

AGENDA FOR PARKERSBURG CITY COUNCIL,  
TUESDAY, DECEMBER 11, 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 November 13, 2018  
regular Council meeting November 27, 2018
- IV. REPORTS FROM STANDING OR SPECIAL COMMITTEES
- V. MESSAGE FROM THE EXECUTIVE
- VI. PUBLIC FORUM
- VII. CITY COUNCIL FORUM
- VIII. RESOLUTIONS
  - 1. Resolution naming a 20' alley west of Murdoch Avenue and east of Ohio Avenue, from the northerly line of 26<sup>th</sup> Street, as Tice Way. (Sponsored by Councilmen Reed, McCrady and Kuhl.)
- XI. ORDINANCE, FIRST READING
  - 2. An ordinance enacting Article 505.16, Vicious Dogs, and establishing certain responsibilities and obligations upon owners of such dogs. (Sponsored by the Public Works Committee of City Council)
- XIII. ADJOURNMENT

NOTE – next Council meeting December 18, 2018

November 13, 2018

The Council of the City of Parkersburg met in regular session Tuesday, November 13, 2018 at 7:30 PM in the Council Chambers on the second floor of the Municipal Building at One Government Square, Parkersburg.

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, Eric Barber, JR Carpenter, Zach Stanley, Jeff Fox, and John Reed. Bob Mercer was absent.

MINUTES – Mr. Reynolds moved, seconded by Mr. Stanley, to approve the minutes from the meeting held October 23, 2018, and the motion was adopted by unanimous vote.

REPORTS FROM STANDING OR SPECIAL COMMITTEES – Mr. McCrady announced that the Storm Water Committee met this evening and reported on projects that had been funded with time lines, and a two-phase plan for cleaning and televising lines. It was noted that a lot of our problems with flooding can be attributed to self-inflicted problems from leaves or debris clogging inlet or pipe openings.

MESSAGE FROM THE EXECUTIVE – Mayor Tom Joyce asked Police Chief, Joe Martin, to update Council on the recognition of one of our police officers. Chief Martin stated that he attended a Chamber of Commerce annual dinner this evening and our Captain John Young was recognized as Officer of the Year through the Chamber and our Police Department.

Mayor Joyce told Council that Eric Jiles and Joe Santer had been in contact with a company with experience in fountains, because of the damage to our Lady of the Lake Fountain at City Park that had been damaged beyond our repair during a recent wind storm. This company will know how to repair or recreate, and will be able to give us an estimate on the cost before we proceed. The fountain is an important piece of our history, he said.

PUBLIC FORUM – Jennifer Bryant, Market Street, told Council that the City of Fairmont, WV, put the question on the ballot for Human Rights and the residents voted in favor of it. She said that our Department of Fiscal Services told her that they can't get people to move to Parkersburg because we do not have a non-discriminating ordinance. She stated that it was time for Parkersburg to join other cities in welcoming and treating all citizens fairly.

Kim Van Ryn, 608 13<sup>th</sup> Street, told Council that Parkersburg Pride was very active in the community with clean-ups and skate parties, etc. About 250-300 people came to their skate party and it was a success and they would like to repeat it in January, and she invited Council to attend.

Cammy Pugh, 1375 Sherwood Drive, invited Council to attend a Transgender Awareness Training workshop on November 26, 2018 at WVU-P hosted by Dr. Cris Mayo, and said we could all learn from it. She said that Fairness Parkersburg wanted to thank Council for voting the non-discriminating ordinance down, because it just stoked the fires for them. In March 2018 they became a 501C3, and they have had many events for the community. They fed people at the park last year and will do it again. They will grow, she said, and will be back with a Human Rights request in the future.

Debbie Shehan, 2307 Plum Street, told Council that Mondays are not a good time to have special council meetings as most people could not attend, and Tuesdays would be better. Ms. Shehan stated that she thought the user fee could be used to pay for floodwall improvements, as it is to be used for infrastructure. She did not like people who work only one day a week are required to pay the \$2.50 user fee.

Rylea Mercer, 903 Camden Avenue, is President of her Student Council at her school, and she was letting them know that there will be a food drive November 17, 2018 at Kroger's in south Parkersburg, to help Old Man Rivers.

CITY COUNCIL FORUM – no comments.

#### RESOLUTIONS

WHEREAS, the West Virginia Highway Safety Grant Program assists local governments with overtime reimbursements for aggressive driving enforcement patrols; and

WHEREAS, the funds allocated to the City of Parkersburg are funded through the Governor's highway Safety Program to the City of Parkersburg; and

WHEREAS, the City of Parkersburg has been allocated approximately Sixty Thousand Dollars (\$60,000.00) for overtime enforcement activities for the period of October 1, 2018 through September 30, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that they agree to the grant conditions of the WV Highway Safety Grant Program and authorizes the City to enter into a contractual agreement with the Governor's Highway Safety Program to claim overtime reimbursement from this grant.

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

November 13, 2018

## RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the Mayor be and he is hereby, authorized to sign the agreement by and between the City and the Parkersburg Utility Board for the billing and collection of solid waste collection fees and charges imposed on certain select rental properties all as more fully set forth and detailed in said agreement attached hereto.

## AGREEMENT

THIS AGREEMENT, Made and entered into as of this 3 day of October, 2018, by and between the City of Parkersburg, West Virginia, acting by and through the Parkersburg Utility Board, hereinafter referred to as "PUB", as party of the first part, and the City of Parkersburg, a municipal corporation, hereinafter referred to as "Parkersburg", as party of the second part.

WHEREAS, the parties had previously made arrangements for PUB to bill trash collection fees for a portion of the rental properties in the City of Parkersburg, and,

WHEREAS, both parties still believe that the best interests of the parties is served by PUB continuing to act as Agent of Parkersburg in the billing and collection process, and;

WHEREAS, PUB remains willing to act as agent of Parkersburg in billing and collecting such charges under the terms as hereinafter set forth; and

WHEREAS, both parties agree that due to increased expenses and changes in operational procedures in the organizations of both parties that an actual written agreement needs to be put in place, and;

WHEREAS the parties hereto have agreed that updated terms and conditions governing billing and collection services provided by PUB for those select Parkersburg trash customers within PUB's service boundaries is required.

THEREFORE, for and in consideration of the premises and mutual covenants and agreements hereinafter set forth, the parties hereto do now hereby covenant and agree as follows:

1. PUB shall act as Agent of Parkersburg in the billing and collection of trash collection fees and charges imposed by Parkersburg upon users of The City of Parkersburg's Trash Collection Service for those select rental properties.
2. PUB shall pay unto Parkersburg an amount equal to the total trash charges collected by PUB from users of The City of Parkersburg's Trash Collection Service. All fees collected during a calendar month shall be remitted to Parkersburg by PUB prior to the 15<sup>th</sup> day of the succeeding month.
3. PUB shall provide Parkersburg with a monthly report showing trash fees that have been written off as uncollectible. PUB shall not include trash fees on any account sent to the collection agency for non-payment.
4. PUB shall provide Parkersburg at the end of every month an account summary report for all Parkersburg accounts billed and collected.
5. PUB shall report on a monthly basis to Parkersburg any trash customers that PUB does not bill because of difficulty with landlord.
6. As compensation to act as Agent for Parkersburg in the billing of the services described herein, PUB shall be entitled to a monthly fee totaling 5% of the revenue collected. This fee shall be deducted by PUB at the time payment is provided for the trash charges collected.
7. PUB shall provide to Parkersburg or any auditors or accountants acting on their behalf all reasonable access to the account and billing records relating to trash customers as hereinabove defined.
8. This Agreement shall be effective November 1, 2018, and continue for a term and period of 10 years, ending on October 31, 2028, unless amended, extended or terminated by mutual agreement of both parties.
9. This Agreement shall be governed by, and construed and interpreted in accordance with the laws of the State of West Virginia. In the event that any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, the remainder of the Agreement shall not be affected thereby.
10. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

November 13, 2018

11. All notices or other communications required or permitted to be given pursuant to the provisions of this Agreement shall be given in writing and sent by registered or certified mail, addressed as follows:

If to PUB, to:  
Parkersburg Utility Board  
Attn. General Manager  
125 19<sup>th</sup> Street  
Parkersburg, WV 26101

If to Parkersburg, to:  
City of Parkersburg  
Attn. Finance Director  
1 Government Square  
Parkersburg, WV 26101

IN WITNESS WHEREOF, THE PARKERSBURG UTILITY BOARD, has caused this agreement to be executed by John Lutz, Vice-Chairman of the Parkersburg Utility Board, and also IN WITNESS WHEREOF THE CITY OF PARKERSBURG, has caused this Agreement to be executed by Tom Joyce, Mayor of the City of Parkersburg.  
Parkersburg Utility Board  
City of Parkersburg, West Virginia

By: John Lutz  
Vice-Chairman

By: \_\_\_\_\_  
Mayor

Witness: Eric Bents

Witness: \_\_\_\_\_

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

Finance Director, Eric Jiles, explained to Council that these fees would only be for some rentals, and not homeowners, amounting to about \$8,300.00 per year. He said we have talked about this for over a year, and this alleviates the problem of water customers moving out and the homeowner becomes responsible for the sanitation fees, and sometimes that does not happen. Mr. Jiles asks for support for the resolution.

VOTE – the motion was adopted by unanimous vote.

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 2018-2019 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
<b>REVENUE</b>					
359-000-000	FLOODWALL FEE	82,800	(41,400)	41,400	ELIMINATE FF FEE BILLING 1/1/19
369-000-000	TRANSFERS IN - OTHER FUNDS	520,000	41,400	561,400	STABILIZATION TRANSFER IN
<b>GRAND TOTAL</b>					

The above resolution proposes to revise the FY18 General Fund Budget to reflect an elimination of the billing of the Flood Protection Fee effective January 1, 2019, and to balance the budget with a transfer in from the Stabilization Fund

RESOLUTION

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369-000-000	TRANSFERS IN - OTHER FUNDS	520,000	41,400	561,400	STABILIZATION TRANSFER IN
<b>GRAND TOTAL</b>					

November 13, 2018

The above resolution proposes to revise the FY19 User Fee Special Revenue Fund to reflect a transfer in from the General Fund for the purpose of executing a change order for the Avery Street Sidewalk Contract to replace a portion of the sidewalk that was not originally within the scope of the original contract.

MOTION – Mr. Carpenter moved, seconded by Mr. Reynolds, to combine these two resolutions and approve in one vote, and the motion was adopted by unanimous vote.

## RESOLUTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the Mayor, or his designee, be authorized to revise the Adopted Budget for 2018-2019 Fiscal Year to reflect the following changes:

## GENERAL FUND

Account	Description	Current Budget	Proposed Adjustment	Revised Budget	Comments
POLICE DEPARTMENT					
700-103-309	PATROLMEN SALARIES	2,327,331	(45,500)	2,283,831	RE-ALL OF SALARY FOR CRADLEPOINTS
700-104-020	FICA EXPENSE	82,868	1)	83,237	RE-ALL OF SALARY FOR CRADLEPOINTS
700-226-005	WORKERS COMP EXPENSE	93,334	(11,024)	82,312	RE-ALL OF SALARY FOR CRADLEPOINTS
700-341-000	DEPARTMENTAL SUPPLIES	75,000	45,153	120,153	RE-ALL OF SALARY FOR CRADLEPOINTS

The above resolution proposes to revision the FY19 Police Department Budget in the General Fund to re-allocate unused patrolmer salaries and benefits for the purposes of purchasing CradlePoint routers for cruisers to provide constant connectivity for use of the Records Management System.

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

## ORDINANCE, FIRST READING

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

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

Mr. Reed stated that you can eliminate a fee if you eliminate the expense. We would just be shifting the burden to those who derive an indirect benefit because of the floodwall. In the beginning, the fee was for those who received a direct benefit, and the direct benefit was for people in the flood plain who got a big discount on their insurance, and the value of their property increased. 97% of the fees we received are paid by commercial accounts, and residents pay 3%. A recent report from the Corps of Engineers recommends \$3,430,000.00 for needed maintenance. We have not funded the floodwall properly, he said.

Mr. Reynolds said that \$80,000.00 was a drop in the bucket. Our general fund budget is full of what everyone pays for, like for paving streets.

But, the \$80,000.00 will not stay at \$80,000.00, Mr. Reed stated, maintenance will go up.

MOTION TO REFER TO FINANCE –Ms. Kuhl moved, seconded by Mr. Stanley, to refer the ordinance to the Finance Committee, and the motion failed, as follows:

VOTING 'YES'	VOTING 'NO'
Mr. McCrady	Mr. Barber
Ms. Kuhl	Mr. Carpenter
Mr. Stanley	Mr. Reynolds
Mr. Reed	Mr. Fox

When Mr. Carpenter asked how much we receive in flood wall fees now, Mr. Jiles stated that we receive \$82,000.00. Their total budget is \$157,000.00, and the rest is from the general fund.

November 13, 2018

The citizens need a break, Mr. Carpenter stated, and he is hearing that we need to increase the fees. Now, one half is coming from the general fund and it should be coming from the user fee funds.

Ms. Kuhl stated that when City Council voted on the pension liability, she was told to recuse herself because of her indirect benefit because she is married to a retired police officer. She believes that Mr. Carpenter personally and financially will benefit because his business is in the flood zone, and he should not vote on the matter. Mr. Carpenter said he does not benefit because of the fees, but his landlord would benefit, and there is no reason for him to recuse himself. The City Attorney agreed with Mr. Carpenter, and said his situation is no different than anyone else's.

Mr. Fox said he thinks the user fee could be used to maintain the floodwall, as we all benefit from the floodwall.

Slight relief in these fees might spur development, Mr. Barber stated, as the protection of the wall makes potential for development.

The user fee mentions flood control, Mr. Santer stated.

Mayor Tom Joyce stated that he was happy that everyone understands that expenses for the floodwall will grow, and we need to start putting funds together for that. We have not been proactive with the floodwall, he said, - the seams have not been sealed in 80 years. He commended Public Works Director, Everett Shears and City Engineer, Adam Stout, for working with the Corps. The wall is old and it sets outside in the weather. Mr. Stout will be the one to tell us how much we need to budget for the floodwall during our next budget, he said.

We have \$80,000.00 in fees coming in now, Mr. McCrady stated, and it looks like we may have to increase the user fee. The average homeowner in the flood zone pays \$15.68 per year, and he does not see that amount helping the residents. Mr. Carpenter said that was a lot for a retiree who is on low income.


Mr. Reed said that we should begin immediately funding more than \$156,000.00 a year.

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

The clerk presented a communication from The Parkersburg News and Sentinel covering the circulation and qualifications for these newspapers.

MOTION – Mr. Fox moved, seconded by Mr. Carpenter, to receive and file the communication, and the motion was adopted by unanimous vote.

The meeting adjourned at 8:30 PM.

  
\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Council President

November 27, 2018

The Council of the City of Parkersburg met in regular session Tuesday, November 27, 2018 at 7:30 PM in the Council Chambers on the second floor of the Municipal Building at One Government Square, Parkersburg.

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, Zach Stanley, Jeff Fox, and John Reed.

MINUTES – minutes from the meeting held October 29, 2018 were approved as previously distributed with no additions or corrections.

REPORTS FROM STANDING OR SPECIAL COMMITTEES – no reports this evening.

MESSAGE FROM THE EXECUTIVE – Mayor Tom Joyce announced that our Downtown Christmas parade will be this Saturday, December 1<sup>st</sup> at 2:00 PM, followed by our tree lighting at 6:25 PM, a concert, and fireworks (rain or shine).

He also asked for nominations to fill two vacancies on the Mid-Ohio Valley Transit Authority Board of Directors.

PUBLIC FORUM – Jennifer Bryant, Market Street, told Council she has done a lot of research from other cities and states about splash parks. She asked if our system would be fresh water or re-circulating system, and said that one was considerably more expensive than the other. She had asked these questions earlier, she said.

Ms. Bryant also asked if we will be proposing a social media policy, stating that many municipalities have them, and they could be drafted just for our City. She said that Evans, Colorado adopted a policy in 2004 for Roles, Responsibilities and Respect. She said she has tried to be respectful when she addresses City Council, and she expects the same from them. Ms. Bryant said she appreciated them listening to her comments and questions.

Ms. Kim Van Rijn, 13<sup>th</sup> Street, told Council she thought it was premature to cut the floodwall fee that is existing until they have new funding in place. She was concerned about where the funds would come from to pay the men who work for that department.

Ms. Debbie Shehan, 2307 Plum Street, stated that it was disrespectful and annoying for Council to use their telephones during our meeting. She said that the City receives \$2,300,000.00 in user fees, and they should use those funds for the floodwall expenses. She also looked at our budget and said that we have \$15,000.00 for a personnel study, and a budget revision made it more than that.

Robert and Melanie Lockhart, Vienna, passed out pictures for Council to review where animals had been hurt and died while his children were doing a FFA project at Parkersburg South High School. He said he had been a mailman for 36 years, and has been bitten by dogs and cats. Any size dog can bite, he said, referring to the vicious dog ordinance discussed this evening during a public works committee meeting.

Mr. Lockhart and his wife do not agree with requiring insurance in paragraph 3, section e of the proposed ordinance, which requires \$100,000.00 liability insurance by the owners of dogs determined to be vicious or dangerous, within 30 days of the determination. Renters and homeowners are not required to have insurance, he said. People can't afford more expenses, and said there should be another way.

Mr. Dan Stevens, 4100 Cypress Street, thanked the Mayor, Council, and administration for the work they do. He told them we should send the flood wall ordinance back to finance committee because he thinks they have made a knee-jerk reaction. He asked if they ever have a training day or retreat for a one or two-year plan, and Mr. Reed said they had such a meeting in February 2018.

Mr. Stevens stated that it seems like some of the Councilmen don't like each other, and told them that they set the tone for the City. He encouraged them to work together and said a house divided cannot stand.

CITY COUNCIL FORUM – Ms. Kuhl stated that her group, the Ladyburgs, have joined with S.T.A.T., Standing Tall for American Troops, and said they have placed two boxes on the second floor and at police substations to collect items for our veterans in hospitals. Donations will be picked up December 7<sup>th</sup>, she said.

RESOLUTION – the clerk presented a resolution stating that the dates for City Council meetings in December shall be December 11<sup>th</sup> and 18<sup>th</sup>, 2018, due to Christmas.

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

ORDINANCE, FINAL READING.

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

November 27, 2018

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that Section 783.03, Floodwall Maintenance Fees Imposed, of Article 783 of the Codified Ordinances of the City of Parkersburg be and it is hereby amended with the addition of subpart (j) as follows.

## 783.03 (j)

The imposition of any and all future annual floodwall fees imposed under this article shall cease and be eliminated from and after January 1, 2019.

MOTION – Mr. Barber moved, seconded by Mr. Carpenter, to adopt the ordinance on final reading.

MOTION TO REFER – Mr. Mercer moved, seconded by Ms. Kuhl, to refer the ordinance to the Public Works Committee pending the report from the Corps of Engineers.

VOTE – the motion failed as follows:

VOTING 'YES'	VOTING 'NO'
Mr. McCrady	Mr. Barber
Ms. Kuhl	Mr. Carpenter
Mr. Mercer	Mr. Reynolds
Mr. Reed	Mr. Stanley
	Mr. Fox

Ms. Kuhl said she thought they all should have read the report from the Corps of Engineers. This fee will fall on all the citizens of Parkersburg. 97% of the floodwall budget revenue comes from businesses, she said – our downtown benefits from this. The money will be taken from somewhere in the budget, and someone will have to raise a fee to get the \$3,200,000.00 suggested by the Corp for maintenance, and it is not fair to take it from the Rainy Day Fund.

Mr. McCrady mentioned an article in the newspaper about Marietta, Ohio businesses getting their insurance increased, because they don't have a wall. By 2020 he believes this amount will double. We are only helping 3% of the people who pay the fee, he said. This is not where we want to cut, he said.

The user fee this year was used to pave more streets, Ms. Kuhl stated, and storm water improvements. She said she gets more compliments about streets than anything else that we do.

The report from the Corps of Engineer outlines repairs that we need to make. Mr. Reed said, and he found out that not every Councilman had read the report. It said that after 50 years, there would be high cost repairs, and as the wall gets older, it will be substantially higher. If the Corps decide not to certify the wall, insurance costs will increase. The question is 'who will pay for it', and those costs will be passed on to all the citizens of Parkersburg.

To cut these fees for business is being business friendly, Mr. Barber stated, and asked what was wrong with that. It is good to cut taxes, he said.

Mr. Reed said we were not reducing fees, we were spreading the cost to everyone.

Mr. Carpenter called for a Point of Order, stating that President Reed was not being impartial during the debate and he should turn the chair over to the Vice President. He asked for a ruling from the City Attorney, and Mr. Santer stated that Council could ask for a motion to overrule the Chair, but there was no motion made.

Mr. Reed said we were shifting the burden to others. If we could eliminate the expenses, that would be good.

Mr. McCrady asked if we could put the flood wall fees in a fund just for the flood wall, just for maintenance and not personnel. Mr. Jiles said that was possible. Mr. Santer stated that the flood wall fees are used for the floodwall now.

Mayor Tom Joyce said we could set up a fund, but you still need revenue for required maintenance. The City has not been diligent in maintaining the wall for many years, and the seams have never been resealed. The Corps is recommending things that have not been done for many years. We need to do a better job, and that costs money. We will subsidize it, but that is the nature of our budget, he said.

We agree that the wall is an asset and maintaining it will be very important in fixing what is in the report, Mr. Fox stated. There has to be a new plan, he said. We will have to continue subsidizing it or increase fees. He said he likes paved streets and storm water maintenance also, but we have to fix the wall. We need a new plan, he said.

Ms. Kuhl agreed, but asked why we should take \$80,000.00 that we have now and we can add to it out of the budget, instead of starting with zero funds.

Business pays for most of the floodwall fees, Mr. Reynolds stated. But people who own buildings on Market Street have seen their police and fire fees doubled, and he sees no incentive for them to fill their upper floors of their buildings. He mentioned several fees that we have increased during his 14 years on Council, and said he can't support increasing flood wall fees.

VOTE – the motion was adopted by majority vote, as follows:



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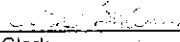
"VOTING 'YES'

Mr. Barber  
Mr. Carpenter  
Mr. Reynolds  
Mr. Stanley  
Mr. Fox

VOTING 'NO'

Mr. McCrady  
Ms. Kuhl  
Mr. Mercer  
Mr. Reed

The meeting adjourned at 8:25 PM.

  
\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Council President

Resolution

Whereas there exists within the corporate boundaries of the City an unnamed 20' wide alley, lying west of Murdoch Avenue and east of Ohio Avenue, and

Whereas the owner of the real properties abutting both on the westerly and the easterly sides of said unnamed alley desires that the City name this public right of way to help in identifying and distinguishing said real properties.

Now Therefore Be It Resolved by the Council of the City of Parkersburg that said 20' unnamed alley, as shown on the plat attached hereto and made a part hereof be and it is hereby named and designated Tice Way.

Sponsored By Councilmen: McCrady, Kuhl, Reed.



OHIO AVENUE

VACATED ORD #0-416

PC 46 PARCEL 11

PC 46  
PARCEL 3

PC 46 PARCEL 12

PC 46 PARCEL 13

PC 46 PARCEL 14

EXISTING PORTION OF AN UNNAMED 20' ALLEY  
TO BE KNOWN AS TICE WAY

26TH STREET

MURDOCH AVENUE

0 50 100 150



**DESCRIPTION OF A PORTION OF AN UNNAMED  
20' ALLEY TO BE KNOWN AS TICE WAY**

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

The portion of the unnamed 20 foot wide alley, lying west of Murdoch Avenue, east of Ohio Avenue, and running from the northerly line of 26<sup>th</sup> Street, in a northeasterly direction, to the southerly line of the City of Parkersburg corporation Tax Map 46 Parcel 11, and is hereby to be named Tice Way.

The description is 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.

An Ordinance  
Concerning Vicious Dogs  
Ownership Responsibilities  
And Obligations

Now Be It Ordained By The Council Of The City Of Parkersburg that Section 505.16, Vicious Dogs, establishing, among other things, certain responsibilities and obligations upon owners of such dogs, be and it is hereby enacted as follows:

**505.16 VICIOUS DOGS.**

(a) Definitions: As used in this section:

(1) "Owner" means any person, firm, corporation, company, organization or other legal entity possessing or harboring or having the care or custody of a dog.

(2) "Vicious dog" or "dangerous dog" means:

A. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or

B. Any dog which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property; or

C. Any dog owned, harbored or bred primarily or in part for the purpose of dog fighting or any dog trained for dog fighting or to attack; or

D. Notwithstanding the definition of a vicious dog above, no dog may be declared vicious if any injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting a crime.

E. No dog may be declared vicious if any injury or damage was sustained by a domestic animal which at the time such injury or damage was sustained was teasing, tormenting, abusing or assaulting the dog. No dog may be declared vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(3) A vicious dog is "unconfined" if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure shall have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground

no less than one foot. All such pens or structures shall be adequately lighted and kept in a clean and sanitary condition.

(b) Confinement. The owner of a vicious dog shall not allow or permit the dog to go unconfined.

(c) Leash and Muzzle. The owner of a vicious dog shall not allow or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash, no longer than six feet and under the physical restraint of a person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

(d) Signs. The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal.

(e) Insurance. Owners of dogs determined to be vicious or dangerous shall within thirty days of the determination provide proof to the City Clerk of public liability insurance in the amount of at least one hundred thousand dollars (\$100,000) insuring the owner for any personal injuries inflicted by his or her vicious or dangerous dog.

(f) Required Notification to Appropriate Agencies. The owner or keeper shall notify the Police Department, Humane Society and Health Department within twenty-four hours if a dog determined to be vicious or dangerous is on the loose, is unconfined, has attacked another animal or human being, or has been sold, died or been given away. If the dog has been sold or given away, the owner or keeper shall also provide the City with the name, address and telephone number of the new owner or keeper.

(g) Indication and Determination of a Vicious or Dangerous Dog.

(1) The following characteristics shall automatically characterize an animal as vicious or dangerous. That is, no hearing shall be required. An owner may request a hearing if he or she disagrees with the facts used to designate the animal as vicious or dangerous.

A. Any dog which, according to the records of the appropriate authority has inflicted injury on a human being without provocation on public or private property, or

B. Any dog which, according to the records of the appropriate authority has killed a domestic animal without provocation while off the owner's property, or

C. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting, or

D. Any dog not owned by a governmental or law enforcement agency or unit used primarily to guard public or private property.

(2) Determination hearing.

A. Upon receipt of an "Affidavit of Complaint" signed by one or more residents of the City, made under oath before an individual authorized by law to take sworn statements setting forth the nature and the date of the act, the owner of the animal, the address of the owner and the description of the animal doing such act, the Chief of Police shall investigate the complaint to determine if in fact the animal is dangerous and file a report with the Municipal Court Judge.

B. A determination hearing shall be conducted by the Municipal Court Judge whenever there is cause to believe that a dog may be a "dangerous animal" as defined in subsection (a) hereof. Such hearing shall be conducted within five days of serving notice to the owner by certified letter.

C. Pending the outcome of such a hearing, the dog shall be securely confined in a humane manner either on the premises of the owner or with a licensed veterinarian.

D. The Municipal Court Judge shall determine whether to declare the animal to be a "dangerous animal" based upon evidence and testimony presented at the time of the hearing by the owner, witnesses to any incident(s) which may be considered germane to such a determination, Health Department personnel, Animal Control personnel, police or any other person possessing information pertinent to such determination.

E. The Municipal Court Judge shall issue written findings within five days after the determination hearing. The owner or possessor of the animal found to be dangerous by this hearing has the right to appeal to the decision within three days of receiving such decision to the Circuit Court.

(h) Notification of Dog Bites by Health Department. The County Health Department shall notify the City Police Department of any reported dog bites within the City limits. The Police Chief shall investigate as stated in subsection (g) (2) hereof.

(i) Reports of Vicious Dogs to County Assessor. The City Clerk shall report all vicious dogs to the County Assessor's office so that the Assessor may impose a ten dollar (\$10.00) license fee on the dog owner as stipulated in West Virginia Code 19-20-21.

(j) There is excepted herefrom any trained dog owned or used by any governmental or law enforcement agency or department in the performance of their official duties.

Sponsored By: City Council Public Works Committee.