

**AGENDA FOR PARKERSBURG CITY COUNCIL,
TUESDAY, AUGUST 9, 2016, 7:30 PM
SECOND FLOOR, COUNCIL CHAMBERS
MUNICIPAL BUILDING**

PRAYER AND PLEDGE OF ALLEGIANCE

- I. CALL TO ORDER – Council President, John Rockhold
- II. ROLL CALL
- III. MINUTES – meeting held July 26, 2016
- IV. REPORTS FROM STANDING OR SPECIAL COMMITTEES
- V. MESSAGE FROM THE EXECUTIVE
- VI. PUBLIC FORUM
- VII. RESOLUTION
 - 1. Resolution naming the Parkersburg City Tennis Courts in honor of Coach Pam Reeves. (Sponsored by all members of City Council.)
 - 2. Resolution authorizing Mayor Jimmy Colombo to submit budget revisions to the U. S. Department of Housing and Urban Development (HUD) for HOME Programs years 2014 and 2015. (Sponsored by the Finance Committee of Council)
- VIII. MOTION TO RENEW – the ordinance concerning the floodwall fee.
- IX. ORDINANCE, FIRST READING:
 - 3. An ordinance amending Section 783.03, Floodwall Maintenance Fees, by reducing the present fees by one third (1/3). (Sponsored by Councilmen Coram, Brown, and Carpenter.)
 - 4. An ordinance amending and re-enacting Section 955.05 of Article 955 of the codified ordinances concerning garbage containers for residential units, designated hours and points of pick-up, and penalty. (Sponsored by the Public Works Committee of Council).
- X. ADJOURNMENT

The Council of the City of Parkersburg met in regular session Tuesday, July 26, 2016, at 7:30 PM in the Council Chambers on the second floor of the Municipal Building at One Government Square, Parkersburg, WV 26101 and joined in the Lord's Prayer and Pledge of Allegiance.

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

MINUTES -- Mr. Reed moved, seconded by Mr. Bigley, to approve the minutes from the meeting held July 12, 2016 and the motion was adopted by unanimous vote.

REPORTS FROM STANDING OR SPECIAL COMMITTEES -- Councilman Jim Reed announced that the Public Works Committee met this evening and discussed noise from fireworks, and problems with trash cans.

MESSAGE FROM THE EXECUTIVE -- Mayor Jimmy Colombo thanked WTAP news reporter, David Carl, for fair reporting of Parkersburg over the past couple of years. He will be going to New Mexico for employment, and we all wish him well.

There was a great concert at Bicentennial Park as a fundraiser for the flood victims in central and southern West Virginia, the Mayor stated. The sound was awesome, as was the talent. He thanked all the volunteers and City workers and said they raised in excess of \$38,000.00. We sent a sign to Clendenin, WV, that said "Flood of Love" from Parkersburg to show them where the heart of West Virginia is.

There was a meeting in City Park Monday evening, and he will talk with Councilman Reynolds about some good things that may happen in the park.

We have five more buildings to tear down because of the vacant property ordinance, Mayor Colombo said. We are taking the ten houses with the most problems and complaints, and then we will look at our list again. Our City Attorney will attend a municipal attorney's meeting next week during the Municipal League annual conference to see if other cities have a better way to handle vacant houses. We have to keep trying to make progress, he said.

The Clerk presented a communication from Mayor Jimmy Colombo appointing Mr. Craig Mitten to the Tree Commission for a three year term ending July 26, 2019.

MOTION -- Mr. Reynolds moved, seconded by Mr. Carpenter, to confirm the appointment and the motion was adopted by unanimous vote.

PUBLIC FORUM -- Mr. Gary Turner, 809 Chestnut Street, told Council that the City was past helping itself. We have some simple and some complex problems, and our parks are becoming an embarrassment, and our maintenance department can't catch up. This did not happen overnight, he said, as we have weeds, trash, fences falling down -- things that make the City look run-down. Concerning our resolution this evening for a \$200,000.00 grant for the boundless playground at City Park, he said that people have a fear to take their children to the parks.

Citizens are our best untapped resource, he said. The City needs to admit that they need help and ask our citizens for assistance, or our trade unions to help paint where needed. Our cash carryover this year should be used for new fire stations and code employees, and to fix infrastructure. He asked why the citizens should clean their properties if the City does not. Status quo is not acceptable, he said, and we should demand better than this. He does not see enough action and the City should ask for help and design a program for maintenance.

Ms. Stephanie DeBerry, 573 Maple Street, Davisville, WV, stated that she has a special needs child. The boundless playground is the first place where there is no stigma. It is hard for these children to get exercise, she said, and she wants her child to be able to play with other kids. The funds would be put to good use, she said.

Mr. Bob Mercer, 903 Camden Avenue, invited everyone to a cook-out July 30th which is the last day for the Youth Academy. He thanked the police and fire departments, 911, and St. Joseph Ambulance for participating. There will also be an ice cream social on August 14th to benefit next years' academy, he said.

Ms. Cathy Wermter, 2605 Capital Drive, supports Ms. DeBerry and the resolution to submit the grant for the boundless playground. She has a special needs grandchild that will want to play there, as these kids need the socialization. There are many children in our community that will benefit, she said, and mentioned a program for the bigger kids, too.

A resident of 4807 9th Avenue, Vienna, also spoke in favor of the boundless playground.

Mayor Colombo stated that our community will have a special memory for tennis coach, Pam Reeves who recently passed,

Councilwoman Coram thanked everyone who had helped with the Youth Academy. She is also in favor of the grant for the playground and said there should be no boundaries.

Concerning the appearance of our City, she said she did not see people sweeping and cleaning in front of their businesses like she did when she was young at her grandparent's grocery store.

Councilman Carpenter asked for an update on our decision to donate a fire truck and ambulance to the flood victims. Fire Chief, Jason Matthews, told them that he had reached out to the State Fire Marshall, who could not find anyone that would need our equipment. There may be another department in Wood County that may be interested, he said.

Councilwoman Lynch thanked Rick Lemley for his department for the playground at Southwood Park, and also for mowing the ball field and keeping it up. She added that she hopes the City will look at houses in her district

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for demolition, as she has had four houses she had tried to get demolished for years. She wanted the funds to be more evenly distributed on both sides of the river.

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

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

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

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

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

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

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

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

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

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

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

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

RESOLUTION

RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the Mayor, or his designee, be authorized to request approval from State Auditor's Office for the following budget revision within the General Fund for the Fiscal Years 2016-2017 prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists, and to make said budget revisions upon the State Auditor's approval:

GENERAL FUND

<u>Fund</u>	<u>Account</u>	<u>Description</u>	<u>Revenue Increase/ (Decrease)</u>	<u>Expenditure Increase/ (Decrease)</u>	<u>Fund Source / Description</u>
001	299-00	UNASSIGNED FUND BALANCE	100,000.00		PLYGRD MATCHING FUNDS
001	366-000-000	STATE GRANTS	100,000.00		GRANT REIMBURSEMENT
001	900-458-000	CAPITAL OUTLAY - OTHER IMP		200,000.00	PLYGRD MATCHING FUNDS
			200,000.00	200,000.00	

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

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

MOTION TO AMEND – Ms. Lynch moved, seconded by Mr. Reynolds, to put the \$100,000.00 matching funds back into the general fund if we are not successful in getting the grant, and the amendment was adopted by unanimous vote.

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

ORDINANCES, FINAL READING:

MOTION – Mr. Brown moved, seconded by Ms. Coram, to combine and adopt the next four ordinances on final reading, and that motion was adopted by majority vote with all members voting "yes" with the exception of Ms. Lynch and Mr. Rockhold, who voted "no".

The clerk then presented for final reading:

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

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that Section 1329.02 of Article 1329, Board of Zoning Appeals be amended as follows: 1329.02 RULES; OFFICERS; MEETINGS; QUORUM; RECORDS.

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

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

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

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

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

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

A. Definitions

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

B. Conditions of Use

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

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3. An approved means of extinguishment shall be available for immediate use at all times during use. Approved means to include a portable fire extinguisher with a minimum 4-A rating, a working garden hose connected to a reliable water source, or other approved on-site extinguishing agent.

4. When, **in the opinion of the fire official**, a hazard exists due to the use of the fireplace that is not specifically defined within this ordinance, the fire official, using good sound judgment and in consideration of the conditions that could present a hazard due to the use of the fireplace, shall have the authority to have the fire extinguished.

C. Wood Burning

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

D. LP/Gas

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

E. Conflict of Law

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

F. Severability

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

G. Exemptions

1. Nothing in this article shall prohibit small cooking or warming fires between the hours of 5:00 p.m. to midnight, provided that the site or location of the fire is approved by the Fire Chief or his designated representative. Such fires shall burn only natural wood (twigs, logs, etc.) which shall not be piled higher than two (2) feet nor more than three (3) feet in width and provided further that all combustible material be at least fifteen (15) feet from such fire.

2. Bonfires for the sole purpose of pep rallies shall be permitted with the approval of the Fire Chief and shall be supervised by the Fire Department.

3. All fires shall be attended to by an adult at all times and shall be totally extinguished when not so attended.

H. Penalty

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

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

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

**AN ORDINANCE PROVIDING FOR AN ELECTION TO CONSIDER
CHARTER AMENDMENTS CONCERNING
THE COMPOSITION OF THE MUNICIPAL POLITICAL EXECUTIVE COMMITTEES**

Be It Ordained By The Council Of The City Of Parkersburg that in accordance with the provisions of West Virginia Code Chapter 8, Article 4, Section 7, an election shall be held on the 8th day of November, 2016 to consider the amendment of Section 7.107, Municipal Party Executive Committees;

How Composed and Section 7.102,

Terms of Members of Executive Committees, of Article VII, Nominations and Elections of the Charter of the City of Parkersburg as follows:

Article VII Nominations And Elections

Section 7.107, Municipal Party Executive Committees; How Composed;

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

Section 7.102, Terms of Members of Executive Committees

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

BE IT FURTHER ORDAINED AS FOLLOWS:

- (A) The question of whether the Charter shall be amended shall be submitted to the voters of the City of Parkersburg at a special election to be held in said City on the 8th day of November, 2016, in accordance with the election laws of the State of West Virginia.
- (B) The registration of voters and the use of registration books shall be governed by the permanent registration law of the State of West Virginia, and the registration list of Wood County, West Virginia, as amended and corrected according to law, shall be the official registration list for such election.
- (C) The notice of calling such election shall be given by publication of this Ordinance as a Class 11-0 legal advertisement in compliance with the provisions of West Virginia Code Chapter 59, Article 3.
- (D) The form of the ballot for such election shall be as follows:

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

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

Article VII
Nominations And Elections

Section 7.107, Municipal Party Executive Committees; How Composed;

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

- () For The Amendment
- () Against The Amendment

Section 7.102, Terms of Members of Executive Committees

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

- () For The Amendment
- () Against The Amendment

VOTE – the ordinances were adopted by majority vote with all members voting "yes" with the exception of Ms. Lynch, and Mr. Rockhold who voted "no".

The meeting adjourned at 8:02 PM.

Cornie Shaper

City Clerk

Council President

**RESOLUTION NAMING THE PARKERSBURG
CITY PARK TENNIS COURTS IN HONOR OF
COACH PAM REEVES**

Whereas Pamela Sue Reeves long served the youth of Parkersburg and the greater Wood County community as an educator and tennis coach;

Whereas Coach Pam Reeves was for many, many years the tennis coach at Parkersburg High School where through her dedication, influence and leadership PHS won numerous state championships in both boys and girls tennis;

Whereas through Coach Reeves efforts PHS became the most successful tennis program in West Virginia state history; and

Whereas Coach Pam Reeves has had such an extraordinary affect on the youth of our community as well as the larger tennis community in our area.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the tennis courts in the Parkersburg City Park henceforth be collectively named and known as the Coach Pam Reeves Tennis Complex.

Sponsored by all members of City Council

Mayor James E. Colombo



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

MEMORANDUM

TO: Member of City Council
FROM: Jimmy Colombo, Mayor
DATE: July 29, 2016
RE: City Park Tennis Courts

In the past, I have never been an advocate of naming buildings or other structures for people. But today I would like your support to rename the City Park Tennis Courts.

I am asking for your support in the renaming of our City Park Tennis Courts to "Coach Pam Reeves Tennis Complex". This would be an area designation and all dedicated courts would remain the same.

Ms. Reeves was a valued teacher and coach and a positive influence on the youth and adults alike in our community.

RESOLUTION

WHEREAS, the Parkersburg/Wood County Home Consortium is comprised of Wood County and the cities of Parkersburg, Vienna and Williamstown, and

WHEREAS, the City of Parkersburg is the lead agency for administering Consortium funds and activities, and

WHEREAS, the City proposes the following budget revisions for the 2014 and 2015 HOME Partnership Program to address a potential shortfall, and

WHEREAS, the City will solicit input from the public in accordance with the City's Participation Plan,

THEREFORE BE IT RESOLVED, by the City Council of the City of Parkersburg, that Mayor James E. Colombo is hereby authorized to submit the following budget revisions (substantial amendments) to the U.S. Department of Housing and Urban Development for HOME Program years 2014 and 2015, in accordance with the City's Citizen Participation Plan:

Activity	Current Budget	Proposed Budget	Change
2014 HOME Adjustment of Funds			
Administration	\$ 28,629.00	\$ 28,629.00	\$ -
CHDO-Habitat for Humanity	\$ 88,000.00	\$ 106,628.06	\$ 18,628.06
SHOP-First Time Home Buyers	\$ 121,552.00	\$ 43,200.00	\$ (78,352.00)
Owner Occupied Rehab	\$ 69,500.00	\$ 54,813.94	\$ (14,686.06)
Down Payment Assistance Program	\$ -	\$ 74,410.00	\$ 74,410.00
Totals	\$ 307,681.00	\$ 307,681.00	\$ -
2015 HOME Adjustment of Funds			
Administration	\$ 26,102.07	\$ 26,102.07	\$ -
CHDO-Habitat for Humanity	\$ 85,000.00	\$ 66,371.94	\$ (18,628.06)
Owner Occupied Rehab	\$ -	\$ 74,314.03	\$ 74,314.03
Affordable Housing Project	\$130,000.00	\$ -	\$ (130,000.00)
SHOP – First Time Home Buyers	\$ 20,179.93	\$ 94,493.96	\$ 74,314.03
Totals	\$ 261,282.00	\$ 261,282.00	\$ -

Sponsored by:

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

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05

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

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

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

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

(e) There is hereby imposed upon the respective owners of all mobile homes in the protected flood zone an annual fee of five dollars and sixty-seven cents (\$5.67).

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

SPONSORED BY THE COMMITTEE OF THE WHOLE

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

AN ORDINANCE AMENDING AND RE-ENACTING SECTION 955.05 OF ARTICLE 955 OF THE CODIFIED ORDINANCES OF THE CITY OF PARKERSBURG

The Council of the City of Parkersburg Hereby Ordains that Section 955.05, Article 955 of the Codified Ordinances of the City of Parkersburg be hereby amended and re-enacted as follows:

955.05 COLLECTION BY CITY OR PRIVATE COLLECTORS ONLY: RULES.

No person, except the City and private collectors, shall engage in or conduct the business of collection, removal or disposal of solid waste within the corporate limits. It shall be mandatory for all occupants of residential units to place their recycling containers, garbage containers, refrigeration appliances and white appliances at the curbside, alleyside or other place to be designated by the Director of Public Works.

All said garbage containers, recycling containers and any other item left for collection shall not be placed at the curbside, alleyside or other place designated by the Public Works Director more than one (1) day prior to the date of collection. Nor shall any container be left at the curbside, alleyside or other designated point of pick up more than twenty-four (24) hours after the date and time of collection of said solid waste or recyclable.

Sponsored by Public Works Committee

See attached section 955.99 Penalty

§955.99

PENALTY.

Whoever violates any provision of this article shall be fined not more than five hundred dollars (\$500.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues. (Ord. 0-584. Passed 1-9-90.)

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