

AGENDA FOR PARKERSBURG CITY COUNCIL
TUESDAY, JUNE 22, 2021, 7:30 PM
CITY COUNCIL CHAMBERS,
SECOND FLOOR, MUNICIPAL BUILDING

THANK YOU FOR WEARING MASKS AND
SOCIAL DISTANCING IF YOU HAVE NOT
BEEN FULLY VACCINATED.

- I. CALL TO ORDER – Council President, Zach Stanley
- II. ROLL CALL
- III. MINUTES – Regular Council meeting June 8, 2021
- IV. REPORTS FROM STANDING OR SPECIAL COMMITTEES
- V. MESSAGE FROM THE EXECUTIVE
- VI. PUBLIC FORUM
- VII. CITY COUNCIL FORUM
- VIII. RESOLUTIONS
 1. Resolution authorizing Mayor Tom Joyce to make application for a matching fund grant for litter control, not to exceed \$10,000.00, 50% match out of the Sanitation Fund, for recycling bins. (Sponsored by Councilmen Richards, Cottrille, Kuhl, Carpenter, and Tuck.)
 2. Resolution amending the CDBG Annual Action Plan for area lighting On the Upper Market Street project for \$13,071.00; and \$2,000.00 For smoke detectors for the Fire Department. (Sponsored by Councilmen Mercer, Kuhl, and Carpenter)
- IX. ORDINANCE, FINAL READING:
 3. An ordinance to rezone lots 21-25 of Foxhill Addition from R-2 to a Recreation (REC) zone, property donation by Candace Jones, City Tax Map 36, parcels 130-134, adjacent to Johnson Janes Park. (Sponsored by the Municipal Planning Commission.)
 4. An ordinance to abandon an unimproved portion of 17th Avenue adjacent to 1500 South Hills Drive. (Sponsored by the Municipal Planning Commission)
- X. ORDINANCE, FIRST READING:
 5. An ordinance amending section 549.10, Discharging firearms (and Fireworks) within the City, and Penalty, section 549.99. (Pending approval of the Public Works Committee)
- XI. ADJOURNMENT (5 Tuesdays in June. July meetings 13th & 27th)

**RESOLUTION AUTHORIZING AN APPLICATION FOR
A MATCHING FUND GRANT FOR LITTER CONTROL**

WHEREAS, the City Council for the City of Parkersburg recognizes the existence of a litter problem within the boundaries of the City of Parkersburg, and

WHEREAS, the West Virginia Litter Control Program of 1985 provides matching grants of “litter control funds” through the West Virginia Department of Environmental Protection for the purpose of establishing local litter control programs, and

WHEREAS, having reviewed and considered West Virginia Administrative Regulations, Department of Environmental Protection, Title 33 Series 41.

BE IT RESOLVED that the City Council of the City of Parkersburg authorizes Mayor Tom Joyce to plan, budget and apply for a matching grant not to exceed \$10,000, 50% of which would come from the Sanitation Department budget for Fiscal Year 2021 and the remaining 50% of which would come from the West Virginia Department of Environmental Protection. If approved, funds will be used to purchase additional green recycling bins being in accord with the Regulations governing use and expenditure of said funds.

Sponsored by:

Parkersburg CDBG Investment partnership 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 Program Annual Action Plan and Budget be hereby amended as follows:

2021 CDBG Adjustment of Funds

Activity	Current Budget	Proposed Budget	Change
Area Lighting Improvement Project (Upper Market Street)	\$ 86,546.00	\$ 99,617.00	\$ 13,071.00
Totals	\$ 86,546.00	\$ 99,617.00	\$ 13,071.00

2020 CDBG Adjustment of Funds

Activity	Current Budget	Proposed Budget	Change
Sound the Alarm PFD Smoke Detectors	\$ -	\$ 2,000.00	\$ 2,000.00
General Administration - CDBG	\$ 106,975.41	\$ 104,975.41	\$ (2,000.00)
Totals	\$ 106,975.41	\$ 106,975.41	\$ -

Proposed CDBG Amendment Notes June 22, 2021

The proposed amendment (budget revision) attached hereto is being submitted to Parkersburg City Council for consideration to accomplish the following project priorities:

Area Lighting Improvement Project (Upper Market Street)

This activity includes the upgrading/replacement of streetlights from high pressure sodium to LED, which is part of a larger focus to reduce energy costs and maintenance, reduce greenhouse gas emissions while also improving public safety by providing a better line of sight for first responders and pedestrians. This project shall compliment the Market St. Streetscape Enhancement Project with new lighting along the Easterly side of Market St. from 9th St. to 19th St.

*There was a formula error in the HUD announced FY 2021 CDBG allocations, causing all CDBG grantees, except Insular Area grants, to be less than what should have been allocated by formula. The City of Parkersburg (like all grantees) is still required to follow the citizen participation plan to make an amendment to their action plan to reflect the increased grant allocation.

Sound the Alarm Program – Fire Department Smoke Detectors

The Parkersburg Fire Department plans to purchase approximately 500 smoke alarms to place in low-income households through the City of Parkersburg. This project shall cost \$2,000 in CDBG funds. These units will be placed in homes where no alarms, or insufficient alarms currently exist. This is done primarily to reduce the number of fatalities in the event of structure fires.

**AN ORDINANCE TO REZONE
PARKERSBURG CORPORATION TAX MAP 36, PARCELS 130,
131, 132, 133, & 134, PORTION OF FOXHILL DRIVE, AND A ONE
FOOT RESERVE STRIP FROM AN EXISTING
RESIDENTIAL (R-2) ZONE TO A RECREATION (REC) ZONE**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the following parcel of real estate situated in the City of Parkersburg, Wood County, West Virginia, be designated as a Recreation (REC) Zone:

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

The intent of this description is to rezone lots 21-25 of Foxhill Addition, Recorded in Plat Book 10, Page 10, in the office of Clerk of the County Commission of Wood County, West Virginia, A 1' Reserve Strip lying East of the above listed lots, and the portion of Foxhill Drive closed by City Ordinance #0-1676, all currently zoned R-2 to be changed to a Recreation Zone.

This description was 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.

BE IT FURTHER 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 zoning of said parcel shall be designated as **C-226** 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.

Sponsored by: Municipal Planning Commission

REZONING MAP



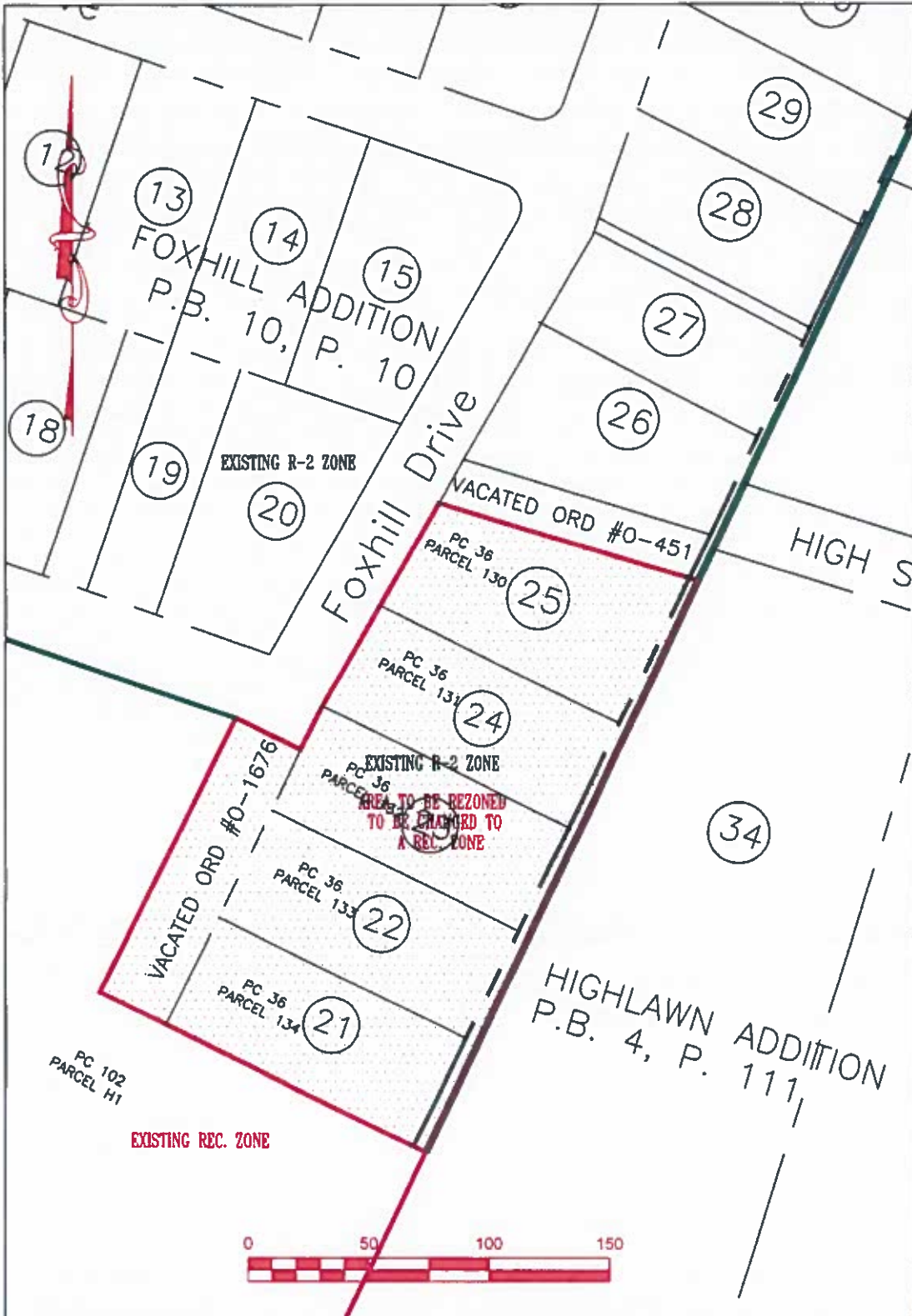
Map Key

 Rezone Area



Note: The map is not to scale and shall serve as a reference only.

Source: Wood County Parcel Viewer



SCALE = 1 INCH = 50 FEET
 DATE: 11/18/2020
 DRAWN BY: R.S.
 CHECKED BY: ---
 MAP P.C. 36 PARCELS 130-134
 FOXHILL ADDITION LOTS 21-25
 PLAT BOOK 10, PAGE 10 &
 P/O FOXHILL DRIVE VACATED BY
 CITY ORDINANCE 0-1676 &
 A 1' RESERVE STRIP
 DEED BOOK 1307 PAGE 841

CITY OF PARKERSBURG, W.VA.
 DEPARTMENT OF PUBLIC WORKS
 DIVISION OF ENGINEERING
 PLAT OF THE PROPERTY OF
 THE CITY OF PARKERSBURG
 TO BE REZONED RECREATION

AN ORDINANCE VACATING A PORTION OF 17TH AVENUE LYING EAST OF SOUTH HILLS DRIVE, AND ADJACENT TO LOTS 1 & 51 OF STALLINGS ADDITION

The Municipal Planning Commission of the City of Parkersburg has recommended that approximately 20' x 235.14' lying adjacent to Lots 1, and Lot 51 of the Stallings Addition; be vacated.

WHEREAS, the City believes it proper to do so and,

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PARKERSBURG HEREBY ORDAINS that the following described property is hereby vacated and closed as a public thoroughfare.

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

Beginning at the northwest corner of lot 1 of Stallings Addition, recorded in plat book 11, page 41, in the office of the Clerk of the County Commission of Wood County, West Virginia; thence with the extension of the west line of said lot 1, in a northeasterly direction, 20 feet more or less, to the northerly line of 17th avenue; thence with the northerly line of 17th Avenue, in a southeasterly direction, to the intersection of the easterly line of lot 51 of said Stallings Addition extended in a northeasterly direction; thence with the said extension in a southwesterly direction, to the northeasterly corner of said lot 51; thence with the northerly lines of said lot 51 and lot 1, in a northwesterly direction, 235.14 feet more or less to the place of Beginning.

This description was 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.

BE IT FURTHER ORDAINED that the City shall retain a permanent easement for the benefit of the City of Parkersburg, the Parkersburg Utility Board, and all other public utility companies, for ingress and egress over, along and under said portion of right-of-way for the installation, maintenance, location, relocation, and removal of public utilities of any kind, and

Mayor Tom Joyce is accordingly authorized to execute a quitclaim deed conveying the interest of the City of Parkersburg to the abutting property owner.

SPONSORED BY: MUNICIPAL PLANNING COMMISSION

PROPOSED ABANDONMENT MAP

Map Key

 Unimproved
17th Ave to be
abandoned



Note: The map is not to scale and shall serve as a reference only

Source: Wood County Parcel Viewer

AN ORDINANCE AMENDING SECTION 549.10, DISCHARGING FIREARMS (AND FIREWORKS) WITHIN THE CITY AND PENALTY, SECTION 549.99

NOW COMES THE COUNCIL OF THE CITY OF PARKERSBURG AND HEREBY ORDAINS that Section 549.10 AND Section 549.99, Penalty, of the Codified Ordinances be and they are hereby amended in regard to discharging fireworks within the City of Parkersburg as follows:

549.10 DISCHARGING FIREARMS AND FIREWORKS WITHIN THE CITY RESTRICTED; FIREWORKS SAFETY.

(a) No person within the corporate limits of the City shall fire or discharge any cannon, gun, pistol or firearm, unless it is a case of necessity or in the discharge of some public duty or with the permission of Council, or by a member of a duly organized military company under the order of an officer in command thereof. However, any gun, rifle, pistol or other firearm may be fired or discharged at a regularly organized rifle or pistol range within the City, which rifle or pistol range shall be first inspected and approved by the Chief of Police. The inspection by the Chief of Police of such rifle or pistol range shall be subject to ratification and review by Council.

(b) It shall be unlawful for a person within the corporate limits of the City to manufacture, wholesale, distribute, import, sell or store for the purpose of resale, consumer fireworks, sparkling devices, or toy caps without a license, registration, certificate or permit from the State Fire Marshall and a valid business license issued by the City.

Further any vendor of consumer fireworks within the City shall display in a prominent place at or near the point of sale the following:

NOTICE

It is unlawful to ignite or discharge fireworks within the City of Parkersburg except for the following days:

NEW YEARS EVE, between 8:00 P.M. December 31 and 1:30A.M. January 1;
MEMORIAL DAY, the official legal holiday;
WEST VIRGINIA DAY, the official legal holiday;
INDEPENDENCE DAY (JULY 4), the official legal holiday; and
LABOR DAY, the official legal holiday.

(City Ordinance Section 549.10)

(1) Definitions. As used in this section, all terms, including but not limited to “consumer fireworks”, “firework or fireworks”, “model rocket”, “new explosive”, “novelties”,

person , sparkling devices , special effect and toy caps shall have the meanings ascribed to them in West Va. Code 29-3E-2 Definitions.

- (2) Governing Conduct. The following conduct shall govern the use, ignition and discharge of consumer fireworks and sparkling devices in the corporate limits of the City.
- (i) All persons who use or ignite or discharge consumer fireworks or sparkling devices shall abide by all legal requirements concerning such firework use, and shall obtain a permit from the City of Parkersburg Fire Chief, and shall abide by all legal requirements concerning such fireworks use including, the provisions of West Va. Code 29-3E-1 et seq., and Title 103 Legislative Rule West Virginia Fire Marshall Series 4 Regulation of Fireworks.
 - (ii) A person who is less than eighteen years of age shall only use, ignite or discharge consumer fireworks or sparkling devices under the direct supervision of his or her parent, guardian or other adult person having the care and custody of the minor.
 - (iii) All persons who use, ignite or discharge consumer fireworks shall ensure that such consumer fireworks are not propelled through, come in contact with, or discharge or explode onto any public street, highway or sidewalk, in or upon any building, at or near any person, or within 500 feet of any location posing a special fire danger, such as a gas station, lumber yard, bulk mulch, propane or chemical storage area.
 - (iv) No person shall use, ignite or discharge consumer fireworks within corporate limits of the City except as follows:
 - A. Between the hours of 8:00 P.M. on December 31 and 1:00 A.M. of January 1 (New Years Eve).
 - B. The legal holiday celebrated on the following days:
 - MEMORIAL DAY
 - WEST VIRGINIA DAY
 - INDEPENDENCE DAY
 - LABOR DAY

- (3) Fireworks Enforcement. See West Va. Code 29-3E-13(b) – The City of Parkersburg Police Officers and Fire Department Personnel shall have the authority to enforce the provisions of this section.

Whenever reasonable grounds exist to believe that a violation of this section has occurred, all officers vested with the authority of its enforcement, may forthwith summon, by the issuance of a citation, any person charged with a violation of same to appear before the Judge of the Municipal Court for the City and to answer said charge on or before a date therein stated.

- (4) Fireworks Exemptions. This article does not prohibit any of the following:
- (i) The use of fireworks by railroads or other transportation agencies for signaling purposes or illumination;
 - (ii) The sale or use of blank cartridges for a theatrical performance, use by military organizations or signal or ceremonial purposes in athletics or sports; or
 - (iii) The possession, sale or disposal of fireworks incidental to the public display of fireworks by wholesalers or other persons who have a permit to possess, store and sell explosives from the Bureau of Alcohol, Tobacco, Firearms, and Explosives of the United States Department of Justice and the State Fire Marshall. (WV Code §29-3E-9).

549.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 (a) for general Code penalty if no specific penalty is provided.)

- (a) Whoever violates Section 549.10 (b) (2), Fireworks shall be fined for a first conviction not less than twenty-five dollars (\$25.00) not more than one hundred dollars (\$100.00); for a second conviction not less than one hundred dollars (\$100.00) not more than five hundred dollars (\$500.00); and for a third or subsequent conviction five hundred dollars (\$500.00).

Sponsored by Councilpersons: