

## AUGUST 20, 2020

The Clarksburg City Council met in REGULAR SESSION on Thursday, August 20, 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.

At this time Council deviated from the agenda for the following presentation:

Mayor Kennedy presented Councilwoman Junkins with a proclamation in recognition of the “100<sup>th</sup> Anniversary of the Ratification of the 19<sup>th</sup> Amendment” which gave women the right to vote.

**MOTION** by Councilmember Malfregeot, **SECONDED** by Councilmember Keith for approval of the minutes of the Special session of Council held on August 6, 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 August 6, 2020. **MOTION APPROVED UNANIMOUSLY.**

### **PRESENTATION BY STATE AUDITOR J.B. McCUSKEY**

State Auditor J.B. McCuskey was in attendance to illustrate the OpenGov website noting that Clarksburg was one of the first cities to roll out Project Mountaineer which gives access to all the City’s accounting system/finances and allows for transparency. Further, Project Mountaineer is no cost to the city, noted Auditor McCuskey.

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

**Will Hyman**, 2207 Gould Avenue – addressed Council regarding North View Pride. Mr. Hyman remarked that property owners needed to be held accountable noting that several properties were in bad shape with vagrants living inside and requested assistance by Code Enforcement concerning the same.

### **AGENDA ITEM NO. 6: CITY MANAGER’S REPORT/UPDATE**

#### **Manager’s Report**

**August 20, 2020**

**Submitted by Harry R. Faulk**

#### **Manager’s Office**

- 1. The Clarksburg Personnel & Administrative Policy and Procedures Manual is complete in draft form. Two employees from each department have formed a committee that will meet next week and review the manual. I will have a workshop meeting with Council next month to present the final draft for any changes prior to adoption on September 17 Council Meeting.***
- 2. I have received 20 applications so far for the Position of Code Enforcement Director. The deadline to apply is tomorrow August 21<sup>st</sup>. Interviews will begin next week.***
- 3. A city-wide computer inventory has been performed and it was discovered that many computers are still using an older operating system and various forms on Microsoft Office. We are currently working to update all computers to Windows 10 with Microsoft Office 365 to allow saving files remotely. Every employee will have access to their files***

from any device as we transition to have the capability to work from home in the need ever arises.

4. *Desiree, our Human Resources Coordinator has worked with our department heads and has updated every job description within the City as most job descriptions have not been updated for quite some time. This will allow us to better evaluate each position.*
5. *The Sweet Spot Bakery & Café will have a ribbon cutting ceremony on Thursday, August 27<sup>th</sup> at 1:00pm. Please join us as we welcome them to our great City.*
6. *We have met with representatives from AT&T and U.S. Cellular to determine which service will be best for the City moving forward regarding better coverage for our public safety departments and cost savings.*

#### Police Department

1. *Officer Tanner Colley is back to work on light duty, and upon release from doctor he will be back to full duty the first of September.*
2. *We are in the final stages of securing a program with Watchguard/Motorola in replacing the all the dept's body camera system and 13 new in car video camera's for vehicles.*
3. *Investigations has made an arrest of an individual for multiple burglaries in the city and are continuing follow ups and obtaining information for possible future arrest.*

#### Fire Department

1. *Has been training all city employees in First AID and CPR.*
2. *The ladder truck transmission will need replaced. We are currently exploring all avenues. Replacement costs can exceed \$15,000. We should have our new ladder truck delivered the fall of next year.*

#### Robinson Grand Performing Arts Center

1. *The premier of the RGPAC's newest fundraiser/virtual performance "Comedy for a Cause" was held on Friday (8/14). This performance featured the Vintage Theatre Company's Fearless Fools and has been viewed over 11,500 times on social media platforms to-date.*
2. *Just over \$3,500 has been raised for the RGPAC's virtual fundraising initiatives to-date. Additional donations are expected as more virtual performances are released.*
3. *The RGPAC deposited \$36,500 in capital campaign payments on 8/12/20. These funds will be used to cover operational costs. Approximately \$120,000 in committed capital campaign contributions is expected by late 2020*

#### City Parks

1. *Movies in the Park will be tomorrow night and the movie will be "Dogs Way Home" sponsored by WV Dogs.*
2. *Arbitration with AstroTurf is tentatively scheduled for early September in Charleston and we are awaiting collection effort on the Persse case.*
3. *Work is continuing on the Broadway playground.*

#### Code Enforcement

1. *Issued 42 building permits for total project cost of \$258,315.25.*
2. *Fifty-eight Notice of Violations were issued leading to 10 citations, 9 condemnations orders, and 4 voluntary demo orders. Ten structures were reboarded. Four vehicles were tagged for towing.*
3. *Five residential and 11 commercial inspections were performed.*
4. *Animal Control responded to 41 calls for service.*
5. *The Engineer, Public Works Supervisor and City Manager interviewed several engineers for the Haymond Highway Bridge Replacement Project. The next step is to select the top scoring firms and have a scope of work and cost estimate performed.*

#### Finance Department

1. *Completing Annual Pension reports for Police & Fire pensions to submit to the Actuary for an actuarial study in September 2020.*
2. *Reaching out to businesses that have not renewed their license. Gathering additional information to apply for Cares Act Grant funding for items such as portable radios.*
3. *Performing a Street by Street Audit of properties for Fire Service Fee billing.*
4. *Completed Annual Workers Compensation Audit with Encova.*
5. *Implementing a new Employee Training program with online training availability on a variety of subjects including Diversity, Inclusion and Sensitivity, as well as HIPAA compliance.*
6. *Implemented a new Random Drug Screening process for Employees.*

#### Public Works

1. *Responded to 21 sewer complaint calls and 25 Notice of Violation calls.*
2. *Cut the curb line along Milford Street and repainted curb lines in the school zones.*
3. *Met with the DEP at the intersection of N. 18<sup>th</sup> and Richards Ave to discuss cleaning up the acid mine run off.*
4. *Continue to cut grass and run the street sweeper daily.*

***“Proud Past... Unlimited Future”***

**UNFINISHED BUSINESS:**

**A. CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING OF AN ORDINANCE AMENDING AND RENEWING ADOPTION OF CERTAIN CODES COMPRISING THE STATE BUILDING CODE**

The City Clerk informed that notices of the public hearing regarding the above-captioned ordinance appeared in The Exponent Telegram on August 12, 2020 and August 19, 2020. Mayor Kennedy declared the public hearing open with no one appearing therefor. Upon closing the public hearing, **MOTION** by Councilmember Malfregeot, **SECONDED** by Councilmember Ferrari 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 OF THE CITY OF CLARKSBURG SETTING FORTH A PROPOSED AMENDMENT TO SECTION 15 OF THE CITY CHARTER TO CHANGE REQUIREMENTS OF DIRECTOR OF PUBLIC WORKS AND SAID DIRECTOR’S DUTIES**

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

**B. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG CREATING ARTICLE 115, SECTION 115.16 PROVIDING FOR THE REMOVAL OF APPOINTED INDIVIDUALS**

**MOTION** by Councilmember Keith, **SECONDED** by Vice Mayor Marino for approval of the above-captioned ordinance on first reading. **MOTION CARRIED 4-3 with Councilmembers Goff, Ferrari and Malfregeot casting the dissenting votes.**

**C. CONSIDERATION OF FIRST READING OF AN ORDINANCE AMENDING AND RENEWING PERMIT TO OCCUPY A STREET OR SIDEWALK REQUIRED**

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

**D. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG PROVIDING FOR THE ABANDONMENT OF APPROXIMATELY A 300 FT. X 50 FT. SECTION OF AN UNOPENED/UNIMPROVED RIGHT-OF-WAY KNOWN AS RAILROAD STREET FROM THE INTERSECTION OF N. OHIO AVENUE TO WEST VIRGINIA AVENUE AS PART OF PHASE 4 OF THE CITY OF CLARKSBURG’S LONG-TERM CONTROL PLAN UPON TAX MAP 16 IN THE CITY OF CLARKSBURG, COAL-CLARKSBURG (08) DISTRICT, HARRISON COUNTY, WEST VIRGINIA, SHOWN ON THE PETITION FOR SAID ABANDONMENT ON FILE IN THE CITY CLERK’S OFFICE**

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

**E. CONSIDERATION OF A RESOLUTION OF THE CITY COUNCIL OF CLARKSBURG, WEST VIRGINIA EXPRESSING CONCERNS WITH A PERSONAL RECOGNIZANCE (“PR BOND”) FOR OFFENSES**

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

**F. CONSIDERATION OF A RESOLUTION OF THE CITY OF CLARKSBURG, WEST VIRGINIA CREATING A CENTRAL BUSINESS DISTRICT REVITALIZATION COMMITTEE**

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

**G. CONSIDERATION OF THE ADOPTION OF A MEDIA RELATIONS POLICY**

**MOTION** by Councilwoman Junkins, **SECONDED** by Vice Mayor Marino for the adoption of a media relations policy. **MOTION APPROVED UNANIMOUSLY.**

**H. CONSIDERATION OF A 3% COLA FOR CITY EMPLOYEES**

**MOTION** by Councilmember Malfreot, **SECONDED** by Councilmember Keith for approval of the above-captioned matter. Under discussion, Vice Mayor Marino remarked that he has talked with employees from all departments and that he has a good relationship with the employees. Vice Mayor Marino stated that he was told that the Mayor and three other council members were opposed to raises which was not the case. Further, Vice Mayor Marino stated that he asked for a salary and wage schedule from other municipalities to see how we compare and raise salaries, if needed. Vice Mayor Marino stated that the previous City Manager received the COLA when other employees were given the COLA and that he came on board to make improvements to the City for the employees and the residents. Concluding discussion, **MOTION** by Vice Mayor Marino, **SECONDED** by Councilmember Junkins to amended the motion wherein employees who earn over \$55,000 will get a 0% COLA and those employees earning less than \$55,000 will get a 3% COLA. **MOTION, AS AMENDED, APPROVED 4-3 with Councilmembers Goff, Ferrari and Malfreot casting the dissenting votes.**

**I. CONSIDERATION OF AWARD OF BID FOR THE REPLACEMENT OF THE AUSTIN AVENUE RETAINING WALL**

**MOTION** by Vice Mayor Marino, **SECONDED** by Councilmember Ferrari to award the bid for the replacement of the Austin Avenue retaining wall to Rock Forge Bridge Company LLC in the amount of \$278,100.00 and to approve a 10% contingency for the said project. **MOTION APPROVED UNANIMOUSLY.**

**J. CONSIDERATION OF A PETITION FILED BY BARBARA COMER, 1500 ALPHA AVENUE, REQUESTING THE ABANDONMENT OF A 30’ UNOPENED/UNIMPROVED RIGHT-OF-WAY ON ALPHA AVENUE**

**MOTION** by Councilmember Ferrari, **SECONDED** by Vice Mayor Marino to forward the above-captioned petition for abandonment to the Planning & Zoning Commission for review, public hearing and recommendation. **MOTION APPROVED UNANIMOUSLY.**

**K. CONSIDERATION OF A PETITION FILED BY THOMAS PAYNE, 119 FLOYD STREET, REQUESTING THE ABANDONMENT OF APPROXIMATELY 10’ OF AN UNOPENED/UNIMPROVED RIGHT-OF-WAY 220 +/- FEET FROM MONTICELLO AVENUE TO ELK CREEK**

**MOTION** by Councilmember Ferrari to refer the above-captioned petition for abandonment to the Planning & Zoning Commission with there being no **SECOND** to said motion.

**COUNCIL COMMENTS:**

Councilmember Malfreot: Thanked everyone for attending this evening’s meeting; gave a

shout out to Clarksburg Kiwanis in recognition of their 100<sup>th</sup> anniversary; and commended Denver Atkinson on 50 years of service to the Kiwanis and his community,

Councilmember Ferrari: Commended the Police Department on their recent arrest(s) regarding daytime burglaries; recognized the work of the North View Pride.

Councilmember Goff: Concurred with Councilmember Ferrari's remarks.

Councilmember Keith: Expressed appreciation to all for attending the meeting this evening; noted the North Pole Ice Ribbon cutting and the community turnout therefor; also remarked on the work of North View Pride; encouraged citizens to contact the City should they see people in the abandoned houses throughout the community; expressed appreciation to see the OpenGov/Project Mountaineer program up and running; expressed appreciation for the raise given to employees this evening, stating that he didn't like to cut out those making over \$55,000 from getting a COLA but that such is a result of COVID; noted the need to get employee morale up.

Councilmember Junkins: Expressed appreciation to all for attending the meeting; encouraged the citizens to say involved; stated that she is and always has been supportive of the hardworking employees; also recognized North View Pride and thanked Chief Kiddy for his work.

Vice Mayor Marino: Commented that he was here for a change for the City and for the betterment of the employees and the citizens; commented that Chief Kiddy was doing a wonderful job; noted that City Manager Faulk was trying to get good qualified individuals in the Code Department and he hoped we could get back on track with the demo program as well as those other programs that were put on hold; expressed appreciation to all for attending stating that he was glad to see employees in attendance and that they were always welcome; commended the City Manager for the work on the handbook noting that it has been several years since it had been updated.

Mayor Kennedy: Also expressed appreciation to those in attendance; concurred with previous remarks regarding the Kiwanis and Denver Atkinson; commended the North View Pride; remarked that he wanted to see the spring and fall clean-ups put back into the budget; expressed his support of the employees.

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

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E. Ryan Kennedy, Mayor

Approved: September 3, 2020

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Annette Wright, City Clerk