

MAY 7, 2020

The Clarksburg City Council met in REGULAR SESSION on Thursday, May 7, 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
 Vice Mayor Jimmy Marino
 Mayor Ryan Kennedy

ALSO PRESENT:

Harry Faulk, City Manager
 Annette Wright, City Clerk

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

MOTION by Councilmember Malfregeot, **SECONDED** by Councilmember Ferrari for approval of the minutes of the Conference (work) session of Council held on March 12, 2020. **MOTION APPROVED UNANIMOUSLY.**

MOTION by Councilmember Malfregeot, **SECONDED** by Councilmember Ferrari for approval of the minutes of the Regular session of Council held on March 19, 2020. **MOTION APPROVED UNANIMOUSLY.**

MOTION by Councilmember Ferrari, **SECONDED** by Councilmember Junkins for approval of the minutes of the Regular session of Council held on April 2, 2020. **MOTION APPROVED UNANIMOUSLY.**

MOTION by Councilmember Malfregeot, **SECONDED** by Councilmember Junkins for approval of the minutes of the Special session of Council held on April 7, 2020. **MOTION APPROVED UNANIMOUSLY.**

MOTION by Councilmember Junkins, **SECONDED** by Councilmember Ferrari for approval of the minutes of the Special session of Council held on April 17, 2020. **MOTION APPROVED UNANIMOUSLY.**

MOTION by Councilmember Malfregeot, **SECONDED** by Councilmember Ferrari for approval of the minutes of the Special session of Council held on April 21, 2020. **MOTION APPROVED UNANIMOUSLY.**

MOTION by Councilmember Ferrari, **SECONDED** by Councilmember Junkins for approval of the minutes of the Special session of Council held on April 22, 2020. **MOTION APPROVED UNANIMOUSLY.**

MOTION by Councilmember Malfregeot, **SECONDED** by Councilmember Junkins for approval of the minutes of the Special session of Council held on April 27, 2020. **MOTION APPROVED UNANIMOUSLY.**

Mayor Kennedy called for petitions, communications and public hearings with Jeffrey Thompson submitting the attached communication via email which was read aloud by the City Clerk.

AGENDA ITEM NO. 5: CITY MANAGER'S REPORT/UPDATE

Manager's Report

May 7, 2020

Submitted by Harry Faulk

I would like to take this time to thank everyone, from Council, the City employees and the community for the warm welcome to this great city. I am humbled and honored to join the great team we have here. My first four days have been very busy. The honeymoon period was over by the first hour. I had the pleasure to tour the city with Chief Kiddy and Chief Scott. I have been working with Kim from our Finance Department reviewing and analyzing our current financial

situation. Our City Clerk, Annette, has been bringing me up to speed with our current affairs. Next week I plan on meeting with our Public Works Department, Code Enforcement Department, Waste Water Treatment facility and the Robinson Grand Performing Arts Center.

Today is Police Chief Mark Kiddy's birthday – Happy Birthday Chief! Chief Kiddy was able to secure \$37,272 in grant money for personal protection equipment. Also, May 1st marked Lt. Jason Webber's 20th years with our city – Congratulations Lt. Webber. Thank you for your service.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

A. CONSIDERATION OF FIRST READING OF AN ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF CERTAIN EXTENSIONS, ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE EXISTING PUBLIC SEWERAGE SYSTEM OF THE CITY OF CLARKSBURG AND THE FINANCING OF THE COST THEREOF, NOT OTHERWISE PROVIDED, THROUGH THE ISSUANCE BY THE CITY OF CLARKSBURG OF NOT MORE THAN \$7,900,000 IN ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF SEWER REVENUE BONDS, SERIES 2020 A (WEST VIRGINIA SRF PROGRAM); PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING EXECUTION AND DELIVERY OF ALL DOCUMENTS RELATING TO THE ISSUANCE OF SUCH BONDS; APPROVING A LOAN AGREEMENT RELATING TO SUCH BONDS; AUTHORIZING THE SALE AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH BONDS AND ADOPTING OTHER PROVISIONS RELATING THERETO

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

B. CONSIDERATION OF AWARD OF BID FOR MILLING AND RESURFACING CITY STREETS AND ALLEYS

MOTION by Councilmember Ferrari, **SECONDED** by Councilmember Goff to award the bid for milling and resurfacing of city streets and alleys to Bear Contracting in the amount of \$498,878.68. **MOTION APPROVED UNANIMOUSLY.**

C. CONSIDERATION OF A REQUEST FOR THE REZONING OF 402 STEALEY AVENUE FROM A RESIDENTIAL-1 (R-1) STATUS TO A BUSINESS-2 (B-2) STATUS

MOTION by Councilmember Ferrari, **SECONDED** by Councilmember Malfregeot to refer the above-captioned petition to the Planning & Zoning Commission for review, public hearing and recommendation. **MOTION APPROVED UNANIMOUSLY.**

At this time, Council deviated from the agenda for Council comments.

COUNCIL COMMENTS:

Councilmember Malfregeot: Welcomed new City Manager Harry Faulk stating that he has hit the ground running.

Councilmember Ferrari: Thanked the City Clerk for her hard work over the past ten months; advised of high grass in need of attention near Rich Oil and also at property located on North and Milford.

Councilmember Goff: Welcomed Mr. Faulk remarking that he looked for great things to move the city forward; congratulated the Police Department on the successful grant; and thanked the City Clerk for her work over the last ten months.

Councilmember Keith: Concurred with Councilmembers' remarks.

Councilmember Junkins: Also concurred with previous comments; remarked that she hoped that Council would work hand-in-hand with the City Manager to do what is best for the citizens.

Vice Mayor Marino: Also welcomed Mr. Faulk stating that there were a lot of things to accomplish and that Mr. Faulk would be the man to lead us through this pandemic; thanked the City Clerk for her work; remarked that Council was going to try to continue providing the services that that the citizens have become accustomed to receiving and that Council would tighten their belt to cut waste to run the City more efficiently and that there was much work ahead of Council.

Mayor Kennedy: Welcomed Mr. Faulk and stated that he looked forward to working with him; thanked the City Clerk for her services as interim city manager. Noted the challenges of today and remarked that he was confident the city would overcome the same.


D. DISCUSSION OF PERSONNEL MATTERS AND BUDGETARY MATTERS

MOTION by Councilmember Junkins, **SECONDED** by Vice Mayor Marino 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 interest of the city and to discuss personnel matters and that the following persons be present: Mayor, Members of City Council and the City Manager. **MOTION APPROVED UNANIMOUSLY.**

Concluding Executive Session, **MOTION** by Councilmember Ferrari, **SECONDED** by Councilmember Malfregeot to reconvene into regular session. **MOTION APPROVED UNANIMOUSLY.**

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


Annette Wright, City Clerk


Ryan Kennedy, Mayor

Approved: May 21, 2020

City Council:

I am writing you this letter today because I am unable to join you due to an overzealous health dept. I and a lot of other citizens of the city of Clarksburg are concerned about the Harrison-Clarksburg Health Dept. Since the beginning of the Covid-19 pandemic started over seven weeks ago, the health dept has issued edicts and threats to diminish our rights under the state and US Constitutions. I am here to address my concerns to you so that you will take more of a leadership role within its governing body.

Since the start, the health dept has followed state guidelines. We were asked to remain in our homes and work from them, if possible, to “flatten the curve” so that hospitals would not be overrun and exceed healthcare resources. The people of the city of Clarksburg, Harrison County, state of West Virginia, and the country dutifully complied with the request because it was the right thing to do at the time. Over the last eight weeks, we have witnessed the majority of the country not have the cases predicted by medical professionals and the abuse of power by elected officials and health depts. As the President of the United States has asked the Governors to reopen and getting our economy moving again, there has been resistance by state and local governments throughout the country.

Governor Justice issued guidelines to open our businesses back up and commence the long journey back to a working economy. We have to be smart and diligent about how this task is accomplished. There are a lot of issues that we know of and hidden dangers that will be addressed as this process unfolds and presents itself. This reopening provided a much-needed spark to the people of Harrison County so they could get back to work and provide for their families.

However, on May 1, 2020, the Harrison-Clarksburg Health Dept asked the state to keep Harrison County listed as a “hot spot”. This means that we have to maintain the stricter guidelines that most of the counties in the state do not have to follow. What information did the health dept use to make this decision? Harrison County has a population of just over 67,000 and we had a total of 31 cases that translates to .04% of the population with one fatality. What was the reasoning to keep Harrison County as a “hot spot”? Did they use the two individuals that tested positive within the last week to continue to deny our civil

liberties? Some are thinking that the money from the federal government is the root of the problem. There will always be cases popping up just like the flu. We cannot allow fear to dictate our way of life. The board did not consult an epidemiologist or has the expertise to be making these decisions. In the press release, the health dept stated they expect us and businesses to bend to their edicts. These edicts are not laws and/or ordinances but guidelines/suggestions although the members of the board act as a dictator. They threatened us with arrest and fines by calling the state police (in some earlier releases included the National Guard) and dictating to the state police as though the officers answered to them and their whims. Why did the health board go straight to the state bypassing the County Commission and Clarksburg City Council? Where does their authority come from? These individuals are not elected and do not represent the people of the cities of Harrison county.

The health dept is way beyond its powers and authority. Bottom line here council members is that you have allowed this board to violate our civil liberties and not be accountable for their actions thereby through association the city and county are also denying us our civil liberties. By not working with the County Commission to clearly outline what their authority is and the process of using it said authority, you have opened yourselves up to a run amuck health dept that is arrogant and believes that it knows how to take better care of the masses than the individual citizen does. There are no checks and balances in place to control their conduct. I am asking that you step in and put an end to the overreach of this out of control board and allow Harrison County to get on the highway of recovery. **The citizens' civil liberties do not stop where the health board's fear begins.**

Thank you for listening,

Jeffrey M Thompson

[

]

]