

AGENDA FOR PARKERSBURG CITY COUNCIL,
TUESDAY, MARCH 26, 2019, 7:30 PM
SECOND FLOOR, COUNCIL CHAMBERS
MUNICIPAL BUILDING

- I. CALL TO ORDER – Council President, Mike Reynolds
- II. ROLL CALL
- III. MINUTES – budget minutes from March 7th, 11th, and 13th, 2019;
Regular Council meeting March 12, 2019
- IV. REPORTS FROM STANDING OR SPECIAL COMMITTEES
- V. MESSAGE FROM THE EXECUTIVE
 - A. Communication from Mayor Tom Joyce appointing Mr. Sean Francisco, #4 South Lake Drive, to the Municipal Planning Commission for a term to expire March 26, 2022; and reappointing Seldon Wigal, Charlie Matthews, Luke Peters, Francis Angelos, and Eric Gumm, to the Planning Commission for terms to expire December 31, 2021. (requires Council’s confirmation)
- VI. PUBLIC FORUM
- VII. CITY COUNCIL FORUM
- VIII. RESOLUTIONS
 - 1. Resolution stating that the dates for meetings in April for City Council shall be April 2nd and April 16th, 2019. (Sponsored by Councilmen Reynolds, Kuhl, and Reed)
 - 2. Resolution amending the CDBG budget \$21,231.38 for refinancing fees for the Section 108 Riverfront Loan. (Councilmen McCrady, Kuhl, and Carpenter)
 - 3. Resolution authorizing Mayor Tom Joyce to accept and administer a grant from Homeland Security, \$31,000.00 to purchase 4 ballistic shields for S.W.A.T. (2 for City of Parkersburg; one for Wood County; one for Vienna) (Sponsored by Councilmen Kuhl, McCrady, and Reed)
- IX. ORDINANCE, FINAL READING:
 - 4. Ordinance amending Article 955, Solid Waste Disposal, to require dumpsters to be fenced or screened. (Sponsored by Councilmen Reed, Kuhl, and McCrady)

“next page”

X. ORDINANCE, FIRST READING:

5. Ordinance authorizing Mayor Tom Joyce to submit proposals to the Municipal Home Rule Board amending the City's Home Rule Plan allowing for the impounding of motorized bicycles in circumstances; and amending the State Building Code permitting additional regulation of open collection and accumulation of materials and objects on residential property. (Sponsored by the Public Works Committee)

PUBLIC HEARING

XI. ADJOURNMENT

NOTE – next meeting Tuesday, April 2nd; then April 16th, 2019.

March 7, 2019

The Committee of the Whole, called to order out of recess from February 26, 2019, met Thursday, March 7, 2019 at 6:00 PM to begin discussion the budget for fiscal year 2019-2020.

The meeting was called to order by its Chairman, Council Vice President, Zach Stanley, and others attending included Councilmen Dave McCrady, Sharon Kuhl, Bob Mercer, JR Carpenter, John Reed, Jeff Fox, Mike Reynolds, and Zach Stanley. Councilman Eric Barber was absent.

Chairman Stanley told the committee that we would be discussing all divisions within the Public Works Department this evening, but no amendments are to be made until all departments have been heard.

Mayor Tom Joyce, Finance Director, Eric Jiles, and Public Works Director, Everett Shears were present, and also Engineer Adam Stout, and Code Director Bobby McClung.

Mr. Jiles first explained revenues to the Council, including recent audit findings because of conflicting interpretations with the State. He also noted increases or decreases and highlights concerning certain line items. The general fund for 19/20 is \$29,015,525.00; the user fee fund is \$2,225,000.00.

Divisions explained in detail within Public Works were: Engineering, Code, Municipal Building, Public Works, Marketplace, Floodwall, Streets, Street Lighting, Central garage, Street cleaning, Stormwater Management, Parks and Recreation; then Mr. Jiles explained portions of Capital Budget, user fee fund, public safety, parks and rec capital, demolition capital projects, parks and rec, sanitation fund, and memorial bridge.

There was no action taken, and the meeting recessed until Monday, March 11, 2019 at 6:00 PM.



City Clerk

Council Vice President

March 11, 2019

The Committee of the Whole was called to order out of recess by Acting Chairman, President Mike Reynolds, on Monday, March 11, 2019 at 6:00 PM to continue budget discussions.

Members present included Councilmen Dave McCrady, Sharon Kuhl, Bob Mercer, Eric Barber, JR Carpenter, John Reed, Jeff Fox, and Zach Stanley. Councilman Zach Stanley was absent.

Mayor Tom Joyce and Finance Director, Eric Jiles, were present to explain their budgets to Council. Mr. Jiles began on pages 56 and 57, Minor Budgets/Agencies, and there were representatives from most of the agencies requesting discretionary grant assistance from the City.

There were questions and/or comments for House to Home (Ms. Towner and Ms. Brum); Wood County Recreation Commission (Ms. Marshall); Downtown PKB (Ms. Piersol and Mr. McDonough); MOV Health Department (Mr. Walker); Artsbridge (Ms. Irvine); Half Marathon (Mr. Allman) – all explaining their agencies and thanking the City for their support.

Mr. Jiles moved on to explain City Departments for the Mayor, Council, Finance, City Clerk, Municipal Judge, City Attorney, Development, and Personnel, with all Department Heads present and Dan Huffman representing Judge Steed and his Parking Department. (pages 6-54)

Portions of the Capital Budget were explained by Mr. Jiles.

There was no action taken.

MOTION – Mr. Reed moved, seconded by Mr. Carpenter, to rise and report to City Council that they are continuing the budget process, and the motion was adopted by unanimous.

As Council, they adjourned at 7:40 PM.

Christa Shapiro
City Clerk

Acting Chairman, Mike Reynolds

March 12, 2019

The Council of the City of Parkersburg met in regular session Tuesday, March 12, 2019 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, Mike Reynolds, who presided over the meeting.

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

MINUTES – the minutes for the meeting held February 26, 2019 were approved as previously distributed with no additions or corrections.

REPORTS FROM STANDING OR SPECIAL COMMITTEES – Ms. Kuhl reported that the Tree Commission met today and discussed Arbor Day plans for 2019, and trees that need to be cut or replaced at the City Park and Southwood Park.

MESSAGE FROM THE EXECUTIVE – No message from Mayor Tom Joyce this evening.

AUDIT REPORT for fiscal year 2017-2018: Finance Director, Eric Jiles distributed copies of our most recent audit to all members of Council and the Clerk.

PUBLIC HEARING on budget fiscal year 2019-2020: President Reynolds declared a public hearing open at 7:33 PM to give the citizens an opportunity to speak concerning the budget.

Sherry Dugan, #1 Wharton Drive, stated that she agrees with the funding for stormwater, and asked them to consider more funds for streets. She also stated we should work at bringing in businesses through development that pay more than minimum wage, and she is in favor of proposed lighting downtown.

Jennifer Bryant, Market Street, stated that the employees who work the hardest get paid the least, and some hourly employees are not getting an increase, she said. She is not against having things for our youth to do in our City, but was against family memberships being increased by \$110.00. The citizens have paid for the improvements through their tax dollars, and to ask them to pay double is not a good idea. A small increase is different than doubling – citizens were upset about doubling the police and fire fees.

Debbie Shahan is not in favor of department heads receiving a pay increase, and has issues with the City pools being managed by an outside firm. We have the talent and should not spend the money for that, she said, and also thinks we should rent equipment instead of purchasing it if possible.

There were no others to speak during the open hearing, and it closed at 7:40 PM.

PUBLIC FORUM – Kim VanRijn announced to Council that there would be a spring cleanup April 13th with a few groups including Wood County Indivisible and Mid-Ohio Valley Action, and others who would meet at the Good Sheppard Church. They will also be doing 'yard bombing' which is yarn art, with the Art Center and the Junior League, in a few areas around our City including Market Street. It will begin March 20th and will be removed the day after Easter, and she thanked the volunteers and Mayor Joyce for permission.

Jennifer Bryant, 1361 Market Street, asked the City to be sure that Parkersburg Homecoming would require vendors to be non-discriminatory. Parkersburg Pride had their third free skating party, and there will be a festival on June 8th with free food, and will use City businesses. She said they planned to have pool parties, but an increase from \$80.00 to \$280.00 was too much for a nonprofit.

Becky Taylor, 597 Eastlawn Avenue, spoke with encouragement for Matt Dodrill who is trying to plan for affordable housing in Parkersburg, and said he was a good landlord. She spoke against the Council having the Lord's Prayer prior to the beginning of the meeting.

Matt Dodrill, 88 Oakridge Drive, spoke about his life growing up in Parkersburg, his struggles along the way, getting his education and getting married, and wanting to do more for Parkersburg during all these steps along the way.

By unanimous vote, Council extended the time limit for Mr. Dodrill to continue his story and plans. He said he created Trunk or Treat, and Riverfest, and wants to do more.

CITY COUNCIL FORUM – Mr. Barber stated that Mr. McCormick was here and available for questions, as he is being nominated to serve as a member of BZA.

RESOLUTION – The clerk presented a resolution appointing Mr. Patrick McCormick, 12 Camden Place to BZA through June 24, 2020.

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

RESOLUTION – the Clerk presented a resolution appointing Mr. Seth Cressey, 1340 Avery Street, to BZA through October 18, 2021.

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

RESOLUTION – the Clerk presented a resolution re-appointing Mr. Lewis Emrick, 1212 Juliana Street to the Julia Ann ARB through December 31, 2021; re-appointing Mr. Tom Eagle, 1031 Juliana Street, through March 31, 2022; and re-appointing Ms. Mackenzie Macintyre, 1122 Juliana Street for a term to expire April 12, 2022.

March 12, 2019

MOTION – Mr. Carpenter moved, seconded by Mr. Fox, to approve these re-appointments to the Julia Ann ARB, and the motion was adopted by unanimous vote.

RESOLUTION

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 be hereby amended as follows:

2010 CDBG Adjustment of Funds

Activity	Current Budget	Proposed Budget	Change
799 Owner-Occupied Rehabilitation (CDBG) Maher	\$ 37,875.19	\$	\$ (37,875.19)
* Section 108 Loan Defeasement	\$	\$ 37,875.19	\$ 37,875.19
Totals	\$ 37,875.19	\$ 37,875.19	\$

Notes:

Owner-Occupied Rehabilitation (CDBG) Maher – 2010 IDIS Activity # 799

- While Community Development Block Grant (CDBG) funds were originally set aside for this activity, the Development Office prefers to utilize HOME Investment funds. As such, the Administration has submitted a substantial amendment to Parkersburg City Council for consideration. The amendment would de-obligate and repurpose the aforementioned CDBG funds and setup up a new activity for the project using HOME funds (if and when this activity becomes shovel-ready). The HUD Field Office in Pittsburgh, PA. has approved this course of action.

Section 108 Loan Defeasance

- These CDBG funds would be used to repay the Section 108 Loan for Riverfront Park. A defeasance payment is used to pay additional principal on the original loan.

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

ORDINANCE, FINAL READING:

AN ORDINANCE ZONING RECENTLY ANNEXED TYGART DISTRICT TAX MAP 63, PARCELS 8, 9, 9A, 9B, 10, 11, 11A, 12, 13, 14, 23, 39, 40, 41, 42, 43, 49, 62 AND 64A IN THE FLETCHER HEIGHTS REDIVISION NO. 2 OF W A FLETCHER ADDITION, AND ELLA STREET, ALSO KNOWN AS WILLOUGHBY DRIVE, FROM THE SOUTHERLY RIGHT-OF-WAY OF 19TH AVENUE IN A SOUTHERLY DIRECTION TO THE NORTHERLY RIGHT-OF-WAY OF 20TH AVENUE, AND 20TH AVENUE FROM THE EASTERLY RIGHT-OF-WAY OF EARL STREET IN AN EASTERLY DIRECTION TO ITS TERMINUS, AND WILLOUGHBY DRIVE FROM THE SOUTHERLY RIGHT-OF-WAY OF 20TH AVENUE IN A SOUTHERLY DIRECTION TO THE CORPORATION LIMITS, AS AN R-2 ZONING DISTRICT

THE COUNCIL OF THE CITY OF PARKERSBURG HERBY ORDAINS that the following parcels of land situate in the City of Parkersburg, Wood County, West Virginia, which has heretofore been situate beyond the corporation boundary, but has since been annexed in to the Corporation, be provided with the zoning designation of Residential (R-2). The parcel of land in Parkersburg City District, Wood County, West Virginia, more particularly described and attached herein by reference.

Tracts of land in Parkersburg City District, Wood County, West Virginia, more particularly described as follows:

TRACT ONE

Beginning at a point on the existing corporation line of the City of Parkersburg, said point being at the southwesterly intersection of 19th and 20th Avenues, said point also being the northeasterly corner of Lot 11 of Fletcher Heights Redivision No. 2 of W.A. Fletcher Addition, as shown in Plat Book 11, Page 55, recorded in the office of the Clerk of the County Commission of Wood County, West Virginia; thence leaving the existing corporation line, and with the westerly line of 20th Avenue, in a southerly direction to the southeasterly corner of said Lot 11; thence with the southerly line of said lot 11, in a westerly direction, to the southwesterly corner of said Lot 11; thence with the easterly line of Lot 14, of the aforesaid addition, in a southerly direction, to the southeasterly corner of said Lot 14; thence with the easterly line of Lot 23, of the aforesaid addition, in a southeasterly direction, to the southeasterly corner of said Lot 23; thence with the said existing corporation line the following three courses, and the southerly line of said Lot 23 and its extension, in a southwesterly direction,

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crossing Willoughby Drive, to a point on the easterly line of Lot 43, of the aforesaid addition; thence with the westerly line of said Willoughby Drive, in a southeasterly direction, to the southeasterly corner of said Lot 43; thence with the southerly line of said Lot 43, in a southwesterly direction, to the southwesterly corner of said Lot 43; thence leaving the said existing corporation line and with the westerly line of said Lot 43, in a northwesterly direction, to the northwesterly corner of said Lot 43; thence with the easterly line of Lot 49 of the aforesaid addition, in a southwesterly direction, to the southeasterly corner of said Lot 49; thence with the said existing corporation line, and the northerly line of Willoughby Drive, in a northwesterly direction, to the southwesterly corner of said Lot 49; thence leaving the said existing corporation line, and the northerly line of Willoughby Drive, and with the westerly line of said Lot 49, in a northeasterly direction, to the northwesterly corner of said Lot 49; thence with the southerly line of Lot 40 of the aforesaid addition, in a northwesterly direction, to the southwesterly corner of said Lot 40; thence with the said existing corporation line the following five courses, and the southerly line of Lot 39 of the aforesaid addition, in a northwesterly direction, to the southwesterly corner of said Lot 39; thence with the westerly line of said Lot 39, in a northerly direction to the northwesterly corner of said Lot 39; thence with the northerly line of Lot 38 of the aforesaid addition, and the southerly line of 20th Avenue, in a northwesterly direction, to the intersecting point with the easterly line of Willoughby Drive; thence crossing 20th Avenue, in a northerly direction, to the southwesterly corner of Lot 5 of the aforesaid addition; thence with the southerly line of said Lot 5, and the northerly line of 20th Avenue, in a easterly direction, to the southeasterly corner of said Lot 5, thence leaving the said existing corporation line, continuing with the said northerly line of 20th Avenue, and with the southerly lines of the Lots 6 and 7, of the aforesaid addition, in an easterly direction, to the southeasterly corner of said Lot 7; thence leaving the northerly line of 20th Avenue, and with the westerly line of Lot 8 of the aforesaid addition in a northeasterly direction, to the northwesterly corner of said Lot 8; thence with the northerly line of said Lot 8, in a easterly direction, to the northeasterly corner of said Lot 8; thence with the easterly line of Lot 4 of the aforesaid addition and the westerly line of Ella Street (also known as Willoughby Drive), in a northeasterly direction, to the intersecting point with the southerly line of 19th Avenue; thence with the southerly line of 19th Avenue, and the said existing corporation line, crossing said Ella Street, and with the northerly lines of Lots 9, 10, and 11 of the aforesaid addition, in a easterly direction to the place of beginning, containing 5.86 acres, more or less, as shown on the plat attached hereto and made part of this description.

TRACT TWO

Being all of Lot 62 of Fletcher Heights Redivision No. 2 of W.A. Fletcher Addition, as shown in Plat Book 11, Page 55, recorded in the office of the Clerk of the County Commission of Wood County, West Virginia, containing 0.32 acre, more or less, as shown on the plat attached hereto and made part of this description.

TRACT THREE

Being the westerly portion of Lot 64 of Fletcher Heights Redivision No. 2 of W. A. Fletcher Addition, as shown in Plat Book 11, Page 55, which was conveyed to David C. and Susan D. Akers, in Deed Book 688 Page 483 recorded in the office of the Clerk of the County Commission of Wood County, West Virginia, containing 0.54 acre, more or less, as shown on the plat attached hereto and made part of this description.

TRACT FOUR

Beginning at a point on the existing corporation line of the City of Parkersburg, said point being at the southeasterly intersection of 19th and 20th Avenues, said point also being the northwesterly corner of Lot 12 of Fletcher Heights Redivision No. 2 of W.A. Fletcher Addition, as in Plat Book 11, Page 55, recorded in the office of the Clerk of the County Commission of Wood County, West Virginia; thence with the southerly line of 19th Avenue, and the said existing corporation line, in a southeasterly direction, to the northeasterly corner of said Lot 12; thence leaving 19th Avenue, and the said existing corporation line, and with the easterly line of said Lot 12, in a southwesterly direction, 75 feet more or less, to the midpoint of said Lot 12; thence with a line parallel to 19th Avenue, in a northwesterly direction, to the easterly line of 20th Avenue; thence with the easterly line of 20th Avenue, in a northeasterly direction, 75 feet more or less, to the place of beginning, being the northerly one half of Lot 12 of the aforesaid addition, containing 0.26 acre, more or less, as shown on a plat attached hereto and made part of this description.

These descriptions were written by Randy A. Sheppard P.S. No. 860, and are based on instruments of record

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that in accordance with the provisions of Article 1345 of the Codified Ordinances of the City of Parkersburg, the change in said boundary shall be designated on said official zoning map by making the area changed and designed as C-221 and shall be set forth verbatim as adopted and approved by the Ordinance in the bound book entitled, "Official Zoning Map Changes" kept by the City Clerk.

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

ORDINANCE, FIRST READING:

AN ORDINANCE AMENDING ARTICLE 955,
SOLID WASTE DISPOSAL, OF THE CODIFIED
ORDINANCES OF THE CITY OF PARKERSBURG,
TO REQUIRE DEUMPSTERS TO BE FENCED
OR SCREENED

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

March 12, 2019

Discussion continued for twenty five (25) minutes with Mr. Stanley opposed to building a fence to hide trash, and said that is not necessary; Mayor Joyce stated he receives many calls about unsightly and overflowing trash, vagrants going through trash containers, and he did not think this was asking too much.

MOTION – Mr. Fox moved to include lockable gates in this ordinance, and there was no second to the motion.

VOTE – the motion was adopted by majority with all members voting "yes" with the exception of Mr. Barber, Mr. Stanley and Mr. Fox, who voted "no".

MOTION – Mr. Reed moved, seconded by Ms. Kuhl, to resolve into the Committee of the Whole and recess until tomorrow, March 13, 2019 at 6:00 PM and the motion was adopted by unanimous vote. The time was 8:25 PM.

Cornelia St. John

City Clerk

Council President

March 13, 2019

The Committee of the Whole was called to order out of recess from March 12th, by Chairman Zach Stanley to continue with the budget, at 6:00 PM in the Council Chambers on the second floor of the Municipal Building at One Government Square, Parkersburg, WV 26101.

Members attending included Councilmen Dave McCrady, Sharon Kuhl, Bob Mercer, Eric Barber, JR Carpenter, John Reed, Jeff Fox, and Zach Stanley. Councilman Mike Reynolds was absent.

Mayor Tom Joyce, Finance Director, Eric Jiles, and Chiefs Martin and Matthews were present to explain their budgets.

In the Police Department, Mr. Jiles explained the personnel services and said that salaries increased \$419,000.00 due to an increase for officers at \$2.53 per hour. There is a net decrease of \$271,477.00 in the retirement expenses, and a total net decrease of \$66,555.00 for the personnel portion.

Under contractual services, there was a net decrease of \$468,566.00 because we paid off equipment that was leased. Account 230000 is reduced \$14,725.00 because of a new computer system, and costs are less.

Ms. Kuhl asked about the overtime budget of \$250,000.00, thinking it should be less as we will have a full force soon when we hire new men. Mr. Jiles explained that when wages increase it affects overtime. And Chief Martin explained that we will be down three more positions with retirements, and the timing for training is part of it.

In the Capital Reserve Fund on page 58, account # 700459, we have budgeted \$184,000.00 for four new cruisers at \$34,000.00 each plus \$12,500.00 each for equipment.

In the Fire Department, their salaries increased \$190,000.00 due to the 3.2% increase proposed, and they have a net decrease of \$98,573.00 in their retirement expense.

Under contractual services, account 219, they paid off a tower truck that was leased, and some air packs. What is remaining is for the new burn building, Mr. Jiles stated.

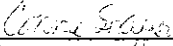
The 20 year lease for the burn building is with 13 other entities, and Parkersburg contributes \$6,000.00 a year. The lease agreement is with the Wood County Building Commission, and our land was deeded to the Building Commission.

In the Capital Reserve Fund on page 58, under Reserve for Fire Apparatus, we want to reserve \$100,000.00 for a new pumper truck that we cannot afford at this time, but we realize the need.

Chief Matthews explained the condition of his equipment, stating that the trucks are used heavily. The hours are not high, but this year we've had 125 fires of different kinds. Our oldest pumper is a 2000 model and that is what we will replace. The tower truck is model 2001, and replacement costs are about \$1,000,000.00, he said. We have a lot of hoses with age.

This concluded all the City departments. Mayor Joyce told Council if they have further questions to talk with Finance Director Jiles.

The Committee is in recess until Monday, March 18, 2019 at 6:00 PM. The time is 6:30 PM.



City Clerk

Council Vice President



Mayor Tom Joyce

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

March 18, 2019

Parkersburg City Council
Parkersburg WV 26101

Dear Councilmembers:


The terms for the following members of the Municipal Planning Commission are due for reappointment, and I respectfully ask for your favorable consideration of the following:

Seldon Wigal, Jr., 1814 33rd Street, reappointment through December 31, 2021;
Charlie Mathews, 3002 25th Street, reappointment through December 31, 2021;
Luke Peters, 1320 16th Street, reappointment through December 31, 2021;
Francis Angelos, 3225 Bartlett Street, reappointment through Dec. 31, 2021;
Eric Gumm, 301 Franklin Street, reappointment through December 31, 2021;

There is also a vacancy on the Planning Commission, and I appoint Sean Francisco, 4 South Lake Drive, through March 26, 2022.


Thank you.

Sincerely,


Tom Joyce
Mayor

TJ:cs

RESOLUTION



BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that
City Council meetings for the month of April 2019 shall be:

Tuesday, April 2, 2019; and

Tuesday, April 16, 2019.

Sponsored by Councilmen Reynolds, Kuhl and Reed.

(There is a special council meeting scheduled for April 2nd, and we are required to meet the third Tuesday in April to lay the levy rates – April 16th. We only need to meet twice a month. Mayor Joyce agrees with these dates.)

15
01

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 be hereby amended as follows:

2017 CDBG Adjustment of Funds

Activity	Current Budget	Proposed Budget	Change
1082 Section 108 Loan Repayment - 2017	\$ 70,029.80	\$ 66,115.05	\$ (3,914.75)
1124 Section 108 Loan Refinance Fee - Riverfront Park	\$ -	\$ 3,914.75	\$ 3,914.75
Totals	\$ 70,029.80	\$ 70,029.80	\$ -

2018 CDBG Adjustment of Funds

Activity	Current Budget	Proposed Budget	Change
1124 Section 108 Loan Refinance Fee - Riverfront Park	\$ 5,690.00	\$ 23,006.63	\$ 17,316.63
1123 Section 108 Loan Repayment - 2018	\$ 64,340.00	\$ 47,023.37	\$ (17,316.63)
Totals	\$ 70,030.00	\$ 70,030.00	\$ -

Notes:

Sponsored by: McCrady, Kuhl, Carpenter

Please see next page for additional notes.

CDBG Substantial Amendment: March 2019

Notes:

Section 108 Loan Refinance Fee - Riverfront Park IDIS Activity # 1124

- On December 18, 2018 Parkersburg City Council authorized Mayor Tom Joyce to participate in HUD's Public Offering to refinance the Section 108 Loan for Riverfront Park. In addition to the refinance fee of \$5,690 (already allocated by City Council in another substantial amendment), the City must pay accrued interest on the temporary financing from February 1 to the date of the Public Offering (March 28). Therefore, additional funds need to be allocated for IDIS Activity #1124 in the amount \$21,231.38. Total cost to refinance the Section 108 Riverfront Loan is \$26,921.38.

Section 108 Loan Repayment – 2017 IDIS Activity # 1082

- A prior Section 108 Defeasance payment reduced the principal owed in 2017, therefore these funds can be re-appropriated and will not adversely impact on the City's CDBG budget

Section 108 Loan Repayment – 2018 IDIS Activity # 1123

- A prior Section 108 Defeasance payment reduced the principal owed in 2018, therefore these funds can be re-appropriated and will not adversely impact on the City's CDBG budget.

**RESOLUTION AUTHORIZING MAYOR JOYCE TO ACCEPT A GRANT FROM THE UNITED STATES
DEPARTMENT OF HOMELAND SECURITY AND THE WV DIVISION OF HOMELAND SECURITY AND
EMERGENCY MANAGEMENT FOR FISCAL YEAR 2018**

WHEREAS, the Homeland Security Grant Program (HSGP) is to provide funds to eligible entities to support state, local, tribal, and territorial efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States; and


WHEREAS, the HSGP funds a variety of efforts to ensure that local communities have the tools and equipment necessary to build safer communities; and

WHEREAS, the City of Parkersburg's Police Department has been awarded \$31,000 from the HSGP for FY 2018 to make upgrades to S.W.A.T. team equipment.

NOW THEREFOR BE IT RESOLVED by the City Council of the City of Parkersburg that Mayor Tom Joyce be and hereby is authorized to accept and administer a grant from the HSGP to purchase 4 ballistic shields for the S.W.A.T. team.

Sponsored By: Kuhl,

An Ordinance Amending
Article 955, Solid Waste Disposal,
Of The Codified Ordinances
Of The City Of Parkersburg
To Require Dumpsters To
Be Fenced Or Screened



The Council Of The City Of Parkersburg Hereby Ordains That Article 955, Solid Waste Disposal,
Be And It Is Hereby amended with the inclusion of Section 955.15a, Dumpster to be Fenced or
Screened.

A copy of the proposed §955.15a is attached hereto and made a part hereof.

Sponsored By Councilpersons.

§955.15a Dumpster to be Fenced or Screened.

Any property owner, person, business or other entity that utilized a dumpster to store or hold trash, refuse, garbage or solid waste for removal, whether by the City or a private collector, shall at all times keep such trash, refuse, garbage and solid waste contained therein and not allow the same to overflow, escape or be blown away.

Where the property owner, person, business or other entity utilizes a dumpster as a trash and refuse collection container said dumpster shall be fenced, screened and surrounded so as to completely conceal its view. Such fence or screen shall consist of a continuous solid fence, landscape planting of sufficient density that is not affected by a seasonal change, a continuous wall, chain-link fence combined with commercially designed and manufactured fence slats rated at 90% plus sight obscuring or chain-link fence combined with commercially designed and manufactured privacy/windscreen material rated at 90% plus sight obscuring or combination thereof that is 6-feet in height that would effectively screen a property from public view in which it encloses. Any dead or dying portion of the hedge shall be replaced. Fencing and screening materials must be maintained in good repair or replaced if worn or damaged. All gates leading into the enclosed area must also effectively screen the property and be kept closed.

There is excepted from the fencing and screening requirements herein any dumpster that is so utilized as a temporary trash and refuse collection container for a period not to exceed fourteen (14) days.

In addition the fencing and screening requirements may be modified or waived by the Director of the Department of Public Works, with the approval of the City Planner, if such fencing and screening is determined to be impractical, unwarranted or unnecessary due to the configuration of the lot or the building, the attendant placement of the dumpster or when alternate and satisfactory means are employed to diminish and obstruct the dumpster from public view.

In all cases, with the exception of the use of a temporary dumpster (not exceeding 14 days), a dumpster shall be placed on a solid area surfaced with asphalt or cement binder.


AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF PARKERSBURG TO SUBMIT PROPOSALS TO THE MUNICIPAL HOME RULE BOARD AMENDING THE CITY'S HOME RULE PLAN ALLOWING FOR IMPOUNDING OF MOTORIZED BICYCLES IN CERTAIN CIRCUMSTANCES AND AMENDING THE STATE BUILDING CODE PERMITTING ADDITIONAL REGULATION OF OPEN COLLECTION AND ACCUMULATION OF MATERIALS AND OBJECTS ON RESIDENTIAL PROPERTY

WHEREAS, the City of Parkersburg was selected to participate in the West Virginia Home Rule Pilot Program by the Municipal Home Rule Board in October 2014;

WHEREAS, the City is permitted to initiate certain innovative and novel legislation by amending its written plan with the West Virginia Home Rule Board in accordance with West Virginia Code Section §8-1-5a;

WHEREAS, the City of Parkersburg finds it necessary, proper and beneficial to the health, safety and welfare of its residents and visitors to define and regulate the operation and use of motorized bicycles in the City; and to further regulate and control the open collection and accumulation of materials and objects upon residential property in the City; and

WHEREAS, the City finds that in order to accomplish these objectives it is necessary to amend its Home Rule Plan.

 NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG, WEST VIRGINIA, that, Mayor Tom Joyce is hereby authorized to submit to the West Virginia Home Rule Board the proposed amendments, attached hereto and made a part hereof, to the City of Parkersburg's Home Rule Plan all as consistent with West Virginia Code Section §8-1-5a, and requesting approval as follows:

1. An Ordinance authorizing and empowering the charging police officer to impound the motorized bicycle involved in the violation of the City Ordinance pertaining to the operation and use of motorized bicycles unless the charged operator has a valid West Virginia driver's license or has posted the requisite bond; and
2. An Ordinance amending the State Building Code (Property Maintenance Provisions) to allow for the further regulation and control of the open collection and accumulation of materials and objects on residential property in the City.

See also attached Section I: Application Information including the Executive Summary and Section II: Narrative (outline and explanation of proposals) of the City's offered Home Rule application.

SPONSORED BY CITY COUNCIL PUBLIC WORKS COMMITTEE

PROPOSED ORDINANCES

§373.17 Motorized Bicycle: Operation and Use (Home Rule):

(a) Definition:

Motorized Bicycle: means a bicycle with two (2) or three (3) wheels, a seat or saddle, fully operative pedals for human propulsion, and an electric or gas powered motor that does not require manual clutching or shifting and which can propel the bike with or without pedal-assistance.

- (b) Persons under the age of sixteen (16) years may not operate a motorized bicycle within or upon the public rights of way of the City of Parkersburg.
- (c) No person shall operate a motorized bicycle upon any sidewalk or upon any designated multi-use path for pedestrians and bicycles, or any bicycle path or trail or any walking path within the City.
- (d) A person operating a motorized bicycle shall obey all speed limits and shall yield the right of way to pedestrians and human-powered devices at all times.
- (e) Any person operating a motorized bicycle shall obey all traffic control devices applicable to vehicles, unless otherwise directed by a police officer.
- (f) No motorized bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
- (g) Any person operating a motorized bicycle upon a street or roadway shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State and by the traffic ordinances of the City applicable to the driver of a vehicle, except for any special regulations in this section and except for those provisions of such laws and ordinances which by their nature can have no application.
- (h) Every motorized bicycle shall be equipped with at least one (1) and not more than two (2) head lamps and which emit a white light visible from a distance of at least five hundred (500) feet to the front and a lamp on the rear emitting a red light visible from a distance of at least five hundred (500) feet to the rear. Every motorized bicycle shall display lighted head lamp(s) at all times on the street or highway.

373.99 Penalty.

(d) Penalties for Operation of a Motorized Bicycle:

(1) Anyone who violates a provision of Section 373.17 shall be fined not less than twenty-five dollars (\$25.00) nor more than one-hundred dollars (\$100.00) for each offense.

(2) In addition any officer of the Parkersburg Police Department or any officer of any other police agency exercising proper jurisdiction within the corporate limits of the City is hereby authorized and empowered to impound the motorized bicycle of the owner or operator of any motorized bicycle who is charged with any violation of Section 373.17 and if so impounded by the charging officer said motorized bicycle shall not be released to such owner or operator unless or until such owner or operator shall have furnished cash or surety bond in the minimum amount of the applicable fine(s) which may be assessed

against the owner or operator for such violation(s) and conditioned upon the payment of any fine(s) and costs assessed for such violation(s), or shall have been found guilty and paid any fine(s) and costs assessed or shall have been acquitted of such charge(s). Such owner or operator shall be liable for any reasonable storage costs incurred in storing such vehicle. Provided, however, that if the owner or operator so charged is a resident of this State and holds a valid West Virginia driver's license then said motorized bicycle shall not be impounded.

§302.10 Open Collection or Storage of Materials, Merchandise, Furniture and Furnishings On Residential Properties (Home Rule)

No person shall openly store or keep in any yard, unenclosed porch, carport, unenclosed garage or other exterior of any residential premises any household appliances, indoor furniture, furnishings, other goods, merchandise or materials or any other item that creates an unsightly condition or one that promotes urban blight or a public nuisance. This shall include, but not be limited to, indoor furniture, household appliances, household furnishings, auto parts, shopping carts, building materials, or the placement of storage containers such as vaults, shipping containers, or other vehicles for storage.

This section shall not apply to enclosed porches, outdoor patio and lawn furniture for residential use or building material neatly stacked and stored for no more than sixty (60) days for a construction project permitted with the City. The building material shall be weather protected and shall not be placed within property setbacks or placed in such manner that would create a danger to property, health or safety.

The collection and storage of such items may be permitted in side and back yards if the same is weather protected and screened so as to completely conceal its view from public right of way. Such screening shall consist of a permitted continuous solid fence, landscape planting of sufficient density that is not affected by seasonal change, a continuous wall, chain-link fence combined with commercially designed and manufactured fence slats rated at 90% plus sight obscuring or chain-link fence combined with commercially designed and manufactured privacy/windscreen material rated at 90% plus sight obscuring or combination thereof that is 6-feet in height that would effectively screen a property from public view in which it encloses. Any dead or dying portion of the hedge shall be replaced. Fencing and screening materials must be maintained in good repair or replaced if worn or damaged.

For purposes of this section the following definitions shall apply:

- (a) ENCLOSED PORCH. A structure, adjoining an entrance to a building, that is fully enclosed by permanent walls, windows, screens, or other material, and that cannot be accessed from the outside except through a door that is capable of being locked.
- (b) EXTERIOR. The exterior of any structure that is exposed to the weather or subject to and in contact with the elements, including, but not limited to sidings, facings, veneers, masonry, roofs, foundations, porches, decks, balconies, screens, shutters, windows, doors, or signs.
- (c) OUTDOOR FURNITURE. Weather-resistant furniture designed and manufactured for outdoor use.
- (d) PORCH. A structure, adjoining an entrance to a building that is not fully enclosed by permeant walls, windows, screens, or other similar material.
- (e) Merchandise refers to manufactured goods or commodities bought and sold by any business. This also refers to any items, regardless of value, which are intended to be kept, sold, or donated.
- (f) Open or outdoor area refers to any area is visible to the public, including neighbors of a given property owner. This includes, but is not limited to: front yards, back yards, carports, unenclosed garages, adjoining public or private alleyways, porches and decks.
- (g) STORAGE CONTAINERS refer to vaults, shipping containers, buckets, or anything that is used for the storage of other items, regardless of the nature of the stored items. Storage containers may

or may not have a lid, and may be made of any material. If a storage container is considered waterproof, weatherproof, or designed to be used outdoors, it is still not exempt from this ordinance.

SECTION I: APPLICATION INFORMATION

A. General Information

Name of Municipality: City of Parkersburg
Certifying Official: Tom Joyce, Mayor
Contact Persons: Joseph Santer, City Attorney
Address: One Government Square, P.O. BOX 1627
City, State, Zip: Parkersburg, West Virginia, 26101
Telephone Number: (P): 304.424.8520
Email Address: jts-atty@suddenlink.net
2010 Census Population: 31,492

B. Municipal Classification

Please identify municipal class/metro government: (check one)

Class I Class II Class III Metro-Government

C. Category of Issues to Addressed

Please identify areas to be addressed through Home Rule: (check all that apply)

Taxing Organization Administrative Personnel

Executive Summary

Pursuant to the authority provided by West Virginia State Code § 8-1-5a, the City of Parkersburg was selected to participate in the West Virginia Home Rule Pilot Program in October 2014. Since then, the City has enacted two pieces of legislation. They include implementing a one percent sales tax on eligible goods and services sold in the community and permitting authorized establishments to sale alcoholic beverages after 10 a.m. on Sundays.

The purpose of this written plan amendment is to establish minimum requirements and standards for the upkeep and maintenance of residential properties and structures within the City of Parkersburg, as well as regulate the operation and use of motorized bicycles. The proposed amendments and subsequent ordinances (attached hereto) would expand on and/or clarify portions of West Virginia State Code.

SECTION II; NARRATIVE

A. PERMIT IMPOUNDING OF CERTAIN MOTORIZED BICYCLES WITH EXCEPTIONS

Introduction and Issue:

Currently West Virginia law neither defines nor regulates motorized bicycles (WV Code Chapter 17C, Traffic Regulations and Laws of the Road). However, this mode of travel is becoming more and more common upon the streets and rights of way of Parkersburg. The growing use of this type of conveyance within the city and upon the public rights of way and the attendant convergence and conflict with pedestrians, human powered bicycles, and motorized vehicles demands, for the safety and welfare of all concerned, that there be established some reasonable and adequate guidance for the use and control of motorized bicycles.

In that regard and to that end the City of Parkersburg intends to enact an ordinance that defines "motorized bicycles" and regulates their operation and use within the city. WV Code Section 17C-2-8 grants the city the authority and power, relative to obedience to and effect of traffic laws, to do so.

Problem and Solution:

The laws of the State of West Virginia as set forth in WV Code, Chapter 17, Traffic Regulations and Laws of the Road, and specifically Section 17C-2-8 thereof do not, however, allow for the impounding of motorized bicycles as the City here proposes. In order to effectively enforce the City's motorized bicycle ordinance the City deems it necessary to allow for the immediate impounding of a motorized bicycle operated by an individual who is charged with the violation of the ordinance and who does not hold a valid West Virginia drivers license or until the charged individual has posted bond, all as set forth in the penalty section of the proposed Ordinance [Section 373.99(d)(2)]. This subsection is modeled after WV Code 17C-17-14, Penalties for Violation of Weight Laws; Impounding of Vehicles, which involves overweight trucks. The City contends that such ability to impound is both a reasonable and effective deterrent to the improper use of the right and privilege to use the City roadways and to the enforcement of the ordinance. In addition it creates some assurance that the penalty, if imposed, will be paid by the violator.

Conclusion:

Therefore the City of Parkersburg respectfully requests that it be permitted, through the authority of Home Rule, to enact an ordinance authorizing and empowering the charging police officer to impound the motorized bicycle involved in the charged violation that is operated by any individual that does not hold a valid West Virginia drivers license or who has not posted bond.

B. AMENDING THE STATE BUILDING CODE (Property Maintenance) TO ALLOW FOR THE REGULATION OF OPEN COLLECTION AND STORAGE OF MATERIALS, MERCHANDISE, AND OTHER ITEMS UPON RESIDENTIAL PROPERTIES WITHIN THE CITY

Introduction and Issue:

Municipalities are currently permitted to regulate and control, to some limited extent, common public nuisances and the accumulation of debris, junk, and other objects in open (exterior) areas of residential properties. [WV Code Section 8-12-5(10),(13),(23) and (44), General and Specific Powers of Municipalities; and through the state building code (International Property Maintenance Code) as promulgated and adopted by the State Fire Commission]. However, such grant of authority does not adequately provide for the proper upkeep and maintenance of residential properties and of the city neighborhoods at large. Further, state law (WV Code Section 8-12-13(b) and (c), state building code.) requires and restricts the city, if it chooses to implement a property maintenance code, to adopt the state building code without any variation. The City is, therefore, limited in its ability to fully and effectively manage this problem due to the necessity of strictly adhering to that which is contained and set forth in the state building code property maintenance section.

Problem and Solution:

Part of the city of Parkersburg is comprised of aging residential neighborhoods as such it faces many of the same issues that other cities experience when it comes to arresting the growth and expansion of blight and deterioration especially in its older residential areas. This problem is exacerbated by the loss of owner occupied residences in these same districts. The City, through its Code Enforcement Division, and utilizing the International Property Maintenance Code contained in the state building code has and continues to try to clean up and improve the city. However, the property maintenance section of the code as presently enacted is insufficient to fully address and correct the proliferation of open storage and accumulation of material, merchandise, junk and other objects in open areas of residential properties and which substantially affects and contributes to the property's and the adjoining neighborhood's decline and pending decay.

In order to assist the City in its efforts to clean up, maintain and improve its residential properties the City proposes certain amendments to the International Property Maintenance section of the state building code thereby allowing it to more effectively address this problem. The suggested amendments further define and expand the meaning of "open" to include unenclosed porches, carports, and unenclosed garages as well as specifically including certain items or categories of items/objects the storage and accumulation of which in open areas of residential properties within the City would be restricted.

Conclusion:

Therefore the City of Parkersburg respectfully requests that it be permitted, through Home Rule, to enact an ordinance amending the section of the state building code (International Property Maintenance Code) regulating and controlling the open collection and storage of materials, merchandise and other objects upon residential properties within the City.