

JULY 16, 2020

The Clarksburg City Council met in REGULAR SESSION on Thursday, July 16, 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 (*via telephone*)
Gary Keith
Jim Malfregeot
Vice Mayor Jimmy Marino (*via telephone*)
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 Junkins.

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

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

Bryan Payne, 115 South 4th Street– appeared before Council to inform that a group of merchants wished to meet with Council after the meeting to discuss various concerns such as homelessness, parking, etc.

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

Manager’s Report

July 16, 2020

Submitted by Harry R. Faulk

Manager’s Office

1. *The City was awarded over \$900,000 in grant money through the Office of Abandoned Mine Lands and Reclamation (AML) for the Leon Street Landslide. We are currently working through the applications and design phase. This project should begin early next year.*
2. *I am continuing to draft the new Policy Handbook. There have continued to be issues that arise that are not covered in the handbook and those will be added. This should be completed by the end of the month and for Council’s consideration in August.*
3. *Demolition has started at the Chase Bank property. The developer will announce the project shortly.*
4. *The Clarksburg Sanitary Board met on July 14 and approved the first draw request of the SRF Loan (Long Term Control Plan – Phase IV).*
5. *The Planning & Zoning Commission met on July 8th and denied the petition filed by Cody Alfaro, which a public hearing was held to discuss his plans to erect a garage for a small detailing business.*

Police Department

1. *The five new officers will report to full duty on July 20th.*
2. *Patrolman Bender will be transferred from the Patrol Division to the Mountaineer Highway Interdiction Team to assist with combating narcotics in our area.*
3. *Patrolman Collins will be transferred from the Patrol Division to the Investigation Division.*

Fire Department

1. *One working structure fire overnight on July 13th. No injuries were reported.*
2. *Assisted Health Department with the COVID-19 testing at Robert C. Byrd Highschool on July 14th.*

Robinson Grand Performing Arts Center

1. *All 18-line set shafts have been replaced and covered under warranty.*
2. *Appropriate PPE and barriers have been secured and are currently being installed to adhere to the current set of orders for social distancing.*

3. *Continuing to hold private events and currently planning a virtual comedy performance for late this year. Also have fielded 20 inquiries for future events, and facilitated 2 site visits for future performances.*

City Parks

1. *Currently working on solutions to prevent the geese from entering the Freedom Shelter at the VA Park. The geese are leaving that shelter a mess. Crews continue to clean it every day and prior to rentals.*

Code Enforcement

1. *The Department issued 35 building permits for projects totaling \$130,077.00.*
2. *Fifty-three Notice of Violations were issued resulting in 6 citations. Eleven structures were condemned and three were added to the demo list.*
3. *Four residential and 22 commercial inspections were performed. Three vehicles were towed.*
4. *Animal Control responded to 42 calls for service.*
5. *There was a prebid meeting held for the Austin Ave Retaining Wall project.*

Finance Department

1. *There is now a link on our Website under our Finance Department for Open Gov. This will provide residents access to view our Finances to understand the operations of Clarksburg. It will be updated on the 15th of every month.*
2. *The Department has collected 208 past due fire fee accounts out of 889 letters that were mailed on May 22nd. As of today, \$54,933.07 of the \$245,050.97 has been collected (22%), this was an increase from June 18th of 46 more accounts and an additional \$9,852.42 collected.*
3. *To date, a total of 1,669 municipal business licenses have been issued for this new year. This is an increase of 153 from two weeks ago.*

Public Works

1. *Installed 364 feet of new sanitary and 204 feet new storm water pipe.*
2. *Responded to 38 sewer calls and 45 Notice of Violations calls.*
3. *Halfway thru the 2019-2020 paving project and placed stone in two alleyways.*
4. *The storm on July 7, crews removed 12 trees from the roadway and City properties.*

Wastewater Treatment Plant

1. *For the month of June, 337 million gallons of wastewater was treated with no violations reported.*
2. *Inspections and maintenance repairs are currently being done on all outside tanks.*
3. *The DEP performed their inspection of the pretreatment program on July 14th and we are currently awaiting the report.*

“Proud Past... Unlimited Future”

AGENDA ITEM NO. 6: CITY CLERK’S INFORMATION

- A. **ZONING FORM IN CONNECTION WITH A LICENSE TO OPERATE A WV ABCA LICENSED PRIVATE CLUB, PRIVATE WINE RESTAURANT OR TAVERN FILED BY RAY RAY’S, 210 MONTICELLO AVENUE – RETURNED TO APPLICANT ON JULY 2, 2020**

UNFINISHED BUSINESS:

- A. **CONSIDERATION OF PLANNING & ZONING’S RECOMMENDATION REGARDING A PETITION FILED BY CODY ALFARO, 402 STEALEY AVENUE, REQUESTING THE REZONING OF SAID PROPERTY FROM ITS CURRENTLY ZONED R (RESIDENTIAL)-1 STATUS TO A B (BUSINESS)-2 STATUS**

MOTION by Councilmember Ferrari, **SECONDED** by Councilmember Goff to accept the recommendation of the Planning & Zoning Commission to **deny** the above-referenced petition. **MOTION APPROVED UNANIMOUSLY.**

NEW BUSINESS:

A. CONSIDERATION OF FIRST READING OF AN ORDINANCE REMOVING EXEMPTION FROM STATE FIRE MARSHAL CERTIFICATION AND CREATING DEPUTY CODE OFFICIAL POSITIONS

MOTION by Councilmember Keith, **SECONDED** by Councilmember Malfregeot to **TABLE** the above-captioned ordinance. **MOTION APPROVED UNANIMOUSLY.**

B. CONSIDERATION OF FIRST READING OF AN ORDINANCE CREATING THE POSITION OF CODE ENFORCEMENT DIRECTOR

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

C. CONSIDERATION OF FIRST READING OF AN ORDINANCE ALLOWING FOR THE MODIFICATION OF THE CITY OF CLARKSBURG VACANT BUILDING REGISTRATION PROGRAM

MOTION by Councilmember Ferrari, **SECONDED** by Councilmember Malfregeot to amend language in paragraph 1730.07.01(a)(1) – last sentence to read, in pertinent part, “Duration of permits . . . shall not exceed ~~twelve (12)~~ six (6) consecutive months . . .” **MOTION, AS AMENDED, APPROVED UNANIMOUSLY.**

D. CONSIDERATION OF A SUPPLEMENTAL RESOLUTION PROVIDING AS TO PRINCIPAL AMOUNTS, DATES, MATURITY DATES, REDEMPTION PROVISIONS, INTEREST RATES, INTEREST AND PRINCIPAL PAYMENT BONDS, SERIES 2020 A (WEST VIRGINIA SRF PROGRAM) OF THE CITY OF CLARKSBURG, APPROVING AND RATIFYING THE LOAN AGREEMENT RELATING TO SUCH BONDS AND THE SALE AND DELIVERY OF SUCH BONDS TO THE WEST VIRGINIA WATER DEVELOPMENT AUTHORITY; DESIGNATING A REGISTRAR, PAYING AGENT AND DEPOSITORY BANK; AND MAKING OTHER PROVISIONS AS TO THE BONDS

MOTION by Councilmember Malfregeot, **SECONDED** by Councilmember Keith for adoption of the above-captioned supplemental resolution. **MOTION APPROVED UNANIMOUSLY.**

E. CONSIDERATION OF A SWEEP RESOLUTION PERTAINING TO THE AUTOMATIC PAYMENT OF THE BONDS TO THE MUNICIPAL BOND COMMISSION

MOTION by Councilmember Malfregeot, **SECONDED** by Councilmember Ferrari for adoption of the above-captioned sweep resolution. **MOTION APPROVED UNANIMOUSLY.**

F. CONSIDERATION OF A RESOLUTION TO APPROVE REVISION TO THE CITY BUDGET FOR FISCAL YEAR 2020-2021

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

G. CONSIDERATION OF A PETITION FILED BY MARY HARBERT, 1003 VAN BUREN STREET, REQUESTING THE ABANDONMENT OF A 15’ X 200’ UNIMPROVED ALLEY RUNNING CONTIGUOUS TO HER PROPERTY

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

H. CONSIDERATION OF APPOINTMENT TO THE PARKING AUTHORITY

MOTION by Councilmember Malfregeot, **SECONDED** by Councilmember Ferrari to reappoint Michael Maunz to the Parking Authority. **MOTION APPROVED**

UNANIMOUSLY.

I. CONSIDERATION OF APPOINTMENT TO THE BOARD OF ZONING APPEALS

MOTION by Councilmember Goff, **SECONDED** by Councilmember Malfregeot to reappoint Daniel Rogers to the Board of Zoning Appeals. **MOTION APPROVED UNANIMOUSLY.**

J. CONSIDERATION OF APPOINTMENT TO THE HARRISON-CLARKSBURG BOARD OF HEALTH

MOTION by Councilmember Keith, **SECONDED** by Councilmember Goff to appoint Annetta Payne to the Harrison-Clarksburg Board of Health. **MOTION APPROVED UNANIMOUSLY.**

K. RATIFICATION OF CITY MANAGER’S APPOINTMENT TO THE POLICE CIVIL SERVICE COMMISSION

MOTION by Councilmember Ferrari, **SECONDED** by Councilmember Goff to ratify the City Manager’s reappointment of Roger Diaz to the Police Civil Service Commission. **MOTION APPROVED UNANIMOUSLY.**

COUNCIL COMMENTS:

Councilmember Malfregeot: Noted monies owed to the City by various individuals and/or businesses and commented on taking legal action to collect the same; stated that he would like for Council to consider an ordinance mandating masks in all public places and suggested that we check with Morgantown regarding such enforceability; etc. Noting several inquiries, opined that we should put something out regarding the levy and what it entails, as well as the same not being an increase in taxes.

Councilmember Ferrari: Commended Chief Kiddy for the K9 unit which will enhance public safety; expressed his enthusiasm with the development of the old Chase property; commented that we needed to “fast track” the sign for Bob Wilson.

Councilmember Keith: Recognized the work of the CCA; expressed his excitement regarding the five (5) new officers who graduated from the Academy; expressed enthusiasm with the K9 unit and thanked the Chief therefor; commented on the OpenGov link and his enthusiasm therefor stating that citizens will be able to see where money is being spent; remarked that the project on the old Chase property was exciting news.

Mayor Kennedy: Noted his enthusiasm with OpenGov which will allow for financial transparency; expressed excitement with the direction of the police department and commended Chief Kiddy on a great job; read a “thank you” note from Ms. Shinn for the paving of Shinn Street.

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

E. Ryan Kennedy, Mayor

Approved: August 6, 2020

Annette Wright, City Clerk