

MARCH 19, 2020

The Clarksburg City Council met for a **REGULAR** meeting on **Thursday, March 19, 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, (*via phone*)
Jimmy Marino, Vice Mayor, (*via phone*)
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 Junkins.

MOTION made by Councilmember Ferrari, **SECONDED** by Councilmember Goff for approval of the minutes of the Regular Session held on February 20, 2020. **MOTION APPROVED UNANIMOUSLY.**

MOTION made by Councilmember Goff, **SECONDED** by Councilmember Ferrari for approval of the minutes of the Special Session held on February 27, 2020. **MOTION APPROVED UNANIMOUSLY.**

MOTION made by Councilmember Ferrari, **SECONDED** by Councilmember Goff for approval of the minutes of the Conference (Work) Session held on February 27, 2020. **MOTION APPROVED UNANIMOUSLY.**

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

Brad Morris, of 503 Stanley Avenue—appeared before Council voicing concerns with the basic structure of the council meetings and time allotted for citizens to address council. He also voiced concerns with the increase in fees that was put forth council on said agenda expressing much frustration but with great understanding. Afterwards, some councilmember's informed they would gladly speak to him after the meeting regarding his concerns.

AGENDA ITEM NO. 4: City Manager's Report/Update, March 5, 2020.

At this time, Interim City Manager Wright announced with regret that due to the COVID-19 "Social Distancing" orders by Governor Justice, she would email the City Manager's report to council as not to hold up anyone no more than necessary thanking everyone for their understanding.

5. CITY CLERK'S INFORMATION:

A. ZONING FORM IN CONNECTION WITH A "NOTICE OF APPLICATION TO OPERATE: A PRIVATE CLUB, PRIVATE WINE RESTAURANT OR TAVERN" FILED BY THE 607 CLUB, 607 MONTICELLO AVENUE- RETURNED TO APPLICANT ON MARCH 12, 2020.

B. ZONING FORM IN CONNECTION WITH A LICENSE TO OPERATE A WVABCA LICENSED CLASS B ESTABLISHMENT FILED BY NORTH POLE SERVICE OF CLARKSBURG, INC., 607 S. MONTICELLO AVENUE- RETURNED TO APPLICANT ON MARCH 12, 2020.

6. UNFINISHED BUSINESS:

A. CONSIDERATION OF APPROVAL OF THE BUDGET FOR THE FISCAL YEAR 2020-2021 IN THE AMOUNT OF \$17,978,505 FOR THE GENERAL FUND, \$90,400 FOR THE COAL SEVERANCE FUND, \$1,502,782 FOR THE CAPITAL IMPROVEMENT LEVEY FUND, \$392,700 FOR THE POLICE FINE ESCROW FUND, \$957,000 FOR THE RAINY DAY FUND, \$7,472,000 FOR THE SALES & USE TAQX FUND AND \$1, 306,500 FOR THE ROBINSON GRAND PERFORMING ARTS CENTER FUND

MOTION by Councilmember Ferrari, **SECONDED** by Councilmember Goff for approval of the above-referenced budget for fiscal year 2020-2021. Under discussion, Councilmember Malfregeot informed that he would be voting no on said budget because he doesn't believe in the increase of the sales tax fund of 1.2 million to be transferred to the general fund nor do I agree with utilizing the \$600,000 one time monies to balance the budget. This should be put back into the rainy day fund. Also, I know that we do a budget revision in July and if this pandemic continues then we need to do an in-debt budget revision with all of council and not just the budget committee. Mayor Kennedy agreed with Councilman Malfregeot's last point informing the budget being approved at tonight's meeting has to be approved by a certain date as required by law so that's why he will be voting yes on the budget as to be in compliance with the state by that date. However, since the COVID-19 pandemic is still has not peaked, we realize our projections are really off and the numbers are going to be a lot worse than what is projected here tonight. We could not have anticipated anything like this so as far as I'm concerned, everything, including all the raises and the COLA are on the table until we do the next budget revision which, as you pointed out, is going to be considered by all of council at a work session. We have no idea how bad this will be until the money actually starts rolling in so we have some tough decisions ahead of us but for now, we have to get this process moving. Councilmember Goff agreed stating it's going to be tough for everyone. Councilwoman Junkins informed that she would also be voting no because once they vote yes on any kind of raises and put that in motion, it's hard to dial back so she too will be voting no on the budget understanding that this is difficult for everyone. Mayor Kennedy reminded everyone in attendance that just because they vote yes on said budget tonight, that doesn't mean it will happen. Councilmember Ferrari reminded council at this time that this has to be done by law. A detailed discussion took place at this time addressing all concerns. **MOTION CARRIED 4-3** with Councilmember Junkins, Councilmember Malfregeot and Vice Mayor Marino casting the dissenting votes.

B. CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING 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 THE FEES ADDED TO COURT COSTS OF CRIMINAL PROCEEDINGS AND TO BE DEPOSITED INTO THE POLICE FINE ESCROW ACCOUNT

Notices of the public hearing concerning the above captioned Agenda item appeared in the Clarksburg Exponent/Telegram on March 10, 2020 and March 17, 2020. 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 CARRIED 5-2** with Councilmember Junkins and Vice Mayor Marino casting the dissenting votes.

C. CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING 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

Notices of the public hearing concerning the above captioned Agenda item appeared in the Clarksburg Exponent/Telegram on March 10, 2020 and March 17, 2020. Mayor Kennedy declared the public hearing open with no one appearing therefore. Upon closing the public hearing, **MOTION** by Councilmember Keith, **SECONDED** by Councilmember Goff for approval of the above-captioned ordinance on second and final reading. **MOTION APPROVED UNANIMOUSLY.**

D. CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING OF AN ORDINANCE AMENDING ARTICLE 770 OF THE CODIFIED ORDINANCES OF THE CITY OF CLARKSBURG, TO INCREASE MISCELLANEOUS SERVICE FEES AND COSTS

Notices of the public hearing concerning the above captioned Agenda item appeared in the Clarksburg Exponent/Telegram on March 10, 2020 and March 17, 2020. 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 CARRIED 5-2** with Councilmember Junkins and Vice Mayor Marino casting the dissenting votes.

E. CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING OF AN ORDINANCE CREATING AND AMENDING ARTICLE 925.14 UTILITY CONSTRUCTION EXCAVATION PERMITS TO THE CODIFIED ORDINANCES OF THE CITY OF CLARKSBURG

Notices of the public hearing concerning the above captioned Agenda item appeared in the Clarksburg Exponent/Telegram on March 10, 2020 and March 17, 2020. 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.**

F. CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING OF AN ORDINANCE AMENDING ARTICLE 1712.06(g) OF THE CODIFIED ORDINANCE OF THE CITY OF CLARKSBURG, TO INCREASE USE AND OCCUPANCY FEES FOR MULTI-FAMILY UNITS, COMMERCIAL PROPERTY AND NEW CONSTRUCTION

Notices of the public hearing concerning the above captioned Agenda item appeared in the Clarksburg Exponent/Telegram on March 10, 2020 and March 17, 2020. Mayor Kennedy declared the public hearing open with Brad Morris of 503 Stanley Avenue appearing before council voicing concerns as such with council addressing any area of concern with great understanding. Upon closing the public hearing, **MOTION** by Councilmember Goff, **SECONDED** by Councilmember Ferrari for approval of the above-captioned ordinance on second and final reading. **MOTION CARRIED 5-2** with Councilmember Junkins and Vice Mayor Marino casting the dissenting votes.

7. NEW BUSINESS:

A. CONSIDERATION OF FIRST READING OF AN ORDINANCE TO AMEND ARTICLE 745.45 (h) (2) OF THE CODIFIED ORDINANCES OF THE CITY OF CLARKSBURG

MOTION by Councilmember Ferrari, **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 TO APPROVE CURRENT REPLACEMENT PAGES OF THE CODIFIED ORDINANCES

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

C. CONSIDERATION OF A RESOLUTION AUTHORIZING AN APPLICATION FOR A MATCHING FUND GRANT FOR LITTER CONTROL IN THE AMOUNT OF \$5,000

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

D. CONSIDERATION OF A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE HARRISON COUNTY COMMISSION AND THE CITY OF CLARKSBURG REGARDING THE EXCHANGE OF PROPERTY OF INTEREST OWNED BY THE CITY KNOWN AS THE "OLD SCHROATH LOT" AND THE PROPERTY OF INTEREST OWNED BY THE COMMISSION LOCATED IN GLEN ELK NEAR THE CITY'S CURRENT LANDFILL SITE

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

E. CONSIDERATION OF A PETITION FILED BY HOLY CROSS CEMETERY LOCATED AT 279 MARSHALL STREET REQUESTING THE REZONING OF SAID PROPERTY FROM ITS CURRENTLY ZONED RESIDENTIAL-2 (R2) STATUS TO A RESIDENTIAL -3 (R3) STATUS

MOTION by Councilmember Ferrari, **SECONDED** by Councilmember Goff to refer said petition to Planning and Zoning Commission (P&Z). **MOTION APPROVED UNANIMOUSLY.**


F. CONSIDERATION OF CONFIRMATION OF THE CITY MANAGER'S APPOINTMENT TO THE PLANNING & ZONING COMMISSION.


MOTION by Councilmember Keith, **SECONDED** by Councilmember Ferrari to approve the appointment of Pamela J. Gerlach to the Planning and Zoning Commission (P&Z). **MOTION APPROVED UNANIMOUSLY.**

8. COUNCIL COMMENTS:


Council agreed to forgo council comments at this time.

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



Ryan Kennedy, Mayor


Approved



Paula Hardman, Interim City Clerk