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JANUARY 2, 2020

The Clarksburg City Council met in **REGULAR SESSION** on **Thursday, January 2, 2020** at 6:00 P.M. at the Clarksburg Municipal Building – Council Chambers, 222 West Main Street, Clarksburg, West Virginia, with Mayor Kennedy presiding.

COUNCIL MEMBERS PRESENT:

Frank Ferrari
Marshall Goff
Lillie Junkins
Gary Keith
Jim Malfregeot
Jimmy Marino, Vice Mayor,
Ryan Kennedy, Mayor

ALSO PRESENT:

Annette Wright, Interim City Manager
James Cann, City Attorney
Paula Hardman, Interim City Clerk

Following roll call, the opening prayer was given and the pledge led by Councilmember Keith.

MOTION by Councilmember Malfregeot, **SECONDED** by Councilmember Ferrari for approval of the minutes of the Regular Session of Council held on December 5, 2019. **MOTION APPROVED UNANIMOUSLY.**

Mayor Kennedy called for petitions, communications and public hearings with the following individuals appearing therefor:

Richard Cave, of 427 Clark Street—appeared before Council voicing concerns about the Mission. He started with congratulating the city on the purchase of the Goff Building. He expressed how excited he was to see such a historic building have hope for future businesses being bought to our city and he looked forward to see what was to come.

He then voiced concerns with the presentation that was previously given by the Mission put together by Ken Spellman, consultant for the Mission, wondering where the Mission got the money to pay him also expressing displeasure with the way he addressed council at the time. He then inquired as to the Mission being used as a homeless shelter for the people that are being bused here and he felt that this should not be happening; we should not be using our resources to take care of people that other cities should be taking care of because that's where they are from anyway. We should not be housing these people. Another issue that disturbed him, he felt important to bring to light was the way Marissa Rexroad of the Mission had been making comments on a local television station about a local citizen being “morally bankrupt”. This, to him, is unacceptable and he feels that Executive Director Lou Ortenzio should be let go immediately for not firing Ms. Rexroad for such actions. He expressed disappointment at this time with the way Mr. Ortenzio has been handling all issues with regard to the Mission for quite some time. He has been trying to get him to simply clean up the trash around the area for the past ten years with no success. It is his opinion that the mission has shown absolutely no compassion in return for all the compassion that the City of Clarksburg has shown for them. He then stated they blame the City of Clarksburg for everything. The problems the mission have at this time are problems they have created themselves and he feels the City needs to hold the mission to the same laws that the City holds everyone else to. He closed with the ongoing problem with bedbugs at the mission. He would like for someone to please address this issue because he has heard now they are being spread to the public housing projects.

Jim Harris, of 151 Hall Street, Clarksburg, appeared before council voicing concerns with the proposed amendments to the City Charter. He started with clarifying with council where everyone is at this time in terms with filing objections with regard to the public hearing today and the scheduled hearing for February 6, 2020. It is his understanding that once an objection is filed, it then makes its way to an election. Upon review of the amendments, the only one that gives him no concern is the one pertaining to the date of the election understanding the same that this does concern the Interim City Clerk and the Interim City Manager. However he is concerned with what the Mayor hopes to accomplish with this, he is hoping for a better voter turn-out disagreeing that this will help explaining the same as such also voicing concerns with the one that recalls council members, for instance, and this concerns him extremely explaining in great detail informing that council should be concerned about being targeted by a group that

wants them to lose their seat and with only a percentage being less than 20% needed to accomplish this. Again, he stated that he did not feel this will accomplish what the governing body is hoping. The Mayor responded by informing the whole idea is to give more power to the citizens over their city government and less power concentrated on the current bench with Mr. Harris stating he wasn't sure that this would accomplish that as such further adding it seems to him, to a certain degree that council is relinquishing it's duties and responsibilities to the citizens. He closed with thanking Council for their time.

Margaret Short—of **628 Dale Avenue, Clarksburg**- appeared before council voicing concerns with Code Enforcement stating she is currently fighting the same battle with code enforcement as she has in the past. She takes issue with the way code enforcement handles complaints that are called into their department. It is her understanding that they say they do not do complaints proactively, only reactively and this is their policy so when they write up a particular person because someone had complained, they walk or drive by other violations with no action taken. This is the way it was explained to her by code enforcement and if this is the way they are operating, as was explained to her, it needs to be addressed. She would also like some kind of investigation as to the way all complaints are being handled including why some people have to respond to a complaint and some don't. She gave an example like a landlord getting a notice for a box on their porch and a complaint she called in as to what looked like a junk yard is still in the same condition a year later. She also voiced complaints about where people are allowed to park their automobiles giving several examples.

At this time Mayor Kennedy directed Interim City Manager Wright to look into said issues with council in agreement that if this is really happening then it could be a huge problem because if you're passing by and notice something wrong then you need to react to it.

Dominique Spatafore- administrator of Uptown appeared before council to read a formal letter of thanks from Lindsey Bailey of the Clarksburg Uptown group thanking the cities sponsorship everyone for all their hard work involved with the 2nd annual New Year's Eve Bash helping to make it a huge success in a family friendly way for residents to enjoy their town and each other. They look forward and are hoping that said event will be a lasting tradition. As the head of the New Years Eve committee, she personally wanted to thank Johnny Workman, director of Public Works and his crew for going above and beyond to see that the event ran smoothly. The support from the city, Mr. Workman's team made the event worry free hoping them to be recognized as true professionals and public servants of Clarksburg. They could not thank them enough.

AGENDA ITEM NO. 5: **City Manager's Report / Update**

January 5, 2020

Submitted by Annette Wright, Interim City manager

General Updates / Information

1. Demolition –
 - a. The contract signing with the respective contractors took place on December 20th. The contact timelines for abatement, as well as abatement and demolition, start on January 6th. Those structures to be taken down “in house” by our Public Works can begin as manpower and scheduling permit.
2. Proposed Charter Amendment Ordinances- The Public Hearing on the proposed Charter amendments will be conducted on Thursday, February 6, 2020 at 6pm in the Council Chambers (in conjunction with the regularly-scheduled Council meeting). At this time, any qualified voter or freeholder of the City may appear and file written objections to said amendments. The Notice of Public Hearing, which sets forth the proposed amendments in their entirety, will appear in the Exponent Telegram on January 7th and January 14th 2020.
3. Sale of Surplus Vehicles- As there were a few vehicles that were not sold during the public sale, the Administration will, once again, be advertising these vehicles, as well as other surplus inventory and items for sale within the next month or so.
4. Clarksburg's “Santa land”- Our three (3) Santa Land Fridays was a nice highlight to the holiday season. The parents of the little ones visiting Santa expressed appreciation to the City for the opportunity to visit with Santa and offer

a picture for a minimum cost of \$5.00. The total amount earned in picture sales was \$120.00.

5. The food drive conducted by the Mayor's Youth Council in December resulted in two large boxes of nonperishable foods being donated to the United Methodist Temple.

6. Budget preparation- The Department Heads will be working on their respective budgets to submit to the city manager and Finance Director. The Mayor will be requested to schedule a budget work session in February. On that note, the Finance Committee has met twice and will be making recommendations to Council regarding the 2020-2021 FY budget.

Police & Fire

1. Police –
 - a. Five (5) of our new hires will be heading to the Academy on Monday; with one (1) still on the alternate list should space become available.
 - b. The Sergeant exam will take place on January 8th at the Senior Citizens Center.
 - c. We received the resignation letter of Officer Waggamon; he is pursuing a career with the US Marshal's Office.
 - d. New Firearms- An arrangement has been made with a company from Pittsburgh, PA to obtain new firearms, magazine clips, holsters, pouches and ammo. The cost therefore is approximately \$41,000; however, Chief Kiddy is working with the company to obtain these items at no cost to the City in exchange for firearms in our inventory that are no longer of use to the Department.
2. Fire-
 - a. The Firefighter provided many new coats to students/children this winter season during their Annual coat Drive.
 - b. Captain Murphy will be conducting the "Operation Not One More" program on January 14th at 10:40 am at North View Elementary School and again on January 27th at 12:30 pm at Adamston Elementary School.

Economic Development

1. The Goff Building sold and we will be working with the developer on this project regarding parking, etc. while the building is being remodeled.
2. The code department received preliminary plans and footprint for the new General Services Wing / building for the Courthouse.
3. Within the next few weeks, the following establishments will be ready for their Certificate of Occupancy and/or be ready to open:
 - a. Shogun
 - b. Burger IM'
 - c. Jersey Mikes
4. An inspection was done and a Certificate of Occupancy was issued for the first and second floors of the new Glen Elk apartments. The next two floors will be ready within the next few weeks.

RIBBON CUTTINGS:

- a. Monday, January 13th at 11:00 am- Locasto piano and Instrument, 300 Buckhannon Pike.
- b. Thursday, January 16th at Noon- TT Nails, 254 Emily Drive, #3.

Events

1. The Harrison County Chamber's Annual Legislative Preview Luncheon will be held tomorrow, January 3rd, at 11:30 am at the Bridgeport Conference Center.
2. **RGPAC-**
No public events are scheduled from now until January 16th. The facility has been rented for private functions on January 11th, January 12th and January 15th.

3. The WVML's Mid-Winter Conference will be conducted on January 26 & 27, 2020 in Charleston, WV. The (mandatory) Municipal Election Seminar will be held on January 28, 2020. There will be a work shop available on Sunday, January 26th from 2:30 pm to 3:30 pm entitled "Opportunity Appalachia". This will be offered free-of-charge and you don't have to register for the entire conference to attend this session. This is a program regarding federal tax incentives toward revitalization and Clarksburg is in the Opportunity Zone. Also, in regard to this program, I will be attending the day-long "Opportunity Appalachia Summit" on January 13th at Bridgeport Conference Center.

CITY CLERK'S INFORMATION:

- A.** ZONING FORM IN CONNECTION WITH A NOTICE OF APPLICATION TO OPERATE AN WV ABCA LICENSED CLASS B ESTABLISHMENT FILED BY PAR MAR OIL COMPANY, DBA MOUNTAINEER MART CLARKSBURG, 621 BUCKHANNON AVENUE- RETURNED TO APPLICANT ON DECEMBER 10, 2019
- B.** ZONING FORM IN CONNECTION WITH A NOTICE OF APPLICATION TO OPERATE: AN ABCA LICENSED PRIVATE CLUB, PRIVATE WINE RESTAURANT OR TAVERN FILED BY SHOGUN JAPANESE STEAKHOUSE, INC., 272 EMILY DRIVE- RETURNED TO APPLICANT ON DECEMBER 12, 2019
- C.** ZONING FORM IN CONNECTION WITH A NOTICE OF APPLICATION TO OPERATE: AN ABCA LICENSED PRIVATE CLUB, PRIVATE WINE RESTAURANT OR TAVERN FILED BY S.N.B. INVESTMENTS, INC., dba HILTON GARDEN INN CLARKSBURG, 606 EMILY DRIVE- RETURNED TO APPLICANT ON DECEMBER 30, 2019

UNFINISHED BUSINESS:

A. CONSIDERATION OF THIRD AND FINAL READING AND PUBLIC HEARING OF AN ORDINANCE OF THE CITY OF CLARKSBURG SETTING FORTH A PROPOSED AMENDMENT TO SECTION 5 OF THE CITY CHARTER TO INCLUDE TERM LIMITS FOR ALL MEMBERS SERVING UPON THE CLARKSBURG CITY COUNCIL

Notices of the public hearing concerning the above captioned Agenda item appeared in the Clarksburg Exponent/Telegram on December 10, 2019 and December 17th, 2019 Mayor Kennedy declared the public hearing open with no one appearing therefore. Upon closing the public hearing, **MOTION** by Vice-Mayor Marino , **SECONDED** by Councilmember Junkins for approval of the above-captioned ordinance on third and final reading with a date of February 6, 2020 @ 6pm for a public hearing to hear any objections. **MOTION CARRIED 5-2** with Councilmember Goff and Councilmember Malfregeot casting the dissenting votes.

B. CONSIDERATION OF THIRD AND FINAL READING AND PUBLIC HEARING OF AN ORDINANCE OF THE CITY OF CLARKSBURG SETTING FORTH A PROPOSED AMENDMENT TO THE CITY CHARTER TO INCLUDE SECTION 45: INITIATIVE AND REFERENDUM AND RECALL

Notices of the public hearing concerning the above captioned Agenda item appeared in the Clarksburg Exponent/Telegram on December 10, 2019 and December 17th, 2019 Mayor Kennedy declared the public hearing open with no one appearing therefore. Upon closing the public hearing, **MOTION** by Vice-Mayor Marino , **SECONDED** by Councilmember Junkins for approval of the above-captioned ordinance on third and final reading with a date of February 6th, 2020 @ 6pm for a public hearing to hear any objections. **MOTION CARRIED 5-2** with Councilmember Goff and Councilmember Malfregeot casting the dissenting votes.

C. CONSIDERATION OF THIRD AND FINAL READING AND PUBLIC HEARING OF AN ORDINANCE OF THE CITY OF CLARKSBURG SETTING FORTH A PROPOSED AMENDMENT TO SECTION 37 OF THE CITY CHARTER TO CHANGE THE DATE OF CITY ELECTIONS TO THE SECOND TUESDAY IN MAY

Notices of the public hearing concerning the above captioned Agenda item appeared in the Clarksburg Exponent/Telegram on December 10, 2019 and December 17th, 2019 Mayor Kennedy declared the public hearing open with no one appearing therefore. Upon closing the public hearing, **MOTION** by Vice-Mayor Marino, **SECONDED** by Councilmember Junkins for approval of the above-captioned ordinance on third and final reading with a date of February 6th, 2020 @ 6pm for a public hearing to hear any objections. **MOTION CARRIED 4-3** with Councilmember Ferrari, Councilmember Goff and Councilmember Malfregeot casting the dissenting votes.

D. CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING OF AN ORDINANCE AND ORDER DETERMINING THE NECESSITY FOR A CONTINUANCE OF LEVIES FOR THE FISCAL YEARS BEGINNING JULY 1, 2021, JULY 1, 2022, JULY 1, 2023, JULY 1, 2024, AND JULY 1, 2025 FOR IMPROVEMENTS, MAINTENANCE, REPAIRS, EQUIPMENT, VEHICLES, AND CAPITAL PROJECTS AND PUBLIC PARKS, PLAYGROUNDS, AND FACILITIES OPERATED BY THE CITY OF CLARKSBURG BOARD OF PARK COMMISSIONERS, FOR IMPROVEMENTS, MAINTENANCE, PAVING AND REPAIRS TO STREETS, ALLEYS, SIDEWALKS, AND BRIDGES, AND FOR PURCHASE OF VARIOUS VEHICLES AND EQUIPMENT FOR THE POLICE AND FIRE DEPARTMENTS AND PROVIDING FOR SUBMISSION TO THE VOTERS WITHIN THE CITY OF CLARKSBURG, WEST VIRGINIA, THE QUESTION OF CONTINUANCE OF THE LEVY AT A SPECIAL ELECTION TO BE HELD ON THE 13TH DAY OF JUNE, 2020, AND PROVIDING FOR THE HOLDING AND DETERMINATION OF SUCH ELECTION

Notices of the public hearing concerning the above captioned Agenda item appeared in the Clarksburg Exponent/Telegram on December 10, 2019 and December 17th, 2019 Mayor Kennedy declared the public hearing open with no one appearing therefore. Upon closing the public hearing, **MOTION** by Councilmember Ferrari, **SECONDED** by Councilmember Goff for approval of the above-captioned ordinance on Second and final reading. **MOTION APPROVED UNANIMOUSLY.**

E. CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING OF AN ORDINANCE AUTHORIZING THE DESIGN, ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN EXTENSIONS, ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE EXISTING SEWAGE SYSTEM OF THE CITY OF CLARKSBURG

Notices of the public hearing concerning the above captioned Agenda item appeared in the Clarksburg Exponent/Telegram on December 10, 2019 and December 17th, 2019 Mayor Kennedy declared the public hearing open with a concerned citizen voicing concerns at this time with regard as such. He stated he had received a letter regarding said hearing and wishes to obtain additional information as such.

At this time, a representative from Thrasher Engineering provided additional information accordingly also providing a map for their review. He explained the next phase of the long term control plan outlining Contract 1 consisting of improvements at the wastewater treatment plant explaining the same as such and Contract 2 he explained consisted of improvements to the existing sanitary sewer collection system to relieve sanitary sewers of storm water flows. Finally he touched upon Contract 3 explaining it consisted of the abandonment of an old ash lagoon located at the wastewater treatment plant, explaining this in detail also addressing any area of concern. The public was informed at this time that all current customers did in fact receive letters as such. Increase in rates was also briefly discussed.

Upon closing the public hearing, **MOTION** by Councilmember Ferrari, **SECONDED** by Councilmember Goff for approval of the above-captioned ordinance on Second and final reading. **MOTION APPROVED UNANIMOUSLY.**

NEW BUSINESS:

A. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG PROVIDING FOR THE ABANDONMENT OF AN UNOPENED, UNIMPROVED EXTENSION OF AN ALLEYWAY ADJACENT TO PROPERTY OWNED BY PAULA JOHNSON BETWEEN SPRING AVENUE AND BUCKHANNON AVENUE IN THE CITY OF CLARKSBURG, CLARK DISTRICT, HARRISON COUNTY, WEST VIRGINIA SHOWN ON THE PETITION FOR SAID ABANDONMENT ON FILE IN THE CITY CLERK'S OFFICE; PROVIDING FOR FINDINGS OF FACT IN CONNECTION WITH SAID ABANDONMENT; AND AUTHORIZING THE EXECUTION OF THE PROPER QUITCLAIM DEEDS, RESERVING THEREFROM UTILITY RIGHTS-OF-WAY

MOTION by Councilmember Keith, **SECONDED** by Councilmember Goff for approval of the above-captioned ordinance on first reading. **MOTION APPROVED UNANIMOUSLY**

B. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG AMENDING ARTICLE 1335A.03 (a) (2) OF PART 13 OF THE CODIFIED ORDINANCES

MOTION by Vice-Mayor Marino, **SECONDED** by Councilmember Goff for approval of the above-captioned ordinance on first reading. **MOTION APPROVED UNANIMOUSLY.**

C. CONSIDERATION OF AWARD OF BID FOR THE SALE OF REAL PROPERTY AT 1439 FARLAND AVENUE

MOTION by Councilmember Ferrari to award bid for purchase of property at 1439 Farland Avenue to Kennard McHenry in the amount of \$1,200, **SECONDED** by Councilmember Goff. **MOTION APPROVED UNANIMOUSLY.**

D. CONSIDERATION OF AWARD OF BID FOR THE SALE OF REAL PROPERTY AT 1401 ADAMS AVENUE

MOTION by Councilmember Ferrari to award bid for purchase of property at 1401 Adams Avenue to Shannon Welsh in the amount of \$1,250, **SECONDED** by Councilman Goff, **MOTION APPROVED UNANIMOUSLY.**

E. CONSIDERATION OF APPOINTMENT TO THE CENTRA BOARD

MOTION by Councilmember Malfregeot, **SECONDED** by Councilmember Keith to appoint Tracy Brady to the CENTRA Board. **MOTION APPROVED UNANIMOUSLY.**

F. DISCUSSION REGARDING CITY MANAGER HIRING PROCESS AND FINANCE COMMITTEE UPDATE

Deviating from the agenda

At this time Mayor Kennedy deviated from the agenda to move ahead to council comments as to move along the meeting not to hold up the citizens due to adjourning into executive session.

COUNCIL COMMENTS:

Councilmember Ferrari: At this time, Councilmember Ferrari provided his full support to Tracy Brady having been appointed to the CENTRA Board noting that council did in fact receive two (2) data sheets of consideration. He then recommended filling the next Board vacancy for with Mr. Lee West also lending his full support. Mayor Kennedy also agreed.

Councilmember Goff : At this time he acknowledged Police Chief Kiddy and all he has brought to the table in such a short period of time commending him on a job well done with the weapons and everything else we are seeing, things are really headed in the right direction now and he would like to congratulate Chief Kiddy, Deputy Chief Hartley

and the department as a whole. He also commended Captain Murphy of the Fire Department on the work she does with "Not One Left Behind" program and everyone involved with the New Years Eve Bash to make it a successful safe holiday.

Councilmember Keith:

Thanked everyone in attendance commending a great group of speakers tonight stating everyone made very good points and he appreciates hearing from everyone. He also informed Margaret Short who spoke regarding Code Enforcement stating he hopes what she said about the way they handle complaints is not their policy informing that council will definitely look into this. He also echoed Councilmember Goffs comments on New Year's Eve, he also thanked everyone involved. He expressed excitement for the those in the police department being sent to the police academy also expressing sadness to see Mr. Waggelman leave the police department to take another position elsewhere thanking Chief Kiddy also for a job well done with the additional guns for the police department.

Councilmember Malfregeot: Expressed thanks to everyone in attendance wishing them a Happy New Year.

Councilmember Junkins: Expressed thanks to everyone in attendance stating she is glad to see the momentum continue to move things forward. She also wanted to address the situation with the Code Enforcement Department stating that she feels it's important that everyone in the city is aware of how much work the Clarksburg Community Action has done in weekly cleanups throughout our city. She has participated and noticed that vacant abandoned houses throughout the city have people in them. She is not sure what needs to be done but something needs done because this is causing problems throughout the city. She understands that manpower is an issue we don't have people to continue boarding up these houses. She explained one house that people had removed the boards on a property that had been condemned, had entered the house and were using unsafe heating that could cause a fire. Speaking of concerns with code enforcement, she informed of conversations with a resident that lives behind a condemned home and he informed her that he has small children and he had put up a fence around his yard to keep them safe and per code enforcement, the fence was not up to code so they paid him a visit to address the situation. At the same time, she feels when we have these homes being reentered that need to be boarded up; this should be our focus not a man trying to protect his family. Hopefully our new City Manager will address this situation within our code department. She is also still bothered with how some properties look throughout our city and she personally is taking interest in this and feels council needs to do the same to see how they can make a difference.

Vice-Mayor Marino:

He is very pleased with the attendance and still feels public safety is their first concern commending Chief Kiddy for doing a good job recalling being approached by a citizen recently expressing relief now seeing a police presence within her community feeling much safer also noting the police being present at the downtown Kroger's. He also thanked everyone in attendance.

Mayor Kennedy;

Expressed excitement to see another room full of people expressing themselves during public comments. Making Clarksburg safe again is this council's first priority, he reminded everyone thanking Chief Kiddy for doing a great job. He is looking forward to a great 2020. Unfortunately, Clarksburg has had a lot of past years that were not awesome. He is also looking forward to giving the citizens more control over their government. He closed wishing everyone a Happy New Year.

MOTION by Councilmember Ferrari, **SECONDED** by Councilmember Keith to adjourn into Executive Session pursuant to Chapter 6, Article 9A, Section 4 of the West Virginia Code, to discuss matters involving the purchase, sale or lease of property, advance construction planning, the investment of public funds or other matters involving competition which, if made public, might adversely affect the financial or other interests of the city and to discuss personnel matters and that the following persons be present: Mayor & Members of City Council, Interim City Manager, Finance Director, and City Attorney. **MOTION APPROVED UNANIMOUSLY.**

Concluding Executive Session, **MOTION** made, **SECONDED** and **APPROVED UNANIMOUSLY** to reconvene into regular session.

There being no further business to come before Council, **MOTION** made, **SECONDED** and **APPROVED** to adjourn.



Ryan Kennedy, Mayor

1-16-20

Approved


Paula Hardman, Interim City Clerk