

AGENDA FOR PARKERSBURG CITY COUNCIL,
TUESDAY, JULY 26, 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 July 12, 2016
- IV. REPORTS FROM STANDING OR SPECIAL COMMITTEES
- V. MESSAGE FROM THE EXECUTIVE
 1. Communication from Mayor Jimmy Colombo appointing Mr. Craig Mitten to the Tree Commission for a three year term ending July 26, 2019. (Mayor's appointment, requires confirmation.)
- VI. PUBLIC FORUM
- VII. RESOLUTION
 2. Resolution authorizing Mayor Jimmy Colombo to submit a Land and Water Conservation Fund Grant for the boundless playground in City Park, estimated at \$200,000.00 with 50% cash match. (Sponsored by the Finance Committee of City Council)
 3. Resolution requesting a budget revision to assign \$100,000.00 for the boundless playground matching fund. (Finance Committee.)
- IX. ORDINANCE, FINAL READING:
 4. An ordinance amending Section 1329.02, Rules for BZA concerning a majority vote of the Board. (Sponsored by Councilmen Coram, Bigley, Carpenter, and Rockhold)
 5. An ordinance governing outdoor fireplaces, manufactured outdoor fireplaces, and outdoor fire pits or fire bowls, their fuel and their locations. (Sponsored by the Public Works Committee)
 6. An ordinance repealing Section 353.16, Point Park area meters; courtesy parking permits, of the Codified Ordinances. (Sponsored by the Public Works Committee)
 7. An ordinance providing for an election to consider Charter amendments concerning the composition of the Municipal Political Executive Committees. (Sponsored by Councilmen Coram, Brown, and Reynolds.)
- X. ADJOURNMENT

The Council of the City of Parkersburg met in regular session Tuesday, July 12, 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 Nancy Wilcox, Sharon Lynch, Roger Brown, Kim Coram, JR Carpenter, Warren Bigley, Jim Reed and John Rockhold. Councilman Mike Reynolds was absent.

We observed a moment of silence for the shootings in Dallas, Texas, where police officers were killed.

MINUTES – Mr. Reed moved, seconded by Mr. Bigley, to approve the minutes from the meeting held June 28, 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 reminded all about the fundraising event tomorrow at Bicentennial Park. Several music groups will perform, food will be served, and tee shirts will be sold, with all proceeds going directly to the flood victims in central and southern West Virginia. The Mayor thanked everyone who was volunteering in any way for this opportunity to help out our fellow man.

PUBLIC FORUM – Kathy Wermter, 2605 Capital Drive, asked Council to adopt the ordinance this evening to provide for an election concerning approval of Director of Public Works, and Director of Finance; and concerning the City executive committee.

Sue Ellen Waybright asked City Council to adopt an ordinance to eliminate people panhandling in the City, saying that it sets a very bad example, and we have agencies to help people who need assistance. This is a growing problem, she said, and mentioned that the panhandlers go on social media bragging that they make \$300.00 per day tax free.

City Attorney, Joe Santer, told Ms. Waybright that the City was sued by the American Civil Liberty Union and we were ordered to rescind our ordinance against panhandlers because it was unconstitutional. We had to stop all solicitation including firemen asking for funds or cheerleaders. They have the right to panhandle. We had argued to the Court, who said it restricted people to ask for money. We lost that case, he said.

Ms. Heather Cooper, 2400 Oak Street, thanked Council sponsors on the ordinance this evening concerning fortunetelling.

Local attorney, John Ellem, was present on behalf of Ms. Cooper who had asked him to look at our ordinance section 529.05. Our ordinance is very old and broad, he said. He cited cases from other states that say an outright ban of fortunetelling or palm reading is in violation of our first amendment, and our ordinance is subject to attack.

Another gentleman resident of 1915 Market Street believes the ordinance concerning fortunetelling is about free speech. Many people read their horoscopes, he said, and they can either be entertained by it, or use it to make decisions. It should be allowed in Parkersburg, he said.

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	299-00	FUND BALANCE	741,321.00		PRELIM. CARRYOVER
001	369-000-000	TRANSFER IN - USER FEE FUND	1,149,913.00		REPMT TO CAPITAL RES.
001	444-566-001	CONTRIB - CAPITAL RESERVE		1,149,913.00	REPMT TO CAPITAL RES.
001	444-566-015	CONTRIB - USER FEE FUND		739,910.00	CONTRACT CARRYOVER
001	900-230-000	CONTRACTUAL SERVICES		1,411.00	MUSICFEST CARRYOVER
			1,891,234.00	1,891,234.00	

The resolution above proposes a revision to the General Fund budget in order to properly reflect the budgetary actions of the accounting entries necessary to repay to Capital Reserve fund for the money borrowed during the 2016 fiscal year to begin the paving contract early in the season. The repayment to Capital Reserve is currently budgeted in the User Fee Fund; however, since the General Fund borrowed the funds in FY 2016 the General Fund must repay it. This will be accomplished by transferring in \$1,149,913 to the General Fund from the User Fee Fund, and simultaneously transferring the same amount from the General Fund to the Capital Reserve Fund.

Also, this revision accounts for the carryover necessary for the unexpended paving contract as of June 30th by increasing the General Fund balance and a corresponding contribution to the User Fee Fund, where all of the City's paving expenditures will be paid going forward, by \$739,910.

Finally, this revision accounts for a carryover of the balance of Music Fest dollars donated to the City for the Southwood Park Music Series, in the amount of \$1,411.

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

MOTION – Ms. Wilcox moved, seconded by Mr. Bigley, 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	414-111-005	OPEB - GENERAL GOVERNMENT		(106,483.00)	OPEB ALLOCATION
001	414-111-010	OPEB - PUBLIC SAFETY		(290,583.00)	OPEB ALLOCATION
001	414-111-015	OPEB - STREETS & TRANS.		(82,054.00)	OPEB ALLOCATION
001	414-111-020	OPEB - SANITATION		(44,368.00)	OPEB ALLOCATION
001	409-111-000	OTHER POST-EMPL BENEFITS		2,894.00	OPEB ALLOCATION
001	414-111-000	OTHER POST-EMPL BENEFITS		23,160.00	OPEB ALLOCATION
001	415-111-000	OTHER POST-EMPL BENEFITS		2,075.00	OPEB ALLOCATION
001	416-111-000	OTHER POST-EMPL BENEFITS		3,860.00	OPEB ALLOCATION
001	417-111-000	OTHER POST-EMPL BENEFITS		3,378.00	OPEB ALLOCATION
001	420-111-000	OTHER POST-EMPL BENEFITS		8,685.00	OPEB ALLOCATION
001	421-111-000	OTHER POST-EMPL BENEFITS		9,650.00	OPEB ALLOCATION
001	422-111-000	OTHER POST-EMPL BENEFITS		3,378.00	OPEB ALLOCATION
001	436-111-000	OTHER POST-EMPL BENEFITS		13,510.00	OPEB ALLOCATION
001	440-111-000	OTHER POST-EMPL BENEFITS		7,720.00	OPEB ALLOCATION
001	566-111-000	OTHER POST-EMPL BENEFITS		7,624.00	OPEB ALLOCATION
001	700-111-000	OTHER POST-EMPL BENEFITS		179,899.00	OPEB ALLOCATION
001	706-111-000	OTHER POST-EMPL BENEFITS		111,940.00	OPEB ALLOCATION
001	714-111-000	OTHER POST-EMPL BENEFITS		3,860.00	OPEB ALLOCATION
001	750-111-000	OTHER POST-EMPL BENEFITS		34,740.00	OPEB ALLOCATION
001	751-111-000	OTHER POST-EMPL BENEFITS		7,720.00	OPEB ALLOCATION
001	754-111-000	OTHER POST-EMPL BENEFITS		11,580.00	OPEB ALLOCATION
001	756-111-000	OTHER POST-EMPL BENEFITS		17,370.00	OPEB ALLOCATION
001	800-111-000	OTHER POST-EMPL BENEFITS		45,355.00	OPEB ALLOCATION
001	900-111-000	OTHER POST-EMPL BENEFITS		25,090.00	OPEB ALLOCATION

The above resolution proposes a revision to the General Fund budget in order to allocate the City's OPEB liability across the various City departments. When the FY17 budget was adopted, the expense was allocated within the Finance department with the understanding that it will need allocated to properly classify the expense between general government, public safety, streets and transportation, health and sanitation, and culture and recreation classifications.

MOTION – Ms. Wilcox 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 revise the Adopted Budget for Fiscal Year 2016-2017 to reflect the following changes:

USER FEE SPECIAL REVENUE FUND

Fund	Account	Description	Revenue Increase/ (Decrease)	Expenditure Increase/ (Decrease)	Fund Source / Description
036	444-566-000	CONTRIB - GENERAL FUND		1,149,913.00	REPMT TO CAPITAL RES.
036	444-566-001	CONTRIB - CAPITAL RESERVE		(1,149,913.00)	REPMT TO CAPITAL RES.
036	369-000-000	TRANSFER IN - GENERAL FUND	739,910.00		CONTRACT CARRYOVER
036	750-458-005	STREET IMPROVEMENTS		739,910.00	CONTRACT CARRYOVER
			739,910.00	739,910.00	

The resolution above proposes a revision to the User Fee Special Revenue Fund budget to account for the activities proposed in the previous General Fund revision resolution

MOTION – Ms. Wilcox moved, seconded by Mr. Bigley, 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	370-000-000	TRANSFERS IN - MGMT FEES	2,200.00		PARKING MGMT FEE
001	444-566-001	CONTRIB - CAPITAL RESERVE		2,200.00	FIRE STATION EARMARK
			2,200.00	2,200.00	

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

Ms. Wilcox asked for an explanation of this resolution since there are other lots that Public Works mow. Finance Director, Eric Jiles, stated that he was asked to transfer this amount as a management fee from the parking fund to the general fund. The calculations were that we mow the parking lot at the Farmer's Market that much every year.

Ms. Coram said she asked Mr. Santer about this because there is a lease that the lot only be used for parking. As we did with the Memorial Bridge, we transferred \$40,000.00 from that department to recover costs to the general fund. Based on that same logic, she said we have a surplus in the parking fund and the fire department should have better living conditions. She was not aware there are other lots that we mow.

VOTE – the motion failed, as follows:

VOTING 'YES'

Mr. Brown
Ms. Coram
Mr. Carpenter
Mr. Bigley

VOTING 'NO'

Ms. Wilcox
Ms. Lynch
Mr. Reed
Mr. Rockhold

ORDINANCE, FINAL READING:

**AN ORDINANCE RE-ENACTING ARTICLE 1511.01
NATIONAL AND STATE FIRE CODES OF THE
CODIFIED ORDINANCES OF THE CITY OF PARKERSBURG**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that Article 1511 .a 1 of the Codified Ordinances of the City of Parkersburg be and it is hereby repealed and re- enacted as follows: The State Fire Code, Title 87, Legislative Rule, Fire Commission, Series 1 Fire Code be and is hereby adopted by reference as though set forth verbatim herein, except as otherwise provided herein and as follows:

1511.01 CODES ADOPTED; IDENTITY AND PURPOSE.

There is hereby adopted, and incorporated by reference as if set out at length herein, for the purpose of prescribing rules and regulations to improve public safety by providing control of fire hazards, regulating the installation, use and maintenance of equipment, regulating the use of structures, premises and open areas, and providing for the abatement of fire hazards, those certain codes known as the NFPA National Fire Code published by the National Fire Protection Association (but not including standards and requirements directed to the operation of local fire department) and have the same force and effect as if set out verbatim in this rule and are hereby adopted as promulgated by the State Fire Commission as a part of the State Fire Code and as provided for in West Virginia Code §29-3-5.

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

ORDINANCE, FINAL READING:

**ORDINANCE AMENDING SECTION 783.03, FLOODWALL
MAINTENANCE FEES IMPOSED, OF ARTICLE 783 OF THE
CODIFIED ORDINANCES OF THE
CITY OF PARKERSBURG**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that Section 783.03 of Article 783, Floodwall Maintenance Fees, of the Codified Ordinances of The City of Parkersburg be and it is hereby amended as per Subsections (a), (b), (c), (e) and (f) but only as per those said Subsections and as follows:

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

(a) There is hereby imposed upon the respective owners of all tracts of land in the protected flood zone an annual fee in an amount equal to the total number of square feet of land multiplied by \$0.001.

(b) There is hereby imposed upon the respective owners of all buildings in the protected flood zone an additional annual fee in an amount equal to the total number of square feet contained in the building multiplied by \$0.067 per square foot.

(c) There is hereby imposed upon the respective owners of all commercial and institutional buildings in the protected flood zone an additional annual fee in an amount equal to the total number of square feet contained in the building multiplied by \$0.067 per square foot.

(e) There is hereby imposed upon the respective owners of all mobile homes in the protected flood zone an annual fee of five dollars and sixty-seven cents (\$5.67). (f) There is hereby imposed upon the respective owner and/or occupant of all utility poles, multiple poles or tower structures within the protected flood zone an annual fee of two dollars and no cents (\$2.00) for each utility pole, multiple pole or tower structure owned or occupied by each such entity.

The purpose and intent of this amendment is to reduce the present floodwall fees imposed under Article 783 by one-third (1/3).

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

Councilman Reed stated that Home Rule allowed the 1% sales tax. The floodwall fee is just for a few citizens, and asked why they were not looking at the police fee and fire fee to give everyone a break. This does nothing for his district (#9) and he thinks it is wrong.

Ms. Wilcox agreed that only one Council district will have an impact. There should be a reduction for the whole City, she said. The little bit we will save we would be better to divide it among the City. The floodwall has done so much for many years, she said.

Councilman Carpenter said his district's citizens have paid the fee all these years, and the fee should have been for everyone. In order to reduce fees, this is a good start to help people who have been paying for over fifty (50) years. He said he would be happy to look at the police and fire fees also.

Ms. Lynch stated that the flood wall fee also reduces their home owner's insurance, and she agrees with Mr. Reed.

VOTE – the motion failed, as follows:

VOTING 'YES'	VOTING 'NO'
Mr. Brown	Ms. Wilcox
Ms. Coram	Ms. Lynch
Mr. Carpenter	Mr. Reed
Mr. Bigley	Mr. Rockhold

ORDINANCE, FINAL READING

ORDINANCE AMENDING SECTION 131.02, BOND FOR DEPOSITORIES OF THE CODIFIED ORDINANCES OF THE CITY OF PARKERSBURG

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that Section 131.02, Bond for Depository, be amended with the addition of certain exclusions and as follows:
131.02 BOND FOR DEPOSITORIES.

(a) Any bank or trust company designated by Council as a depository for City funds shall give bond, payable to the City, sufficient to secure the safety of the deposits and to protect the highest amount that may be on deposit, as may be directed by Council, conditioned to faithfully account for and pay over all moneys deposited therein, and the interest accruing thereon, when and as required by law. *Provided, That a banking institution is not required to provide this collaterally secured bond, or other security in lieu of bond, if the deposits accepted are placed in certificates of deposit meeting the following requirements: (A) The funds are invested through a designated state depository selected by the municipality; (B) the selected depository arranges for the deposit of the funds in certificates of deposit in one or more banks or savings and loan associations wherever located in the United States, for the account of the municipality; (C) the full amount of principal and accrued interest of each certificate of deposit is insured by the Federal Deposit Insurance Corporation; (D) the selected depository acts as custodian for the municipality with respect to such certificates of deposit issued for the municipality's account; and (E) at the same time that the municipality's funds are deposited and the certificates of deposit are issued, the selected depository receives an amount of deposits from customers of other financial institutions wherever located in the United States equal to or greater than the amount of the funds invested by the municipality through the selected depository.*

(b) The bank or trust company designated as such depository shall receive no compensation for acting as the City Treasury.

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

ORDINANCE, FINAL READING:

AN ORDINANCE AMENDING SECTION 353.15
SUBPART (A) OF THE CODIFIED ORDINANCES
OF THE CITY OF PARKERSBURG

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that Section 353.15, Subpart (a) of the Codified Ordinances be amended by the elimination of the second paragraph of said Subpart (a) which paragraph "directs that fifty percent (50%) of the increase for parking meters be utilized exclusively for the purchase of electronic meters and attendant upgrades."

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 Ms. Lynch, who voted "no".

ORDINANCE, FIRST READING:

AN ORDINANCE REPEALING SECTION 529.05,
FORTUNE TELLING, PALMISTRY, ASTROLOGY,
ETC. PROHIBITED, OF THE CODIFIED ORDINANCES
OF THE CITY OF PARKERSBURG

MOTION – Ms. Coram moved, seconded by Mr. Carpenter, to adopt the ordinance on first reading, and the motion failed with all members voting "no" with the exception of Ms. Coram, Mr. Carpenter, and Mr. Bigley who voted "yes".

ORDINANCE, FIRST READING:

AN ORDINANCE AMENDING SECTION 1329.02
OF ARTICLE 1329, BOARD OF ZONING APPEALS

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

ORDINANCE, FIRST READING:

AN ORDINANCE GOVERNING OUTDOOR FIREPLACES,
MANUFACTURED OUTDOOR FIREPLACES, AND OUTDOOR
FIRE PITS OR FIRE BOWLS, THEIR FUEL AND THEIR LOCATION

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

ORDINANCE, FIRST READING:

AN ORDINANCE REPEALING SECTION 353.16
POINT PARK AREA METERS; COURTESY PARKING
PERMITS, OF THE CODIFIED ORDINANCES OF THE
CITY OF PARKERSBURG

MOTION – Mr. Reed moved, seconded by Mr. Bigley, to adopt the ordinance on first reading.

Ms. Lynch stated that it seemed we had several ordinances that need to be changed to bring them into compliance with State law. We follow State rules, but our code book is not up to date.

MOTION – Ms. Wilcox moved, seconded by Ms. Lynch, that a committee be appointed to review all City ordinances. Later, the motion was withdrawn.

VOTE – the motion to adopt the ordinance on first reading was adopted by unanimous vote.

ORDINANCE, FIRST READING:

AN ORDINANCE PROVIDING FOR AN ELECTION TO CONSIDER
CHARTER AMENDMENTS CONCERNING THE APPOINTMENT AND APPROVAL
OF THE DIRECTOR OF PUBLIC WORKS AND THE DIRECTOR OF FINANCE;
AND THE COMPOSITION OF THE MUNICIPAL EXECUTIVE COMMITTEE

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

MOTION TO DIVIDE THE QUESTION – Mr. Bigley moved, seconded by Ms. Wilcox, to divide the question and consider the appointments separate from the executive committee. The motion was adopted by majority vote with all members voting "yes" with the exception of Ms. Lynch, who abstained.

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

Councilman Bigley stated that he opposes these two directors being approved by City Council because they could be politicized. If there was a split decision on the Council, the swing vote may or may not confirm because of things promised to him/her. We have a Strong Mayor form of government and these are two of his right hand people, and should not be put in that position.

Mayor Jimmy Colombo told Council that sometimes he calls these department heads ten times a day, and texts them at night so they can begin their task early the next morning. He depends on these people, he said. During his first term there was so much politics on Council that he could not pick a Fire Chief, and sometimes the same thing happens with the Police Chief. You have to hire qualified people, he said, who works for the Mayor and the citizens, and Council.

Ms. Coram said she thought the people should have a right to vote on it, this ordinance only sends it to the ballot.

VOTE concerning Public Works Director and Finance Director being approved by City Council:

The motion failed with all members voting "no" with the exception of Ms. Coram and Mr. Carpenter, who voted "no".

Concerning composition of the Municipal Party Executive Committee, Ms. Jane Burdette who is Chairman of the Wood County Democrat Executive Committee, told Council that if the two parties agree they can have a temporary committee in place, and the democrats have one in place and ready as long as the republicans will do the same.

Mr. Bigley stated that twice in six months they had to replace the Councilman in District #7. The second time it was just members on that committee who lived in the City, and he is not sure about their current language for their rules.

Ms. Wilcox stated that she thought that Wood County and the State Committee have it under control and the City should not have to step in. She said she was on the executive committee for several years and young people don't want to be involved. The City should not be part of appointing that committee.

VOTE – to forward to the ballot, the motion was adopted by majority vote with all members voting "yes" with the exception of Ms. Wilcox and Ms. Lynch, who voted "no".

ORDINANCE, FIRST READING:

AN ORDINANCE AMENDING THE CITY CHARTER,
SECTION 2.105, QUALIFICATIONS OF COUNCILMEN
AND SECTION 3.102, QUALIFICATIONS OF MAYOR
(residency requirement)

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

City Attorney, Joe Santer, told Council that also in section 3.102, the age requirement now says "shall be at least twenty-five years of age at the time of his election", and the State Constitution sets the requirement to be eighteen years of age.

MOTION TO AMEND – Mr. Carpenter moved, seconded by Ms. Coram, to amend the ordinance to remove twenty-five years of age and insert eighteen years of age, and the amendment was adopted by majority vote with all members voting "yes" with the exception of Ms. Lynch, who voted "no".

MOTION, AS AMENDED – the motion was adopted by unanimous vote.

Mr. Santer stated that a newspaper publication and public hearing would be required for final adoption of this ordinance, which will be August 23, 2016.

ORDINANCE, FIRST READING:

AN ORDINANCE AMENDING THE CITY OF PARKERSBURG CHARTER,
SECTION 5.101, SUBMISSION OF BUDGET AND BUDGET MESSAGE,
SECTION 5.106, COUNCIL ACTION ON BUDGET AND SECTION 5.108
ADMINISTRATION OF BUDGET OF ARTICLE V, FINANCIAL PROCEDURES

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

Mr. Santer stated that a newspaper publication and public hearing would be required for final adoption of this ordinance, which will be August 23, 2016.

The meeting adjourned at 8:40 PM.

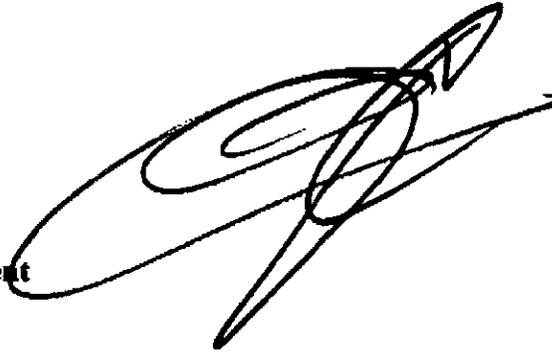
Christie Shapiro

City Clerk

Council President

Memorandum

To: James E. Colombo, *Mayor*
From: Sam Tuten, *City Planner*
Date: July 19, 2016
Re: **Tree Commission Appointment**



The Tree Commission requests that Craig Mitten be appointed to the Tree Commission for a three year term ending in 2019. If approved, Mr. Mitten's term would expire on July 26th, 2019. Craig Mitten is a Fire Forester for Region 3 (Wood County) of the West Virginia Division of Forestry. Craig can be contacted at (304) 834-3443.

Should you have any questions or concerns, please let me know.

Your assistance in this matter is greatly appreciated.

Thank you,



Sam Tuten

RESOLUTION AUTHORIZING MAYOR COLOMBO TO SUBMIT A LAND AND WATER CONSERVATION FUND GRANT TO THE NATIONAL PARK SERVICE TO CONSTRUCT A BOUNDLESS PLAYGROUND IN CITY PARK

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

WHEREAS, the City has made significant improvements to area parks in recent years by applying for and receiving grant funds from the National Park Service, and

WHEREAS, the City has already installed a boundless playground for toddlers (Phase I) in City Park, and

WHEREAS, this project was spearheaded by the Junior League of Parkersburg and commonly known as the Juleps Pathways (Playground), and

WHEREAS, the original plan for Juleps Playground envisioned three additional phases of development, and

WHEREAS, when completed Juleps Playground would not only benefit Parkersburg residents, but residents in Wood County and Mid-Ohio Valley region, and

WHEREAS, the total project cost for Phase II is estimated at \$200,000 and includes the installation of approximately 5,000 square feet of new, inclusive play equipment and surfacing, and

WHEREAS, the City's required fifty percent match of \$100,000 would come from the City's General Fund,

BE IT RESOLVED, by the City Council of the City of Parkersburg that James E. Colombo is hereby authorized to submit an application to the State of West Virginia requesting funding for the construction of a boundless playground (Phase II) in the amount of \$200,000 and to sign any and all documents and papers which accompany or are part of this application, and any and all documents and papers necessary for the completion of the project should it receive National Park Service approval, and

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

Sponsored by:

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	299-00	UNASSIGNED FUND BALANCE	100,000.00		PLYGRD MATCHING FUNDS
001	366-000-000	STATE GRANTS	100,000.00		GRANT REIMBURSEMENT
001	900-458-000	CAPITAL OUTLAY - OTHER IMP		200,000.00	PLYGRD MATCHING FUNDS
			<u>200,000.00</u>	<u>200,000.00</u>	

The above resolution proposes a revision to the General Fund budget in order to provide the appropriation for the capital outlay of expanding the playground in City Park, as well as revise the revenue estimate to account for the \$100,000 state grant reimbursement on the project.

Sponsored by the Finance Committee of City Council

OS

**An Ordinance Amending
Section 1329.02 Of Article 1329,
Board of Zoning Appeals**

Be It Ordained By The Council Of The City Of Parkersburg that Section 1329.02 of Article 1329, Board of Zoning Appeals be amended as follows:

1329.02 RULES; OFFICERS; MEETINGS; QUORUM; RECORDS.

The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this Zoning Ordinance. At the first meeting of each year the Board shall elect a Chairman and Vice-Chairman from its members. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine.

The Chairman, or in his absence, the Vice-Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. A majority of members of the Board shall constitute a quorum. No action of the Board shall be official unless authorized by a majority of the members present at a regular or properly called special meeting

The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

Sponsored by Councilmen:

The recommended change brings the City Ordinance into compliance with State Law, WV Code §8A-8-6.

The proposed change is underlined.



**AN ORDINANCE GOVERNING OUTDOOR FIREPLACES, MANUFACTURED OUTDOOR
FIREPLACES, AND OUTDOOR FIRE PITS OR FIRE BOWLS, THEIR FUEL AND THEIR
LOCATIONS**

Be It Ordained By The Council of the City of Parkersburg that the City of Parkersburg
Municipal Code is hereby amended with the addition of the following:

Outdoor Fireplaces, Manufactured Outdoor Fireplaces, Outdoor Fire Pits and Fire Bowls.

A. Definitions

1. "Outdoor fireplace" means a freestanding fireplace, manufactured of stone, concrete block, concrete, metal, ceramic or any other non-combustible material, with an enclosed burn chamber, solid or screened opening, and chimney with spark arrestor.
2. "Manufactured outdoor fireplace" means a freestanding fireplace manufactured of metal, ceramic or other non-combustible material, or any combination thereof.
3. "Outdoor fire pit or fire bowl" means a freestanding fireplace manufactured of stone, concrete, metal, ceramic or other non-combustible material.
4. This ordinance does not apply to grilling or cooking food using charcoal, clean wood, propane, or natural gas in cooking or grilling appliances.

B. Conditions of Use

1. The conditions for use of any outdoor fireplace, manufactured outdoor fireplace, outdoor fire pit or fire bowl.
 - a. Shall be for single-family residential property only.
 - b. Must be located at least fifteen (15) feet from any combustible material or structures and be placed on a non-combustible base;
 - c. Are prohibited for use on wooden decks or balconies;
 - d. Any fire must be entirely contained within the outdoor fireplace;
 - e. Any fire must be constantly attended by an adult, until the fire is extinguished;
2. The fire official is authorized to order the extinguishment of the fire by the person(s) responsible, upon finding any of the listed above conditions.

3. An approved means of extinguishment shall be available for immediate use at all times during use. Approved means to include a portable fire extinguisher with a minimum 4-A rating, a working garden hose connected to a reliable water source, or other approved on-site extinguishing agent.
4. When, **in the opinion of the fire official**, a hazard exists due to the use of the fireplace that is not specifically defined within this ordinance, the fire official, using good sound judgment and in consideration of the conditions that could present a hazard due to the use of the fireplace, shall have the authority to have the fire extinguished.

C. Wood Burning

1. Only clean dry seasoned firewood shall be burned. No flammable/combustible liquids shall be used to start the fire, only self ignited logs or the use of kindling wood or paper shall be used.

D. LP/Gas

1. Tank size is limited to 20 lbs. propane or an approved direct connection to gas piping from the residence.

E. Conflict of Law

1. To the extent that this article conflicts with Article 1517 of the City of Parkersburg Codified Ordinances, this article shall take precedence.

F. Severability

1. If any provision, clause, sentence or paragraph of this article or the application thereof, to any person, establishment or circumstances shall be held invalid, such invalidity shall not invalidate the other provisions or application of this article.

G. Exemptions

1. Nothing in this article shall prohibit small cooking or warming fires between the hours of 5:00 p.m. to midnight, provided that the site or location of the fire is approved by the Fire Chief or his designated representative. Such

fires shall burn only natural wood (twigs, logs, etc.) which shall not be piled higher than two (2) feet nor more than three (3) feet in width and provided further that all combustible material be at least fifteen (15) feet from such fire.

2. Bonfires for the sole purpose of pep rallies shall be permitted with the approval of the Fire Chief and shall be supervised by the Fire Department.
3. All fires shall be attended to by an adult at all times and shall be totally extinguished when not so attended.

H. Penalty

1. Any person, firm, corporation, association or public agency violating any of the provisions of this article shall be subject to those penalties more expressly set forth in Section 1517.99 of the City of Parkersburg Codified Ordinances.

Sponsored by: Public Works Committee

**ORDINANCE REPEALING SECTION 353.16,
POINT PARK AREA METERS; COURTESY PARKING
PERMITS, OF THE CODIFIED ORDINANCES OF
THE CITY OF PARKERSBURG**

Be It Ordained By The Council of the City of Parkersburg that Section 353.16, Point Park Area Meters; Courtesy Parking Permits, of the Codified Ordinances of the City of Parkersburg be and it is hereby repealed in its entirety.

Sponsored by: Public Work Committee



**An Ordinance Providing For An Election To Consider
Charter Amendments Concerning
The Composition Of The Municipal Political Executive Committees**

Be It Ordained By The Council Of The City Of Parkersburg that in accordance with the provisions of West Virginia Code Chapter 8, Article 4, Section 7, an election shall be held on the 8th day of November, 2016 to consider the amendment of Section 7.107, Municipal Party Executive Committees; How Composed and Section 7.102, Terms of Members of Executive Committees, of Article VII, Nominations and Elections of the Charter of the City of Parkersburg as follows:

Article VII Nominations And Elections

Section 7.107, Municipal Party Executive Committees; How Composed;

The members of the County Executive Committees, residing within the City, shall constitute the Municipal Executive Committees.

Section 7.102, Terms of Members of Executive Committees

The terms of the office of the members of Municipal Executive Committees shall begin upon the issuance of their certificates of election or appointment. The terms of all such committee members shall continue until their successor and elected or appointed and qualified.

BE IT FURTHER ORDAINED AS FOLLOWS:

- (A) The question of whether the Charter shall be amended shall be submitted to the voters of the City of Parkersburg at a special election to be held in said City on the 8th day of November, 2016, in accordance with the election laws of the State of West Virginia.
- (B) The registration of voters and the use of registration books shall be governed by the permanent registration law of the State of West Virginia, and the registration list of Wood County, West Virginia, as amended and corrected according to law, shall be the official registration list for such election.
- (C) The notice of calling such election shall be given by publication of this Ordinance as a Class II-0 legal advertisement in compliance with the provisions of West Virginia Code Chapter 59, Article 3.
- (D) The form of the ballot for such election shall be as follows:

**Election To Determine Whether The Charter
Of the City Of Parkersburg Shall Be Amended**

The purpose of the amendments is to provide that the members of the county political executive committees, who reside within the City of Parkersburg, shall be and constitute the membership of the respective Municipal Executive Committees as hereby proposed and amended:

Article VII Nominations And Elections

Section 7.107, Municipal Party Executive Committees; How Composed;

The members of the County Executive Committees, residing within the City, shall constitute the Municipal Executive Committees.

For The Amendment

Against The Amendment

Section 7.102, Terms of Members of Executive Committees

The terms of the office of the members of Municipal Executive Committees shall begin upon the issuance of their certificates of election or appointment. The terms of all such committee members shall continue until their successor and elected or appointed and qualified.

For The Amendment

Against The Amendment