

MARCH 5, 2020

The Clarksburg City Council met in **REGULAR SESSION** on **Thursday, March 5, 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 Goff.

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

Bryan Payne, of 115 South 4th Street—appeared before Council voicing concerns with agenda item 7-E-1712.06 (g) for consideration of ordinance amending Article 1712.06 (g) of the codified ordinance of the City of Clarksburg increasing use and occupancy fees for Multi-Family units, Commercial Property and New Construction. He expressed curiosity about what fees this consisted of, the current rates being charged and what they were being raised to with Interim City Manager Wright informing the fees were for certificate of occupancy, rentals for multi-family units increased from \$50 to \$100.

Jeff Thompson, of 402 E Main Street, Clarksburg, appeared before council voicing concerns with the proposed rate increases He explained that he was against any rate increase, informing council that they should go back to the drawing board and figure out somewhere else to get money explaining the same as such. He then expressed frustration stating the Robinson Grand should have never been done and this was something that he was against from the very beginning. He explained his feelings that this was done to push the 1% sales tax thru inquiring where said money was going from that and pointing out that the city is having to pay for it out of its own budget in order to keep it afloat. He then stated the hard earned money the citizens earn is their money and it's not right for the city to keep increasing rates and taking it as theirs. He then suggested council take away some of their benefits such as insurance and such. He also suggested 401K plans instead of pension funds explaining that pension funds are just not feasible anymore and there are other things the city can do to cut back. Thank you.

PUBLIC HEARING ON PROPOSED BUDGET FOR FISCAL YEAR 2020-2021

Mayor Kennedy declared the public hearing open with no one appearing therefore. The Mayor then closed the public hearing.

AGENDA ITEM NO. 5: **City Manager's Report/Update**
 March 5, 2020
 Submitted by Annette Wright, Interim City manager

General Updates / Information

1. Demolition –
Empire Builders has completed all structures awarded in their contract; Cira & Associates are finishing up the abatement of contract 2 and the Public Works crews are working on completing one of two contracts.
2. A proposed paving list will be presented by the end of the week with said list to be discussed at next week's work session.

3. Fiber Optics- With this project, the only item remaining is the verification of phone lines. Tate Communication and City Net are double checking all active lines prior to disconnection. This will greatly reduce the current \$2,000 phone bill with Frontier.
4. An AXA Advisor will be here on Wednesday, March 11th in Council Chambers from 10:30 am to 3:00 pm to work with employees who may be interested in such services.
5. A representative from the Attorney General's Office was here yesterday in City Hall and set up a table to provide information to the public regarding identity theft, telephone scams, prescription medication disposal and other topics of interest.
6. The City will be presenting a Rain Barrel Workshop on Tuesday, March 10th at Veteran's Memorial Park Mini Golf location.
7. The Clarksburg-Harrison Public Library will showcase the "Best of Harrison County Students Artwork" throughout the entire month of March.

Police & Fire

1. Police –
 - a. PFC First-Class Steve Moser will be promoted to the rank of Sergeant with the oath of office scheduled for Monday, March 9th at 3:00 pm in council Chambers.
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1. Fire-
 - a. Captain Murphy presented the Operation Not One More program in three more schools since the last Council meeting and has received a \$5,000 grant from State Farm for the continuation of the program.
 - b. Chief Scott taught a stop the bleed and first aid class for courthouse employees on February 27th.
 - c. We have one (1) vacancy in the Fire Department due to a resignation with said position to be filled within the next week or so as we have an Eligibility List in place.
 - d. Next week the Health Department will be providing a brief training session to our fire firefighters on signs/symptoms, as well as protection from the Coronavirus. This training is also available to our police officers.
 - e. The Fire Department received a \$100,000 grant from the WV Division of Homeland Security and Emergency Management. This non-matching grant can be used for the purchase of hazardous materials and personal protective equipment.

Economic Development

1. **RIBBON CUTTING-** BurgerIM- 254 Emily Drive- Tuesday, March 17th at 11:00am.

Events

1. **RGPAAC-**
 - a. All-County Band Concert- Tuesday, March 10th at 7:00 pm. -\$5.00 tickets are available at door.
 - b. Reminder- Ronnie Milsap- Saturday, March 14, 2020 @ 7:00 pm.
 - c. Reminder- Landau Eugene Murphy Jr. – April 11, 2020 @ 8:00 pm.
2. Adamston Lions Club will be having a broom and mop sale this Saturday (March 7th) starting at 9:00 am at Christ Church United Methodist parking lot.
3. A St. Patrick's Day pool party will take place at the YMCA from 6-8 pm on March 13th.

4. "Clarksburg's Got Talent" will take place at the Uptown Event Center/PWA on Saturday, March 14th from 11:30 am to 2:30 pm.
5. The monthly group "Hooks & Books" will meet at the Clarksburg-Harrison Public Library on March 16th from 4:30 pm -5:30 pm.

FOIA

1. A FOIA request was received from Quinton Andrews requesting any and all documents that reflect the names of the police officers that responded to an assistance call at the Mountaineer Mart in February, as well as information regarding said incident in which he was involved.
2. Four (4) FOIA requests have been received from Martin Shaffer requesting documents between the Code Department and Finance Department regarding my directive to suspend the issuance of permits, Certificate(s) of Use and Occupancy to individuals/entities owing the City more than \$1,000 for unpaid fees, taxes, etc.; a request for all complaints received regarding 1709 N. 16th Street: a request for communications from or to Mr. Shaffer in the past 18 months; a request for all complaints filed by Code Enforcement against any and all persons over the last 24 months with the Department of Labor.
3. A FOIA request has been received from Christine Condone, a reporter with the Howard Center for Investigative Journalism at the University of Maryland, requesting information regarding "drug and gang house ordinances".

All FOIA requests will be handled in accordance with the provisions of State law.

1. A huge "Thank You" to those City representatives (Mayor Kennedy, Councilman Keith, Police Chief Kiddy and Deputy Chief Hartley for their participation in the United Way's Telethon Campaign on February 26th.
2. On a side note: Regarding the increase in fees. Interim City Manager Wright informed that the fees the city are looking at, most likely, will not apply to the, everyday, average law abiding citizen as those fees the city is looking to increase are for someone who gets a speeding ticket, not for any non-moving violation and for anyone who would need a copy of a traffic report, things of that nature. She then explained that said fees haven't been increased in years so upon consideration, it was decided to get current with what should have already been raised with inflation several years ago, adding she hopes this helps to clear up any confusion.

UNFINISHED BUSINESS:

A. CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING 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 4 (RESIDENTIAL)-3 TO R-4 STATUS; AND PROVIDING FOR FINDINGS OF FACT IN CONNECTION WITH SAID REZONING

Notices of the public hearing concerning the above captioned Agenda item appeared in the Clarksburg Exponent/Telegram on February 26th, 2020 and March 4th, 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.**

NEW BUSINESS:

- A. CONSIDERATION OF FIRST READING OF AN ORDINANCE AMENDING ARTICLE 193.04 OF THE CODIFIED ORDINANCES OF THE CITY OF CLARKSBURG, TO INCREASE THE FEES ADDED TO COURT COSTS OF CRIMINAL PROCEEDINGS AND TO BE DEPOSITED INTO THE POLICE FINE ESCROW ACCOUNT**

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

- B. CONSIDERATION OF FIRST READING OF AN ORDINANCE AMENDING ARTICLE 361.09 OF THE CODIFIED ORDINANCES OF THE CITY OF CLARKSBURG TO INCREASE THE ANNUAL FEE FOR LOADING ZONE PERMITS**

MOTION by Councilmember Ferrari to amend the above-captioned ordinance on first reading to change the fee included with a loading zone permit from \$40 to \$60. **SECONDED** by Councilmember Goff. **MOTION APPROVED UNANIMOUSLY.** **MOTION** by Councilman Malfregeot, **SECONDED** by Councilmember Junkins for approval of the above-captioned ordinance on first reading as amended. **MOTION APPROVED UNANIMOUSLY.**

- C. CONSIDERATION OF FIRST READING OF AN ORDINANCE AMENDING ARTICLE 770 OF THE CODIFIED ORDINANCES OF THE CITY OF CLARKSBURG, TO INCREASE MISCELLANEOUS SERVICE FEES AND COSTS**

MOTION by Councilmember Keith to amend the above-captioned ordinance by striking the language referencing rolls of film and change section A to 24 photos for \$30 and section B to each additional 24 photos, an additional \$25, **SECONDED** by Councilmember Ferrari. **MOTION APPROVED UNANIMOUSLY.** **MOTION** by Councilman Malfregeot, **SECONDED** by Councilmember Ferrari for approval of the above-captioned ordinance on first reading as amended. **MOTION APPROVED UNANIMOUSLY.**

- D. CONSIDERATION OF FIRST READING OF AN ORDINANCE CREATING AND AMENDING ARTICLE 925.14 UTILITY CONSTRUCTION EXCAVATION PERMITS TO THE CODIFIED ORDINANCES OF THE CITY OF CLARKSBURG**

MOTION by Councilmember Goff, **SECONDED** by Councilmember Ferrari to approve the above-captioned ordinance on first reading. **MOTION APPROVED UNANIMOUSLY.**

- E. CONSIDERATION OF FIRST READING OF AN ORDINANCE AMENDING ARTICLE 1712.06 (g) OF THE CODIFIED ORDINANCES OF THE CITY OF CLARKSBURG, TO INCREASE USE AND OCCUPANCY FEES FOR MULTI-FAMILY UNITS, COMMERCIAL PROPERTY AND NEW CONSTRUCTION**

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

CONSIDERATION OF APPROVAL TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE THE ORDERING OF A SUTPHEN FIRE LADDER TRUCK WITH PAYMENT TO BE MADE IN FY 2021-2022

MOTION by Councilmember Ferrari, **SECONDED** by Councilmember Goff for approval to authorize the ordering of a Sutphen Fire Ladder Truck under GSA contract # CS30F0012Y with payment to be made in FY 2021-2022 with not need to waive competitive bidding. **MOTION APPROVED UNANIMOUSLY.**

COUNCIL COMMENTS:

Councilmember Malfregeot: At this time, Councilmember Malfregeot read an email he had sent to Interim City Manager Wright and Mayor Kennedy to be submitted as part of the permanent record and for council. He read: I would like to see this agenda item to address the sales and use tax increase in purposed budget. Per Home Rule ordinance, it states, upon approval of council, the agenda item should read similar to this; consideration of council to transfer an additional \$1.2 million from the sales and use tax fund into the general fund to be appropriated into the 2020-2021 budget. We all should be on record for this additional funding per the ordinance. Signed, Councilman Jim Malfregeot. He then thanked everyone for attending.

Councilmember Ferrari: At this time he recalled at the last council meeting, it was requested for council to consider recognizing Mr. Bob Wilson. He was the first NBA player in Clarksburg history and probably one of the greatest athletes in Clarksburg history. It was requested council honor him in some way, possibly with a sign hanging from the parking building, the same way they have done for several other people. He then requested Interim City Manager Wright to get some quotes as such and maybe some designs to be considered at a future council meeting to be done sometime this current year and to include and honor his family with Mayor Kennedy agreeing. He then, for the record, commended the Mayor and Council for the process at which they hired the new city manager. He added, it was handled very professional even though the news paper had some issues with it. He felt council kept the cost down as much as possible, unlike other cities that hired consulting firms at great costs. He informed the process was done properly, professionally and he informed that council had decided on the best qualified person for the job and that council should be very proud.

Mayor Kennedy, inquiring at this time for clarification, that at tonight's said meeting, it was proper for council to have a public hearing on the budget and that two weeks from this meeting, is when they would vote on said budget with Councilmember Ferrari informing yes.

Councilmember Goff: Thanked everyone in attendance, including our city workers and how good it was to see everyone present. He then stated, as far as the rate increases, Interim City Manager Wright said it best when she said, these are not going to affect the average citizen

At this time, Mayor Kennedy addressed a citizen wanting to make a public comment explaining to him the proper time to make any such comments.

Councilmember Keith: Expressed thanks to everyone in attendance adding his feeling that he thinks it's kind of bad sometimes when citizens attend a meeting not being aware of the process requesting a sign be put up also informing the concerned citizen that he would be happy to talk to him after said meeting. He also added his comments about the rate increases.

Councilmember Junkins: Expressed thanks to everyone in attendance stating she would wait till the next meeting to add any comments.

Vice-Mayor Marino: He mentioned Councilmember Ferrari speaking regarding the hiring process of the city manager expanding a little as such reminding everyone that they are doing everything possible to be transparent through all processes as such. He then explained the issue with the public involvement reminding that most all

applicants are employed elsewhere and request their interview be private as to avoid any conflicts with their previous employer. Council has already experienced problems with keeping it private during executive session with only seven people due to someone informing others of their intentions trying to sabotage the process. He then invited everyone to attend the reception on April 13th at the RGPAC when the new city manager will be sworn in adding that he looks forward to working with him and expressed excitement in hearing his thoughts and plans for the future of our city. He also looks forward to the citizens expressing their thoughts and opinions to the new manager at future meetings. He also discussed the rate increase. Lastly, he closed with enjoying having a packed house.

Mayor Kennedy;

Expressed excitement to see another room full of people expressing themselves. He also stated he looked forward to talking with said citizen that missed speaking during public comments. He also informed how excited he is in looking forward to working with the new city manager while publically thanking Ms. Wright for stepping in and doing such a good job during her time as interim city manager. She has made a lot of improvements during this time and he is glad to see her stick around to move back into her position as city clerk.

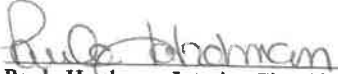
There being no further business to come before Council, **MOTION** made, **SECONDED** and **APPROVED** to adjourn.



Ryan Kennedy, Mayor

4-2-2020

Approved



Paula Hardman, Interim City Clerk