

**AGENDA FOR THE REGULAR MEETING OF PARKERSBURG
CITY COUNCIL FOR TUESDAY, AUGUST 10, 2010, 7:30 PM
SECOND FLOOR, COUNCIL CHAMBERS, MUNICIPAL BUILDING**

- I. CALL TO ORDER – Council President, John W. Rockhold III
- II. PRAYER - Please join us in the Lord's Prayer.
- III. PLEDGE OF ALLEGIANCE – Please join us in the Pledge of Allegiance
- IV. ROLL CALL – City Clerk
- V. MINUTES – Council meeting held July 27, 2010
- VI. REPORTS FROM STANDING OR SPECIAL COMMITTEES
- VII. MESSAGE FROM THE EXECUTIVE
- VIII. PUBLIC FORUM
- IX. RESOLUTIONS

1. Resolution authorizing Mayor Robert D. Newell to accept all terms and conditions for a Community Participation grant in the amount of \$15,000.00 for the Parkersburg Homecoming for equipment, staging and promotion. (Sponsored by Councilmen Tallman, Reed, Lynch, and Rockhold.)

X. ORDINANCE, FINAL READING:

2. An ordinance amending and re-enacting Article 1511.01, of the Codified Ordinances, which automatically adopts updates in WV Code, Chapter 29-3-5, concerning NFPA standards for the Fire Department. (Sponsored by Councilmen Kimes, Reynolds, Lynch, and Tallman.)

XI. ORDINANCE, FIRST READING:

3. An ordinance authorizing an auction of surplus equipment or supplies of City property to be held September, 11, 2010. (Sponsored by Councilmen Kimes, Rockhold, and Joyce) (list of items will be provided as soon as it is more complete)

4. An ordinance authorizing Urban Deer Management. (Sponsored by the Code Review Committee of City Council.)

XII. ADJOURNMENT

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PARKERSBURG, W. VA., July 27, 2010

CASTRO & HARRIS, INC., SPENCER, WV, RE-ORDEN NO. 1935-09

The Council of the City of Parkersburg met in regular session Tuesday, July 27, 2010, at 7:30 PM in the Council Chambers of the Municipal Building on the second floor at One Government Square, Parkersburg, WV 26101.

The meeting was called to order by Council President, John Rockhold III, who presided over the meeting. Councilwoman Sharon Lynch led the Lord's Prayer and the Pledge of Allegiance. The Clerk noted the attendance and those present included Councilmen Nancy Wilcox, Sharon Lynch, Brad Kimes, John Sandy, Sharyn Tallman, Mike Reynolds, Tom Joyce, Jim Reed, and John Rockhold III.

MINUTES – Mr. Reed moved, seconded by Ms. Wilcox, to approve the minutes from the meeting held July 13, 2010, and the motion was adopted by unanimous vote.

REPORTS FROM STANDING OR SPECIAL COMMITTEES – Councilman Kimes reported that the Finance Committee met prior to this meeting and discussed a request for funding for the homeless coalition for \$5,000.00, and the matter was postponed until August 10th to review their budget.

Councilman Joyce reported that the Code Review Committee met this evening and discussed the urban deer management ordinance, which was referred to City Council.

President Rockhold reported that he attended a storm water committee meeting at the Utility Board office last week, as did Councilmen Reynolds and Joyce, and that committee is learning from previous actions by the City of Morgantown. He also attended the Downtown Task Force meeting with positive discussions held about the City and Wood County, and we are all looking forward to the Parkersburg Homecoming next month.

MESSAGE FROM THE EXECUTIVE – Mayor Robert introduced and welcomed Mr. David Kurtz, a professor at WVU-P, who has brought his American Government class to observe this evening.

The Clerk also read a communication from Camden-Clark Memorial Hospital Board of Trustees nominating Mr. Daniel Wharton, Jr. to their board for a term to begin July 1, 2010 and end June 30, 2016.

MOTION – Mr. Joyce moved, seconded by Mr. Reynolds, to confirm the nomination, and the motion was adopted by unanimous vote.

PUBLIC FORUM – Mr. Chip Allman, Director of the Half Marathon and President of the Runners and Walkers Club, appeared with information and a request for funding for the Runners Club to support the Half Marathon this year. Ms. Sharon Marks, 2900 Newbanks Road, also spoke of the many who are involved in the race and the activity it brings to our City.

Two students from the American Government Class at WVU-P inquired about the City's operation. Wendy Memell from 1600 Tygart Street asked how the City prioritized street repairs and Gihon Road in particular. Mayor Robert Newell told her that was a State route, maintained by the State, and if she would let him know the exact area, he would get a message to them.

Stacy Frame, 2276 Capital Drive, asked if the City would have paddleboats available any time in the near future, and Mayor Newell told her we shut them down because of ecoli, and when we are sure it is gone, we will look at purchasing some of them. The ones we removed were in very bad condition.

RESOLUTION AMENDING SECTION IX SUBPART A OF THE RULES AND REGULATIONS FOR PARKERSBURG CITY PARKS

Whereas the Downtown Development task Force Tourism Committee in cooperation with the Parkersburg-Wood County Visitors and Convention Bureau is promoting and sponsoring "A Taste of Parkersburg", a two day festival for showcasing local restaurants, brewers, musicians and artisans;

Whereas this festival will feature several wineries and local brewers and which will allow for the tasting and enjoyment of such wines and locally brewed beers during this festival;

Whereas this event will be held on Friday, September 24, 2010 and Saturday, September 25, 2010 in Downtown Parkersburg in the area off Market Street, between 3rd Street and the Blennerhassett Hotel and including the City's Bicentennial Park;

Whereas the City has certain restrictions on the possession and consumption of alcoholic beverages within its City Parks; and

Whereas, for the purpose of said festival, the City wishes to grant a limited exception to such restriction for and during, "A Taste of Parkersburg" festival.

Now, Therefore Be It Resolved By the Council of the City of Parkersburg that the restriction contained in Section IX. Subpart A of the Rules and Regulations for the Parkersburg City Parks be amended by temporarily lifting said restriction to allow the possession and consumption of wine and beer within the Bicentennial Park on Friday, September 24, 2010 and Saturday, September 25, 2010 as part of and during the hours of "A Taste of Parkersburg" Festival.

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

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RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that \$15,000.00 be expended from the Capital Reserve Fund to the River City Runners and Walkers Club for continued support of the Parkersburg Hews and Sentinel Half Marathon for the 2010 race.

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

Ms. Tallman said she did not think we should spend \$15,000.00 for this race when we can't give \$5,000.00 for the homeless, as requested during a finance committee.

MOTION – Ms. Tallman moved, seconded by Mr. Kimes, to table the resolution. The motion failed, as follows:

VOTING 'YES'

Mr. Kimes
Mr. Sandy
Ms. Tallman
Mr. Reynolds

VOTING 'NO'

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

Mr. Sandy inquired about the grant he knew they would consider during a meeting in August for the Homecoming, and was told that was for the entertainment part of the Homecoming, and not the race, and their money is not mixed.

Mayor Newell said he considered this a business proposition because the funds we gave to the runners club last year was spent in our businesses. The race has put Parkersburg on the map, he said, and the City has to support our own businesses. If they don't make it, we don't make it, he said.

VOTE on main motion – The motion was adopted by majority vote with all members voting "yes" with the exception of Ms. Tallman, who voted "no".

RESOLUTION AUTHORIZING THE CITY TO ENTER INTO
THE WEST VIRGINIA HOMELESS SHELTERS PROGRAM
EMERGENCY SHELTER GRANTS PROGRAM
CONTRACT BETWEEN
THE OFFICE OF ECONOMIC OPPORTUNITY
AND THE CITY OF PARKERSBURG

WHEREAS, the State has elected to administer the emergency Shelter Grants Program as authorized by Part B of Title IV of the Stewart B. McKinney Homeless Assistance Act, as amended, subject to the regulations of the Department of Housing and Urban Development, 24 CFR Part 576, as amended, the Certifications and Assurances contained in the Grantee application, and subject to the scope of the State's Emergency Shelter Grants Program Guidelines, receipt of which is hereby acknowledged by the Grantee.

WHEREAS, the Grantee has identified its Emergency Shelter Grants Program objectives for homeless persons and the activities to be undertaken to meet such needs.

WHEREAS, the Grantee has requested assistance from the State and has offered assurances that priority has been given to activities that will accomplish the purpose of the Emergency Shelter Grants Program.

WHEREAS, the State has obligated \$19,000 to the City of Parkersburg for the administration of the Emergency Shelter Grants Program.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the City enter into the West Virginia Homeless Shelters Program Emergency Shelter Grants Program and that Mayor Robert D. Newell be and is hereby authorized to sign the grant contract between the Office of Economic Opportunity and the City of Parkersburg.

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

RESOLUTION

WHEREAS, H. R. 4899, the supplemental appropriations bill contains an amendment to include language from the Public Safety Employer - Employee Cooperation Act of 2009 which purportedly guarantees collective bargaining rights for every state and local police unit, firefighter unit, emergency medical technician unit, correctional officer unit and other first responder is before the United States Senate, the same having passed the United States House of Representatives, and

WHEREAS, the Legislation does not provide concurrent funds to deal with the increased costs of municipal service and attendant funds to assist in maintaining balanced budgets, nor does the t Legislation provide a new additional revenue source to deal with the same; and

WHEREAS, municipal services in general and first responder services such as police, fire, emergency medical services, correction officers, etc. in particular, are historically and traditionally left to the local units of government providing the same and funding their costs; and

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CARDO & HARRIS, INC., SPENCER, WV, REC-ORDER NO. 1635-06

WHEREAS, to enact legislation which singles out a particular group of a class of employees is discriminatory of the remaining members of the class; and, while first responder services are meritorious, none the less, to deny other employees of local units of government is constitutionally discriminatory in denying the remaining members of the class equal protection of the law; and

WHEREAS, in the State of West Virginia the subject of the right of collective bargaining, closed shop, strike, etc. does not exist with employees of government at the state, county or municipal level but such governmental employees have the right to join any association or labor organization of their own choosing and cannot be discriminated against because of membership. Further, the final determination of wages, hours, working conditions, and the like, rests with the particular governmental unit and cannot be delegated away" W.Va. City First Reports of the Attorney General Opinions at page 689; and

WHEREAS, the Constitution and statutes of the State of West Virginia require that the budgets of the respective units of government be balanced and in such respect the authority therefore is jointly given over to the executive and legislative branches of government.

NOW, THEREFORE, BE IT RESOLVED BY the Council of , at their council meeting _____, 2010 as follows:

The City/Town/Village of _____ resolves and calls upon the United States Senate to find and determine that the issue of collective bargaining is a truly local issue that should be left to the wise determination of the local units of government most effected by the same, and in such respect, further prays that such United State Senate refuses to take up action on the same in this legislation.

Presented and passed unanimously by the Council of the City of Parkersburg, July 27, 2010.

MOTION – Mr. Joyce moved, seconded by Mr. Sandy, to adopt the resolution.

MOTION – Mr. Joyce moved, seconded by Mr. Sandy, to refer the resolution to the Personnel Committee, and the motion was adopted by majority vote with all members voting "yes" with the exception of Mr. Kimes and Ms. Tallman, who voted "no".

ORDINANCE, FINAL READING:

**AN ORDINANCE VACATING A 20' BY 316' PORTION OF AN
UNNAMED ALLEY LYING WEST OF KEMPER STREET
AND NORTH OF WEST VIRGINIA ROUTE 95
PARKERSBURG CITY MAP 124**

The Municipal Planning Commission of the City of Parkersburg has recommended the portion of alley described hereinafter be vacated and that the City not retain a utility easement for the alley.

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

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PARKERSBURG HEREBY ORDAINS that a 20' by 316' portion of alley described hereinafter is hereby vacated and closed as a public thoroughfare:

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

Vacating an unimproved variable width unnamed alley lying west of Kemper Street, north of the northerly right-of-way line of West Virginia Route #95, running in a northerly direction, approximately 316 feet, to the southerly right-of-way, line of the first alley south, and parallel to 8th Avenue, as platted in Kemper Place, recorded in Plat Book 2, Page 82, in The County Commission of Wood County, West Virginia.

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

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG the City shall not maintain a utility easement for the vacated and closed public thoroughfare.

Mayor Robert D. Newell is accordingly authorized to execute a quit-claim deed conveying the interest of the City of Parkersburg to the abutting property owner(s).

MOTION – Mr. Reed moved, seconded by Mr. Joyce, 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. Wilcox, who voted "no".

ORDINANCE, FINAL READING:

**AN ORDINANCE AMENDING AND RE-ENACTING
CHAPTER X OF THE PARKERSBURG FIRE
DEPARTMENT RULES AND REGULATIONS,
ELIGIBILITY FOR EMPLOYMENT**

THE COUNCIL OF THE CITY OF PARKERSBURG HEREBY ORDAINS that Chapter X of the Rules and Regulations for the Parkersburg Fire Department are hereby amended and re-enacted, as follows:

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- 1000 TO BE ELIGIBLE FOR APPOINTMENT AS A MEMBER OF THE PARKERSBURG FIRE DEPARTMENT, AN APPLICANT MUST:
- 1000.2 BE A CITIZEN OF THE UNITED STATES.
- 1000.4 BE BETWEEN THE AGES OF EIGHTEEN AND THIRTY-FIVE YEARS, PER WVSTATE CODE 8-15-17.
- 1000.5 SUCCESSFULLY PASS THE WRITTEN EXAMINATION CONDUCTED BY THE PARKERSBURG FIRE CIVIL SERVICE COMMISSION AS WELL AS THE INITIAL AGILITY TEST.
- 1000.6 SUCCESSFULLY PASS THE PHYSICAL EXAMINATION STANDARDS OF THE PARKERSBURG FIRE DEPARTMENT PER NFPA, AND THE WV STATE CODE PENSION REQUIREMENTS.
- 1000.8 BE OF GOOD MORAL CHARACTER.
- 1000.14 APPLICANTS FOR APPOINTMENT TO THE PARKERSBURG FIRE DEPARTMENT SHALL BE RESIDENTS OF WOOD COUNTY WITH IN 120 DAYS OF DATE OF EMPLOYMENT AND SHALL MAINTAIN PERMANENT RESIDENCE IN WOOD COUNTY WEST VIRGINIA.
- 1000.16 SUCCESSFULLY PASS TWO ADDITIONAL PHYSICAL AGILITY TESTS WITHIN THE FIRST YEAR.
1002. APPOINTMENTS TO THE PARKERSBURG FIRE DEPARTMENT ARE FOR A PROBATIONARY PERIOD OF 12 MONTHS. CONTINUATION ON THE DEPARTMENT AFTER THE EXPIRATION OF THAT PERIOD IS CONSIDERED A PERMANENT APPOINTMENT, UNLESS THE EMPLOYEE FAILS TO PASS THE EMERGENCY MEDICAL TECHNICIAN CLASS WITHIN FOUR YEARS OF DATE OF EMPLOYMENT AND MAINTAIN EMT CERTIFICATION THROUGHOUT YOUR CAREER. IN ADDITION THE JOINT APPRENTICESHIP TRAINING PROGRAM AS REQUIRED BY WEST VIRGINIA STATE CODE, MUST BE COMPLETED WITHIN FOUR YEARS OF DATE OF EMPLOYMENT.
- 1002.2 FAILURE TO PASS ANY OF THE REQUIREMENTS SET FORTH IN 1002 ABOVE WILL RESULT IN DISMISSAL.

I HAVE READ AND UNDERSTOOD THE REQUIREMENTS SET FORTH ABOVE FOR PERMANENT EMPLOYMENT TO THE PARKERSBURG FIRE DEPARTMENT.

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

ORDINANCE, FIRST READING:

AN ORDINANCE AMENDING ARTICLE 1511.01
OF THE CODIFIED ORDINANCES OF THE
CITY OF PARKERSBURG

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

The meeting adjourned at 7:55 PM.

Connie Shaffer

City Clerk

Council President

RESOLUTION

WHEREAS, the Homecoming Festival is a three day festival that provides free entertainment for the citizens of the Mid-Ohio Valley; and

WHEREAS, the Homecoming Festival sponsors various events during this three day festival such as a fireworks displays a dog show, a parade, pageants, carnival rides, arts and crafts and the half marathon; and

WHEREAS the State of West Virginia through the Community Participation grant Program has awarded the Parkersburg Homecoming Festival a grant in the amount of \$15,000 for equipment, staging and promotion.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PARKERSBURG that the City of Parkersburg accepts all the terms and conditions of the contract with the West Virginia Development Office and authorizes Mayor Robert D. Newell to sign the grant program contract.

Sponsored by: Councilmen Tallman, Reed and Lynch

AN ORDINANCE AMENDING ARTICLE 1511.01
OF THE CODIFIED ORDINANCES OF THE
CITY OF PARKERSBURG

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that
Article 1511.01 of the Codified Ordinances of the City of Parkersburg are hereby
amended and re-enacted 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 the 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, NFPA 5000, NFPA 900, NFPA 101A) and have the same force and effect
as if set out verbatim in this rule and are hereby adopted and promulgated by the State
Fire Commission as a part of the State Fire Code and as provided for in West Virginia
Code Chapter 29-3-5.

Sponsored by Councilmen Kimes, Reynolds, Lynch, and Tallman

AN ORDINANCE AUTHORIZING AN
AUCTION OF SURPLUS EQUIPMENT
OR SUPPLIES OF CITY PROPERTY

2/2/10
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that
the Finance Director of the City of Parkersburg be and is hereby authorized to
conduct a public auction sale on Saturday, September 11, 2010, of personal property
belonging to the City of Parkersburg, in accordance with and pursuant to Article
135.08 of the Codified Ordinances of the City of Parkersburg.

Sponsored by Councilmen Kimes, Rockhold, and Joyce

URBAN DEER MANAGEMENT

Urban Deer Management

- 2/2/15
- (a) Urban hunting conditions. An urban deer hunt shall be lawful in the City of Parkersburg only under the following conditions:
1. Hunting shall be by permit only issued under the terms of this chapter.
 2. The hunt shall be for deer only.
 3. Only bows and arrows may be used.
 4. Hunting may occur only on property with the written permission of the property owner and on city owned property which has been designated as available for hunting by the City Public Works Director.
 5. All deer harvested must be legally checked at an official game checking station and reported to the City.
 6. No hunting may take place within 150 feet of a dwelling or other occupied building.
 7. No hunting shall take place closer than 500 feet from the property boundary of school property which contains a school building. For purposes of this section "school" means a public school or private school during periods when students are in attendance or participating in school activities.
 8. Persons shall at all times when hunting pursuant to a city permit carry a valid photo identification, a copy of their city permit and their West Virginia state hunting license.
 9. The transportation of a deer carcass along any public right-of-way is prohibited unless it is covered or hidden from public view.
 10. All West Virginia hunting rules and regulations apply to hunting within the City.
 11. Any hunting activity including but not limited to field dressing or other handling of a carcass, must occur on the property specified in the city permit.
 12. All hunting shall be conducted from an elevated portable tree stand that is at least ten feet in height and faces the interior of the property. The stands and shooting lanes will be located in such a way as to direct arrows to the interior of the property.

13. Hunting may take place on tracts of three contiguous acres or more within a sufficient distance from the boundary that an arrow cannot reasonably travel outside permitted tract. Each tract must be approved by the City Public Works Director.
14. A property land owner can designate and limit other persons allowed to hunt his or her with a permit.
15. The City will be responsible to dispose of any wounded deer or deer carcass found on non-permitted property.
16. Hunting shall be allowed during the maximum time period permitted under state law and regulations promulgated by the West Virginia Division of National Resources for an urban deer hunt.

(b) Permits

1. In order to obtain a permit the applicant must meet and have evidence of compliance with all applicable state statutes, regulations and rules applicable to deer hunting with a bow and arrow. The City may impose additional requirements for a hunting permit and may limit the number of permits to be issued.
2. The City may charge an administrative fee for permits not to exceed \$25.00 per permit.
3. The City Public Works Director is hereby authorized (i) to promulgate reasonable rules and regulations including the setting of license fees to regulate bow hunting and (ii) to select the tracts to be authorized for hunting as permitted herein.
4. The City shall post the location of tracts approved for hunting on its website.

(c) Donated Meat. Hunters are and shall be encouraged but are not required to donate the harvest to programs or organizations that will provide the meat to needy persons.

(d) Violations. In addition to any penalties for violations of state hunting laws or regulations, any person violating this Section or the rules and regulations promulgated pursuant to this section shall be fined not more than five-hundred dollars (\$500.00) per offense