

AGENDA FOR PARKERSBURG CITY COUNCIL,
TUESDAY, JUNE 26, 2018, 7:30 PM
SECOND FLOOR, COUNCIL CHAMBERS
MUNICIPAL BUILDING

- I. CALL TO ORDER – Council President, John Reed
- II. ROLL CALL
- III. MINUTES - regular Council meeting June 12, 2018
- IV. REPORTS FROM STANDING OR SPECIAL COMMITTEES
- V. MESSAGE FROM THE EXECUTIVE
- VI. PUBLIC FORUM
- VII. CITY COUNCIL FORUM
- VII. RESOLUTIONS
 - 1. Resolution appointing Police Chief, Joseph Martin, to the Wood County Recreation Commission for a term to expire June 26, 2021. (Councilmen Reed, Fox, and Mercer)
 - 2. Resolution appointing Sondra Wallace, 14 Randolph Drive, as a member of the Board for the Mid-Ohio Valley Board of Health to fill an unexpired term through June 30, 2019. (Councilmen Reed, Fox, and Mercer)
 - 3. Resolution re-appointing Charles O. Casto, 1913 20th Street, Parkersburg, WV as a member for the Mid-Ohio Valley Board of Health for a five year term to expire June 30, 2023. (Councilmen Mercer, Kuhl and Stanley, and Carpenter)
 - 4. Resolution re-appointing Robert Wright, 3401 Avery Street, to the Parkersburg Utility Board for a term to expire June 23, 2022. (Councilmen Mercer, Kuhl, Carpenter, and Stanley)
 - 5. Resolution endorsing a traffic control device by WVDOH at the intersection of Mary and East Streets. (Councilmen Reed, Kuhl and Mercer)
 - 6. Resolution authorizing Mayor Tom Joyce to submit a grant application in the amount of \$150,000.00 to the WVDEP for a recycling grant, to purchase items such as a recycling truck, conveyor belt, pallet jacks and various tools and equipment parts. No match required. (Councilmen Reed, Kuhl and Mercer)
- IX. ORDINANCE, FINAL READING:
 - 7. An ordinance to rezone 1217 Blizzard Drive, from R-3 to B-2. (Sponsored by the Municipal Planning Commission)

(next page)

X. ORDINANCE, FIRST READING:

7. An ordinance amending Article 373.16 and 373.99 to include motor driven and motor assisted bicycles being prohibited for transportation or recreational purposes, within or upon the streets, alleys, sidewalks, parking lots, and other property owned, leased or controlled by the City or its authorities. (Councilmen Reed, Kuhl and Mercer)

8. An ordinance amending Article 135.04 of the Codified Ordinances to permit the sale of certain city owned property by using an internet-based public auction service. (Councilmen Reed, Kuhl and Mercer)

9. An ordinance amending Article 351.18 of the Codified Ordinances to allow for limited exemption for residents where parking is restricted, \$10.00 fee per year, two vehicle limit. (Councilmen Reed, Kuhl and Carpenter)

10. An ordinance vacating remaining utility right-of-way on Lee Street between 17th and 18th Street. (Municipal Planning Commission)

11. An ordinance amending Article 781.07 (fire fees) of the Codified Ordinances to allow a discount of 1 ½% for payment made in full of the annual fee and when the annual fee is paid on or before the initial due date. (Councilmen Reed, Kuhl and Mercer)

12. An ordinance amending Article 783.03 (floodwall fees) of the Codified Ordinances to allow a discount of 1 ½% for payment made in full of the annual fee and when the annual fee is paid on or before the initial due date. (Councilmen Reed, Kuhl and Mercer)

13. An ordinance amending Article 789.04 (police fees) of the Codified Ordinances to allow a discount of 1 ½% for payment made in full of the annual fee and when the annual fee is paid on or before the initial due date. (Councilmen Reed, Kuhl and Mercer)

14. An ordinance amending Article 955.05 (solid waste disposal fees) of the Codified Ordinances to allow a discount of 1 ½% for payment made in full of the annual fee and when the annual fee is paid on or before the initial due date. (Councilmen Reed, Kuhl and Mercer)

XI. ADJOURNMENT

RESOLUTION APPOINTING A MEMBER TO
THE WOOD COUNTY RECREATION COMMISSION

WHEREAS, the City of Parkersburg is authorized to appoint three members to the Board for the Wood County Recreation Commission; and

WHEREAS, there is a vacancy due to the resignation of one of their members; and

WHEREAS, Police Chief, Joseph Martin, is willing to serve in this capacity, and is qualified to do so; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that Chief Joseph Martin be appointed to serve as a member of the Wood County Recreation Commission for a three year term to expire June 26, 2021.

Sponsored by Councilmen Reed, Fox, and Mercer

RESOLUTION APPOINTING A MEMBER TO
THE MID OHIO VALLEY BOARD OF HEALTH

WHEREAS, a vacancy has occurred on the Board of Directors for the Mid-Ohio Valley Board of Health due to the resignation of Joseph Martin; and

WHEREAS, Sondra Wallace, 14 Randolph Drive, Parkersburg, WV, a Republican, has been recommended for appointment to this Board, and meets the qualifications for membership;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that Sondra Wallace, 14 Randolph Drive, Parkersburg, WV be appointed as a member of the Board of Directors for the Mid-Ohio Valley Board of Health for an unexpired term which will end June 30, 2019.

Sponsored by Councilmen Reed, Fox, and Mercer

RESOLUTION RE-APPOINTING A MEMBER TO
THE MID OHIO VALLEY HEALTH DEPARTMENT

WHEREAS, the term of Mr. Charles O. Casto will expire on June 30, 2018 for the
Mid-Ohio Valley Board of Health; an

WHEREAS, Mr. Casto is willing and qualified for re-appointment;

NOW, THEREFORE, BE IT RESOLVED BY COUNCIL OF THE CITY OF
PARKERSBURG that Mr. Charles O. Casto, 1913 20th Street, Parkersburg, a Democrat,
be re-appointed to serve as a member of this Board for a term to expire June 30, 2023.

Sponsored by Councilmen Mercer, Kuhl, Carpenter and Stanley

RESOLUTION RE-APPOINTING A MEMBER TO
THE PARKERSBURG UTILITY BOARD

WHEREAS, the term for Robert Wright, 3401 Avery Street, Parkersburg, WV is open for re-appointment as of June 23, 2018 on the Parkersburg Utility Board; and

WHEREAS, Mr. Wright is willing to serve a full term on this Board, and is qualified to do so; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that Robert Wright, 3401 Avery Street, Parkersburg, WV be re-appointed as a member of the Parkersburg Utility Board for a term to expire June 23, 2022.

Sponsored by Councilmen Mercer, Kuhl, Carpenter, and Stanley

RESOLUTION ENDORSING TRAFFIC CONTROL DEVICES PROPOSED BY THE WEST VIRGINIA DIVISION OF HIGHWAY AT THE INTERSECTION OF EAST AND MARY STREETS IN THE CITY OF PARKERSBURG

Whereas, the West Virginia Department of Transportation – Division of Highways (WVDOT-DOH) has purview over access to State rights-of-way, and

Whereas, in order to redevelop the corner of 7th and East street into a fuel station and convenience store, WVDOT-DOH required the Sheetz Company to conduct a traffic impact study, and

Whereas, the traffic impact study indicated that an increase in vehicular traffic was possible at East and Mary Street due to a new fuel station and convenience store being located at 7th and East Streets, and

Whereas, a potential increase in traffic at this intersection could pose a traffic safety issue for motorists given its proximity to the 7th Street and East Street viaduct, and

Whereas, WVDOT-DOH has proposed to install two traffic control devices that prohibit a left-hand turn from Mary Street, onto East Street, in both directions, and

Whereas, the proposed devices are shown on the attached schematic, and

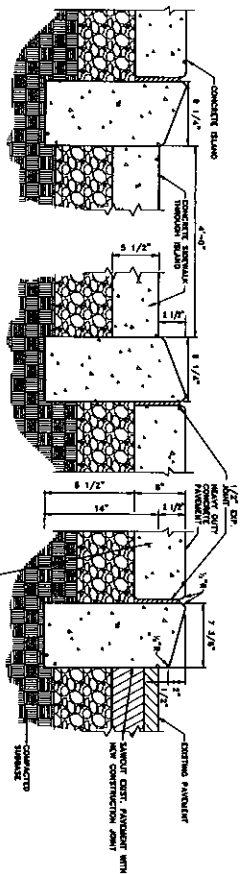
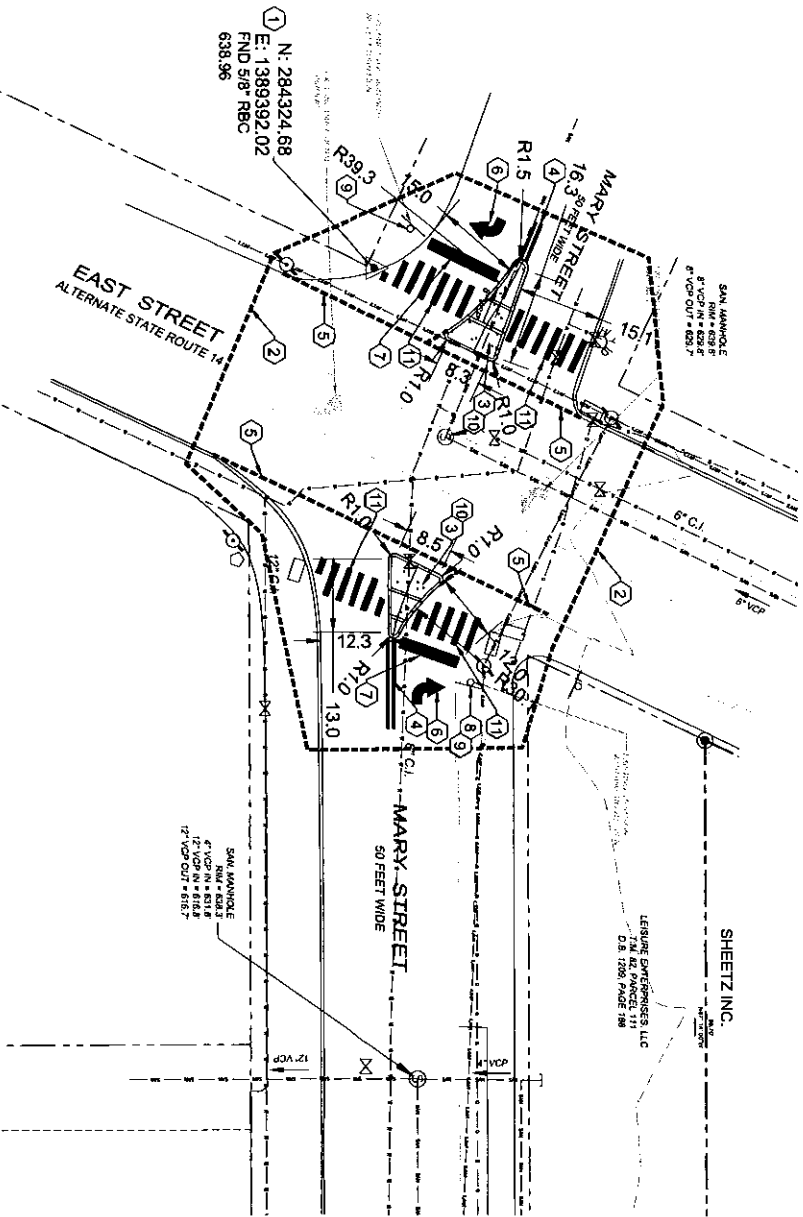
Whereas, the Sheetz Company is amenable to this proposal from WVDOT-DOH, has developed the aforementioned plans and is prepared to construct the traffic control devices at no cost to the State or City, and

Whereas, WVDOT-DOH is seeking concurrence from Parkersburg City Council because a portion of the traffic control devices will be installed in the City's right-of-way on Mary Street,

NOW THEREFORE IT BE RESOLVED, that the Parkersburg City Council does hereby endorse the construction of the traffic control devices proposed by the West Virginia Department of Transportation – Division of Highways, as presented on the attached schematic by the Terradon Corporation.

Sponsored by:

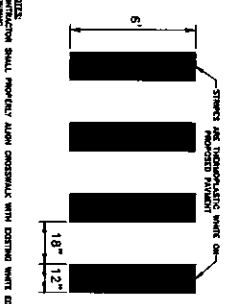
CALL BEFORE YOU DIG
 ANYONE WHO PLAYS
 ANYTHING IN THE GROUND
 SHOULD KNOW THE LOCATION OF
 UTILITY LINES AND PIPES
 BEFORE ANY CONSTRUCTION
 BEGINS
 1-800-243-4444



SECTION

1. MOUNTABLE TYPE IV CONCRETE CURB/ISLAND

NOTES:
 1. CONCRETE SHALL BE PLACED IN ONE LIFT.
 2. FINISH SHALL BE AS SHOWN.
 3. CURB SHALL BE 12\"/>



B CROSSWALK STRIPING DETAIL

NOTES:
 1. STRIPES SHALL BE PLACED IN ONE LIFT.
 2. STRIPES SHALL BE 18\"/>

GENERAL NOTES:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC WORKS, WEST VIRGINIA, AND THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC WORKS, WEST VIRGINIA, SUPPLEMENTAL SPECIFICATIONS TO THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC WORKS, WEST VIRGINIA, AND THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC WORKS, WEST VIRGINIA, SUPPLEMENTAL SPECIFICATIONS TO THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC WORKS, WEST VIRGINIA.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE TRAFFIC CONTROL THROUGHOUT THE PROJECT.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES AND UTILITIES.
7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE TRAFFIC CONTROL THROUGHOUT THE PROJECT.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES AND UTILITIES.
9. THE CONTRACTOR SHALL MAINTAIN ADEQUATE TRAFFIC CONTROL THROUGHOUT THE PROJECT.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES AND UTILITIES.

SHEETZ INC. 1741 42 ND AVENUE, SUITE 111 D.B. 1206 PAGE 798 LEISURE DEVELOPERS, LLC	EAST STREET & MARY STREET INTERSECTION PLAN	P.O. Box 519 Nitro, West Virginia 25143 (304) 755-8291 FAX 755-2636 LANDSCAPE ARCHITECTS • ENGINEERS • PLANNERS	DATE	DESCRIPTION
			BY	REVISED

SHEETZ
 APPROVED: _____ DATE: _____
 NOT APPROVED: _____

SHEETZ SITE "PARKERSBURG"
 INT. OF EAST STREET
 7TH STREET
 WOOD COUNTY, WEST VIRGINIA

SCALE: 1"=4'
 DATE: 5/21/2018
 DRAWN BY: [Name]
 CHECKED BY: [Name]

C01

**WEST VIRGINIA RECYCLING ASSISTANCE GRANT PROGRAM
2019 GRANT APPLICATION RESOLUTION**

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

WHEREAS, recycling also allows valuable materials to be reused; and

WHEREAS, the City of Parkersburg has established a Recycling Center to help residents, living in the community, recycle materials; and

WHEREAS, the City of Parkersburg operates a curbside recycling program, as well as the Recycling Center where people can drop off recycling materials; and

WHEREAS, the City of Parkersburg's Sanitation Department has seen an increase in the number of households participating in the curbside program; and

WHEREAS, the amount of materials being diverted from landfills has also increased; and

WHEREAS, the City of Parkersburg is committed to making the program more accessible to people by improving logistical operations by using grant funds to purchase items such as a recycling truck, conveyor belt, pallet jacks, and various tools and equipment parts;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Parkersburg, that Mayor, Tom Joyce be and hereby authorized to submit a grant application in the amount of \$150,000 to the West Virginia Department of Environmental Protection, Division of Land Restoration, for a Recycling Assistance Grant, which does not require any cash or in-kind match.

Sponsored by:

**AN ORDINANCE TO REZONE
PARKERSBURG CORPORATION TAX MAP 104, PART OF
PARCEL O4.1, 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 Brett M. Wolfe in Deed Book 1271, Page 733 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.

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 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-218 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



Municipal Planning Commission Staff Report

Municipal Building | Executive Conference Room | May 18, 2018 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 Greene II
Scot Heckert
Luke Peters
Joe Sams
Eddie Staats
Seldon Wigal
Rickie Yeager
Vacant

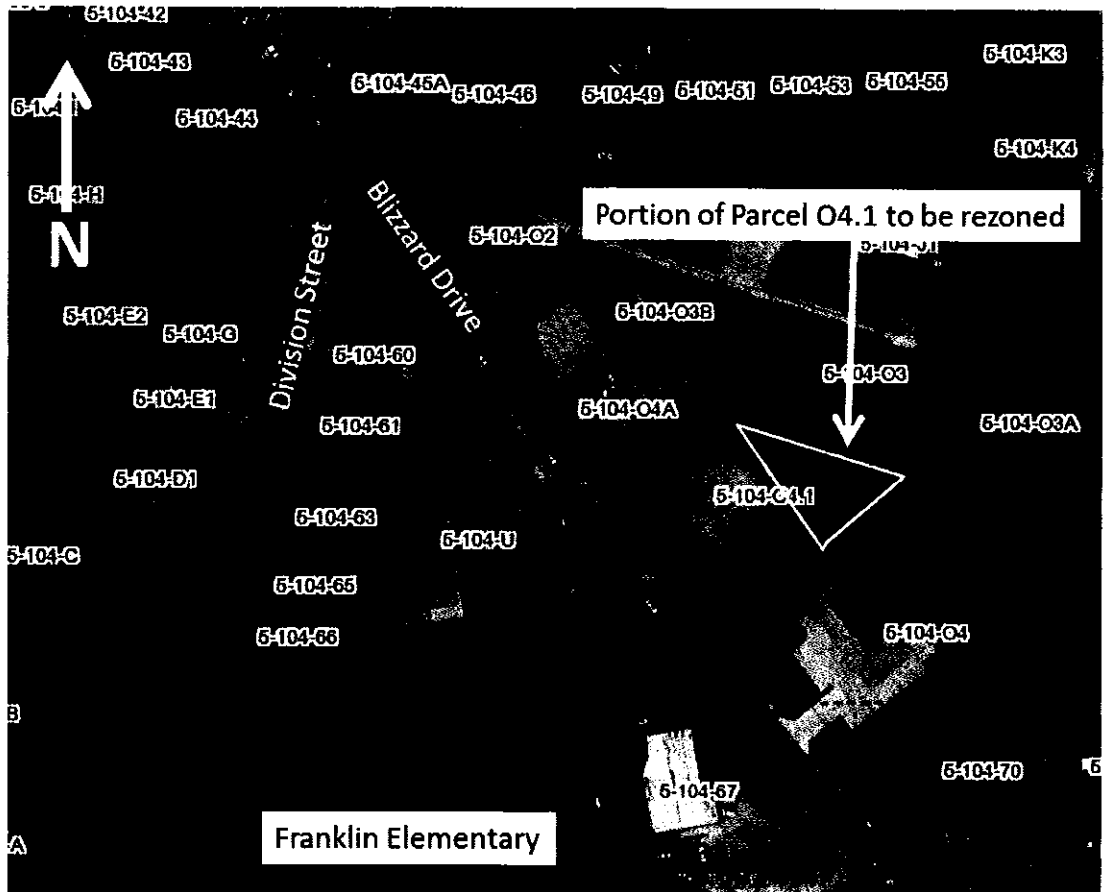
PROJECT: Petition to rezone a portion of Parkersburg Corporation Tax Map 104, Parcel O4.1 from a Residential (R-3) Zone to a Business (B-2) Zone.

LOCATION: 1217 Blizzard Drive

OWNER/APPLICANT: Brett Wolfe

PROJECT DESCRIPTION

- Applicant seeks to rezone a portion of Parcel O4.1. Parcel O4.1 is half Business (B-2) Zone and half Residential (R-3) Zone.
- The previous uses of the building located on Parcel O4.1 were office/medical uses. Applicant is seeking to add on to the existing structure and parking, which stretches into the portion of the Parcel that is zoned Residential.



**An Ordinance Amending
And Re-enacting Section 373.16
And 373.99 Of The Codified
Ordinances Of The City Of
Parkersburg**

Now Be It Ordained By The Council Of The City Of Parkersburg that Sections 373.16, Operation And Use Of Bikes, and 373.99, Penalties be and they are hereby amended and re-enacted to include motor driven and motor assisted bicycles as follows:

**373.16 OPERATION AND USE OF POCKET-BIKE, MINI-BIKE OR MOTOR
DRIVEN AND MOTOR ASSISTED BICYCLE; EXEMPTIONS.**

(a) Definitions. "Pocket-bike" or "mini-bike" means a bike or cycle that is powered by a gasoline motor and which bike or cycle is not covered by or defined in West Virginia Code Chapter 17A, Article 1, Section 1 and Chapter 17C, Article 1, Sections 4, 5 and 5a. "Motor driven" or "motor assisted" bicycle means a bicycle that is powered by a gasoline motor and which bicycle is not covered by or defined in West Virginia Code Chapter 17A, Article 1, Section 1, and Chapter 17C, Article 1, Sections 4, 5 and 5a.

(b) Prohibited Acts; Exemptions.

(1) The riding, operation or other use of pocket-bikes, mini-bikes or motor driven or motor assisted bicycles for transportation or recreational purposes, within or upon the streets, alleys, sidewalks, parking lots and other property owned, leased, or controlled by the City or any of its boards, authorities, or commissions is prohibited.

(2) It shall not be an offense for a pocket-bike, mini-bike or motor driven or motor assisted bicycle to be operated upon a designated parade route, when such operator is a duly registered and recognized participant in any properly permitted parade, provided that such operation occurs in conjunction with said parade.

(3) The Federal Government, the State of West Virginia, and the City are exempt from the provisions of this section.

373.99 PENALTY.

(a) Whoever violates any provision of this article shall be fined not more than fifty dollars (\$50.00).

(b) Any parent of any child under sixteen years of age, or any guardian of any ward under sixteen years of age, who knowingly permits such child or ward to violate any provision of this article, shall be fined not more than fifty dollars (\$50.00).

(c) Penalties for Operation of Pocket-Bike, Mini-Bike, or Motor Driven / Motor Assisted Bicycle.

(1) Any violation of Section 373.16 shall constitute the commission of a misdemeanor criminal offense, and any officer of the Police Department of the City or any officer of any other police agency, exercising proper jurisdiction within the corporate limits of the City, is hereby authorized and empowered to issue a citation and to charge any person who commits a violation. Any person convicted of a first offense shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). Any person convicted of a second or further offense shall be fined not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00).

(2) The parent or guardian of any child violating the provisions of Section 373.16, when such child shall not have yet attained the age of eighteen years, shall not authorize or knowingly permit any such minor to violate any provision of Section 373.16. Any such authorization or if such parent or guardian shall knowingly permit such minor to violate provisions of Section 373.16 shall constitute a criminal violation and shall subject such parent or guardian to the criminal penalties set forth in this subsection. The citing and conviction of any parent or guardian shall not prohibit the citing and conviction of the operator of such pocket-bike or mini-bike.

Sponsored By Councilpersons: _____ , _____ ,

**An Ordinance Amending
Sub-Section 135.04 (b), Requirements
For Sale And Lease Of
Municipally Owned Property Of
The Codified Ordinances Of The City Of Parkersburg**

Whereas the State law governing the sale and disposition of municipally owned property was recently amended to permit the sale of certain city owned property by using an Internet-based public auction service; and

Whereas in certain instances the use of such an Internet-based public auction service will benefit the City in the sale of its excess property.

Now Therefore Be It Ordained By The Council Of The City Of Parkersburg that subsection (b) of Section 135.04 of the Codified Ordinances of the City of Parkersburg be and it is hereby amended and re-enacted as follows:

(b) In all other cases involving a sale, the City is hereby empowered and authorized to sell any of its real or personal property or any interest therein or any part thereof for a fair and adequate consideration, such property to be sold at public auction at a place designated by Council, or by using an Internet-based public auction service, but before making any such sale, notice of the time, terms and place of sale, together with a brief description of the property to be sold, shall be published by the City Director of Finance as a Class II legal advertisement in compliance with the provisions of West Virginia Code 59-3-1, et seq., as amended and the publication area for such publication shall be the Municipality. The requirements of notice and public auction shall not apply to the sale of any one item or piece of property of less value than one thousand dollars (\$1,000) and under no circumstances shall the provisions of this section be construed as being applicable to any transaction involving the trading in of City-owned property on the purchase of new or other property for the City, and the City shall have plenary power and authority to enter into and consummate any such trade in transaction.

Sponsored By Councilpersons: _____, _____

**An Ordinance Amending Section 351.18,
Limited Exemption For Residents Where Parking
Restricted, Of The Codified Ordinances Of
The City Of Parkersburg**

JS
Now Be It Ordained By The Council Of The City Of Parkersburg that Section 351.18, Limited Exemption For Residents Where Parking Restricted, of the City Code be and it is hereby amended and re-enacted as follows:

351.18 LIMITED EXEMPTION FOR RESIDENTS WHERE PARKING IS RESTRICTED.

Upon any street in a residential zoning district where non-metered parking is permitted but restricted to a particular time limit, persons residing in a structure facing any such street shall be exempt from overtime parking violations provided that:

- (a) There is no garage, driveway or other off-street parking location for a vehicle registered in the name of an owner residing in a structure facing any such street, or where such garage, driveway or other off street parking, though available, is not sufficient for more than one (1) motor vehicle; and
- (b) Such vehicle has prominently displayed thereon a special residential parking sticker issued by the Police Department, Parking Enforcement Division.

The Police Department, Parking Enforcement Division shall issue a residential parking sticker to any registered owner of a motor vehicle who provides satisfactory evidence to the Police Department, Parking Enforcement Division that the owner resides in a structure facing a street upon which non-metered parking is permitted but restricted to a limited period of time, and that no garage, driveway or other off-street parking location is available to such owner or where such garage, driveway or other off street parking, though available, is not sufficient for more than one (1) motor vehicle. A charge of ten dollars (\$10.00) is hereby imposed for the issuance of any such residential parking

sticker. No more than two (2) such residential parking stickers shall be issued to any one (1) resident. All such stickers must be renewed each year.

Sponsored By Councilpersons: _____, _____,

Current Ordinance



351.18 LIMITED EXEMPTION FOR RESIDENTS WHERE PARKING RESTRICTED.

Upon any street in a residential zoning district where non-metered parking is permitted but restricted to a particular time limit, persons residing in a structure facing any such street shall be exempt from overtime parking violations provided that:

- (a) There is no garage, driveway or other off-street parking location for a vehicle registered in the name of an owner residing in a structure facing any such street; and
- (b) Such vehicle has prominently displayed thereon a special residential parking sticker issued by the Finance Department.

The Finance Department shall issue a residential parking sticker to any registered owner of a motor vehicle who provides satisfactory evidence to the Finance Department that the owner resides in a structure facing a street upon which non-metered parking is permitted but restricted to a limited period of time, and that no garage, driveway or other off-street parking location is available to such owner. A charge of one dollar (\$1.00) is hereby imposed for the issuance of any such residential parking sticker. (Ord. 0-340. Passed 9-25-84.)

**AN ORDINANCE VACATING REMAINING UTILITY RIGHT-OF-WAY WITHIN
CITY TAX MAP 72, PARCEL 43C, FORMALLY KNOWN AS LEE STREET,
PREVIOUSLY VACATED (CITY ORD. #A-366)**

The Municipal Planning Commission of the City of Parkersburg has recommended that the remaining utility Right-of-Way within City Tax Map 72, Parcel 43C, formally known as Lee Street, be released;

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

WHEREAS, the City abandoned this portion of Lee Street, between 17th & 18th Street, per City Ordinance #A-366 on November 26th, 1963 but retained a utility Right-of-Way.

WHEREAS, the Parkersburg 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,

WHEREAS, the Parkersburg Utility Board does not object to the City releasing its permanent easement under the following conditions; the subject parcel and adjacent parcel with the residence be combined into a single parcel and that the petitioner understood that ownership and maintenance of the portion of the lateral line within subject parcel would then become their responsibility.

WHEREAS, the Municipal Planning Commission approved the release of utility rights contingent upon the petitioner consolidating the subject parcel 43C with their adjacent parcel 43.

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

SPONSORED BY: MUNICIPAL PLANNING COMMISSION



Municipal Planning Commission Staff Report

Municipal Building | Executive Conference Room | June 15, 2018 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 Greene 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 Lee Street located at City Tax Map 72, Parcel 43C.

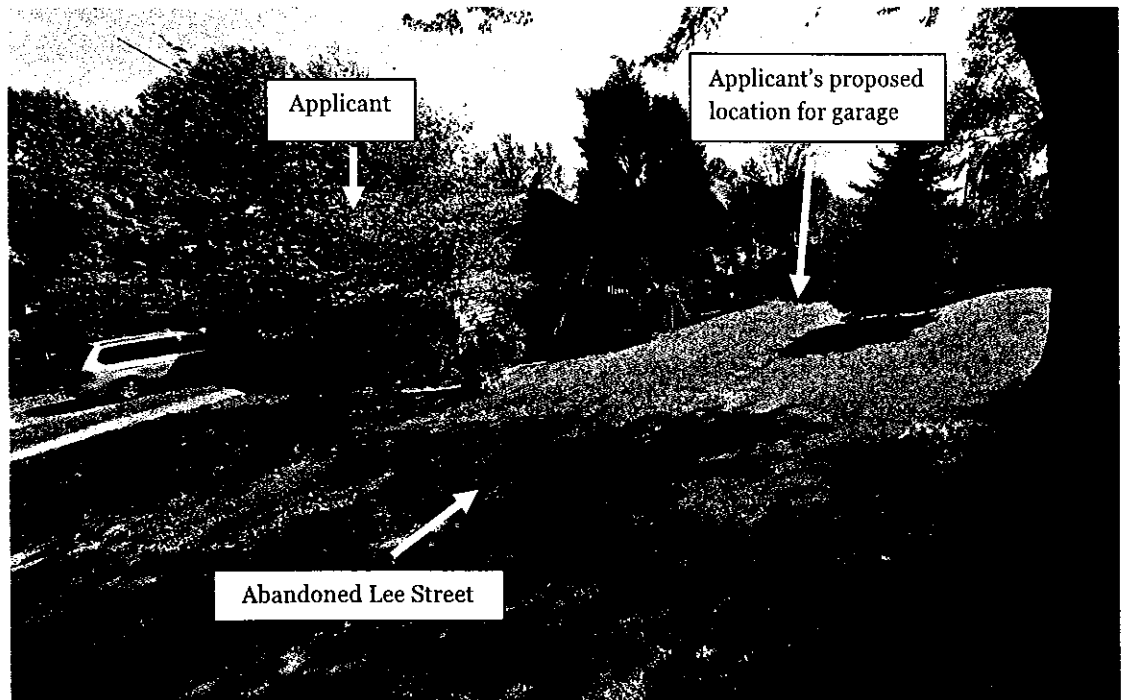
LOCATION: 1714 18th Street

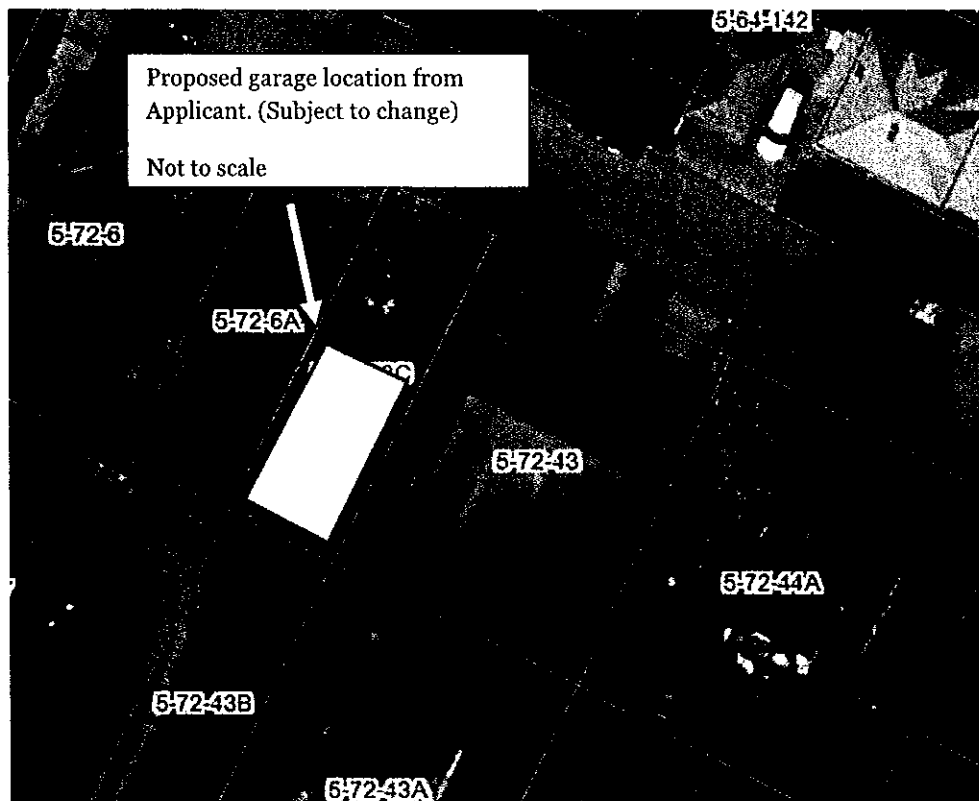
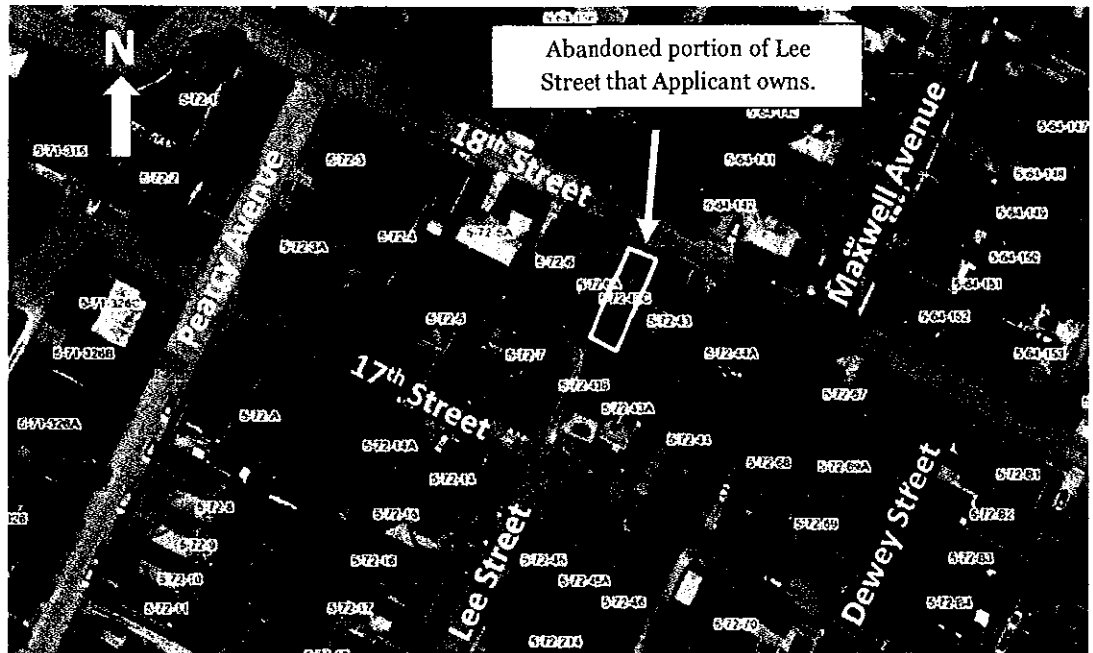
APPLICANT: Mark & Lori Zielinski

PROJECT DESCRIPTION

- Applicant seeks to have utility rights released with City Tax Map 72, Parcel 43C.
- Applicant owns all the property west to the proposed abandonment site. The applicant wants to build a garage within Parcel 43C. (See map).
- In 1963, a stretch of Lee Street from 17th to 18th Street was abandoned with utility rights kept by the City of Parkersburg. At some point afterwards, all of the abandoned Lee Street was claimed by adjacent property owners.

ANALYSIS





- The setbacks that are required for this proposed garage are the following.
 - 5 ft. from rear
 - 3 ft. from side
 - 20 ft. from front. (Front setbacks are an additional 10 ft. from the average frontage of homes on the street.) (Example: if house is ten feet from road, add another 10 feet for this proposed garage.)

DEPARTMENTAL REVIEW

The **Parkersburg Utility Board** gave the following response.

“There is an existing sanitary sewer lateral located within the subject portion of the abandoned right-of-way. This lateral provides service to 1714 18th Street, which is the residence of the petitioner.

The Board would have no issue with vacating the utility easement under the following conditions:

- *PUB can televise the petitioner’s lateral to confirm actual location.*
- *The subject parcel and the adjacent parcel with the residence be combined into a single parcel to meet requirements of the West Virginia Public Service Commission.*
- *Petitioner understands that ownership and maintenance of the portion of the lateral that is currently within the subject parcel becomes their responsibility.*

If these requirements are met and understood the Board has no issues with the vacation of the utility easement.”

The **Public Works Department (Engineering Division)** was notified of the applicant’s petition and did not submit any comments. However, a comment will be provided at the June 15th Meeting.

The **Parkersburg Police & Fire Departments** had no issues with the proposed request and gave approval.

Mon Power (First Energy) has no facilities located within and gave approval.

Dominion Hope has no facilities located within and gave approval.

The following entity was notified of the applicant’s petition and did not submit any comments; **Frontier Communications**.

LAND USE SUBCOMMITTEE RECOMMENDATION

The Land Use Subcommittee met on May 30th, 2018 on site to discuss the proposed request. Members in attendance included Luke Peters, Tom Evans, Scot Heckert, Charlie Matthews, and Dave McCrady. Discussion was had about the proposed request including the PUB’s response. Members left the site with no recommendation. City Staff said they would contact the applicant and PUB to try and televise the lateral before the meeting.

Eric Gumm was unable to attend the meeting but emailed City Staff to discuss the petition. Mr. Gumm was inclined to be slightly against the request for fear of

something being built over a sewer line and if the petitioner is aware of issues like that of responsibility if utilities are released. (PUB's comment).

PLANNING DIVISION RECOMMENDATION

While the City's 2020 Comprehensive Master Plan Update encourages infill redevelopment, it does not specifically address right of way closures in the community.

City Staff reached out to the applicant following the Sub-Committee meeting and informed them of PUB's response. The applicant was made aware of those comments and the potential of consolidation and responsibility of the lateral. Staff worked with the applicant and PUB to schedule a time for the lateral to be televised on June 5th, 2018. At the time of this report, PUB had not provided staff a map of the actual location. A map will be provided at the June 15th meeting. Until then, The Planning Division has no recommendation.

Parkersburg

Municipal Planning Commission

June 15, 2018

A regular meeting of the Municipal Planning Commission was held on Friday, June 15, 2018 in the Executive Conference Room, 2nd Floor, Parkersburg, West Virginia, at 12:30 with Mr. Charlie Matthews presiding.

Members Present:

Mr. Rickie Yeager
Mrs. Sherry Dugan
Mr. Dave McCrady
Mr. Sel Wigal
Mr. Eric Gumm
Mr. Jim Greene
Mr. Joe Sams
Mr. Tom Evans
Mr. Charlie Matthews

Members Absent:

Mr. Eddie Staats
Mr. Francis Angelos
Mr. Luke Peters
Mr. Sean Andrews

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 9 voting members present. A quorum was present.

Minutes

Mrs. Sherry Dugan made a motion to approve the minutes from May 18, 2018.
Mr. Tom Evans seconded the motion. Motion passed (9-0-0).

President's Report

Mr. Matthews had nothing to report at this time.

Planning Administrator's Report

Mr. Tuten stated that next week he was going to set up the ordinance subcommittee to go over the abandonment procedures based on the last meeting. Mr. Tuten mentioned that he has been doing some research based on other cities and will bring it to the next meeting.

New Business

- A. Petition to vacate utility easements within a portion of an abandoned right of way, formally known as Lee Street located at City Tax Map 72, Parcel 43C / 1714 18th Street.

Applicant: Mark & Lori Zielinski

Mr. Sam Tuten presented the staff report.

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

Mr. Eric Gumm asked what the zoning was of the area.

Mr. Tuten stated it was an R-3.

Mr. Tom Evans asked portion will the Parkersburg Utility Board turn back over to the individual.

Mr. Tuten stated from the property line to the house.

Mr. Sel Wigal asked if the garage was going to be built on the sewer line.

Mr. Tuten stated yes, based on the setbacks for that type of use, it will be on top of it and to keep in mind that the Parkersburg Utility Board typically has a 5ft easement on each side of a line in case they would need to dig to it.

Mr. Evans stated that if released the responsibility of the line would be on the property owner.

Mr. Tuten stated that was correct but there would still need to be room for digging.

Mr. Gumm asked that based on the map, is this an active line.

Mr. Tuten stated yes it ends and only serves their property.

Mr. Gumm asked if the commission has the authority to grant a variance if the garage could be moved up away from the sewer line.

Mr. Tuten mentioned he did not know and that ultimately the Board of Zoning Appeals would have to approve that.

Mr. Dave McCrady asked if any other resident was tied on the 6-inch line.

Mr. Tuten stated it may feed other properties before it reaches to the applicant's property line but once it goes into the subject parcel, it only feeds the applicant's property.

Mr. McCrady stated that then the applicant is the sole user.

Mr. Tuten stated yes.

Mr. Jim Greene asked if this was abandoned, can they tie into a sewer line from the front of their house.

Mr. Tuten stated based on the map provided, it didn't look like there was a line on 18th Street.

Mr. McCrady stated so we don't know if anything runs down 18th Street.

Mr. Tuten stated that he can't tell based on the map provided.

The Public Hearing began at 12:50 p.m.

In Favor

Mr. Mark Zielinski of 1714 18th Street Parkersburg, property owner of both parcels approached the screen/map and stated he was concerned as well at first but after looking into this, the Parkersburg Utility Board told him that he would be responsible as to where this would be tied in and they told him that right now his line looks good and if something would happen it wouldn't be difficult to take care of. He stated that the Parkersburg Utility Board informed him that he could redirect the line.

Mr. Gumm asked how far back Mr. Zielinski wants to build his garage.

Mr. Zielinski stated about 14 to 16 ft. wide and stay about 5 ft. off the back line.

Discussion was talked among the members about variances being granted to allow Mr. Zielinski to come forward with his garage and Mr. Zielinski's future plans for the garage including electric.

In Opposition

There was no one in opposition.

Public hearing closed at 1:00 p.m.

Mr. Charlie Matthews if there were any other questions.

Mr. Greene asked what would happen if Mr. Zielinski would sell his property in the future.

Mr. Tuten stated that the line will always be the property owner's responsibility.

Mr. Yeager stated that Mr. Greene is asking how it will be communicated with future property owners.

Mr. Yeager stated that with Mr. Rob Tebay not attending today's meeting it would be difficult to say how that would be worded if the property would be sold down the road

Mr. Tuten stated that he didn't know how to address that, especially since the property abandoned and claimed a long time ago.

Mr. Gumm stated that he doesn't remember that type of request to consolidate when others have filed to abandon right of ways and asked if the applicant was aware of the lots having to be consolidated and that there would be some cost.

Mr. Zielinski stated yes.

Mr. Tuten stated that in this case, sewer lines can't be crossed over multiple property lines and that is why the Parkersburg Utility Board asked to have the lots consolidated per Public Service Commission's rules.

Mr. McCrady asked if there was going to be a bathroom facility in the new garage.

Mr. Zielinski stated no.

Mr. Evans asked that when Lee Street was closed, did they only get 25 ft. of the right of way.

Mr. Zielinski stated that the right of way was 50 ft. and his section was 25ft.

Mr. Yeager asked the applicant if they are willing to assume the liability.

Mr. Zielinski stated yes.

Mr. Matthews asked if there were any other questions.

Mrs. Sherry Dugan made a motion to accept the petition to vacate utility easements within a portion of an abandoned right of way, formally known as Lee Street located at City Tax Map 72, Parcel 43C / 1714 18th Street with an amendment that the lots being consolidation per PUB's recommendation. Mr. Eric Gumm seconded the motion as amended.

Mr. Yeager wanted to clarify that the motion is to approve the petition provided that the property owners will consolidate the property with the adjoining property

to satisfy PUB's recommendation inside the staff report and that the petitioner understands that the owners going forward are responsible for the line.

Motion passed (9-0-0).

Old Business

Mr. McCrady mentioned that last month the MPC had tabled an item and wanted to know where that stood.

Mr. Tuten stated that after the meeting the applicant said that she wished to not pursue it, which is fine since it has been tabled and if she wanted to revisit it then to let City Staff know.

Mr. Sel Wigal stated that he spoke with the applicant and said that she understands more now after that meeting and that it may not be wise for her to do.

Mr. Tuten stated that it is still on the table.

Adjournment

The meeting adjourned at 1:10 p.m.

Respectfully submitted by:

Tammy Bunner
Development Secretary

**An Ordinance Amending Section 781.07,
Schedule Of Payments, Of Fire Protection Fees,
Of The Codified Ordinances Of The
City Of Parkersburg**

15
075

Now Be It Ordained By The Council Of The City Of Parkersburg That Section 781.07 Of The Parkersburg City Code be and it is hereby amended and re-enacted to allow for a 1 ½% discount for payment of the Fire Protection Fee when said fee is paid in full for the complete year and as follows:

781.07 SCHEDULE OF PAYMENTS; PENALTY.

The annual fire protection fees imposed under this article shall be due and payable in equal installments on the twentieth of each month. The owner(s) of record on the first day of the month shall receive the statement for that month. A penalty of ten percent (10%) of the fire protection fee shall be added for the failure to pay the installments by the due date.

A discount of one and one-half percent (1 ½%) shall be allowed and given for payment made in full of said annual fee when said fee for the full twelve (12) month period is paid in full on or before the initial due date of said annual fee and which date is in July of each year.

Sponsored By Councilpersons: _____, _____,

**An Ordinance Amending
Section 783.03, Floodwall
Maintenance Fees Imposed,
Of The Codified Ordinances
Of The City Of Parkersburg**

16
075

Now Be It Ordained By The Council Of The City Of Parkersburg that Section 783.03, Floodwall Maintenance Fees Imposed, be and it is hereby amended and re-enacted to include subsection (j) allowing for a 1 ½% discount for payment of the floodwall maintenance fee when said fee is paid in full for the complete year and as follows:

(j) A discount of one and one-half percent (1 ½%) shall be allowed and given for payment made in full of said annual fee when said fee for the full twelve (12) months period is paid in full on or before the initial due date of said fee and which date is in July of each year.

Sponsored By Councilpersons: _____, _____,

**An Ordinance Amending Section 789.04,
Assessment Of Police Protection Fees,
Of The Codified Ordinances Of
The City Of Parkersburg**

OTS

Now Be It Ordained By The Council Of The City Of Parkersburg that Section 789.04 of the Parkersburg City Code be and it is hereby amended and re-enacted to include subsection (d) allowing for a 1 ½% discount for payment of the Police Protection Fee when said fee is paid in full for the complete year and as follows:

(d) A discount of one and one-half percent (1 ½%) shall be allowed and given for payment made in full of said annual fee when said fee for the full twelve (12) month period is paid in full on or before the initial due date of said fee and which date is in July of each year.

Sponsored By Councilpersons: _____ , _____ ,

**An Ordinance Amending
Section 955.09, Solid Waste
Disposal Fees, Of The Codified
Ordinances Of The City Of Parkersburg**

MS
Now Be It Ordained By The Council Of The City Of Parkersburg That Section 955.09, Solid Waste Disposal Fees, Of The Codified Ordinances Of The City Of Parkersburg be and it is hereby amended and re-enacted to include subsection (d) to allow for a 1 ½% discount for payment of the Solid Waste Disposal Fee when said fee is paid in full for the complete year and as follows:

(d) A discount of one and one-half percent (1 ½%) shall be allowed and given for payment made in full of said annual fee when said fee for the full twelve (12) months period is paid in full for the year on or before the initial due date of said annual fee and which date is in July of the each year.

Sponsored By Councilpersons: _____, _____,
