

AGENDA FOR A PUBLIC WORKS COMMITTEE
MEETING FOR WEDNESDAY, FEBRUARY 20, 2019
5:30 PM, EXECUTIVE CONFERENCE ROOM,
SECOND FLOOR, MUNICIPAL BUILDING

(Councilmen Fox, Carpenter, Reed, and Mercer)

I. CALL TO ORDER – Councilman Dave McCrady, Chairman

II. ROLL CALL

III. MINUTES – meeting held November 27, 2018

IV. NEW BUSINESS

1. Discussion and/or action on a proposed amendment to the City's Home Rule Plan amending and re-enacting Article 1113.07 to establish minimum requirements and standards for the upkeep and maintenance of residential properties and structures in the City of Parkersburg.

2. Discussion and/or action on a proposed amendment to the City's Home Rule Plan amending and re-enacting Article 373 to establish requirements for the operation of motorized bikes in the City of Parkersburg.

3. Discussion on trailered boats in the City (Mr. McCrady)

V. ADJOURNMENT

The Public Works Committee of City Council met Tuesday, November 27, 2018 at 6:00 PM in the Meeks conference room on the second floor of the Municipal building at One Government Square, Parkersburg, WV 26101.

The meeting was called to order by Chairman Dave McCrady, who presided over the meeting. Members attending included Councilmen Jeff Fox, Eric Barber, Bob Mercer, JR Carpenter, and Dave McCrady.

Others attending included Mayor Tom Joyce, Joe Santer, Everett Shears, Rickie Yeager, Chief Martin, Sharon Kuhl, John Reed, and Sherry Dugan.

MINUTES – Mr. Fox moved, seconded by Mr. Mercer, to approve the minutes from the meeting held June 4, 2018, and the motion was adopted by unanimous vote.

DOG ORDINANCE – Mr. Fox is proposing a dog ordinance that will include ownership responsibilities and obligations. He said that he had received calls about dog attacks on family pets. Recently in September, a constituent was walking their small dog like they had done for several years on a public street. His dog was attacked by a large dog that had gotten loose. They took the dog to the vet and it required staples, then the owner had to find a way to be reimbursed for the vet bills. That was met with resistance and it is proceeding through Magistrate Court, he said. Our current code section 505.17 addresses vicious animals, where there would be an investigation and a judge would decide.

City Attorney, Joe Santer, stated that a dog may attack on private property, thinking it is defending itself or property, but someone else may think it is an attack. It would be investigated and could be taken through Municipal Court, and they could appeal to Wood County Circuit Court after that.

Mr. Mercer stated that just because a dog does not have a license does not make the dog vicious. Mr. Carpenter stated that in the existing rules, you can go to the Municipal Judge a file a vicious dog claim, then you have to get a license before you get the dog back.

Police Chief, Joe Martin, told the committee that the Police Department has written almost 100 tickets over the past five years, and five of those were for vicious dogs. He said he does not think that we have a vicious dog issue, as there are avenues for civil action as opposed to enacting another ordinance. Not every case will be clearly defined, he said.

Mr. McCrady said that he and his wife ride bikes, and dogs are a problem, as they have both been taken off their bikes by a dog. The Humane Society was called and they took care of the situation.

Parts of the ordinance could be adopted, Mr. Barber stated, but he thinks some of it is over-regulation. Little dogs can be vicious, too, he said, and he does not want to

adopt something that would put one neighbor against another. Also, veterans have their protective dogs, and he thinks this is too much regulation.

There was included in the proposed ordinance a section requiring \$100,000.00 in insurance, and Mr. Fox said that could be included in a homeowner's policy. Mr. Santer also noted that there was a penalty section of not more than a \$100.00 fine for each offense.

When Mr. Carpenter asked the Chief his thoughts, Chief Martin said that he liked our current ordinance. We cannot make a veterinary office or Humane Society confine the dog, but the bigger problem with the new version is the record keeping, he said. What if there are three dogs and one is vicious – how will they track that.

MOTION – Mr. Mercer moved, seconded by Mr. Carpenter, to remove paragraphs 2 (a) and 2 (e) and the motion was adopted by unanimous vote.

Councilman Reed asked if there was a remedy for the citizen in the new ordinance, and said there was already a remedy. It is hard to determine the state of mind of a dog fifteen minutes ago. Magistrates are put in the same position to make that determination, and he questions if this is an issue when we have police officers short-handed.

Mr. Fox asked what would keep the animal from attacking again, and Mr. Reed said we do not have the facilities to take the dogs, and our resources could be spent on better things. We don't need this burden, he said.

The Police Department might not even be involved, Mr. Fox stated, as neighbors sometimes keep the peace, but not always. In WV most of the time, we do not put the animal down, he said.

MOTION TO AMEND – Mr. Barber moved to amend the ordinance to strike everything except 2 B, C, D, F. and G and strike “or to attack” in D, but there was no second to the amendment.

There is nothing wrong with attack dogs, Mr. Santer said – this ordinance is about animals that attack without any cause.

MOTION – Mr. Fox moved, seconded by Mr. Carpenter, to adopt the ordinance as amended by removing paragraph A and E, and refer to City Council.

VOTE – the motion was adopted by majority vote with Mr. Fox, Mr. Carpenter, and Mr. McCrady voting “yes”; and Mr. Barber and Mr. Mercer voting “no”.

GOLF CARTS – Mr. Carpenter said he was approached by members of the Juliana Historic District, Neighborhood Watch, because they have members who want to participate, but only if they can use a cart.

Mr. Santer said that State law states that 'low speed vehicles' can only be driven in certain areas with speeds less than 25 mph, with reflectors, mirrors, brakes, etc. and can't be retrofitted and certified by the manufacturer. Federal law also covers low speed vehicles and he thinks there could be some restriction on times and authorized by the district.

Mayor Joyce said they have been working on this, and he thinks the key is for it to be based on case by case, with an agreement that it is a privilege and not a right. He said he has heard from some people who do not think it is a good idea. It would have to be by an organization. He does not think it needs to be an ordinance, but guidelines with an agreement. He said that he had had requests from citizens who want to ride from Vienna to Parkersburg on golf carts, and he does not want that.

Ms. Kuhl said she has been Captain of their Neighborhood Watch for 32 years and they have rules. The President of their Watch asks if they will table this until they discuss it.

Mayor Joyce said this was not a high priority.

The meeting adjourned at 7:05 PM.

Respectfully submitted,

Connie Shaffer, City Clerk

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