

JANUARY 21, 2021

The Clarksburg City Council met in REGULAR SESSION on Thursday, January 21, 2021 at 6:00 P.M. via WebEx.with Mayor Kennedy presiding.

COUNCIL MEMBERS PRESENT:

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

ALSO PRESENT:

Harry Faulk, City Manager
Annette Wright, City Clerk

Following roll call, the prayer was offered and the pledge was led by Councilmember Ferrari.

MOTION by Councilmember Ferrari, **SECONDED** by Councilmember Keith for approval of the minutes of the Regular Session of Council held on January 7, 2021. **MOTION APPROVED UNANIMOUSLY.**

At this time the Mayor called for petitions, communications and public hearings with the following individuals submitting their written remarks, as summarized hereinbelow:

Don and Barbara Comer, 1500 Alpha Avenue – addressed Council concerning their abandonment request. Attached hereto and incorporated herein as “Attachment 1” is the letter from Mr. and Mrs. Comer that was read into the record by the City Clerk.

Will Hyman, 2207 Gould Avenue – addressed Council to express his thoughts regarding the direct election of mayor. Attached hereto and incorporated herein as “Attachment 2” is Mr. Hyman’s communication, which was also read into the record by the City Clerk.

AGENDA ITEM NO. 5: CITY MANAGER’S REPORT/UPDATE **Manager’s Report** **January 21, 2021** **Submitted by Harry R. Faulk**

Manager’s Office

1. *Six new cameras were installed outside of City Hall and our entire camera system was upgraded so that additional cameras can be placed throughout the City and monitored from the Police Department.*
2. *The Clarksburg Beautification Committee will hold a virtual meeting next Tuesday evening at 7:00pm. Please see our website or call for details on how to attend. Thus far the group has been instrumental with the future beautification of the triangle in the west end of town. Three flag poles have been ordered and public works will be installing those in the coming weeks. There are also many projects getting lined up for the spring so please join the committee and beautify Clarksburg.*

Police Department

1. Members of the Police Department obtained Grand Jury Indictments on several Felony cases this week that include the following: Two shooting cases, kidnapping, multiple counts of sexual assault and sexual abuse, felon in possession of a firearm, breaking and entering, grand larceny, 1st degree robbery, wanton endangerment, burglary, felony domestic battery (strangulation), multiple counts of possession of narcotics with intent to deliver, and malicious assault.
2. *Multiple officers will also be receiving their second COVID 19 vaccination.*

Fire Department

1. *Interviews for new recruits were completed. Jeffrey Wright and Andrew Reynolds were selected and will be sworn in on February 3, 2021 in front of City Hall at 9:00a.m.*
2. *The posting and test dates were selected for promotions for the rank of Chief, Captain, and Lieutenant. Civil Service testing will be completed by the end of March.*

3. *The Department assisted the County with two mass COVID-19 vaccination clinics that were conducted at the Nathan Goff Armory.*
4. *Firefighter Justin Blake has successfully completed his Journey Firefighter exam and will be promoted to Firefighter 1st Class.*
5. *The Department is currently working on grant applications for the replacement of mobile and portable radios, SCBA's and assistance with the purchase of the new Ladder Truck.*

Finance Department

1. *The department has distributed the second round of Ring Cameras. A total of 125 Ring Doorbell Cameras were distributed throughout the City.*
2. *The department is also preparing for their annual audit and we will begin meeting with Department Directors next week for budget preparations.*

City Parks

1. *The Department is working on the WV Division of Culture & History Grant for the following: upgrade of lighting & sound systems, grandstand improvements for sound boards & spotlights, staining of amphitheater roof, installation of permanent air conditioning in dressing rooms and possible construction of additional deck.*
2. *Salem University has begun their practice on the Frank Loria Field for their upcoming season.*
3. *Applications are being accepted for summer help. Please visit the website for additional details.*

Robinson Grand Performing Arts Center

1. *In February, the RGPAC is presenting the second season of *The Ghostlight Series* with the theme of: *A Broadway Valentine*, which will air every Friday in February at 7pm, in addition to a bonus episode on Valentine's Day. The series is an ode to musical theatre which pays homage to Broadway during these dark times and features local artists performing classic hits. All episodes can be viewed on the Robinson Grand's Facebook page or YouTube channel.*

Code Enforcement

1. *The Department issued 46 building permits for the total project cost of \$2.3 million dollars. Seventeen Notice of Violations and 19 citations were issued. Three structures were condemned and 11 were ordered for reboarding. Thirteen residential and 8 commercial inspections were performed.*
2. *Staff began training this week for GeoPlan. All inspectors are now certified in Stormwater Inspection under the MS4 requirements.*
3. *The demo program is moving along very fast. A pre-bid conference was held this morning for the next round of demolitions consisting of 40 structures. The bid opening will take place on February 3rd.*

Public Works

1. *The Department has installed 340 feet of new sanitary sewer pipe and responded to 14 sewer complaints.*
2. *Fourteen Notice of Violations calls were completed along with four tons of yard waste collected.*
3. *The Bob Wilson sign was installed, and a dedication ceremony is currently being organized. We will inform everyone of the date and time.*

Wastewater Treatment Plant

1. *Work continues on the septage receiving station.*
2. *A new F-250 was recently purchased for the collection system crew at a cost of \$33,415.*

“Proud Past... Unlimited Future”

CITY CLERK'S INFORMATION:

ZONING FORM IN CONNECTION WITH AN APPLICATION TO OPERATE
A WVABCA LICENSED CLASS B ESTABLISHMENT FILED BY KROGER
LIMITED PARTNERSHIP – 102 EMILY DRIVE – RETURNED TO
APPLICANT ON JANUARY 8, 2021

UNFINISHED BUSINESS: NONE.
NEW BUSINESS:

- A. CONSIDERATION FOR ADOPTION ON FIRST READING A BOND AUTHORIZING ORDINANCE OF THE CITY WHICH AUTHORIZES THE REFUNDING AND REPAYMENT IN FULL OF THE CITY'S OUTSTANDING WATER REVENUE BONDS, SERIES 2014 A, AND THE ISSUANCE BY THE CITY OF ITS WATER REFUNDING REVENUE BONDS, SERIES 2021 A, IN AN AMOUNT NOT TO EXCEED \$3,750,000 FOR THE PURPOSE OF FINANCING THE REFUNDING OF THE SERIES 2014 A BONDS, THE PAYMENT OF COSTS OF ISSUANCE OF THE SERIES 2021 A BONDS AND RELATED COSTS**

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

- B. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG PROVIDING FOR THE ABANDONMENT OF UNOPENED, UNIMPROVED EXTENSIONS OF 16TH ST. AND ALPHA AVE. THIRTY (30) FEET IN WIDTH ADJACENT AND ALONG PARCELS 65 AND 70 ON TAX MAP 14 OWNED BY RAYMOND D. COMER AND BARBARA J. COMER IN THE CITY OF CLARKSBURG, COAL DISTRICT, HARRISON COUNTY, WEST VIRGINIA, SHOWN IN 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 Junkins, **SECONDED** by Vice Mayor Marino for approval of the above-captioned matter. Under discussion, Vice Mayor Marino noted that the Planning & Zoning Commission once again recommended that said petition for abandonment be approved. Further, Vice Mayor Marino remarked that the person opposing the proposed abandonment has access to a 30' right-of-way to get to his property. Councilmember Keith commented that such property was public property and that Council did not have to abandon it opining that if more than one citizen thinks they have a right to it then he didn't believe Council had the right to take it away. Mayor Kennedy remarking on his respect for the P&Z Commission noted that said Commission recommended approval twice. Mayor Kennedy noted that Council could visit the site before the next reading of the ordinance. **MOTION CARRIED 4-3 with Councilman Ferrari, Councilman Goff and Councilman Keith casting the dissenting votes.**

- C. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG PROVIDING FOR THE ABANDONMENT OF UNOPENED, UNIMPROVED PORTION OF OVERHILL ROAD/WINDING WAY FORTY (40) FEET IN WIDTH ADJACENT AND ALONG PARCEL 389 ON TAX MAP 6 OWNED BY KEVIN M. KELLAR IN THE CITY OF CLARKSBURG, CLARK DISTRICT, HARRISON COUNTY, WEST VIRGINIA, SHOWN IN 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 Malfregeot, **SECONDED** by Councilmember Keith for approval of the above-captioned ordinance on first reading. **MOTION APPROVED UNANIMOUSLY.**

- D. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG TO AMEND ARTICLE 920 OF THE CODIFIED ORDINANCES TO INCLUDE ILLICIT DISCHARGE DETECTION AND**

ELIMINATION PROGRAM AND AMEND RELATED SECTIONS

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

E. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG AMENDING SECTION 5 OF THE CITY CHARTER TO PROVIDE FOR DIRECT ELECTION OF THE MAYOR

MOTION by Councilmember Malfregeot, **SECONDED** by Councilmember Goff for approval of the above-captioned ordinance on first reading. Under discussion, Vice Mayor Marino expressed his concern with this being placed on the agenda prior to discussion and requested an investigation as to a potential sunshine law violation. Vice Mayor Marino commented that he believed that good Charter amendments were going to be on the June ballot and that adding this one complicates the same. Mayor Kennedy opined that the direct election of the mayor was good for the people. Councilmember Malfregeot stated that he called council members individually and that there was no violation of the sunshine law. Councilmember Goff opined that any changes to the Charter should be brought before the voters. Councilmember Junkins opined that experience was important to becoming the mayor and stated that the same should be put on the ballot for the people to decide. **MOTION CARRIED 4-3 WITH Councilmember Junkins, Councilmember Keith and Vice Mayor Marino casting the dissenting votes.**

F. CONSIDERATION OF A RESOLUTION OF THE CITY OF CLARKSBURG, WEST VIRGINIA APPROVING AMENDMENT OF THE RULES AND REGULATIONS OF THE FIREMEN'S CIVIL SERVICE COMMISSION OF THE CITY OF CLARKSBURG, WEST VIRGINIA

MOTION by Councilmember Ferrari, **SECONDED** by Councilmember Malfregeot for adoption of the above-captioned resolution. **MOTION APPROVED UNANIMOUSLY.**

G. CONSIDERATION OF A RESOLUTION OF THE CITY OF CLARKSBURG, WEST VIRGINIA APPROVING AMENDMENT OF THE CLARKSBURG FIRE DEPARTMENT RULES AND REGULATIONS

MOTION by Councilmember Ferrari, **SECONDED** by Councilmember Malfregeot for adoption of the above-captioned resolution. **MOTION APPROVED UNANIMOUSLY.**

COUNCIL COMMENTS:

- Councilmember Malfregeot: Advised of lights out on the highway in need of attention.
- Councilmember Ferrari: Expressed his pleasure in seeing the lights addressed on Route 98; inquired of the City Manager if he could recommend to the Parking Authority that the one spot in front of the CVB Office be maintained for the CVB at no cost to the CVB therefor. Noted the demolition program and inquired as to the remaining balance in said account.
- Councilmember Goff: Remarked on the great addition of the extra cameras outside City Hall; noted the police department's busy activities regarding the cases before the grand jury.
- Councilmember Keith: Remarked that the Ring Doorbell program was a great program; thanked Interim Chief Pulice for taking the interim position and making the transition smooth; thanked Chief Kiddy for the job he is doing.
- Councilmember Junkins: Opined that many of the citizens are still frustrated noting petty crimes, car theft, etc., as well as quick action by the

CPD commenting on the leadership of the CPD.

Vice Mayor Marino:

Noting the virtual meetings, stated that he hoped everyone who wanted to had the opportunity and ability to address Council and directed the City Manager to see how many people can be on the livestream, etc.

Mayor Kennedy:

Concurred with many of council's remarks and also concurred that he missed seeing the citizens at the meetings.

There being no further business to come before Council, **MOTION** made by Councilmember Ferrari, **SECONDED** by Councilmember Goff and **APPROVED UNANIMOUSLY** for adjournment.

E. Ryan Kennedy, Mayor

Approved: February 4, 2021

Annette Wright, City Clerk