

FEBRUARY 20, 2020

The Clarksburg City Council met in REGULAR SESSION on Thursday, February 20, 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
 Paula Hardman, Interim City Clerk

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

MOTION made by Councilmember Malfregeot, **SECONDED** by Councilmember Goff for approval of the minutes of the Regular Session held on February 6, 2020. **MOTION APPROVED UNANIMOUSLY.**

MOTION made by Councilmember Malfregeot, **SECONDED** by Councilmember Ferrari for approval of the minutes of the Special and Conference (Work) Session held on February 13, 2020. **MOTION APPROVED UNANIMOUSLY.**

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

James E Griffin- Clarksburg appeared before Council representing the West Virginia Black Heritage Festival (WVBHF) and Bob Wilson. He opened expressing much appreciation for the many years of support from the City of Clarksburg helping to make the WVBHF a huge success representing the diversity of Clarksburg growing larger every year, making this year its 30th year. The annual WVBHF will be held on September 11th thru the 13th. With it being Black History Month, and long before there was a Jimbo Fisher and a few others, there was a man by the name of Bob Wilson from Clarksburg West Virginia. Mr. Wilson was a graduate from Kelly Miller High School and went on to West Virginia State where he played with an individual named Earl Lloyd who was the first black NBA ballplayer that came from West Virginia State. Mr. Wilson played with him and together they had a 23 and 0 record. Bob Wilson then went on to play with the NBA, the Milwaukee Hawks and also played with the great "Harlem Globetrotters. He then explained how he thinks it would be fitting to honor this man. After all, he is the only NBA basketball player to come out of the City of Clarksburg. He then requested council honor him at the 30th WVBHF in September. He then provided a handout with said information for council to review.

Councilmember Keith was suprised he wasn't aware of said information because of his love for the NBA, Councilmember Ferrari voiced his thoughts agreeing council should do something to honor this man and Councilmember Malfregeot suggested maybe a sign with his name could be hung on the parking garage. A brief discussion ensued. Council agreed to discuss it and consider the sign in the near future and possibly include some of his family members when deciding.

Will Hyman, 2207 Gould Ave., Clarksburg appeared before Council voicing concerns on agenda item #7-D, the proposed Ordinance of the City of Clarksburg, recognizing the City as a Second Amendment Sanctuary. He opened with informing council of being affiliated with several organizations and how blessed we are to be living in West Virginia with some of the best gun laws in the United States, referencing the recent situation in Virginia explaining the same as such. He gave his opinion on his thoughts that the best approach to take on said issue should be an ordinance as several other West Virginia Counties have done also explaining the same as such in great detail. He then inquired as to when and where such ordinance would be enforced and would a police officer be responsible for writing him a ticket or what exactly the ordinance would do for him with Mayor Kennedy along with Chief Kiddy informing as such in detail.

At this time Councilmember Keith intervned before things went any further, because of so many questions, he informed that said agenda item was going to TABLED at said meeting with Mayor Kennedy explaining their intent to amend said ordinance as to a more clear understanding.

In closing, Mr. Hyman left council with the thought of wither or not said ordinance would defend him and everybody else in Clarksburg thanking them for their time.

AGENDA ITEM NO. 5:

**Manager's Report
February 20, 2020
Submitted by Annette Wright**

General Updates/Information
A. DISTRIBUTION OF PROPOSED BUDGET FOR FISCAL YEAR 2020—2021

1. The following is the proposed timeline for the proposed FY 2020-2021 budget.
 - a. FY 2020-2021 proposed budgets submitted to Council this evening.
 - b. Budget work session to be held next week.
 - c. Council to conduct a public hearing on Thursday, March 5th.
 - d. Council to consider adopting the budget on Thursday, March 19th.
 - e. Administration to submit balanced budget to WV Auditor's Office prior to March 28th.
2. Demolition-
 - a. Empire Builders has completed all structures awarded in their contract to date with the exception of 2326 Hamill Avenue. 319 Worley Avenue is now down. They anticipate being done with Hamill Avenue by the beginning of next week.
 - b. Cira & Associates have abated all of Contract 1 and have three (3) houses remaining to abate on Contract 2.
 - c. Public Works has started demolishing the abated structures on Contract 1.
3. Public Works is working on the paving list for this spring's paving project and that list will be to Council shortly for review/recommendation and ultimately consideration.
4. Fiber Optics- All connections have been made to date; all phone lines have been ported over from Frontier. Data and phone networks are running on fiber. To date, we have terminated services with Frontier and Time Warner resulting in a collective monthly savings of approximately \$3,500. *(actually a couple more hundred than that and hopefully within the next week or so we can eliminate some more services with Frontier)*
5. On Wednesday, February 12th, the Mayor's Youth Council participated in "Valentines for Vets" at the VA Nursing Home.
6. The Harrison County Mayor's Association will be meeting on Wednesday, February 26th at 6pm at Clarksburg City Hall. The topic on their agenda is the discussion of concerns related to volunteer fire departments and the Mayor's were asked to invite their respective Fire Chiefs and/or Assistant Fire Chiefs to attend as well.
7. The Public comment period on the Harrison-Clarksburg Board of Health's position to include vaping as a prohibition under the Clean Indoor Air Regulation closes on March 1st. On this evening's agenda is the consideration of a resolution expressing support of the same. If the resolution is adopted, a copy will be sent to the Board of Health.
8. On March 15th at 10am Duff Street Methodist Church will be hosting a service of dedication for its new sanctuary building.

Police

1. The list of six (6) police applicants will move on to the final scoring phase of the Eligibility List process which is the oral interview with the Police Civil Service Commission. Thereafter, these applicants will be ranked by composite scores and certified by the PCSC.

Fire

2. Chief Scott and Captain Murphy taught fire safety education this week at the Hotsinpillar Federal Building to approximately 50 employees.

Events

1. Harrison County Chamber of Commerce- Business After Hours- Mardi Gras 2020-February 25th from 5 pm – 7 pm at Elmcroft of Maplewood.
2. United Way Telethon/Facebook Live event will be held on February 26th from 3 pm – 11 pm. They are in the process of recruiting celebrity volunteers to answer the phones for one-hour periods.
3. United Way's Annual Meeting and Awards Celebration will be held on 'Tuesday, March 3rd at Bridgeport Conference Center beginning at 5:30pm.
4. RGPAC-
 - a. Best of Harrison County Awards- February 23rd @ 2pm – doors will open at 12:30 pm- with hundreds of individuals and/or businesses to be recognized.
 - b. Ronnie Milsap- Saturday, March 14th, 2020 @ 7pm.
 - c. Just released- Landau Eugene Murphy Jr. – April 11, 2020 @ 8pm.

FOIA

1. FOIA request from Richard Quinn III was received on February 2nd requesting a list of addresses of all structures to be razed in 2020 in the city. A response was provided on February 4th providing such information.
2. FOIA request from ACLU West Virginia dated February 13th requesting information regarding Art. 1767 of the Codified Ordinances, as well as additional information. A response to said request was provided on February 14th.
3. FOIA request was made by Attorney Chad Taylor requesting information regarding a dog bite incident with a response made thereto and the requested information provided upon conclusion of the investigation.

Misc.

HGTV Video of Clarksburg...Come redo our hometown...Check it out on our Facebook page. A huge "Thank You" to all involved in making this video.

At this time, Mayor Kennedy inquired from Interim City Manager Wright as to exactly what abatement means referencing various calls from concerned citizens with City Manager Wright informing that abatement is when they demo a structure, that is when they come in and remove the asbestos so that the structure can be taken down.

UNFINISHED BUSINESS: NONE

NEW BUSINESS:

CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING OF AN ORDINANCE OF THE CITY OF CLARKSBURG PROVIDING FOR THE SALE OF REAL PROPERTY SITUATE AT 1401 ADAMS AVENUE, TAX MAP 8, PARCEL 156, IN COAL DISTRICT, IN THE CITY OF CLARKSBURG, HARRISON COUNTY, WEST VIRGINIA, AND DIRECTING THE CITY MANAGER TO EXECUTE AND DELIVER A DEED FOR THE SALE OF THE SAID REAL PROPERTY.

Notices of the public hearing concerning the above captioned Agenda item appeared in the Clarksburg Exponent/Telegram on February 11, 2020 and February 18, 2020. Mayor Kennedy declared the public hearing open with no one appearing therefore. Upon closing the public hearing, **MOTION** by Councilmember Malfregeot, **SECONDED** by Vice Mayor Marino for approval of the above-captioned ordinance on second and final reading. **MOTION APPROVED UNANIMOUSLY.**

CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING ON AN ORDINANCE OF THE CITY OF CLARKSBURG PROVIDING FOR THE SALE OF REAL PROPERTY SITUATE AT 1439 FARLAND AVENUE, TAX MAP 6, PARCEL 130, IN COAL DISTRICT, IN THE CITY OF CLARKSBURG, HARRISON COUNTY, WEST VIRGINIA, AND DIRECTING THE CITY MANAGER TO EXECUTE AND DELIVER A DEED FOR THE SALE OF THE SAID REAL PROPERTY.

Notices of the public hearing concerning the above captioned Agenda item appeared in the Clarksburg Exponent/Telegram on February 11, 2020 and February 18, 2020. Mayor Kennedy declared the public hearing open with no one appearing therefore. Upon closing the public hearing, **MOTION** by Councilmember Malfregeot, **SECONDED** by Councilmember Ferrari for approval of the above-captioned ordinance on second and final reading. **MOTION APPROVED UNANIMOUSLY.**

CONSIDERING OF SECOND AND FINAL READING AND PUBLIC HEARING OF AN ORDINANCE AMENDING PART 5, ARTICLE 545, OF THE CODIFIED ORDINANCES OF THE CITY OF CLARKSBURG, AS THE SAME APPLY TO RECOGNIZING THE CITY AS A SECOND AMENDMENT SANCTUARY.

Notices of the public hearing concerning the above captioned Agenda item appeared in the Clarksburg Exponent/Telegram on February 11th, 2020 and February 18th, 2020. Mayor Kennedy now declared the public hearing open with Mr. Hyman of Clarksburg addressing Council informing them he does support the ordinance and he did not remember seeing it in the newspaper but is glad that council is taking action. **MOTION** by Councilmember Goff to **TABLE** the above captioned Agenda item as to have some questions answered for a better understanding, **SECONDED** by Vice Mayor Marino to **TABLE** the above-captioned ordinance on second and final reading. **MOTION APPROVED UNANIMOUSLY.**

CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING OF AN ORDINANCE AMENDING ARTICLE 1327.04(c) OF THE CODIFIED ORDINANCES OF THE CITY OF CLARKSBURG, AS THE SAME APPLY TO DEFINING AND REGULATING LIMITED VIDEO LOTTERY IN B2, B3 AND CBD ZONES

Notices of the public hearing concerning the above captioned Agenda item appeared in the Clarksburg Exponent/Telegram on February 11, 2020 and February 18, 2020. Mayor Kennedy now declared the public hearing open with Mr. Gentilozzi of Clarksburg addressed Council at this time informing after previous conversations with Councilmember Keith and also reading in detail said ordinance. He is not quite sure that Councilmember Keith is in full understanding of the affects said ordinance is going to have within our city. He thought council was going to clean the city up and make it better and safe again. He didn't realize the city would have gambling on every corner. He doesn't feel this is in the best interest of the city and the previous council wanted thing like this away from residential areas. The way the ordinance reads now, you have the words residential, schools etc...he doesn't understand the intent now explaining the same as such in great detail. He informed he was here to speak publicly and not behind anybody's back to voice his concerns and to speak against said ordinance. He then requested council to reconsider their intent with Mayor Kennedy explaining how council will listen to any concerns as such. With no one else appearing as such, Mayor Kennedy no declared the Public Hearing closed.

MOTION by Councilmember Keith to amend said ordinance to only include the Central Business District, Glen Elk I and Emily Drive. This would not apply to B2's and B3's elsewhere. **SECONDED** by Councilmember Ferrari. At this time Vice Mayor Marino recused himself from the vote, removing himself also from the room due to having an interest with owning property this would affect. **MOTION CARRIED 6-0** with Vice Mayor Marino abstaining from the vote.

MOTION by Councilmember Ferrari to adopt said ordinance as amended, **SECONDED** by Councilmember Goff. **MOTION CARRIED 6-0** with Vice Mayor Marino abstaining from the vote.

CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG PROVIDING FOR THE REZONING OF LOTS OR PARCELS OF LAND SITUATE AT 1297 NORTH 16TH STREET (PARCELS 332, 333, 334, 335 AND 336 UPON TAX MAP 13) IN THE CITY OF CLARKSBURG, COAL DISTRICT, HARRISON COUNTY, WEST VIRGINIA, SHOWN IN THE PETITION FILED BY FOUNTAIN HEAD LLC FROM R (RESIDENTIAL)-3 TO R-4 STATUS; AND PROVIDING FOR FINDINGS OF FACT IN CONNECTION WITH SAID REZONING

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

CONSIDERATION OF AUTHORIZING RESOLUTION - CLEAN WATER STATE REVOLVING FUND

MOTION by Councilmember Ferrari, **SECONDED** by Councilmember Goff for approval of the above-captioned resolution as presented. **MOTION APPROVED UNANIMOUSLY.**

CONSIDERATION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLARKSBURG, WEST VIRGINIA SUPPORTING THE HARRISON-CLARKSBURG HEALTH DEPARTMENT'S POSITION TO ADD THE PROHIBITION OF VAPING AND/OR ELECTRONIC CIGARETTES TO THE CLEAN INDOOR AIR REGULATION

MOTION by Councilmember Goff, **SECONDED** by Councilmember Ferrari for approval of the above-captioned Resolution as presented. **MOTION APPROVED UNANIMOUSLY.**

CONSIDERATION OF A PLACING THE PROPOSED AMENDMENT TO SECTION 5 OF THE CITY CHARTER TO INCLUDE TERM LIMITS FOR ALL MEMBERS SERVING UPON THE CLARKSBURG CITY COUNCIL ON THE JUNE 1, 2021 MUNICIPAL GENERAL ELECTION BALLOT

MOTION by Councilmember Goff, **SECONDED** by Vice Mayor Marino for approval of proposed amendment to section 5 of the City Charter to include term limits for all members serving upon the Clarksburg City council on the June 1, 2021 Municipal General Ballot. **MOTION CARRIED 6-1** with Councilmember Malfregeot casting the dissenting vote.

CONSIDERATION OF A PLACING THE PROPOSED AMENDMENT TO SECTION 37 OF THE CITY CHARTER TO CHANGE THE DATE OF CITY ELECTIONS TO THE SECOND TUESDAY IN MAY ON THE JUNE 1, 2021 MUNICIPAL GENERAL ELECTION BALLOT

MOTION by Councilmember Goff, **SECONDED** by Vice Mayor Marino for approval of proposed amendment to section 37 of the City Charter to change the date of city elections to the second Tuesday in May on the June 1, 2021 Municipal General Election Ballot. **MOTION CARRIED 6-1** with Councilmember Malfregeot casting the dissenting vote.

CONSIDERATION OF PLACING THE PROPOSED AMENDMENT TO THE CITY CHARTER TO INCLUDE SECTION 45; INITIATIVE AND REFERENDUM AND RECALL ON THE JUNE 1, 2021 MUNICIPAL GENERAL ELECTION BALLOT

MOTION by Councilmember Goff, **SECONDED** by Vice Mayor Marino for approval of proposed amendment to section 45: Initiative and Referendum and Recall on the June 1, 2021 Municipal General Election Ballot. **MOTION CARRIED 6-1** with Councilmember Malfregeot casting the dissenting vote.

COUNCIL COMMENTS:

Councilmember Malfregeot: Requested a letter be sent to all the applicants that applied for the City Manager position. After being discussed, it was decided to send letters to those who were interviewed thanking them for their interest in said position. He then thanked everyone in attendance.

Councilmember Ferrari: Nothing at this time.

Councilmember Goff: Spoke on clarification because he voted for the charter amendments because he is in favor of it going to the public to decide. He also voiced concerns with hearing about the problems within the city, including Mr. Gentilozzi's comments. He believes our city is on the right track and moving forward with positivity. He disagreed with Mr. Gentilozzi's previous comments.


Councilmember Keith: Agreed with all of Councilmember Goff's comments explaining the same as such.

Councilmember Junkins: Wished that Mr. Gentilozzi was still present so she could state her feelings also disagreeing with his comments explaining how she supports the Video/Lottery ordinance for support of business purposes only and doesn't see how Mr. Gentilozzi could voice concerns when he runs the same kind of business explaining the same as such.

Vice-Mayor Marino: He stated how tough it was to go next to last, echoing everyone's comments before him explaining how important their decisions are and how they make sure they listen to the input from the citizens in all their considerations. Thanked everyone in attendance showing appreciation for another packed house. He also voiced concerns with Mr. Gentilozzi's comments because of his own business. He also spoke on the importance of the input from the citizens.

Mayor Kennedy; Also echoed the previous comments, including the Video- Lottery comments voicing his own opinion as such. He also thanked everyone for attending the meeting and voicing their comments

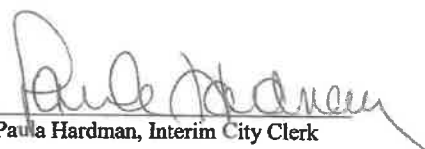
There being no further business to come before Council, **MOTION** by Councilmember Ferrari, **SECONDED** by Councilmember Goff to adjourn meeting. **MOTION APPROVED UNANIMOUSLY**



Ryan Kennedy, Mayor

3-19-2020

Approved



Paula Hardman, Interim City Clerk