

**JUNE 7, 2018**

The Clarksburg City Council met in REGULAR SESSION on Thursday, June 7, 2018 at 6:00 P.M. at the Clarksburg Municipal Building – Council Chambers, 222 West Main Street, Clarksburg, West Virginia, with Mayor Goings presiding.

**COUNCIL MEMBERS PRESENT:**

Gary Bowden  
Frank Ferrari  
Marshall Goff  
Ryan Kennedy  
Chad Sigmon  
Vice Mayor Jim Malfregeot  
Mayor Catherine Goings

**ALSO PRESENT:**

Martin Howe, City Manager  
James Cann, City Attorney  
Annette Wright, City Clerk

Following roll call, the prayer and pledge were led by Councilmember Bowden.

**MOTION** by Vice Mayor Malfregeot, **SECONDED** by Councilmember Sigmon for approval of the minutes of the Regular session of Council held on May 17, 2018. **MOTION APPROVED UNANIMOUSLY.**

Mayor Goings called for petitions, communications and public hearings with the following individual appearing therefor:

**Toni Curry**, 313 S. 22<sup>nd</sup> Street – appeared before Council to discuss concerns regarding the Oxford House of Bonnie. Ms. Curry advised that she lived beside this house and activities such as drug usage, prostitution and police being called to the residence are some of her concerns. Ms. Curry added that the permitted number living at said house is always overextended and remarked that she did not know if anyone was checking in on the house to ensure compliance. Mr. Howe confirmed that he spoke with Councilmember Sigmon regarding this matter and that he has made the Deputy Chief aware, and will also alert Code Enforcement as to the same. Mr. Howe advised that he would contact representatives of the Oxford House and would be in touch with Ms. Curry.

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

**Manager’s Report  
June 7, 2018  
Submitted by Martin G. Howe**

**General Updates**

1. Sidewalk Program – As of Thursday, June 7<sup>th</sup>, twenty-three (23) applications have been distributed and nine (9) applications have been returned totaling \$16,765.00 towards the \$30,000 budgeted.
2. Road Slippage –
  - a) The Administration has negotiated contracts with engineering/ consulting firms for ten (10) slips throughout the City. The Administration recommends Council authorize the execution of the following Professional Services contracts:
    - i. Terradon Corp. – Design Services for S. Chestnut Street near Kramer Drive and monitoring services for Clay Street near Maud Street in the amount of \$51,550.
    - ii. Thrasher Group – Design Services for Quarry Development near Overlook Drive and monitoring services for WV Avenue near N. 19<sup>th</sup> Street in the amount of \$48,200.
    - iii. CEC Engineering – Design Services for two (2) Winding Way locations in the amount of \$64,695.
    - iv. Ascent Consulting – Design Services for Leon Street in the amount of \$29,668.
  - b) The locations to be monitored will be conducted by survey and GPS as well as LiDar-using sensors, cameras and position navigation to collect quality data quickly and accurately utilizing drones.
  - c) The Sanitary Board will also be considering entering into an agreement with Hornor Brothers for Design Services for two (2) slips; Ascension/Brannon Avenue and Magnolia Avenue below Milford Street.
  - d) FEMA – Administration had a meeting with FEMA to discuss eligibility of funding for some of the slips experienced in February 2018. A follow-up meeting has been scheduled in late June.

3. 2018 Paving Program – The City is in its 2<sup>nd</sup> year of the 17 year paving program. This year we have also included paving of new lot adjacent to the Amphitheatre at VA Park and the existing lot beside Frank Loria at Clarksburg City Park.
  - a) Advertising – Thursday, June 7<sup>th</sup> and Thursday, June 14<sup>th</sup>.
  - b) Pre-Bid Meeting – Non-mandatory will be Thursday, June 21<sup>st</sup> at 10:00 a.m. in City Manager’s Conference Room.
  - c) Bid Opening – Thursday, June 28<sup>th</sup> at 2:00 p.m. in City Manager’s Conference Room.
  - d) Bid Award – Council to consider awarding Bid Thursday, July 5<sup>th</sup>.
4. Camden Street Bridge – The WVDOH bid opening for renovations to the Camden Street Bridge was held on Wednesday, May 23<sup>rd</sup> in Charleston. The DOH received two (2) bids. The apparent low bidder was Rock Forge Bridge Company in the amount of \$2,234,900. The Administration will be communicating with the WVDOH.
5. Demolition – Both 1401 Adams Avenue and 415 Washington Avenue demolitions have been completed.
6. Sign Dedication – Monday, June 11<sup>th</sup> at 12:00 noon there will be a Sign Dedication at Jackson Square to honor Clarksburg native Mike Patrick for his 35 years of broadcasting at ESPN.

<b>Economic Development</b>
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1. Robinson Grand Performing Arts Center –
  - a) Sales Manager – An interview committee consisting of Assistant City Manager Anthony Bellotte, RGPAC Executive Director Ryan Tolley and the City Manager have completed the process of interviewing candidates. Fifteen (15) applications were received for the position of which five (5) applicants were interviewed.
  - b) Construction Update –
    - i. Drywall Installation is complete in the main theater building/concessions area.
    - ii. Painting of upper Balcony Box Seats is complete.
    - iii. Painting in the Main Theater Building is approximately 85% complete.
    - iv. Stage Rigging Line Set Installation is approximately 98%.
    - v. Installation of Marquee Structure is approximately 75% complete.
    - vi. Marquee Installation is tentatively scheduled to complete the week of June 18<sup>th</sup>.
2. Ribbon Cutting – Star’s Brides Boutique, Friday, June 15<sup>th</sup> at 11:00 a.m., located at 129 4<sup>th</sup> Street.
3. Summer Jazz Stroll – Friday, June 15<sup>th</sup>, 5:00 p.m.–11:00 p.m. There are five (5) venues participating (Washington Square, The Fifth Floor, My Little Cupcake, Kelly’s Irish Pub and Parker’s 4<sup>th</sup> Street) and consisting of eight (8) different artists/ensembles playing 90 minute sets.

<b>Police</b>
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1. Police –
  - a) C.A.T. Shift – Community Action Team – This partnership with the Harrison County Sheriff’s Department is focused on chronic problem areas. Since beginning on Tuesday, June 5<sup>th</sup>, seven (7) citations have been issued in its first two (2) days to date – five (5) for possession of controlled substance, one (1) for driving suspended and one (1) prohibited person in possession of a firearm.
  - b) Academy – The Police Department currently has two (2) probationary officers in the State Police Academy at this time and are expecting them to graduate Friday, July 20<sup>th</sup>. Three (3) additional probationary officers will be enrolled in the Academy as of Monday, June 11<sup>th</sup> ending Friday, September 28<sup>th</sup>. This will bring our number of police officers to 44.

<b>FOIA</b>
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1. FOIA request from Kyle Hewett of the ACLU dated Friday, May 11<sup>th</sup> (received on Thursday, May 17<sup>th</sup>) requesting a list of assets seized; list of all property forfeited; number or percentage of cases which were challenged or appealed; number or percentage of individuals who didn’t attend court hearings, documents relating to internal policies, guidance, guidelines or training regarding civil forfeiture; complaints related to seizure or forfeiture; documents relating to internal investigations regarding civil asset seizure or forfeiture; annual value of seized goods and/or cash related to forfeiture proceedings from fiscal year 2008 to fiscal year 2018; and list of purchases made using funds through forfeiture from January 1, 2015 to January 1, 2018. A response was provided on Tuesday, May 29<sup>th</sup> that the requested information was available at the Harrison County Prosecuting Attorney’s office.
2. FOIA request from Property Debt Research, Monday, May 21<sup>st</sup> requesting copies of open code enforcement, property maintenance, or nuisance violations, open or expired permits, assessments (grass mow, misc. invoices), fines, fees, balances, special assessments or municipal invoices. We responded to the request on Wednesday, May 23<sup>rd</sup> and the information was provided.
3. FOIA request from H. Jerome Sparks of Hendrickson & Long, PLLC, Tuesday, May 29<sup>th</sup> requesting records regarding Robert Lester Headley and/or Alice Kathryn Headley. We responded to the request on Thursday, May 31<sup>st</sup> and reported that after a thorough search there were no reports or records found.

**UNFINISHED BUSINESS:**

- A. CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING OF AN ORDINANCE OF THE CITY OF CLARKSBURG AMENDING ARTICLE 1315.01 OF PART 13 OF THE CODIFIED ORDINANCES OF THE CITY OF CLARKSBURG BY AMENDING THE ZONING MAP; REZONING ALL THOSE CERTAIN LOTS OR PARCELS OF LAND SITUATE ON N. 13<sup>TH</sup> STREET IN THE CITY OF CLARKSBURG, COAL DISTRICT, HARRISON COUNTY, WEST VIRGINIA, DESIGNATED AS PARCELS 31 AND 52, ON TAX MAP 14 FROM BUSINESS-2 (B-2) TO BUSINESS-3 (B-3)**

City Clerk Wright announced that notices regarding the public hearing appeared in *The Exponent Telegram* on May 22, 2018 and May 29, 2018. Mayor Goings declared the public hearing open with no one appearing therefor. Upon closing the public hearing, **MOTION** by Vice Mayor Malfregeot, **SECONDED** by Councilmember Sigmon for approval of the above-captioned ordinance on second and final reading. **MOTION CARRIED 6-0 with Councilmember Kennedy abstaining due to his firm's affiliation with this matter.**

**NEW BUSINESS:**

- A. CONSIDERATION OF FIRST READING OF AN ORDINANCE ESTABLISHING SALARIES OR COMPENSATION FOR MUNICIPAL OFFICERS AND EMPLOYEES FOR FISCAL YEAR 2018-2019 AND REPEALING ALL INCONSISTENT ORDINANCES**

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

- B. CONSIDERATION OF A RESOLUTION TO APPROVE REVISION TO THE CITY BUDGET FOR FISCAL YEAR 2017-2018**

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

- C. CONSIDERATION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLARKSBURG EXPRESSING SUPPORT FOR THE CONTINUED AND INCREASED EXPLORATION, PRODUCTION AND END-USE OF ENERGY IN THE STATE OF WEST VIRGINIA**

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

- D. CONSIDERATION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A PROFESSIONAL AGREEMENT CONTRACT WITH TERRADON CORPORATION FOR CONSULTING ENGINEERING DESIGN FOR SOUTH CHESTNUT STREET NEAR KRAMER DRIVE AND MONITORING SERVICES FOR THE AREA OF CLAY STREET AT MAUD STREET FUNDED BY GENERAL FUND AND SALES AND USE TAX**

**MOTION** by Councilmember Ferrari, **SECONDED** by Vice Mayor Malfregeot authorizing the City Manager to enter into said contract for the above-stated services with Terradon Corporation in the amount of \$51,550. **MOTION APPROVED UNANIMOUSLY.**

- E. CONSIDERATION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A PROFESSIONAL AGREEMENT CONTRACT WITH THE THRASHER GROUP FOR CONSULTING ENGINEERING DESIGN FOR QUARRY DEVELOPMENT NEAR OVERLOOK DRIVE AND MONITORING SERVICES FOR AREA OF WV**

**AVENUE AND N. 19<sup>TH</sup> STREET FUNDED BY GENERAL FUND AND SALES AND USE TAX**

**MOTION** by Vice Mayor Malfregeot, **SECONDED** by Councilmember Goff authorizing the City Manager to enter into said contract for the above-stated services with Thrasher Group in the amount of \$48,200. **MOTION APPROVED UNANIMOUSLY.**

**F. CONSIDERATION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A PROFESSIONAL AGREEMENT CONTRACT WITH CEC ENGINEERING FOR CONSULTING ENGINEERING DESIGN FOR TWO (2) WINDING WAY LOCATIONS AT THE TOP OF WINDING WAY BETWEEN UPPER SHINN STREET AND OVERHILL ROAD AND THE BOTTOM OF WINDING WAY NEAR LOWER SHINN STREET FUNDED BY GENERAL FUND AND SALES AND USE TAX**

**MOTION** by Councilmember Ferrari, **SECONDED** by Councilmember Sigmon authorizing the City Manager to enter into said contract for the above-stated services with CEC Engineering in the amount of \$64,695. **MOTION APPROVED UNANIMOUSLY.**

**G. CONSIDERATION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A PROFESSIONAL AGREEMENT CONTRACT WITH ASCENT CONSULTING & ENGINEERING FOR CONSULTING ENGINEERING DESIGN SERVICES FOR LEON STREET FUNDED BY GENERAL FUND AND SALES AND USE TAX**

**MOTION** by Councilmember Ferrari, **SECONDED** by Vice Mayor Malfregeot authorizing the City Manager to enter into said contract for the above-stated services with Ascent Consulting & Engineering in the amount of \$29,668. **MOTION APPROVED UNANIMOUSLY.**

**H. CONSIDERATION OF APPOINTMENT TO THE CLARKSBURG-HARRISON PUBLIC LIBRARY BOARD OF TRUSTEES**

**MOTION** by Vice Mayor Malfregeot, **SECONDED** by Councilmember Ferrari to appoint Victor Folio to the Clarksburg-Harrison Public Library Board of Trustees. **MOTION APPROVED UNANIMOUSLY.**

**COUNCIL COMMENTS:**

- Mayor Goings: Thanked the Administration, Clarksburg Police and Sheriff's Office for forming the CAT (Community Action Team); announced that she learned that Weirton City Manager Travis Blosser would be working with the WVML to replace Executive Director Lisa Dooley upon her retirement; informed that the monthly neighborhood drug awareness walks would pick back up in July and that schedules would be passed out on Tuesday, June 19<sup>th</sup> on the Courthouse Plaza.
- Vice Mayor Malfregeot: Noted the limited use of the tablets by Council and suggested that the same be turned back in with Mr. Howe remarking that if they were not being used he could reassign the tablets where needed.
- Councilmember Sigmon: Referenced the following events/activities: Park Board's Family Night, Jazz Stroll, tire recycling at RCB and the 10K. Lastly, Councilmember Sigmon wished all fathers a Happy Father's Day.
- Councilmember Bowden: Expressed his delight in the formation of the CAT to focus on community/neighborhood problems.

Councilmember Kennedy: Echoed Father's Day greetings; noted the positive comments from Winding Way residents as to the positive impact of the drug house ordinance; noted the Appalachian Cuisine event to be held at the PWA on WV Day.

Councilmember Goff: Presented the City Manager with a petition signed by several residents of the North View area expressing concerns with noise, such as motorcycles and firecrackers.

Councilmember Ferrari: Echoed the comments regarding the CAT; commended the City Manager on an excellent and thorough Manager's Report.

There being no further business to come before Council, a **MOTION** made by Vice Mayor Malfregeot for adjournment was **APPROVED UNANIMOUSLY**.

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Catherine A. Goings, Mayor

Approved: June 21, 2018

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Annette M. Wright, City Clerk