

AGENDA FOR PARKERSBURG CITY COUNCIL,
TUESDAY, FEBRUARY 27, 2018, 7:30 PM
SECOND FLOOR, COUNCIL CHAMBERS
MUNICIPAL BUILDING

- I. CALL TO ORDER – Council President, John Reed
- II. ROLL CALL
- III. MINUTES - Council meeting held February 13, 2018
- IV. REPORTS FROM STANDING OR SPECIAL COMMITTEES
- V. MESSAGE FROM THE EXECUTIVE
 - A. Mayor Tom Joyce presents the budget and message for 2018/2019
- VI. PUBLIC FORUM – Resolutions and ordinances listed below.
- VII. RESOLUTIONS
 - 1. Resolution thanking Glenn Meeks, retiring City employee, for his exemplary work and service. (Sponsored by Councilman John Reed; co-sponsored by Councilmen McCrady and Reynolds)
 - 2. Resolution amending Rule XI of City Council's rules, for clarification in regard to the Public Forum stating that the public forum is for those resolutions or ordinances that are on the present agenda for Council's consideration at the present meeting. Thirty (30) minutes total. Five (5) minutes per individual speaker. (Sponsored by Councilwoman Sharon Kuhl; co-sponsored by Councilmen McCrady and Reynolds)
 - 3. Resolution amending the CDBG budget adding \$82,844.00 to the minor home repair program; and adding \$40,000.00 to the emergency home repair program. (Sponsored by Councilmen Mercer, Kuhl and Stanley)
 - 4. Resolution authorizing Mayor Tom Joyce to accept a 2017 Fire Prevention Program Grant from FM Global in the amount of \$3,040.00 to purchase tablets and accessories. (Sponsored by Councilmen Carpenter, Reed, and McCrady)
 - 5. Resolution to allow for the temporary vending of beer and/or wine in downtown Parkersburg Central Business District for the Concert Series, Taste of Parkersburg, Downtown Throwdown, Riverfest, Chili Cook-off, and Artoberfest. (Sponsored by Councilmen Mercer, Stanley and Reed)

"over"

VIII. ORDINANCE, FINAL READING:

6. An ordinance to approve current replacement pages to the codified ordinances through October, 2017. (Councilmen Carpenter, Reed, and Barber)
7. An ordinance amending and re-enacting Article 545.02(c), minimum standards and specifications for street repairs; and 545.02(e) concerning excavating into our City streets providing for a cash bond between \$2,000.00 and \$10,000.00. (Sponsored by the Finance Committee)

IX. ORDINANCE, FIRST READING:

8. An ordinance amending and re-enacting 955, Solid Waste Disposal, definitions in 955.01; and 955.03, 955.05 and 955.10 that sets rental fees for dumpsters at \$160.00 for seven days and \$56.00 for additional pick-ups. (Sponsored by the Public Works Committee)

X. ADJOURNMENT

The Council of the City of Parkersburg met in regular session Tuesday, February 13 at 7:30 PM in the Council Chambers on the second floor of the Municipal Building at One Government Square, Parkersburg, and joined in the Lord's Prayer and Pledge of Allegiance prior to the beginning of the meeting.

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

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

MINUTES – Mr. Reynolds moved, seconded by Mr. Mercer to approve the City Council minutes from January 16, 2018, January 23, 2018, with amendments to the minutes from January 9, 2018, and the motion was adopted by unanimous vote.

REPORTS FROM STANDING OR SPECIAL COMMITTEES – Councilman Stanley reported that the Finance Committee met last week and sponsor a budget revision on this evening's agenda, and also the ordinance concerning standards for street repairs and cash bonds.

MESSAGE FROM THE EXECUTIVE – Mayor Tom Joyce distributed copies of the 2018 Infrastructure Capital Plan that included fire station replacement, concrete slab replacement, asphalt, milling and overlay, stormwater project, central garage replacement, 13th Street retaining walls, Gihon Road sidewalk project, Rayon Drive sidewalk project, St. Mary's/Dudley Avenue streetscape, City Park pool enhancement, and Ohio River multiuse trail project. City Council took no action at this time, and the Clerk will file the document.

PUBLIC FORUM – Ms. Jennifer Bryant, 1361 Market Street, appeared to speak about the public forum, but not on any resolution or ordinance listed on the agenda. President Reed stated that it was Council's intent to discuss only items listed, and Ms. Bryant disagreed on the intent of their rules. President Reed called her out of order, and City Attorney, Joe Santer, explained that in his opinion it was clear that Council intended that the public could only speak on items that City Council was addressing.

MOTION – Mr. Carpenter moved, seconded by Mr. Fox, to suspend Council's rules to allow additional discussion during the public forum. The motion failed, as follows: Voting "no", Mr. McCrady, Ms. Kuhl, Mr. Barber, Mr. Reynolds, and Mr. Reed. Voting "yes" Mr. Mercer, Mr. Carpenter, Mr. Stanley, and Mr. Fox.

Ms. Sue Ellen Waybright, 2617 Division Street Extension, thanked Council for the resolution this evening concerning the unlawful distribution of prescription controlled substances.

RESOLUTION AUTHORIZING MAYOR JOYCE TO SUBMIT
THE 2017 ANNUAL TIF REPORT FOR THE AVERY
COURT REDEVELOPMENT DISTRICT #3 TO
THE WEST VIRGINIA DEVELOPMENT OFFICE

WHEREAS, the AVERY COURT REDEVELOPMENT DISTRICT #3 was established on July 26, 2005,
and

WHEREAS, the boundaries of the District are Eleventh Street, Cornwall Street (Tax Map 76, Parcel 240)
and Avery Street in the City of Parkersburg, and

WHEREAS, the payment made in lieu of taxes received and expanded for 2015 was \$0.00, and

WHEREAS, the amount of disbursements from the tax increment financing fund during the most recently
completed fiscal year was 25,285.95, and

WHEREAS, the attached progress report is required by West Virginia Code 7-11B-15,

NOW THEREFORE BE IT RESOLVED, that Parkersburg City Council hereby authorizes Mayor, Tom
Joyce, to submit the 2017 Annual Tax Increment Financing Report for the Avery Court
Redevelopment Project to the West Virginia Development Office, having made the report available to
the public for comment and having a public hearing.

(full report filed #9108)

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

PUBLIC HEARING - At 7:45 PM, President Reed opened the floor for a public hearing to give
citizens an opportunity to voice their opinion on this resolution and report.

No one appeared and the hearing closed at 7:46 PM.

VOTE – the motion was adopted by unanimous vote.

February 13, 2018

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 Year 2017-2018 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

Account	Description	Current Budget	Proposed Adjustment	Revised Budget	Comments
REVENUE					
303-001-000	GAS & OIL TAX	40,500	823	41,323	REVISION TO ACTUAL
314-000-000	MUNICIPAL SALES TAX	5,498,000	124,707	5,622,707	REVISED ESTIMATE
325-000-000	BUSINESS LICENSES	67,880	1,863	69,743	REVISION TO ACTUAL
365-000-000	FEDERAL GRANTS	188,371	102,637	291,008	JIDP \$7,000; AFG \$21,637; HITDA \$74,000
368-000-000	CONTRIB - OUTSIDE ENTITIES	236,075	250,000	486,075	\$250K SPLASH PARK DONATION
369-000-000	TRANSFERS IN	2,543,745	50,000	2,593,745	\$50K SPLASH PARK EARMARK
377-000-000	CAPITAL LEASE REVENUE	228,000	(5,404)	222,596	REVISION TO ACTUAL
386-000-000	INSURANCE CLAIMS	-	11,777	11,777	REVISION TO ACTUAL
399-000-000	MISCELLANEOUS REVENUE	15,000	10,074	25,074	REVISED ESTIMATE
SUBTOTAL - REVENUE			546,477		
EXPENDITURES					
MAYOR					
409-230-000	CONTRACTUAL SERVICES	2,500	3,300	5,800	SECURITY LOCK/MOVMA PASS THRU
CITY CLERK					
415-220-000	ADVERTISING & LEGAL PUB	150	1,200	1,350	REVISED ESTIMATE
415-226-004	FIDELITY & SURETY BONDS	-	75	75	REVISED ESTIMATE
			<u>1,275</u>		
MUNICIPAL JUDGE					
416-240-000	REFUNDS	-	750	750	REVISED ESTIMATE
CITY ATTORNEY					
417-211-000	TELEPHONE/COMM	1,424	30	1,454	REVISED ESTIMATE
417-229-000	COURT COSTS	1,500	(600)	900	RELLOCATION TO SUPPLIES
417-230-000	CONTRACTUAL SERVICES	750	(200)	550	RELLOCATION TO SUPPLIES
417-341-000	DEPARTMENTAL SUPPLIES	900	800	1,700	RELLOCATION TO SUPPLIES
			<u>30</u>		
ENGINEERING					
420-211-000	TELEPHONE/COMM	4,354	640	4,994	REVISED ESTIMATE
420-212-000	OUTSIDE PRINTING	600	300	900	REVISED ESTIMATE
			<u>940</u>		
PERSONNEL					
422-220-000	ADVERTISING & LEGAL PUB	750	(500)	250	REALLOCATION TO SUPPLIES
422-230-000	CONTRACTUAL SERVICES	15,000	1,650	16,650	KEY FOB LOCK SYSTEM REPLACEMENT
422-341-000	DEPARTMENTAL SUPPLIES	2,000	500	2,500	REALLOCATION TO SUPPLIES
			<u>1,650</u>		
CODE ENFORCEMENT					
436-343-001	AUTO SUPPLIES - GASOLINE	8,200	500	8,700	REVISED ESTIMATE
436-345-000	UNIFORM EXPENSE	4,500	1,050	5,550	REVISED ESTIMATE
			<u>1,550</u>		

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MUNICIPAL BUILDING

440-211-000 TELEPHONE/COMM	763	26	789	REVISED ESTIMATE
440-222-000 DUES & SUBSCRIPTIONS	-	50	50	REVISED ESTIMATE
440-225-000 LAUNDRY & DRY CLEANING	500	<u>2,550</u>	3,050	REVISED ESTIMATE
		2,626		

CONTRIBUTIONS TO OTHER ENTITIES

000-424-566 CONTRIB - PNTF	-	20,000	20,000	SPLASH PARK CAP PROJECT FUND
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CONTRIBUTIONS TO OTHER FUNDS

444-566-207 CONTRIB - PARKS CAPITAL PROJ	750,000	300,000	1,050,000	SPLASH PARK CAP PROJECT FUND
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MARKETPLACE

590-230-000 CONTRACTUAL SERVICES	600	1,000	1,600	REVISED ESTIMATE
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CONTINGENCY

699-226-000 AUTO & LIABILITY INSURANCE	50,000	(28,165)	21,835	DEDUCTIBLE YTD
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POLICE DEPARTMENT

700-103-009 GRANT OVERTIME	75,000	54,000	129,000	HITDA GRANT OVERTIME
700-219-000 EQUIPMENT RENTAL	227,724	(10,000)	217,724	REALLOCATION - PRISONER TRANSPORT
700-226-000 AUTO & LIABILITY INSURANCE	166,607	15,000	181,607	DEDUCTIBLE YTD
700-341-000 DEPARTMENTAL SUPPLIES	97,916	11,860	109,776	JJDP \$7,000; INSURANCE PROCEEDS
700-230-000 CONTRACTUAL SERVICES	97,916	10,000	107,916	REALLOCATION - PRISONER TRANSPORT
700-343-001 AUTO SUPPLIES - GASOLINE	135,000	500	135,500	REVISED ESTIMATE
700-459-000 CAPITAL OUTLAY - EQUIPMENT	233,968	<u>(5,404)</u>	228,564	ADJUSTMENT TO ACTUAL
		75,956		

FIRE DEPARTMENT

706-103-303 CAPTAINS SALARY	327,216	(55,177)	272,039	PERSONNEL RECLASSIFICATION
706-103-304 LIEUTENANTS SALARY	440,042	47,764	487,806	PERSONNEL RECLASSIFICATION
706-103-315 OTHER SALARIES	41,829	(29,763)	12,066	POSITION BUDGET REMOVAL
706-104-000 FICA EXPENSE	42,953	(2,277)	40,676	POSITION BUDGET REMOVAL
706-106-000 RETIREMENT EXPENSE	3,323,017	(3,274)	3,319,743	POSITION BUDGET REMOVAL
706-103-310 FIREMEN SALARY	1,680,520	(6,403)	1,674,117	PERSONNEL RECLASSIFICATION
706-215-000 MAINT & REPAIR - BUILDINGS	20,000	21,637	41,637	AFG GRANT \$21,637
706-226-000 AUTO & LIABILITY INSURANCE	88,342	3,600	91,942	DEDUCTIBLE YTD
706-226-005 WORKERS COMPENSATION	50,937	(545)	50,392	POSITION BUDGET REMOVAL
706-341-000 DEPARTMENTAL SUPPLIES	40,000	<u>17,940</u>	57,940	GEAR REPLACEMENTS
		(6,498)		

FLOODWALL

714-103-000 OVERTIME EXPENSE	1,600	3,000	4,600	REVISED ESTIMATE
714-219-000 EQUIPMENT RENTAL	1,500	100	1,600	REVISED ESTIMATE
714-225-000 LAUNDRY & DRY CLEANING	1,200	<u>1,000</u>	2,200	REVISED ESTIMATE
		4,100		

STREET DEPARTMENT

750-103-008 OVERTIME EXPENSE	4,000	1,000	5,000	REVISED ESTIMATE
750-211-000 TELEPHONE/COMM	1,167	533	1,700	REVISED ESTIMATE
750-212-000 OUTSIDE PRINTING	150	250	400	REVISED ESTIMATE
750-225-000 LAUNDRY & DRY CLEANING	5,500	2,300	7,800	REVISED ESTIMATE
750-226-000 AUTO & LIABILITY INSURANCE	35,528	1,300	36,828	DEDUCTIBLE YTD
750-341-000 DEPARTMENTAL SUPPLIES	100,000	<u>30,000</u>	130,000	REVISED ESTIMATE
		35,383		

STREET LIGHTING

751-225-000 LAUNDRY & DRY CLEANING	1,500	910	2,410	REVISED ESTIMATE
751-230-000 CONTRACTUAL SERVICES	1,500	1,500	3,000	REVISED ESTIMATE
751-341-000 DEPARTMENTAL SUPPLIES	30,000	2,793	32,793	INSURANCE PROCEEDS
751-459-000 CAPITAL OUTLAY - EQUIPMENT	85,000	<u>(13,608)</u>	71,392	ADJUSTMENT TO ACTUAL
		(8,405)		

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CENTRAL GARAGE					
754-343-005	AUTO REPAIR SUPPLIES	110,000	25,000	135,000	REVISED ESTIMATE
STREET CLEANING					
756-225-000	LAUNDRY & DRY CLEANING	3,200	1,700	4,900	REVISED ESTIMATE
756-641-000	DEPARTMENTAL SUPPLIES	40,000	<u>15,000</u>	55,000	REVISED ESTIMATE
			16,700		
SANITATION					
800-213-000	UTILITIES - ELECTRIC	17,244	2,500	19,744	REVISED ESTIMATE
800-225-000	LAUNDRY & DRY CLEANING	8,000	7,750	15,750	REVISED ESTIMATE
800-226-000	AUTO & LIABILITY INSURANCE	55,402	2,700	58,102	DEDUCTIBLE YTD
800-230-000	CONTRACTUAL SERVICES	666,500	7,414	673,914	REVISED ESTIMATE - BACKFLOW SERVICE
800-341-000	DEPARTMENTAL SUPPLIES	30,000	10,000	40,000	REVISED ESTIMATE
800-343-001	AUTO SUPPLIES - GASOLINE	65,000	1,700	66,700	REVISED ESTIMATE
800-345-000	UNIFORM EXPENSE	11,000	160	11,160	REVISED ESTIMATE
800-459-000	CAPITAL OUTLAY - EQUIPMENT	170,000	<u>(17,414)</u>	152,586	ADJUSTMENT TO ACTUAL
			14,810		
STORMWATER					
805-219-000	EQUIPMENT RENTAL	-	2,000	2,000	REVISED ESTIMATE
805-230-000	CONTRACTUAL SERVICES	-	10,000	10,000	REVISED ESTIMATE - REALLOCATION
805-458-000	CAPITAL OUTLAY - OTHER IMP	285,154	<u>(3,000)</u>	282,154	REVISED ESTIMATE - REALLOCATION
			9,000		
PARKS & RECREATION					
900-103-008	OVERTIME EXPENSE	5,000	4,000	9,000	REVISED ESTIMATE
900-215-000	REPAIR & MAINT - BUILDINGS	6,000	(4,000)	2,000	PAVILION REPAIR REALLOCATION
900-225-000	LAUNDRY & DRY CLEANING	3,510	2,210	5,720	REVISED ESTIMATE
900-226-000	AUTO & LIABILITY INSURANCE	28,723	705	29,428	DEDUCTIBLE YTD
900-230-000	CONTRACTUAL SERVICES	30,000	20,000	50,000	ENVIRON - TRAIL \$15K; MISC
900-341-000	DEPARTMENTAL SUPPLIES	42,333	22,000	64,333	REVISED ESTIMATE, PAVILION SUPPLIES
900-343-001	AUTO SUPPLIES - GASOLINE	12,000	560	12,560	REVISED ESTIMATE
900-458-000	CAPITAL OUTLAY - OTHER IMP	225,000	<u>30,000</u>	255,000	LAND PURCHASE - TRAIL
			75,475		
SUTOTAL - EXPENDITURES			<u>546,477</u>		
GRAND TOTAL - MIDYEAR REVISION			<u>-</u>		

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

RESOLUTION AUTHORIZING MAYOR JOYCE TO SIGN A
PURCHASE SALE AGREEMENT WITH CSX TRANSPORTATION, INC.
FOR THE PURPOSE OF CONSTRUCTING AND OPERATING
A MULTIUSE TRAIL ALONG THE OHIO RIVER

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

Whereas, access to different recreational amenities is a leading quality of life indicator, and

Whereas, this indicator is critical to retaining, attracting and developing businesses in the community, and

Whereas, the City of Parkersburg desires to construct a multiuse trail along the Ohio River, from Riverfront Park northerly to the Little Pond Run Outfall, and

Whereas, said trail will be developed by the West Virginia Department of Transportation – Division of Highways, in consultation with the City of Parkersburg, and

Whereas, the City of Parkersburg does not own all the property along the Ohio River and must secure the necessary rights-of-way for the trail's construction, and

Whereas, rights-of-way can be secured through acquisition, permanent easements and/or long-term lease agreements with private property owners, and

Whereas, CSX Transportation, Inc. is willing to sale approximately 7 acres of land along the wet (west) side of the floodwall to the City of Parkersburg, in the amount of \$30,000, and in accordance with Purchase Sale Agreement and plat attached thereto.

Whereas, the purchase price was determined by conducting an appraisal on said property in 2016,

THEREFORE BE IT RESOLVED, by the City of Council of the City of Parkersburg that Mayor Tom Joyce is hereby authorized to sign the attached Purchase Sale Agreement with CSX Transportation, Inc., for the purpose of constructing a multiuse trail along the Ohio River.

MOTION – Mr. Reynolds moved, seconded by Mr. Carpenter, to adopt the resolution, and the motion was adopted by unanimous vote. (agreement filed #9110)

February 13, 2018

**RESOLUTION DECLARING THAT THE UNLAWFUL
DISTRIBUTION OF PRESCRIPTION CONTROLLED
SUBSTANCES HAS CREATED A PUBLIC NUISANCE
FOR THE CITIZENS OF THE CITY OF PARKERSBURG**

WHEREAS, the Council of the City of Parkersburg is the governing body of the City; and

WHEREAS, the Council of the City of Parkersburg has the authority to take action to protect the public health, safety, and welfare of the citizens of the City of Parkersburg; and

WHEREAS, there exists a serious public health and safety crisis involving opioid abuse, addiction, morbidity, and mortality in the City of Parkersburg; and

WHEREAS, the diversion of legally produced controlled substances into the illicit market causes or contributes to the serious public health and safety crisis involving opioid abuse, addiction, morbidity, and mortality in the City of Parkersburg; and

WHEREAS, the violation of any laws of West Virginia or of the United States of America controlling the manufacturing and distribution of a controlled substance is inimical, harmful, and adverse to the public welfare of the citizens of the City of Parkersburg and constitutes a public nuisance; and

WHEREAS, the Council of the City of Parkersburg has the authority to provide for the eliminations of hazards to public health and safety; abate, or cause to be abated, any public nuisance including those acts that significantly interfere with the public health, safety, and welfare of the citizen of the City of Parkersburg; and

WHEREAS, the City of Parkersburg has expended, is expending, and will continue to expend in the future City public funds to respond to the serious public health and safety crisis involving opioid abuse, addiction, morbidity and mortality in the City of Parkersburg; and

WHEREAS, the Council of the City of Parkersburg has received information which indicates that the manufactures and wholesale distributors of controlled substance have violated federal laws and regulations that were enacted to prevent the diversion of legally produced controlled substances into the illicit market; and

WHEREAS, the public nuisance continues to be unabated by those entities causing the public nuisance; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Parkersburg, West Virginia with at least a majority of its members thereto concurring DECLARES that opiate abuse, addiction, morbidity and mortality has created a serious public health and safety crisis in the City of Parkersburg, West Virginia and is a PUBLIC NUISANCE.

This Resolution was duly passed on the _____ day of _____, 2018.

ATTEST:

CITY OF PARKERSBURG

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

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MOTION – Mr. Fox moved, seconded by Mr. Carpenter, to amend the resolution recommending the City engage a law firm to initiate a suit, and the amendment was adopted by unanimous vote.

City Attorney, Joe Santer, told Council that the City has engaged a law firm, and they recommend that City Council adopt this resolution to show that the City is unified in declaring that this is a nuisance.

VOTE, as amended – the motion, as amended was adopted by unanimous vote.

ORDINANCE, FIRST READING:

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT
PAGES TO THE CODIFIED ORDINANCES OF THE
CITY OF PARKERSBURG

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

ORDINANCE, FIRST READING:

AN ORDINANCE AMENDING AND RE-ENACTING
SUBSECTIONS (c) AND (e) OF SECTION
542.02 OF ARTICLE 542, OF THE CODIFIED
ORDINANCES OF THE CITY OF PARKERSBURG

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

MOTION TO AMEND – Ms. Kuhl moved, seconded by Mr. Barber, to amend 545.02(e) changing the amounts of the cash bonds from \$2,000.00 for each opening or \$10,000.00 for an indefinite number of openings for a 12-month period – to \$4,000.00 and \$25,000.00.

Mr. Santer reminded Council this was for a cash bond and not a surety bond.

Mayor Joyce agreed with Mr. Santer and said this was a good start and he asked Council to leave the amounts a \$2,000.00 and \$10,000.00. We could amend it next year if necessary, he said. This is an improvement over what we have, he added.

Ms. Kuhl asked what would happen if the streets are opened ten or twelve times within the year, and said that \$10,000.00 was not enough. Mr. Santer said this is up-front money, and when the \$10,000.00 is gone, the City won't give them permits in the future.

VOTE – the amendment failed with Councilmen Kuhl, Barber and Mr. Reed voting "yes", the remaining six votes were "no".

MOTION TO AMEND – Mr. Fox moved, seconded by Mr. Barber, to amend the amounts to \$3,000.00 and \$15,000.00, and that amendment failed with all members voting "no" with the exception of Mr. Barber, Mr. Fox and Mr. Reed, who voted "yes".

The Administration asked for an amendment to the proper name of the specifications used by the State of West Virginia.

MOTION TO AMEND – Mr. Stanley moved, seconded by Mr. Barber, to amend the ordinance in 545.02(c) as follows: ...West Virginia Department of Transportation, Division of Highways, 2010 Edition, Typical Sections and Related Details, with August 1, 2013 revisions included, and any future editions or revisions thereto. (Amendment underlined).

VOTE – the amendment was adopted by unanimous vote.

VOTE – the main motion, as amended one time, was adopted by unanimous vote.

The meeting adjourned at 8:15 PM.

City Clerk

Council President

Resolution

Whereas Glenn Meeks has faithfully served the City of Parkersburg and its residents, for over 34 years;

Whereas Glenn Meeks spent the last 20 years of said dedicated service in the Municipal Building as Building Maintenance Supervisor, Division of Buildings and Grounds;

Whereas Glenn Meeks is retiring and deservedly from said service with the City; and

Whereas the Council of the City of Parkersburg wishes to show its thanks and gratitude to Glenn Meeks for his exemplary work and service.

Now Therefore Be It Resolved By The Council of The City of Parkersburg that Glenn Meeks be thanked and honored by naming Council's small conference room the Glenn Meeks Conference Room.

Sponsored By: Councilmen

Resolution

Be It Resolved By The Council Of The City Of Parkersburg that Rule XI, Open Meetings, Order of Business, of the Rules and Regulations of Council be amended, for purposes of clarification in regard to the Public Forum as follows:

Public Forum for those Resolutions or Ordinances that are on the present Agenda for Council's consideration at the present meeting. Thirty (30) minutes total. Five (5) minutes per individual speaker.

Sponsored By: Councilmen

Parkersburg Community Development Block Grant Budget Revision

Be it resolved by the City Council of the City of Parkersburg that the City of Parkersburg's Community Development Block Grant (CDBG) Program Annual Action Plan and Budget for the year 2016 and 2017 be hereby amended as follows:

CDBG Adjustment of Funds

Activity	Program Year	Current Budget	Proposed Budget	Change
Minor Home Repair Program	2017	\$ 100,000.00	\$ 182,844.00	\$ 82,844.00
Emergency Home Repair Program	2017	\$ 28,709.00	\$ 68,709.00	\$ 40,000.00
Neighborhood Partnership Program	2017	\$ 20,000.00	\$ -	\$ (20,000.00)
Riverfront Park - Section 108 Loan Payment	2016	\$ 180,000.00	\$ 77,156.00	\$ (102,844.00)
Totals		\$ 128,709.00	\$ 251,553.00	\$ -

Sponsored by:

The Minor Home Repair Program assisted **sixteen (16)** eligible households in 2017, while **ten (10)** projects were completed through the Emergency Home Repair Program. An immediate need currently exists in the Emergency Repair Program as **2 projects** are 'shovel-ready'. The Development Department requests the above minor budget revision to ensure both programs have sufficient funds for the next several months. Note, a majority of funds for the revision are coming from the Riverfront Park - Section 108 Loan Payment. Since Parkersburg City Council defensed a portion of the loan payments in 2017, the fund balance for that activity can be reallocated.

**RESOLUTION AUTHORIZING MAYOR JOYCE TO ACCEPT A 2017 FIRE
PREVENTION PROGRAM GRANT FROM FM GLOBAL**

Whereas, the City of Parkersburg submitted an application to FM Global for a 2017 Fire Prevention Program Grant, and

Whereas, said grant is administered by FM Global, and

Whereas, upon review the City has been awarded \$3,040 to purchase Tablets and Accessories, and

Whereas, the FM Global share of said award is \$3,040 and the City's share is 0, and

Whereas, the Tablets will be used for Pre-Incident planning for all commercial buildings throughout the City, and

NOW THEREFORE IT BE RESOLVED, that the City Council of the City of Parkersburg hereby authorizes Mayor Tom Joyce to accept the 2017 FM Global Fire Prevention Program Grant and execute any and all documents as it relates to said grant.

Sponsored by Councilmen Carpenter, Reed, McCrady, Kuhl and Fox

**RESOLUTION TO ALLOW FOR THE TEMPORARY VENDING OF BEER AND/OR WINE IN DOWNTOWN
PARKERSBURG – CENTRAL BUSINESS DISTRICT**

Whereas, Parkersburg’s Central Business District is the largest employment center in the Mid-Ohio Valley, and

Whereas, private and public investment in recent years has contributed to the revitalization of the CBD, and

Whereas, events in the CBD create opportunities for the general public to observe and experience these positive changes, and

Whereas, events in the CBD give small businesses an opportunity to showcase their wares and/or services, and

Whereas, the events described herein intend to serve beer and/or wine, and

Whereas, event organizers shall obtain all the necessary permits from the Mid-Ohio Valley Health Department and West Virginia Alcohol and Beverage Control Administration (ABCA), and

Whereas, City Council wishes to allow for the vending and responsible consumption of beer and/or wine at events described herein, during hours of operation of said event and in accordance with all ABCA regulations, and

Whereas, nothing contained within this Resolution is intended to endorse or support any particular belief, philosophy, or political position as it relates to the consumption of beer and/or wine at said events,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Parkersburg, that beer and/or wine shall be permitted at said events in accordance with the West Virginia Alcohol Beverage Commission Administration for the purpose of obtaining a permit from said organization:

- Point Park Concert Series on June 1, July 6, August 3 and September 7, 2018
Organizer: Downtown PKB
Location: Point Park
- Taste of Parkersburg on June 2, 2018
Organizer: Downtown PKB
Location: Bicentennial Park
- Downtown Throwdown on September 15, 2018
Organizer: Downtown PKB
Location: Bicentennial Park
- Artoberfest on October 20, 2018
Organizer: Parkersburg Art Center
Location: On Market Street, between 7th and 8th Streets
- Riverfest on September 14-15, 2018
Organizer: Scott Heckert
Location: Point Park
- Chili Cook-off
Organizer: Point Park Marketplace
Location: Point Park Marketplace

**AN ORDINANCE TO APPROVE CURRENT REPLACEMENT
PAGES TO THE CODIFIED ORDINANCES OF THE CITY OF
PARKERSBURG.**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG, as follows:

WHEREAS, various ordinances of a general and permanent nature have been passed by City Council which should be included in the Codified Ordinances; and

WHEREAS, Council has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is presently before Council;

NOW, THEREFORE, BE IT ORDAINED that:

Section 1. The ordinances of the City of Parkersburg, West Virginia, of a general and permanent nature, as revised, codified, rearranged and consolidated into component codes, chapters, articles and sections within the 2017 replacement pages to the Codified Ordinances are hereby approved and adopted.

- Section 2. Pursuant to Section 2.208 of the Charter and West Virginia Code 8-11-4(b):**
- (a) Notice of the proposed adoption of the current supplement shall be given by publication as provided in West Virginia Code 8-11-4(a)(2);**
 - (b) This ordinance shall not be adopted until ninety days have elapsed following the date on which Council shall have noted in the official journal the availability of copies of the current supplement to the public.**

Section 3. This Ordinance shall take effect as provided in Section 2.201 of the Charter.

AN ORDINANCE AMENDING AND
RE-ENACTING SUBSECTIONS (c) and (e)
OF SECTION 542.02 OF ARTICLE 542
OF THE CODIFIED ORDINANCES OF
THE CITY OF PARKERSBURG

Be It Ordained By The Council Of The City Of Parkersburg that subsections (c), Repairs under Supervision of Director of Public Works, and (e), Performance Bonds, of Section 545.02, Excavation of Streets and Sidewalks; Repair, of Article 545, Streets and Sidewalks, of the Codified Ordinances of the City of Parkersburg be and they are hereby amended and re-enacted as follows:

545.02 (c) Repairs to be Under Supervision of Director of Public Works and Completed Within Reasonable Time. All excavations of any street, sidewalk or alley shall be completed within such reasonable time as is determined by the Director of Public Works or his designee, taking into consideration the nature of the work to be performed, weather conditions and other relative factors. Upon completion of the excavation and the work to be performed, the street, sidewalk or alley and any attendant curb or gutter shall be refilled, repaired and replaced in such manner and upon such conditions as may be imposed in such permit by the Director or his designee, and shall at a minimum meet the standards and specifications of the current West Virginia Department of Transportation, **Division of Highways, 2010 Edition, Typical Sections and Related Details, with August 1, 2013 revisions included, and any future editions or revisions thereto,** Standard Specifications for Roads and Bridges; provided however that the holder of such permit shall not be required to alter the as-built design of such street, alley or sidewalk as the same existed prior to the issuance of such permit. The Director or his designee shall have the right, and is hereby empowered to supervise and inspect any work during its progress.

545.02 (e) PERFORMANCE BONDS

No permit required by Section 545.02 (a) shall be granted until the applicant therefor shall have executed and delivered to the City a cash bond in the amount hereinafter fixed. The amount of such cash bond shall be \$2,000 for each opening or \$10,000 for an indefinite number of openings for a 12-month period. The bond shall be given upon the condition that the principal will indemnify and save harmless the City from any loss, damages or expenses whatsoever, in any manner occasioned by or arising from the opening of any street, or way, or the work done in consequence thereof, or the manner of doing such work, and the bond shall remain in force for a period of 12 months after the permanent restoration and resurfacing of each opening.

Further, no permit required by Section 545.02 (a) shall be granted to any applicant therefor unless such applicant pays to the City all money then due to the City from such applicant for prior openings or excavations made or for any loss, damage or expense in any manner occasioned by or arising from the opening or excavations under prior permits issued to such applicant.

Sponsored By: City Council Finance Committee

AN ORDINANCE AMENDING AND RE-ENACTING
SECTION 955.01, DEFINITIONS, WITH THE ADDITION OF
SUBSECTIONS (r) AND (s) AND AMENDING SUBSECTION 955.03 (a), COLLECTIONS
BY CITY, GENERAL PROVISIONS, AND AMENDING SUBSECTIONS
(c) AND (d) OF SECTION 955.05, COLLECTION BY CITY OR
PRIVATE COLLECTORS ONLY: RULES, AND SECTION 955.10, OTHER
SERVICES MAY BE PROVIDED , OF ARTICLE 955, SOLID WASTE DISPOSAL.

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BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that subsections (r) and (s) be added to Section 955.01, Definitions, and that Subsection 955.03 (a), General Provisions, and subsections (c) and (d) of Section 955.05, Collection By City or Private Collectors Only: Rules, of Article 955, Solid Waste Disposal, and Section 955.10, Other Services May Be Provided, of the Codified Ordinances of the City of Parkersburg be and they are hereby amended and re-enacted as follows:

955.01 Definitions:

(r) "Commercial location" means any site or location where a licensed business is conducting work within the City and which work requires a building permit.

(s) "Commercial business or enterprise" means any corporation, company, person, or other entity which has a business license issued by the City of Parkersburg or the State of West Virginia.

955.03 Collection By City:

(a) General Provisions. Solid waste collection and removal services for all residential units within the City limits shall be provided by the City and only in the manner and the extent provided in this article. Such collection, removal and disposal of solid waste shall be performed by the Sanitation Division of the Department of Public Works.

955.05 Collection By City Or Private Collectors Only: Rules.

(c) Any commercial business or enterprise operating in a commercial location within the City shall employ the services of a private collector or trash hauler and which collector or hauler shall be authorized and licensed through the West Virginia Public Service Commission to conduct business in the state.

(d) Any commercial location shall have adequate containers to insure that no debris or other waste is deposited on the property or adjacent grounds. Small containers shall have lids that remain in use and which containers shall be emptied at least once per week. Commercial dumpsters or roll-offs shall be emptied at least once every 30 days or once they reach their capacity which ever first occurs.

955.10 Other Services May Be Provided:

Notwithstanding any other provision of this article, the Director of the Department of Public Works, with the approval of the Mayor, may provide other services as they deem necessary or proper, consistent with this article, for the collection or periodic collection of solid waste to protect the public health, safety and welfare. Such other services may include, for residential units, the temporary rental of a 6 cubic foot dumpster. The rental of such dumpster shall include one (1) time delivery, up to 7 days usage, pickup and disposal at a fee of \$160.00. Continued temporary usage of the dumpster may be provided at an additional fee of \$56.00 for each additional pick up and disposal. Pick up and disposal shall occur not less than 1 time per week.