

**AGENDA FOR PARKERSBURG CITY COUNCIL,
TUESDAY, JANUARY 23, 2018, 7:30 PM
SECOND FLOOR, COUNCIL CHAMBERS
MUNICIPAL BUILDING**

- I. CALL TO ORDER – Council President, John Reed
- II. ROLL CALL
- III. MINUTES - Council meeting January 9, 2018
- IV. REPORTS FROM STANDING OR SPECIAL COMMITTEES
- V. MESSAGE FROM THE EXECUTIVE
 - A. Communication from Mayor Tom Joyce re-appointing Mr. Tom Evans and Mr. James Green II to the Municipal Planning Commission for terms to expire January 23, 2021. (requires confirmation)
- VI. PUBLIC FORUM
- VII. RESOLUTIONS
 1. Resolution authorizing Mayor Tom Joyce to submit an Assistance to Firefighters Grant (AFG) to the U.S. Department of Homeland Security in the amount of \$100,635.00, the City of Parkersburg to match 10%, or \$10,063.00. (Sponsored by Councilmen Reed, Barber, Reynolds)
 2. Resolution amending the rules and regulations for Parkersburg city parks by changing the term “Commission” to “Director of Public Works”; Opening and closing hours, with exceptions; and prohibiting any structures in our parks without permission of the Director of Public Works. (Sponsored by Councilmen Kuhl, McCrady, and Mercer.)
- VIII. ORDINANCE, FINAL READING:
 3. An ordinance authorizing the lease/purchase of six (6) police vehicles for the Police Department. United Bank, 2.69%, sixty (60) months, \$222,596.00. (Sponsored by Councilmen Kuhl, Mercer, Carpenter, and Reed.)
 4. An ordinance vacating remaining utility right-of-way on a portion of 6th Avenue, east of Thomas Street. (Sponsored by the Municipal Planning Commission)
 5. An ordinance vacating all of 7 ½ Street, lying south of Ann Street, north of Juliana, east of 7th and west of 8th. (Sponsored by the Municipal Planning Commission.)
 6. An ordinance to rezone 538 Ellis Avenue from R-3 to B-2. (Sponsored by the Municipal Planning Commission.)
- X. ADJOURNMENT

January 9, 2018

The Council of the City of Parkersburg met in regular session Tuesday, January 9, 2018 at 7:30 PM in the Council Chambers on the second floor of the Municipal Building at One Government Square, Parkersburg, and joined in the Lord's Prayer and Pledge of Allegiance prior to the beginning of the meeting.

The meeting was called to order by Council President, John Reed, who presided over the meeting.

The Clerk noted those members attending as Councilmen Dave McCrady, Sharon Kuhl, Bob Mercer, Eric Barber, JR Carpenter, Mike Reynolds, Zach Stanley, Jeff Fox, and John Reed.

MINUTES – With no additions or corrections, the minutes from the meeting December 19, 2017 were declared approved by President Reed, as previously submitted.

REPORTS FROM STANDING OR SPECIAL COMMITTEES – Councilman Mike Reynolds, Chairman of the URA, reported that URA met today and discussed a donation of property.

MESSAGE FROM THE EXECUTIVE – Mayor Tom Joyce reported on the Development Department Housing Program Update for 4th Quarter 2017, CDBG and HOME funded projects, and distributed the five-page report to Council.

Mayor Joyce also distributed the Stormwater Capital Plan from the Engineering Division giving history, purpose, projects of emphasis and estimates of \$31,977,000.00. A summary from City Engineer, Justin Smith, stated that "the City of Parkersburg has identified stormwater projects that could cost over 33 million dollars. Current budgets of 200 to 300 thousand dollars in section 805 Stormwater Management would not significantly impact the overall needs identified."

He said he planned to have a State of the City address on January 23rd.

PUBLIC FORUM – Ms. Kim Van-Rijn, 13th Street, asked general questions about two resolutions this evening concerning submitting grant applications for the 13th Street/Lynn Street area.

RESOLUTION

AN ORDER AUTHORIZING AN ELECTION FOR RENEWAL OF AN EXISTING LEVY
UNDER THE PROVISIONS OF WEST VIRGINIA CODE
CHAPTER 11, ARTICLE 8, SECTION 16, TO
PROVIDE FOR THE CONTINUED OPERATION OF THE
MASS TRANSPORTATION (BUS) SYSTEM

IT IS HEREBY RESOLVED AND ORDERED by the City Council of the City of Parkersburg:

Section 1:

The Council of the City of Parkersburg, West Virginia, is of the opinion and does hereby find:

(a) That the existing mass transportation system operated by the Mid-Ohio Valley Transit Authority is funded for operations in the municipalities of Parkersburg and Vienna only in an amount which will permit operation of said system until June 30, 2019.

(b) That for the existing mass transportation system to be operated beyond June 30, 2019, additional revenues are needed.

(c) That for the good of the public welfare it is necessary that an existing additional levy be renewed, extended and utilized to fund the operation of the mass transportation system in the future.

Section 2:

The purpose for which the renewal of the existing additional levy funds are needed is to continue the operation of the mass transit (bus) system in the cities of Parkersburg and Vienna, West Virginia, at a total cost of approximately \$2,813,042.88 per year for two (2) years, of which the sum of \$1,986,098.72 per year for two (2) years would be derived from the City of Parkersburg.

Section 3:

The total amount of funds needed for the purpose above stated is approximately \$2,813,042.88 per year for two (2) years, of which \$1,986,098.72 per year for two (2) years would be funded by the City of Parkersburg. These funds will be used to provide for the continued operation of the mass transit (bus) system in the cities of Parkersburg and Vienna, West Virginia, provided, however, that in the event the additional levy is approved by the voters of the City of Parkersburg, but disapproved by the voters of the City of Vienna, funds obtained from the levy may be used for the operation of the mass transit (bus) system for routes which originate or terminate within the geographical confines of the City of Parkersburg.

Any surplus funds received by the City of Parkersburg may be utilized for the same purposes during the fiscal year so received.

In the event any funds may be obtained from the United States of America, the State of West Virginia, or any other legal source, by gift, grant or otherwise, in aid of furtherance of the aforesaid purposes, the City of Parkersburg is authorized to match such funds from the proceeds of the additional levy.

Section 4:

January 9, 2018

The separate and aggregate assessed valuation of each class of taxable property within the City of Parkersburg as shown by the records of the Assessor as of May 9, 2017, for State, County and City taxation is as follows:

Class I	\$	-0-
Class II		451,288,960.00
Class IV		<u>569,049,310.00</u>
Total		\$1,020,338,270.00

Section 5:

The proposed additional rate of renewal levy in cents on each One Hundred Dollars (\$100.00) assessed valuation of taxable property in the City of Parkersburg is as follows:

Upon Class I Properties	\$0.06248
Upon Class II properties	\$0.12496
Upon Class IV properties	\$0.24992

Said rates may be reduced for all classes of property for each levy tax year so as to cause such rate of special levy to produce no more than approximately \$1,986,098.72.

Section 6:

The proposed years to which the renewed additional levy shall apply are the two (2) fiscal years beginning July 1, 2019, and July 1, 2020.

Section 7:

The City of Parkersburg shall not issue bonds for the purposes set forth in this order.

Section 8:

The question of laying such renewal of existing additional levy 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 May, 2018, in accordance with the election laws of the State of West Virginia.

Section 9:

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 lists of Wood County, West Virginia, as amended and corrected according to law, shall be the official registration list for such special election. It appears that the provisions of West Virginia Code, Chapter 3, Article 3, relating to absentee and early voting are clearly adaptable to this special election. Except to the extent expressly herein provided, this special election shall be governed by the general election laws of the State of West Virginia.

Section 10:

The Notice calling such election shall be given by publication of this Ordinance as a Class II-0 legal advertisement in compliance with provisions of Article 3 of Chapter 49 of the Code of West Virginia of 1931, as amended, being published once a week for two (2) successive weeks prior to the date of the election in two (2) newspapers, of opposite politics, and of general circulation in Wood County, West Virginia.

Section 11:

The form of the ballot for such election shall be as follows:

Special election to authorize the renewal of existing additional levies for the fiscal years beginning July 1, 2019, and July 1, 2020, for the purpose of providing for the continued operation of the mass transit (bus) system in the cities of Parkersburg and Vienna, West Virginia, according to the Order of the Council of the City of Parkersburg adopted on the 9th day of January, 2018. In the event renewal of existing additional levies are approved by the voters of the City of Parkersburg but disapproved by the voters of the City of Vienna, the funds from said additional levy may be used for the operation of the mass transit (bus) system for routes which originate and terminate within the geographical limits of the City of Parkersburg.

The renewal of the existing additional levy per \$100.00 valuation shall be on Class I property, \$0.06248; on Class II property, \$0.12496; and on Class IV property, \$0.24992. Said rates may be reduced for each levy year so that the proceeds of the additional levy shall be approximately \$1,986,098.72 per year.

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- () Yes, for renewal of levy for continued mass transit (bus) service
- () No, against renewal of levy for continued mass transit (bus) service

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

RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the request by the American Legion, Post 15, to use the City Park facilities for the fourth of July celebration beginning a week prior to July 4th with the carnival, be and is hereby granted to said organization for the years 2018 and 2019.

Said celebration will end on July 4th with fireworks, or if rain, the date will be July 5th. This request is granted provided satisfactory arrangements are made for such use each year, in advance, with the City of Parkersburg; and

Provided further that the American Legion Post 15 has no contract with nor otherwise hires or engages a carnival or other such entertainment, enterprise or company without the explicit and specific advance approval of the City through its Mayor and the Director of Public Works and which advance approval must be in writing. It is the intention and understanding that the City may reject and decline any carnival enterprise or company proposed or selected by the American Legion Post 15 if the City in its sole and absolute discretion determines that said entity is not suitable or best for said celebration in its City Park.

There is specifically excluded from such use or uses, the City Park Pavilion and adjacent parking area, the Band Shell and such other areas or facilities as may be designated by the Public Works Director at the time satisfactory arrangements are made as above-contemplated.

The American Legion has been in the City Park every year since 1923 with fireworks, picnics or carnivals.

MOTION – Mr. Reynolds moved, seconded by Mr. Mercer, 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, due to the location of the project, the City of Parkersburg will not be required to provide a cash or in-kind match after submission of a grant application to the West Virginia Department of Transportation, Division of Highways – FY 2018 Transportation Alternatives Program. (Funding has already been allocated for this project); and

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

- Replace deteriorated sidewalks, curb cuts, and truncated domes along St. Marys Avenue from 13th Street to 16th Street, provide storm drainage improvements, and construct a retaining wall along 1330-1340 block of St. Marys Avenue, closely matching adjacent retaining walls, light pole and power poles consolidation to one side of the street. These improvements will make traveling safer for pedestrians and more accessible for individuals with disabilities.

The City of Parkersburg has allocated \$150,000 of Community Development Block Grant funding towards construction related costs, as well as \$30,000 from the City's general fund to conduct a feasibility study and traffic proposal which is anticipated to go out to bid in January 2018. A total of \$180,000 has already been committed to this project (120% match of the requested \$150,000).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Parkersburg the Mayor Tom Joyce 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 \$150,000.

MOTION – Mr. Mercer moved, seconded by Mr. Barber, to adopt the resolution.

MOTION TO AMEND – at the request of the Development Department, Mr. Ryan Barber, Ms. Kuhl moved, seconded by Mr. Reynolds, to amend the resolution to delete "metal light pole and power poles consolidation to one side of the street", and amend the amount to \$219,947.00, and amend the percentage from 120% to 82%, and the amendment was adopted by unanimous vote.

VOTE ON MOTION AS AMENDED – the motion, as amended, 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, due to the projects location, the City of Parkersburg will not be required to provide a cash or in-kind match after submission of a grant application to the West Virginia Department of Transportation, Division of Highways – FY 2018 Transportation Alternatives Program; and

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

- The City proposes to replace approximately 800 lineal feet of retaining wall along sections of 13th Street and Lynn Street. These improvements will make traveling safer for pedestrians and more accessible for individuals with disabilities.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Parkersburg the Mayor Tom Joyce 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 \$375,000.

MOTION – Mr. Barber moved, seconded by Mr. Mercer, to adopt the resolution.

Ms. Kuhl questioned why the City would pay for the wall that is on private property, and no citations had been issued to the owners. Mayor Tom Joyce stated that the wall presents a risk, and our City Engineer can look at what might be cheaper to mitigate the risk. This resolution is just to submit the grant, and if we get it, we don't have to accept it. 13th Street is a busy street, he said, and people fix them when they can afford them.

MOTION TO TABLE – Ms. Kuhl moved to table the resolution, and there was no second.

VOTE – the motion was adopted by majority vote with all members voting "yes" with the exception of Mr. McCrady, Ms. Kuhl, and Mr. Reed, who voted "no".

RESOLUTION

WHEREAS, Parkersburg City Council, on the 24th day of January 2017, did adopt a resolution creating a Youth Achievement Committee for the purpose of publicly recognizing youth for community achievement; and also a Public Safety Achievement Committee to recognize those who went above and beyond the normal or customary call of duty; and

WHEREAS, it is the desire of the Council to combine these two committees into one committee called Community Service Awards Committee; and

WHEREAS, the Chairman and members shall be selected by the Council President.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that these two committees be combined into one committee called Community Service Awards Committee, and that the Chairman and members shall be selected by the Council President.

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

MOTION TO AMEND – Mr. Carpenter moved, seconded by Mr. Barber, that the committee consist of five members, and the amendment was adopted by majority vote with all members voting "yes" with the exception of Mr. McCrady, Ms. Kuhl, and Mr. Stanley, who voted "no".

The motion, as amended was adopted by unanimous vote.

RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the Rules and Regulations for Parkersburg City Council are hereby amended in Rule IV by allowing the Mayor to sponsor proposed documents; and Rule VIII by removing one sentence with a strike-through; adding sign-in sheet for public forum in Rule XI, and as more fully set forth in the attachment hereto and which attachment is made a part hereof.

MOTION – Mr. Reynolds moved, seconded by Mr. McCrady, to adopt the amendment to rule IV to allow the Mayor to sponsor items for the Council agenda. This amendment failed as follows: Members voting "yes" included Councilmen McCrady, Barber, Reynolds, and Reed. Members voting "no" included Councilmen Kuhl, Mercer, Carpenter, Stanley and Fox.

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MOTION – Mr. McCrady moved, seconded by Mr. Reynolds, to amend Rule XI, Public Forum, to require a sign-in sheet for speakers, and the motion was adopted by majority vote with all members voting "yes" with the exception of Mr. Carpenter, who voted "no".

MOTION – Mr. Reynolds moved, seconded by Mr. Mercer, to amend Rule XI, Public Forum, that the forum be for agenda items only. The amendment was adopted by majority vote as follows: Members voting "yes" included Councilmen Kuhl, Mercer, Barber, Reynolds, and Reed. Those voting "no" included Councilmen McCrady, Carpenter, Stanley and Fox.

MOTION – Mr. Mercer moved, seconded by Mr. Reynolds, to amend Rule XI, Public Forum, that speakers have five minutes to speak (instead of two), and the motion was adopted by majority vote with all members voting "yes" with the exception of Mr. McCrady, Ms. Kuhl, and Mr. Barber, who voted "no".

ORDINANCE, FIRST READING

AN ORDINANCE AUTHORIZING THE
LEASE/PURCHASE FINANCING OF
POLICE DEPARTMENT VEHICLES
(6 cruisers, 2.69%, 60 months, United Bank)

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

Councilmen Stanley left the room as he is an employee of the bank and did not vote.

VOTE – the motion was adopted by unanimous vote of members present.

Mr. Stanley was called back to his seat.

ORDINANCE, FIRST READING:

AN ORDINANCE VACATING REMAINING UTILITY RIGHT-OF-WAY
ON A PORTION OF 6TH AVENUE, EAST OF THOMAS STREET,
PREVIOUSLY VACATED (CITY ORD #0-245), AND LOCATED
ON PARKERSBURG CITY TAX MAP 9

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

ORDINANCE, FIRST READING:

AN ORDINANCE VACATING ALL OF 7 ½ STREET,
LYING SOUTH OF ANN STREET, NORTH OF JULIANA STREET,
EAST OF 7TH STREET, AND WEST OF 8TH STREET, LOCATED ON
PARKERSBURG CITY TAX MAP 90 (NORTH)

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

ORDINANCE, FIRST READING:

AN ORDINANCE TO REZONG PARKERSBURG
CORPORATION TAX MAP 74, PART OF PARCEL 10A,
FROM EXISTING R-3 TO A B-2 ZONE
(538 Ellis)

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

MOTION TO AMEND – Mr. Carpenter moved, seconded by Mr. Fox, to amend the ordinance by inserting after paragraph #4 "BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that a greenspace/buffer zone on Parcel 10A include such foliage similar to but not limited to an arbor vitae row to grow in order to provide an adequate need for greenspace/buffer zone and a natural fence along the portion of Parcel 10A that abuts a Residential zone."

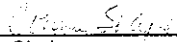
VOTE – the amendment was adopted by unanimous vote.


The motion, as amended, was adopted by unanimous vote.

The Clerk presented proposed amendments to the Municipal Planning Commission's policies in Section 3.0, Director; Section 3.4, Meetings; and creating Section 3.5 Land Divisions.

MOTION – Ms. Kuhl moved, seconded by Mr. Barber, to receive and file the amended policies and the motion was adopted by unanimous vote.

The meeting adjourned at 8:50 PM.


City Clerk


Council President



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

January 16, 2018

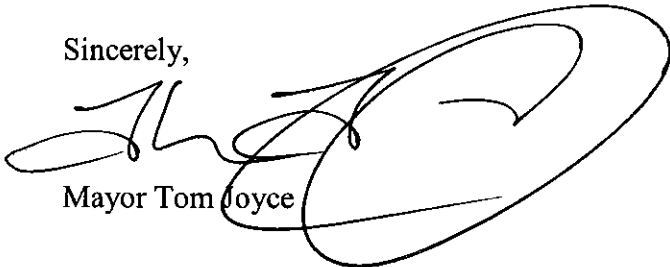
Members of City Council
One Government Square
Parkersburg, WV 26102

Re: Municipal Planning Commission Reappointments

To the Members of City Council:

I hereby name and reappoint Mr. Tom Evans and Mr. James Greene II as members of the Parkersburg Municipal Planning Commission for a term of three (3) years. Their terms shall be set to expire on 1/23/2021.

Sincerely,



Mayor Tom Joyce

RESOLUTION AUTHORIZING MAYOR JOYCE TO SUBMIT AN ASSISTANCE TO FIREFIGHTERS GRANT TO THE U.S. DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY

WHEREAS, the Assistance to Firefighters Grant (AFG) provides financial assistance directly to fire departments to enhance their abilities to meet emergency response needs; and

WHEREAS, the AFG supports fire departments with the necessary tools to more effectively protect the health and safety of the public; and

WHEREAS, the Parkersburg Fire Department desires to purchase six multi-gas monitors and a calibration station, one new cascade system (air compressor fill station), five personal protective equipment (PPE) gear washers for Fire Stations 2,3,4,5,and 6, and one complete set of extrication equipment (cutter, ram, and spreader); and

WHEREAS, the operation and safety equipment described above are a high priority for 2017 Assistance to Firefighters Grant administered by the U. S. Department of Homeland Security; and

WHEREAS, the City would be required to provide a 10 percent cash match if awarded grant funds;

OS
NOW THEREFORE BE IT RESOLVED by the City Council of the City of Parkersburg that Mayor Tom Joyce be and is hereby authorized to submit a AFG in the amount of \$100,635, which requires a 10 percent match of \$10,063.50, to the U.S. Department of Homeland Security to purchase six multi-gas monitors and a calibration station, one new cascade system, five PPE gear washers for Fire Stations 2, 3, 4, 5, and 6, and one complete set of extrication equipment (cutter, ram, and spreader).

Sponsored by:

**RESOLUTION AMENDING THE RULES AND
REGULATIONS FOR PARKERSBURG CITY PARKS**

WHEREAS, the City of Parkersburg has over the years expanded its park system and in so doing increased and changed the recreational and leisure activities available in its parks; and

WHEREAS, it is therefore necessary to change and modify some of the rules and regulations governing the use of these parks.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the Rules and Regulations for Parkersburg City Parks be and they are hereby amended as follows:

1.) The term Commission wherever stated in said Rules and Regulations shall be changed to Director of Public Works.

2.) The term Director wherever utilized shall mean the Director of Public Works.

3.) **SECTION II- OPENING AND CLOSING HOURS**

All Parkersburg City parks shall be closed to park visitors from 11:00PM to 5:00 AM with the exception of the following:

A. Johnson T. Janes Park shall be closed from dusk to dawn with the exception for those engaged in the City permitted Urban Deer Hunt.

B. A group with a written permit signed by the Director of Public Works or his/her designee granting permission for the use of a park facility or area to a specified hour beyond the regular closing time.

C. Individuals engaged in night fishing at either the pond at City Park or Southwood Park or the rivers at Point Park.

4.) **SECTION IX- OTHER PROHIBITED ACTIVITIES**

H. Erection of Structures: No person or entity shall construct or erect any building or structure of whatever kind, whether permanent or temporary in character and including tents or canopies or the like except on special written permission issued by the Director of Public Works.

Sponsored By Councilmen:

AN ORDINANCE AUTHORIZING
THE LEASE PURCHASE FINANCING OF
POLICE DEPARTMENT VEHICLES

THE COUNCIL OF THE CITY OF PARKERSBURG HEREBY ORDAINS the City enter into that certain Lease Purchase Agreement with United Bank, Inc., for financing for the lease purchase of six (6) police vehicles for the Police Department.

The total amount financed is Two Hundred and Twenty Two Thousand, Five Hundred and Ninety Six Dollars and Zero Cents (\$222,596.00) at an interest rate of Two Point Six Nine Per Cent (2.69%) for sixty (60) months; and the amount per month is Three Thousand, Nine Hundred and Sixty Nine Dollars and Seventeen Cents (\$3,969.17). The total amount is Two Hundred and Thirty Eight Thousand, One Hundred and Fifty Dollars and Twenty Cents (\$238,150.20).

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

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

Sponsored by: Councilmen Kuhl, Mercer, Carpenter, and Reed

A regular meeting of the Municipal Planning Commission was held on Friday, December 15, 2017 in the Council Chambers Room 2nd Floor, Parkersburg, West Virginia, at 12:30 with Mr. Charlie Matthews presiding.

Members Present:

Mr. Francis Angelos
Mr. Rickie Yeager
Mrs. Sherry Dugan
Mr. Jim Greene
Mr. Dave McCrady
Mr. Sel Wigal
Mr. Eddie Staats
Mr. Eric Gumm
Mr. Sean Andrews
Mr. Charlie Matthews

Members Absent:

Mr. Tom Evans
Mr. Luke Peters

Staff Present:

Mr. Sam Tuten, City Planner
Mrs. Tammy Bunner, Development Secretary

Others Present:

See attached list

Roll Call

Tammy Bunner noted the roll call with 10 voting members present. A quorum was present.

Minutes

Mr. Rickie Yeager made a motion to approve the minutes from June 16, 2017.
Mrs. Sherry Dugan seconded the motion. Motion passed (10-0-0).

with #5 4, 5, 6

President's Report

Mr. Matthews wished everyone a Merry Christmas and a Happy New Year and remembering the blessed season.

Mr. Matthews also wanted to discuss the need for a nominating committee. The members need to vote for President and Vice President. Three members are needed to volunteer to serve on the committee. Those who volunteered are Eddie Staats, Sel Wigal and Sherry Dugan. Mr. Matthews asked Sel Wigal to take the lead on this. Sel Wigal accepted.

Planning Administrator's Report

Mr. Tuten passed out the subcommittee list for the members to look at and the members to pick which committees they would like to serve on.

Mr. Tuten also handed out the policy booklet that has been revised and is on the agenda for today. Mr. Tuten mentioned that the changes were highlighted in yellow.

Mr. Tuten wanted to welcome the newest member of the Planning Commission, Mr. Joe Sams. He will be attending our next meeting.

New Business

- A. Approval of Planning Commission Application Deadlines & Meetings Calendar for 2018.

Mrs. Sherry Dugan made a motion to approve the Planning Commission Application Deadlines & Meetings Calendar for 2018. Mr. Eric Gumm seconded the motion. Motion passed (10-0-0).

- B. Petition to vacate utility easements within a portion of an abandoned right of way, formally known as 6th Avenue located at 2502 6th Avenue / City Tax Map 9, Parcel 173.

Applicant: Brenda Dowler

Mr. Sam Tuten presented the staff report.

Mr. Matthews asked if there were any questions for the staff.

Public hearing at 12:42 p.m.

In Favor

Brenda Dowler of 2502 6th Avenue stated that she wants to build a new house, it will be sitting in front of the old house. They own about 2 ½ acres there.

In Opposition

There was no one in opposition.

Public hearing closed at 12:44 p.m.

Mr. Rickie Yeager wanted to clarify that Mrs. Dowler owns the property north of 6th Avenue. Mr. Tuten stated yes and showed it on the map.

Mr. Rickie Yeager made a motion to approve the petition to vacate utility easements within a portion of an abandoned right of way, formally known as 6th Avenue located at 2502 6th Avenue / City Tax Map 9, Parcel 173. Mrs. Sherry Dugan seconded the motion. Motion passed (10-0-0)

C. Petition to abandoned 7 ½ Street between Ann and Juliana Street adjacent to property on City Tax Map 90, Parcels 5, 14, 16, 17, 18, 20 & 21.

Applicant: Camden Clark Memorial Hospital Corporation

Mr. Sam Tuten presented the staff report.

Mr. Matthews asked if there were any questions for the staff.

Mr. Sel Wigal asked if Dominion and Frontier did not respond back.

Mr. Tuten stated no, they did not respond.

Mr. Wigal asked if they will have an easement.

Mr. Tuten stated yes.

Mr. Eric Gumm asked if Mr. Tuten knew what the improvements to the parking lot were going to be.

Mr. Tuten stated that he just knows by what plans were submitted with the application and that he'll allow the applicant to explain more during the public hearing.

Public hearing open at 12:53 p.m.

In Favor

Mr. Ryan Taylor from Pickering & Associates spoke on behalf of the owner. Plans were submitted to try and improve the area.

Mr. Gumm asked again about the improvements that were going to be made on the parking lot.

Mr. Taylor stated that right now they are going to improve the area with new paving, make the area more appropriate for downtown. They could possibly be other uses besides parking, there may be a building on the lots, so they are requesting to close the road so they can better use the land.

Mr. Taylor mentioned that they will also be improving the sidewalks and are hoping to have this done in 2018.

Mr. Gumm asked if there was existing storm drainage.

Mr. Taylor stated there is limited storm.

Mr. Justin Smith stated there is storm drainage around the perimeter but not on 7 ½ Street.

Barry Justice, Director of Engineering at Camden Clark Hospital stated that they have a substantial budget to do this project for next year. The sidewalks now are in very bad shape and this would eliminate this hazard and would appreciate the approval of this project.

In Opposition

There was no one in opposition.

Public hearing closed at 12:56 p.m.

Mr. Sean Andrews asked if a structure is built on the property, will the utilities have to be relocated.

Mr. Smith stated that yes if need be, but as of right now nothing has to be moved.

Mr. Andrews asked if there was a requirement to have so many parking spaces depending on the size of the building.

Mr. Smith stated yes.

Mr. Justice stated they are budgeting 5 parking spots per exam room.

Mr. Gumm asked council if they had to add a motion as to the deed of the property.

Mr. Tebay stated yes, the typical motion would be to approve the abandonment with subject to the utility rights. If it would ever be sold it would be consolidated with an adjoining track.

Mrs. Sherry Dugan made a motion to abandoned 7 ½ Street between Ann and Juliana Street adjacent to property on City Tax Map 90, Parcels 5, 14, 16, 17, 18, 20 & 21 with retaining the utility rights. Mr. Sean Andrews seconded the motion. Motion passed (10-0-0).

D. Proposed Municipal Planning Commission Administration Policy Change / Summary of Plat Approval.

Mr. Tuten discussed the policy booklet that he had already handed out and stated the highlighted areas are the revisions.

Mr. Matthews asked the members if they had any questions about the new policy.

Mr. Yeager wanted to thank Mr. Tuten for updating the policy book and stated that he supported the changes.

Mr. Tebay mentioned that these changes put the City on board with the County and this will speed up the recording of documents.

Mr. Tuten stated that they do need to make a motion for the changes and then it will go to City Council.

Mrs. Sherry Dugan made a motion to approve the policy change / summary of plat approval. Mr. Sean Andrews seconded the motion. Motion passed (9-0-1).

E. Petition to rezone Parkersburg Corporation Tax Map 74, Parcel 10A, commonly known as 538 Ellis Avenue, from a Residential (R-3) Zone to a Business (B-2) Zone.

Applicant: Todd Kimling (Hutton ST 17, LLC)

Mr. Sam Tuten presented the staff report.

Mr. Matthews asked if there were any questions for the staff.

Mr. Sean Andrews asked if there was a fence required at the time on parcel 12 because that abutted a residential.

Mr. Tuten stated probably not.

Mr. Andrews asked about 12A.

Mr. Tuten stated it appears the parking lot on parcel 12A is more than 10 feet from the line so it wouldn't have been required.

Open public hearing at 1:18 a.m.

In Favor

Mr. Zach Freshner of 2800 Corporate Exchange Drive Suite 160 Columbus, OH speaking on behalf of the applicant. The applicant is looking forward to becoming a member of the community on redeveloping the parcel and cleaning up the area. There will not be any cars parking there overnight since it will be commercial use. They are trying to meet the buffer with the 10 foot set back.

Madison Williams of 2311 Vaughn Avenue stated that he owns a piece of property of Ellis Avenue. His concern is a trailer that is sitting on the property and would like to know if it is going to be removed. He believes that this project will make 7th Street a much better area.

In Opposition

Nicole Suttan of 602 Ellis Avenue stated that she lives directly beside the property. She is not so much against this but has more questions. Advance Auto is corner to corner with her property. Astorg is directly behind her. Her issue is that if there is going to be a parking lot there she would appreciate a fence or some kind of buffer put it.

Public hearing closed at 1:22 p.m.

Mr. Dave McCrady asked Ms. Suttan if she was satisfied with a fencing to be put in.

Ms. Suttan stated yes.

Mr. Yeager asked Mr. Tuten if a privacy fence was proposed now.

Mr. Tuten stated no.

Ms. Suttan said the fence and landscaping would be nice.

Mr. Jim Greene asked about the trailer that was mentioned.

Mr. Madison stated that about 2 years ago a bank was going to go on the property and said that they couldn't move the trailer so the bank didn't move there.

Mr. Freshner stated that everything will be removed per federal regulations.

Mr. Freshner also stated that the applicant would prefer landscape than a fence. All the lightening would conform to City requirements.

Ms. Sutton stated she was fine with landscaping.

Mr. Andrews mentioned that they are showing the access off of 7th Street, that is close to Ellis Avenue, and asked if there was a minimum requirement.

Mr. Smith stated that they would have to get a permit from the DOH.

Mr. Tuten stated that if they are going to do landscaping that if needed to be specified.

Mrs. Sherry Dugan made a motion to accept the petition to rezone Parkersburg Corporation Tax Map 74, Parcel 10A, commonly known as 538 Ellis Avenue, from a Residential (R-3) Zone to a Business (B-2) Zone contingent on landscaping and proper lighting.

Mr. Yeager stated he will seconded the motion made but also thinks that it should be amended to give a little more detail to the discussion about not only additional landscaping but a privacy fence.

Mr. Gumm moves to amend the greenspace / buffer zone include such foliage similar to but not limited to an arbor vitae row to grow through there to provide adequate need for greenspace / buffer zone and a natural fence.

Mrs. Sherry Dugan seconded the amendment.

Voting on the amendment, passed (10-0-0).

Voting on the motion as amended, passed 10-0-0).

Old Business

There was no old business at this time to discuss.

Adjournment

The meeting adjourned at 1:30 p.m.

Respectfully submitted by:

Tammy Bunner
Development Secretary

AN ORDINANCE VACATING REMAINING UTILITY RIGHT-OF-WAY ON A PORTION OF 6TH AVENUE, EAST OF THOMAS STREET, PREVIOUSLY VACATED (CITY ORD. #O-245), AND LOCATED ON PARKERSBURG CITY TAX MAP 9.

The Municipal Planning Commission of the City of Parkersburg has recommended that the remaining utility Right-of-Way on 6th Avenue, east of Thomas Street, be released;

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

WHEREAS, the City abandoned this portion of 6th Avenue, east of Thomas Street, per City Ordinance #O-245 on September 27th, 1983 but retained a utility Right-of-Way.

WHEREAS, the Parkersburg Utility Board, Fire and Police Department do not object to the City releasing its permanent easement for the purpose of ingress and egress, over, along and under said parcel for the installation, maintenance, location, relocation, and removal of all public utilities of any kind,

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PARKERSBURG HEREBY ORDAINS that the utility Right-of-Way retained by the City within the abandoned 6th Avenue, be released.

SPONSORED BY: MUNICIPAL PLANNING COMMISSION





Municipal Planning Commission Staff Report

Municipal Building | City Council Chambers | December 15, 2017 at 12:30pm

Planning Commission

President

Charlie Matthews

Vice-President

Eric Gumm

Council

Representative

Dave McCrady

Members

Sean Andrews

Francis Angelos

Sherry Dugan

Tom Evans

James Green II

Scot Heckert

Luke Peters

Joe Sams

Eddie Staats

Seldon Wigal

Rickie Yeager

Vacant

Project: Petition to vacate utility easements within a portion of an abandoned right of way, formally known as 6th Avenue. City Tax Map 9, Parcel 173.

Location: 2502 6th Avenue

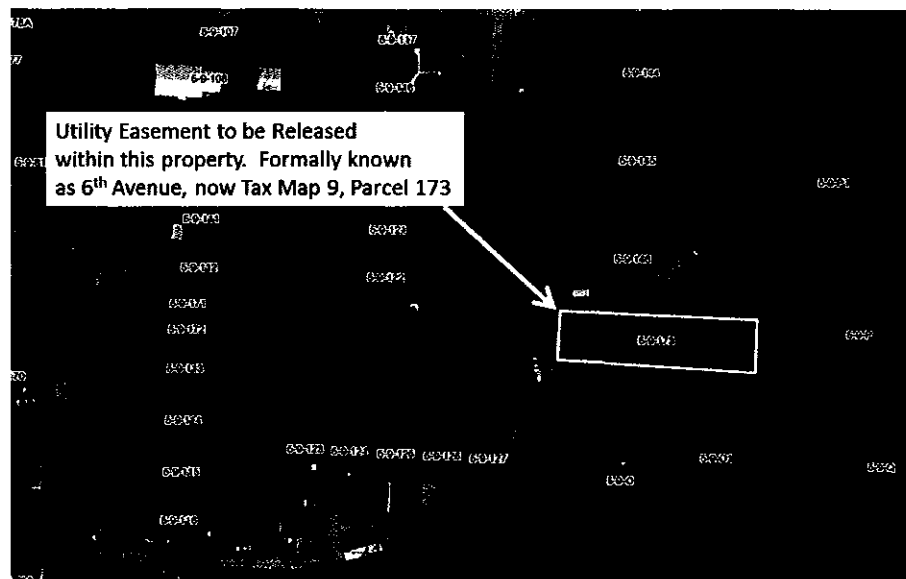
Applicant: Brenda Dowler

PROJECT DESCRIPTION

- The applicant would like to build a new home on City Tax Map 9, Parcel 173, formally known as 6th Avenue. Tentative plans include the building within the aforementioned 6th Avenue. For this to be permitted, the City would need to release the utility easement.
- The applicant owns property both north and south of the aforementioned 6th Avenue which was claimed after the abandonment and became a new parcel.
- The public right-of-way was abandoned on September 27th, 1983 per City Council Ordinance O-245. However, the City retained a utility easement on the property.

ANALYSIS

While the City is not averse to abandoning public rights-of-way, it typically retains a utility easement on the property in question. This was the case in 1983 when the right of way was abandoned.



PLANNING DIVISION RECOMMENDATION

The Planning Division recommends that the Municipal Planning Commission approve the request to release utility easements within City Tax Map 9, Parcel 173, formally known as a portion of 6th Avenue.

AN ORDINANCE VACATING ALL OF 7 ½ STREET, LYING SOUTH OF ANN STREET, NORTH OF JULIANA STREET, EAST OF 7TH STREET AND WEST OF 8TH STREET LOCATED ON PARKERSBURG CITY TAX MAP 90 (NORTH).

The Municipal Planning Commission of the City of Parkersburg has recommended that 7 ½ Street lying south of Ann Street, north of Juliana Street, east of 7th Street and west of 8th Street located on City Tax Map 90 (North) to be vacated;

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

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PARKERSBURG HEREBY ORDAINS that the following described property is hereby vacated and closed as a public thoroughfare.

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

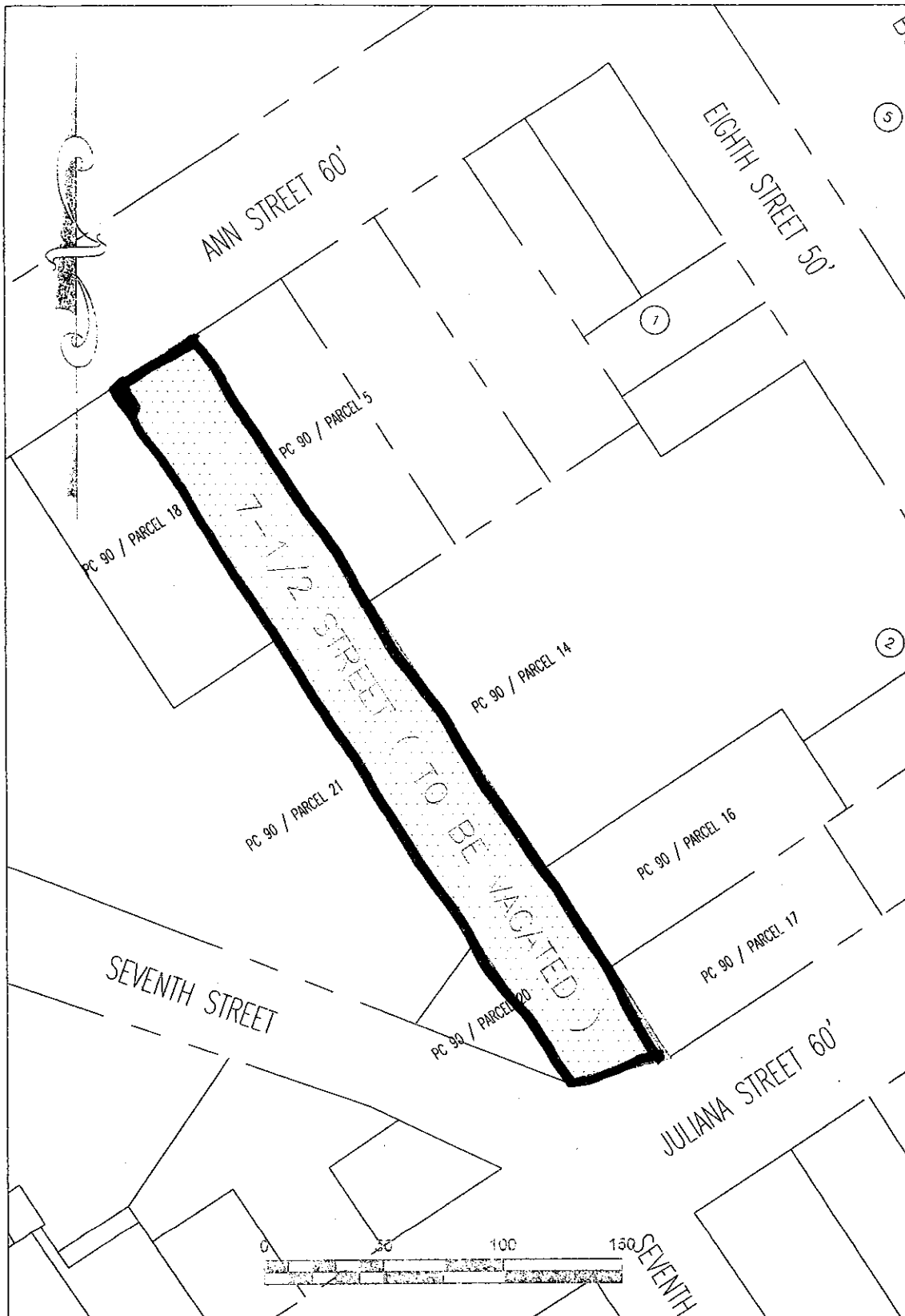
Beginning at the intersection of the southerly right of way line of Ann Street and the easterly right of way line of 7-1/2 Street (to be vacated). Being the northwesterly corner of Parkersburg Corporation Tax Map 90, Parcel 5, Thence with the westerly lines of said Tax Map 90, Parcels 5, 14, 16, and 17 in a southeasterly direction to the southwesterly corner of said Parcel 17, said point being on the northerly right of way line of Juliana Street, Thence crossing 7-1/2 Street in a southwesterly direction, to the southerly corner of said Tax Map 90, Parcel 20, Thence with the easterly lines Tax Map 90, Parcels 20, 21, and 18, in a northwesterly direction to the northeasterly corner of said Parcel 18, Thence crossing 7-1/2 Street, the southerly right of way line of Ann Street, in a northeasterly direction to the Place of beginning.

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

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the City shall retain a permanent easement for the benefit of the City of Parkersburg, the Parkersburg Utility Board, and all other public utility companies, for ingress and egress over, along and under said portion of right-of-way for the installation, maintenance, location, relocation and removal of public utilities of any kind, and

Mayor Tom Joyce is accordingly authorized to execute a quitclaim deed conveying the interest of the City of Parkersburg to the abutting property owners.

SPONSORED BY: MUNICIPAL PLANNING COMMISSION



SCALE = 1 INCH = 50 FEET
 DATE: 11/28/17
 DRAWN BY: R.S.
 CHECKED BY: ---
 MAP P.C. 90

CITY OF PARKERSBURG.W.V.
 DEPARTMENT OF PUBLIC WORKS
 DIVISION OF ENGINEERING
 PLAT OF 7-1/2 STREET
 TO BE VACATED

**AN ORDINANCE TO REZONE
PARKERSBURG CORPORATION TAX MAP 74, PART OF
PARCEL 10A, FROM EXISTING R-3 TO A B-2 ZONE**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the following parcel of real estate situated in the City of Parkersburg, Wood County, West Virginia, be designated as a Business (B-2) Zone:

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

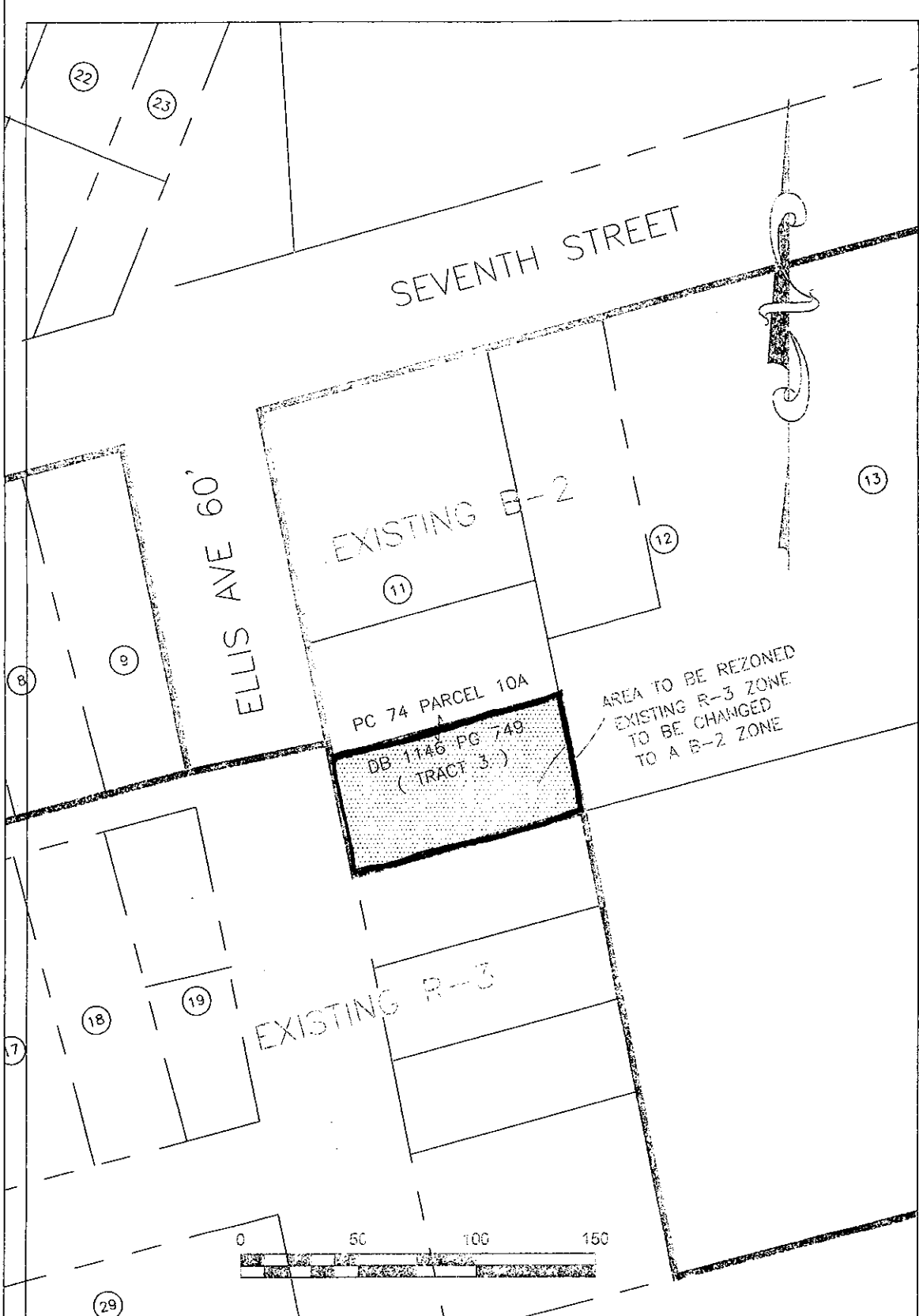
The intent of this description is to rezone the portion of property conveyed to Williamstown Bank Inc., in Deed Book 1146, Page 749 (Tract 3) recorded in the office of the Clerk of the County Commission of Wood County, West Virginia, currently zoned R-3 to B-2. Thus making the entire property a B-2 Zone. The above described property also being part of Lot 11 of B.B. Putnam's Subdivision of Lots J, K, L, M and N of A.C. Stephenson's Estate (Plat Book 2, Page 33).

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

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that a greenspace / buffer zone on Parcel 10A include such foliage similar to but not limited to an arbor vitae row to grow in order to provide an adequate need for greenspace / buffer zone and a natural fence along the portion of Parcel 10A that abuts a Residential zone.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that in accordance with the provisions of Article 1345 of the Codified Ordinances of the City of Parkersburg, the zoning of said parcel shall be designated as C-217 and shall be set forth verbatim as adopted and approved by the Ordinance in the bound book entitled, "Official Zoning Map Changes" kept by the City Clerk.

Sponsored by: Municipal Planning Commission



SCALE = 1 INCH = 50 FEET
 DATE: 11/30/17
 DRAWN BY: R.S.
 CHECKED BY: ---
 MAP P.C. 74 P/O PARCEL 10A,
 DEED BOOK 1146, PAGE 749
 (TRACT 3)
 P/O LOT 11 OF B.B. PUTNAM'S
 SUBDIVISION OF LOTS J,K,L,M,&N
 OF A.C. STEPHENSON'S ESTATE
 PLAT BOOK 2, PAGE 33

CITY OF PARKERSBURG, W.V.
 DEPARTMENT OF PUBLIC WORKS
 DIVISION OF ENGINEERING
 PLAT OF PART OF THE PROPERTY OF
 WILLIAMSTOWN BANK INC.
 TO BE REZONED B-2