT RENTAL		(28,095.00)	PENDING LEASE GAINS

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

001	900-211-000	TELEPHONE/COMM EXPENSE	145.00	REVISED ESTIMATE
001	900-215-000	MAINT & REPAIR BUILDING	(2,000.00)	ESTIMATE REALLOCATION
001	900-216-000	MAINT & REPAIR EQUIPMENT	2,000.00	ESTIMATE REALLOCATION
001	800-216-000	MAINT & REPAIR EQUIPMENT	10,000.00	PACKER TRK EQUIP REPAIR
001	800-217-000	MAINT & REPAIR AUTO	10,000.00	PACKER TRUCK REPAIR
001	800-228-000	FREIGHT	150.00	REVISED ESTIMATE
001	751-217-000	MAINT & REPAIR AUTO	7,500.00	BUCKET TRUCK REPAIR
001	751-228-000	FREIGHT	300.00	REVISED ESTIMATE
			<u>(10,836.00)</u>	<u>(10,836.00)</u>

The above resolution proposes a revision to the General Fund for Police Department capital lease actual vs. budgeted, as well as various Public Works Departmental reallocation of expenditures for unexpected repairs

MOTION – Mr. Bigley moved, seconded by Ms. Coram, 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	368-000-000	TRANSFERS IN - OTHER FUNDS	66,250.00		CAPITAL RESERVE XFER
001	424-567-000	CONTRIB - OTHER GOVT UNITS		31,250.00	WV DOH CONTRIB
001	424-567-000	CONTRIB - OTHER GOVT UNITS		35,000.00	US CORPS OF ENG. CONTRIB
			<u>66,250.00</u>	<u>66,250.00</u>	

The above resolution presents a revision to the General Fund related to the Ohio River Multi-Use Trail Project in collaboration with the West Virginia Department of Highways and the U.S. Corps of Engineers.

MOTION – Mr. Bigley moved, seconded by Ms. Coram, 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	912-566-010	CONTRIB - BICYCLE		(2,000.00)	MOVE TO 444-566-001
001	444-566-001	CONTRIB - CAPITAL RESERVE		2,000.00	FIRE STATION EARMARK

The above resolution proposes a revision to the General Fund to move the \$2,000 bicycle board funding to a contribution to the Capital Reserve Fund to build a new fire station, per the request of Councilperson Kim

MOTION – Mr. Reynolds moved, seconded by Mr. Carpenter, to adopt the resolution, and the motion was adopted by majority vote with all members voting “yes” with the exception of Ms. Lynch and Mr. Rockhold, who voted “no”.

RESOLUTION

Be it resolved by the City Council of the City of Parkersburg that the City of Parkersburg's Community Development Block Grant (CDBG) Program Annual Action Plan and Budget for 2015 be hereby amended as follows:

Activity	Current Budget	Proposed Budget	Change
Minor Home Repair	\$30,000.00	\$31,485.00	\$1,485.00
Emergency Repair Housing	\$23,455.00	\$27,939.20	\$4,484.20
Administration	\$155,884.00	\$149,914.80	\$(5,969.20)
Totals	\$209,339.00	\$209,339.00	\$0.00

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

RESOLUTION

WHEREAS the purpose of the Transportation Alternatives Program is to provide infrastructure projects for improving non-driver access to public transportation and enhanced mobility, community improvement activities, and safe routes to school projects; and

WHEREAS the City of Parkersburg recognizes the need to help foster a healthy lifestyle for everyone, while making streets safer for pedestrians; and

WHEREAS, the City of Parkersburg will be responsible for providing a 20 percent, cash and/or in-kind match (pending approval) after submission of a grant application to the West Virginia Department of Transportation, Division of Highways – FY 2017 Transportation Alternatives Program.

WHEREAS, working with members of Parkersburg City Council, the Administration has identified and prioritized the following project:

\$26,369.00 (cash match) to improve the line site for motorists and pedestrians on Stewart Avenue, between 15th and 16th Avenue, by widening the northerly portion of the roadway and building a retaining wall. Total project cost will be \$131,844.00.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Parkersburg the Mayor of the City of Parkersburg be hereby authorized to submit a Transportation Alternatives Program Grant Application to the West Virginia Department of Transportation, Divisions of Highways in the amounts of: \$105,475.00.

MOTION – Mr. Brown moved, seconded by Mr. Carpenter, to adopt the resolution.

Ms. Lynch stated that this was a lot of money for one property owner compared to how much could be spent for sidewalks for the benefit of hundreds of kids walking to school.

Mr. Brown said that when buses meet at that location, one has to back up so the other can pass. This is a dangerous corner and this will help, he said.

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

VOTE – the motion was adopted by majority vote with all members voting “yes” with the exception of Ms. Lynch and Mr. Rockhold, who voted “no”.

RESOLUTION – the clerk presented a resolution appointing Warren Bigley, 2421 Harrison Avenue, to the Board of Zoning Appeals for a term to end April 12, 2019.

Mr. Bigley left the room for the vote.

MOTION – Mr. Brown moved, seconded by Ms. Coram, to adopt the resolution and the motion was adopted by majority vote with all members voting “yes” with the exception of Ms. Lynch, who voted “no”.

Mr. Bigley returned to his seat.

RESOLUTION – the clerk presented a resolution appointing Mr. Charlie Casto, 1913 20th Street, to the Mid-Ohio Valley Board of Health with a term to expire June 30, 2018.

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

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PARKERSBURG TO SUBMIT AN AMENDMENT TO THE MUNICIPAL HOME RULE BOARD AMENDING THE CITY'S HOME RULE PLAN TO ALLOW THE SALE OF ALCOHOL BEVERAGES BY CERTAIN ALCOHOL BEVERAGE CONTROL ADMINISTRATION CLASS "A" LICENSE HOLDERS BEGINNING AT 10:00 A.M. ON SUNDAYS

WHEREAS, the City of Parkersburg was selected to participate in the West Virginia Home Rule Pilot Program by the Municipal Home Rule Board in October 2014, and

WHEREAS, Senate Bill 298 was passed by the West Virginia Legislature on March 12, 2016 to allow county commissions to conduct a county option election on the question of whether to allow restaurants, private clubs, Class A retailers, wineries and wine serving entities to sell alcoholic liquors, wine and non-intoxicating beer as their licenses allow, and distilleries and mini-distilleries to offer complimentary samples of alcohol beginning at 10:00 a.m. on Sundays for on-premises consumption only, and

WHEREAS, this new legislation went into effect 90 days after it was passed by the West Virginia Legislature, and

WHEREAS, the City may propose to enact such legislation by amending its written plan with the West Virginia Municipal Home Rule Board in accordance with West Virginia State Code §8-1-5a, and

WHEREAS, the following amendment to the City of Parkersburg's Home Rule Application/Plan is attached hereto, and

WHEREAS, similar legislation has already been adopted by the fifteen communities in the State of West Virginia that participate in the Home Rule Pilot Program, and

WHEREAS, the City desires to give residents choices and its business establishments every opportunity to engage in lawful activities that may help grow their business, and

WHEREAS, allowing the sale of alcohol after 10 a.m. may create additional employment opportunities and enhance tourists/business travelers overall experience in the community,

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

That, James E. Colombo is hereby authorized to submit to the Municipal Home Rule Board a proposed amendment, attached hereto, to the City of Parkersburg's Municipal Home Rule Plan consistent with the West Virginia State Code § 8-1-5a, requesting approval to allow the sale of alcohol beverages by certain Alcohol Beverage Control Administration Class "A" License Holders beginning at 10:00 A.M. on Sundays.

MOTION – Ms. Coram moved, seconded by Mr. Carpenter, to adopt the ordinance on final reading, and the motion was adopted by majority vote with all members voting “yes” with the exception of Mr. Brown and Mr. Rockhold, who voted “no”.

The meeting adjourned at 8:15 PM.

City Clerk *James E. Colombo*

Council President

ORDINANCE AUTHORIZING SUBMISSION OF HOME RULE PLAN AMENDMENT

Mayor James E. Colombo



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

CERTIFICATION

I, Connie Shaffer, City Clerk of the City of Parkersburg, West Virginia, do hereby certify that the attached is a true and accurate copy of an ordinance adopted by Parkersburg City Council on final reading December 20, 2016.

Dated this 22nd day of December, 2016.

Connie Shaffer

City Clerk

CITY SEAL

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PARKERSBURG TO SUBMIT AN AMENDMENT TO THE MUNICIPAL HOME RULE BOARD AMENDING THE CITY'S HOME RULE PLAN TO ALLOW THE SALE OF ALCOHOL BEVERAGES BY CERTAIN ALCOHOL BEVERAGE CONTROL ADMINISTRATION CLASS "A" LICENSE HOLDERS BEGINNING AT 10:00 A.M. ON SUNDAYS

WHEREAS, the City of Parkersburg was selected to participate in the West Virginia Home Rule Pilot Program by the Municipal Home Rule Board in October 2014, and

WHEREAS, Senate Bill 298 was passed by the West Virginia Legislature on March 12, 2016 to allow county commissions to conduct a county option election on the question of whether to allow restaurants, private clubs, Class A retailers, wineries and wine serving entities to sell alcoholic liquors, wine and non-intoxicating beer as their licenses allow, and distilleries and mini-distilleries to offer complimentary samples of alcohol beginning at 10:00 a.m. on Sundays for on-premises consumption only, and

WHEREAS, this new legislation went into effect 90 days after it was passed by the West Virginia Legislature, and

WHEREAS, the City may propose to enact such legislation by amending its written plan with the West Virginia Municipal Home Rule Board in accordance with West Virginia State Code §8-1-5a, and

WHEREAS, the following amendment to the City of Parkersburg's Home Rule Application/Plan is attached hereto, and

WHEREAS, similar legislation has already been adopted by the fifteen communities in the State of West Virginia that participate in the Home Rule Pilot Program, and

WHEREAS, the City desires to give residents choices and its business establishments every opportunity to engage in lawful activities that may help grow their business, and

WHEREAS, allowing the sale of alcohol after 10 a.m. may create additional employment opportunities and enhance tourists/business travelers overall experience in the community,

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

That, James E. Colombo is hereby authorized to submit to the Municipal Home Rule Board a proposed amendment, attached hereto, to the City of Parkersburg's Municipal Home Rule Plan consistent with the West Virginia State Code § 8-1-5a, requesting approval to allow the sale of alcohol beverages by certain Alcohol Beverage Control Administration Class "A" License Holders beginning at 10:00 A.M. on Sundays.

Sponsored by: Reed, Coram, Carpenter, Reynolds, Bigley, Lynch and Wilcox

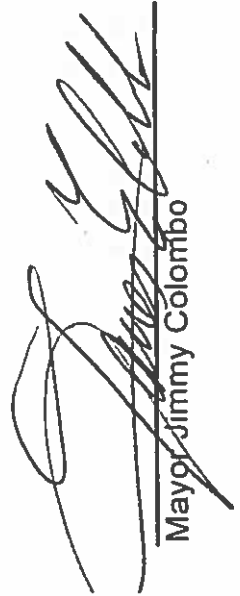
0-1561

Ord. authorizing Mayor Colombo to submit an amendment to the Home Rule Board to allow the sale of alcohol beginning at 10:00 AM on Sundays.

Adopted first reading Dec 13, 2016

After public hearing:

Adopted final reading Dec 20, 2016


Mayor Jimmy Colombo

FISCAL IMPACT WORKSHEETS/FORMULAS (NOT APPLICABLE)

ATTORNEY OPINION

Mayor James E. Colombo



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

December 22, 2016

West Virginia Home Rule Pilot Program
West Virginia Department of Commerce
State Capitol Complex, Building 6, Room 525
Charleston, West Virginia 25303

Re: Opinion for proposed amendment to the Home Rule Plan

Dear Members of the Home Rule Board:

I have in accordance with West Virginia State Code §8-1-5a(f)(4) reviewed the City of Parkersburg's Application and written Proposed Home Rule Plan Amendment and find as follows:

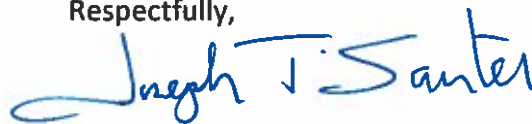
1. The Plan Amendment does not contain any changes to any ordinances, acts, resolutions, rules or regulations that are contrary to or in contravention of the following:
 - a. The Constitutions of the United States or West Virginia;
 - b. Federal Law or crimes and punishment;
 - c. Chapters Sixty –a (§§60A-1-101 et seq), sixty-one (§§61-1-1 et seq) or sixty-two (§§620101 et seq) of The West Virginia Code or State crimes and punishments;
 - d. Pensions or retirement plans;
 - e. Annexation;
 - f. Taxation;
 - g. Tax Increment financing;
 - h. Extraction of natural resources;
 - i. Persons or property outside the boundaries of the City of Parkersburg;
 - j. Marriage and divorce laws;
 - k. Restricting the carrying or a firearm; or
 - l. An occupation tax, fee or assessment payable by a non-resident of the City.

In addition and in compliance with the notice requirements under WV Code 58-1-5a(g), I certify the following:

1. Notice that the City Council of the City of Parkersburg would hold a public hearing on Tuesday, December 13, 2016 at 7:30 p.m. in the City Council Chambers, Parkersburg Municipal Building concerning the City's Proposed Amendment to its Home Rule written plan, as well as the availability of said proposed plan in the Office of the City Clerk, and Development Department, beginning November 11, 2016, Monday through Friday between the hours of 8:00 a.m. and 4:30 p.m., was published in the Parkersburg News and Sentinel once each week for two consecutive weeks beginning November 11, 2014 as a Class II legal ad. The City's plan was also made available on its website at www.parkersburgcity.com.
2. Following said 30 day review period City Council at its regular meeting, 7:30 p.m. December 13, 2016 as stated in the Public Notice, and in conjunction with Council's consideration of the Ordinance Authorizing the Mayor of the City of Parkersburg to submit a proposed amendment to the City's written plan to the West Virginia Municipal Home Rule Board, held a public hearing on the matter. In addition and as set forth in the Public Hearing Notice, all interested citizens were given notice that they could file written comments on the plan and application with the City Clerk.
3. Further, City Council by its rules and procedures invites citizens to comment on any matter of interest during the Public Hearing of its meeting and which included the meetings of both December 13, 2016 and December 20, 2016 thus allowing the public an additional opportunity to speak and be heard.

It is therefore my opinion that in accordance with West Virginia Code §8-1-5a the City of Parkersburg provided proper and adequate opportunity to the public to review and comment on the City's proposed amendment and during the public hearing of December 13, 2016 and which public hearing was declared open and held on said date.

Respectfully,



Joseph T. Santer, City Attorney
City of Parkersburg

STATE OF WEST VIRGINIA FEE STATEMENT

Mayor James E. Colombo



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

December 21, 2016

West Virginia Home Rule Pilot Program
West Virginia Department of Commerce
State Capitol Complex, Building 6, Room 525
Charleston, West Virginia 25303

Re: West Virginia Fees Statement for the City of Parkersburg

Dear Members of the Home Rule Board:

In regard to the Section III: Affidavits Application Checklist requirements, please accept this as the City of Parkersburg's State of West Virginia Fees Statement. This letter is to acknowledge that the City of Parkersburg is current on all fees and has no outstanding fees due to the State of West Virginia.

If you have any questions or concerns, please contact me at 304.424.8489 or email eric.jiles@parkersburgwv.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eric S. Jiles", is written over the word "Sincerely,".

Eric S. Jiles, CPA
Director of Finance

LETTER OF SUPPORT FROM THE GREATER PARKERSBURG CVB

G R E A T E R
PARKERSBURG
Convention & Visitors Bureau

350 7th Street, Parkersburg, WV 26101
304.428.1130 • 800.752.4982
Fax: 304.428.8117
www.GreaterParkersburg.com

To the Mayor of Parkersburg and to the members of Parkersburg City Council:

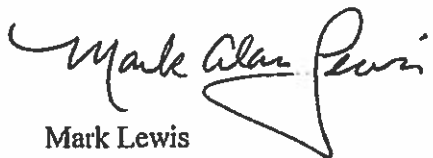
During this year's session of the WV Legislature, state code was amended to allow counties to approve a change in the hour at which the sale of alcoholic beverages may begin on Sundays. The legislation, popularly referred to as the "Brunch Bill", allows sales of alcohol by-the-drink to begin at the same hour on Sunday as it does every other day of the week -10 am. Subsequent to the passage of this legislation it was determined that municipalities that had been granted "Home Rule" status would also have the authority to change the time through ordinance and through application to the home rule board. Since that determination was made, fifteen cities across West Virginia have applied to the Home Rule Board for the authority to make the change and all have been approved. Of those fifteen cities, thirteen have gone on to officially pass the ordinance change and the remaining two are close to completing the process.

In addition, the following counties approved the change through referendum on November 8th – Berkeley, Jefferson, Morgan, Marion, Monongalia, Ohio, Marshall, Greenbrier, Pocahontas and Cabell.

At the meeting of the Board of Directors for the Greater Parkersburg Convention & Visitors Bureau on July 21st, members of the board voted, without dissent, to request that the cities of Parkersburg and Vienna use the authority available to them under home rule to make this change. The Board feels that this change will help our food and beverage businesses who do sell alcohol to increase their profits by encouraging more business on Sundays. In addition, this business-friendly initiative will help restaurants in Parkersburg compete with similar businesses across the river in Marietta, retaining revenue and tax dollars alike in Wood County.

Thank you for your consideration in this matter. We hope we can count on your support.

On behalf of the Board of Directors of the Greater Parkersburg Convention & Visitors Bureau,



Mark Lewis
President & CEO
Greater Parkersburg CVB

APPLICABLE STATE LAW, POLICIES, RULES OR REGULATIONS

CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.

ARTICLE 7. LICENSES TO PRIVATE CLUBS.

§60-7-12. Certain acts of licensee prohibited; criminal penalties.

(a) It is unlawful for any licensee, or agent, employee or member thereof, on such licensee's premises to:

- (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;
- (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;
- (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.

§60-8-34. When retail sales prohibited.

It shall be unlawful for a retailer, farm winery, wine specialty shop retailer, private wine bed and breakfast, private wine restaurant or private wine spa licensee, his or her servants, agents or employees to sell or deliver wine between the hours of two o'clock a.m. and one o'clock p.m., or, it shall be unlawful for a winery, farm winery, private wine bed and breakfast, private wine restaurant or private wine spa, his or her servants, agents or employees to sell wine between the hours of two 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 Sundays, or between the hours of two o'clock a.m. and seven o'clock a.m. on weekdays and Saturdays.

CHAPTER 11. TAXATION.

ARTICLE 16. NONINTOXICATING BEER.

§11-16-8. Form of application for license; fee and bond; refusal of license.

(a) A license may be issued by the commissioner to any person who submits an application, accompanied by a license fee and, where required, a bond, and states under oath:

(1) The name and residence of the applicant, the duration of such residency, that the applicant has been a resident of the state for a period of two years preceding the date of the application and that the applicant is twenty-one years of age. If the applicant is a firm, association, partnership, limited partnership, limited liability company or corporation, the application shall include the residence of the members or officers for a period of two years preceding the date of such application. If a person, firm, partnership, limited partnership, limited liability company, association, corporation or trust applies for a license as a distributor, such person, or in the case of a firm, partnership, limited partnership, limited liability company, association or trust, the members, officers, trustees or other persons in active control of the activities of the limited liability company, association or trust relating to the license, shall state under oath that each has been a bona fide resident of the state for four years preceding the date of such application. If the applicant is a trust or has a trust as an owner, the trustees or other persons in active control of the activities of the trust relating to the license shall provide a certification of trust as described in section one thousand thirteen, article ten, chapter forty-four-d of this code. This certification of trust shall include the excerpts described in subsection (e), section one thousand thirteen, article ten, chapter forty-four-d of this code and shall further state, under oath, the names, addresses, Social Security numbers and birth dates of the beneficiaries of the trust and certify that the trustee and beneficiaries are twenty-one years of age or older. If a beneficiary is not twenty-one years of age, the certification of trust must state that such beneficiary's interest in the trust is represented by a trustee, parent or legal guardian who is twenty-one years of age and who will direct all actions on behalf of such beneficiary related to the trust with respect to the distributor until the beneficiary is

twenty-one years of age. Any beneficiary who is not twenty-one years of age or older shall have his or her trustee, parent or legal

