

AGENDA FOR PARKERSBURG CITY COUNCIL,
TUESDAY, APRIL 2, 2019, 7:30 PM
SECOND FLOOR, COUNCIL CHAMBERS
MUNICIPAL BUILDING

- I. CALL TO ORDER – Council President, Mike Reynolds
- II. ROLL CALL
- III. MINUTES – (none for this meeting)
- IV. REPORTS FROM STANDING OR SPECIAL COMMITTEES
- V. MESSAGE FROM THE EXECUTIVE - Proclamation, April as Fair Housing Month
- VI. PUBLIC FORUM
- VII. CITY COUNCIL FORUM
- VIII. RESOLUTIONS
 - 1. Resolution requesting a budget revision to move \$5,225.00 within the Code Department for a part-time prisoner work detail supervisor. (Sponsored by Councilmen Reed, Fox, Kuhl, and McCrady)
 - 2. Resolution re-appointing Greg Herrick, 1711 Washington Avenue, to the Parkersburg Utility Board for a term to expire May 24, 2022. (Sponsored by Councilmen McCrady, Kuhl, and Reynolds)
- IX. ORDINANCE, FINAL READING:
 - 3. Ordinance amending Article 955, Solid Waste Disposal, stating that trash in dumpsters is not allowed to overflow, escape or be blown away at any time. (amended by Council March 26, 2019)
 - 4. Ordinance authorizing the Mayor to submit a proposal to the Home Rule Board amending the State Building Code permitting additional regulation of open collection and accumulation of materials and objects on residential property. (Sponsored by Public Works Committee)
 - 5. Ordinance amending Article 373, adding Section 373.17, Motorized Bicycle; and establishing a penalty in Section 373.99 (d) of not less than \$25.00 or more than \$100.00. (amendment from City Council March 26, 2019)
- X. ORDINANCE, FIRST READING:
 - 6. An ordinance establishing rates for the City of Parkersburg Swimming Pools, and includes the waterslide and splash pad. (Sponsored by the Public Works Committee)

Next page

Page two
Council agenda April 2, 2019

7. An ordinance to approve current replacement pages to the City Code through February 2019. (Sponsored by Councilmen Reed, Kuhl, and Reynolds)

XI. ADJOURNMENT

NOTE – next meeting Tuesday, April 16th, 2019.

PROCLAMATION

DESIGNATING APRIL 2019 AS FAIR HOUSING MONTH

WHEREAS, the City of Parkersburg is proud to join the U.S. Department of Housing and Urban Development in celebrating the 51st anniversary of the Fair Housing Act of 1968; and

WHEREAS, the 1968 Fair Housing Act guarantees the right of all Americans to dwell in the neighborhood of their choice, is one of the most important components of our national civil rights policy; and

WHEREAS, even though this non-discriminatory policy is the law of the land, its proper enforcement requires the continued cooperation of all levels of government, the real estate and homebuilding industries and private citizens; and

WHEREAS, throughout the City of Parkersburg, this spirit of cooperation is being provided through the efforts of our state, federal and local governments and with the support of countless community and nonprofit organizations; and

WHEREAS, promoting equal housing opportunity is essential to our larger mission of promoting justice in all areas of life and for all citizens,

NOW, THEREFORE BE IT RESOLVED, that I, Tom Joyce, Mayor of the City of Parkersburg do hereby proclaim April 2019 as Fair Housing Month in the City of Parkersburg and urge all citizens to join in creating and promoting fair housing opportunities for all people.

Adopted this _____ Day of _____, 2019.

Tom Joyce, Mayor
City of Parkersburg
West Virginia

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 |
|----------------------------|------------------------|----------------|---------------------|----------------|----------------------------------|
| CODE ADMINISTRATION | | | | | |
| 436-103-315 | OTHER SALARIES & WAGES | 213,394 | 4,750 | 218,144 | PRISONER SUPERVISOR REALLOCATION |
| 436-104-000 | FICA EXPENSE | 20,305 | 363 | 20,668 | PRISONER SUPERVISOR REALLOCATION |
| 436-226-005 | WORKERS COMP PREMIUM | 6,230 | 112 | 6,342 | PRISONER SUPERVISOR REALLOCATION |
| 436-230-000 | CONTRACTUAL SERVICES | 119,180 | <u>(5,225)</u> | 113,955 | PRISONER SUPERVISOR REALLOCATION |
| | | | <u>-</u> | | |

The above resolution proposes to revise the FY19 General Fund Code Administration Division budget to accommodate a part-time prisoner work detail supervisor for the spring 2019 mowing season through June 30, 2019.


RESOLUTION



BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that Mr. Greg Herrick, 1711 Washington Avenue, Parkersburg, WV is hereby re-appointed to serve a four-year term as a member of the Parkersburg Utility Board through May 24, 2023.

Sponsored by Councilmen McCrady, Kuhl, and Reynolds

An Ordinance Amending
Article 955, Solid Waste Disposal,
Of The Codified Ordinances
Of The City Of Parkersburg
To Require Dumpsters To
Be Maintained.



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 maintained.

§955.15a Dumpster to be maintained.

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.

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, BY 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 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 amendment, 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:

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 proposal) of the City's offered Home Rule application.

SPONSORED BY CITY COUNCIL PUBLIC WORKS COMMITTEE

PROPOSED ORDINANCE

§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 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 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 permanent 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 that 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.

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 residencies 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 codes 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.

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. The proposed amendment and subsequent ordinance (attached hereto) would expand on and/or clarify portions of West Virginia State Code.

SECTION II; NARRATIVE

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

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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.

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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.

AN ORDINANCE AMENDING ARTICLE 373 OF THE
CODIFIED ORDINANCES OF THE CITY OF PARKERSBURG
TO REGULATE THE OPERATION AND USE OF MOTORIZED BICYCLES

THE COUNCIL OF THE CITY OF PARKERSBURG HEREBY ORDAINS that Article 373, Bicycles, be and it is hereby amended with the inclusion of Section 373.17, Motorized Bicycle: Operation and Use, as set forth in Section 373.17, which is made a part hereof. The corresponding penalty to be added to Section 373.99 as Subsection (d) thereof:

§373.17 MOTORIZED BICYCLE: OPERATION AND USE

(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.

4-2-19

An Ordinance Establishing Rates For The
City Of Parkersburg Swimming Pools And Including The
Waterslide And Splash Pad.

The Council Of The City Of Parkersburg Hereby Ordains that effective upon the adoption of this Ordinance, the rates to be charged for the use of the swimming pools and including the waterslide and splash pad of the City of Parkersburg shall be as follows:

POOLS:

Admission prices are valid at both pool facilities and include the Splash Pad at City Park and the Slide at Southwood; daily passes are valid for one facility per day

| | Daily | Season Passes | |
|---|---------|---------------|---------------|
| | | Residents | Non-Residents |
| Individual (2 & under) | \$ - | \$ - | \$ - |
| Individual (3-17) | \$ 4.00 | \$ 75.00 | \$ 90.00 |
| Individual (18+) | \$ 6.00 | \$ 95.00 | \$ 110.00 |
| Individual (55+) | \$ 4.00 | \$ 75.00 | \$ 90.00 |
| Individual (veteran discount) | \$ 4.00 | \$ 75.00 | \$ 90.00 |
| Individual (active military) | \$ - | \$ - | \$ - |
| Individual (City employee benefit) | \$ - | \$ - | \$ - |
| Family (up to 4 members) | | \$ 200.00 | \$ 225.00 |
| Family (additional members) | | \$ 25.00 | \$ 50.00 |
| Family (active military credit per adult) | | \$ (63.00) | \$ (63.00) |
| Family (City employee benefit) | | \$ - | \$ - |

After-hours private pool rentals are available from 6PM to 9PM; rates are valid at both pool facilities and include the Splash Pad at City Park and the Slide at Southwood

| | 2 hours With Concessions | 2 hours Without Concessions | 3 hours With Concessions | 3 hours Without Concessions |
|---------------------------------------|--------------------------------------|-----------------------------------|--------------------------------|-----------------------------------|
| | Up to 25 individuals; 2 hour minimum | \$ 300.00 | \$ 280.00 | \$ 450.00 |
| Up to 50 individuals; 2 hour minimum* | \$ 400.00 | \$ 380.00 | \$ 600.00 | \$ 570.00 |

* Private rentals with an estimated attendance in excess of 50 individuals require special arrangements. Prices will be quoted based on the estimated personnel needs to safely accommodate the estimated party size.

Current Rates

AN ORDINANCE ESTABLISHING RATES FOR THE CITY OF PARKERSBURG SWIMMING POOLS, WATERSLIDE, MINIATURE GOLF COURSE AND PAVILION.

THE COUNCIL OF THE CITY OF PARKERSBURG HEREBY ORDAINS that effective upon the adoption of this Ordinance, the rates to be charged for the use of the swimming pools, waterslide, miniature golf course and pavilion of the City of Parkersburg shall be as follows:

| | EXISTING/CURRENT | PROPOSED |
|---|------------------|---|
| POOLS: | | |
| Individual Daily (Ages 4-12) | \$ 1.75 | \$ 3.50 |
| Individual Daily (Ages 13- and up) | \$ 2.50 | \$ 4.00 |
| | | |
| Individual Pool/Golf Pass | \$ 30.00 | \$ 35.00 |
| Individual Pool/Slide Pass | \$ 40.00 | \$ 45.00 |
| Family Pool/Golf Pass | \$100.00 | \$ 115.00 |
| Family Pool/Slide Pass | \$125.00 | \$ 135.00 |
| Private Rental | \$ 50.00 | \$ 80.00 per hour; or \$100.00 per hour including concession stand |
| | | |
| WATERSLIDE: | | |
| Single Slide | \$.50 | \$ 1.00 |
| Five Slides | \$ 2.00 | \$ 3.00 |
| Group Rental (15-25 People/2 Hours) (during regular hours) | \$ 50.00 | \$ 90.00 |
| Private Rental | \$ 40.00 per hr | \$ 60.00 per hour, or \$ 80.00 per hour including concession stand |
| | | |
| MINIATURE GOLF COURSE: | | |
| Individual (Ages 0-12) | \$ 1.00 | No change |
| Individual (Ages 13 and up) | \$ 1.50 | No change |
| Group Rental (15-25 People/18 Holes) | | |
| 1 Round | \$ 20.00 | No change |
| 2 Rounds | (None) | No change |
| 3 Rounds | (None) | No change |

All rates include tax. Private rentals include the cost of lifeguards, managers, utilities, and taxes.

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

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

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

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

NOW, THEREFORE, BE IT ORDAINED that:

Section 1. The ordinances of the City of Parkersburg, West Virginia, of a general and permanent nature, as revised, codified, rearranged and consolidated into component codes, chapters, articles and sections within the 2019 replacement pages to the Codified Ordinances are hereby approved and adopted.

Section 2. Pursuant to Section 2.208 of the Charter and West Virginia Code 8-11-4(b):

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

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