

JUNE 16, 2016

The Clarksburg City Council met in REGULAR SESSION on Thursday, June 16, 2016 at 7:00 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
Robert Caplan
Ryan Kennedy
Sam Lopez
Chad Sigmon
Vice Mayor Jim Malfregeot
Mayor Catherine Goings

ALSO PRESENT:

Martin Howe, City Manager
Greg Morgan, City Attorney
Annette Wright, City Clerk

The prayer was given and the pledge led by Councilmember Kennedy.

At this time, Council deviated from the agenda for the following presentations:

Certificates of Recognition were presented to the Harrison County Girls Lacrosse Team and their coaches by Mayor Goings, with the assistance of Vice Mayor Malfregeot and Councilmember Caplan, for a memorable season wherein said team advanced to the quarter-finals. Members of the county team are comprised of students who attend schools throughout the county. Coach A.J. Curran thanked the City for this recognition and apprised that this was only the second year that the girls' team has been in place.

Councilmember Bowden, on behalf of the Mayor and Council, presented former Mayor and Councilmember Margaret Bailey with a proclamation proclaiming June as "World Elder Abuse Awareness Month" in the City.

Councilmember Kennedy, on behalf of the Mayor and Council, presented Christina Beck of the WV Chapter of Alzheimer's Association, with a proclamation proclaiming June as "Alzheimer's Awareness Month" in the City. Ms. Beck extended an invitation to all to attend a fundraiser event on June 20th in Bridgeport and urged all to wear purple on June 20th to show support. Ms. Beck also advised of a walk to be held on September 25th at the Clarksburg Amphitheater.

MOTION by Vice Mayor Malfregeot, **SECONDED** by Councilmember Caplan for approval of the minutes of the Regular session of Council held on June 2, 2016. **MOTION APPROVED UNANIMOUSLY.**

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

Joe Folio, E. Main Street – appeared before Council to request a meeting with the City Manager, Assistant City Manager, Police Chief and Councilmembers interested in attending, to discuss various concerns as a major owner of property located in the Central Business District. Mr. Howe advised Mr. Folio that he would be contact with him to schedule said meeting.

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

June 16, 2016

Submitted by Martin G. Howe

General Updates

1. Jackson Square Restroom Renovation – The rough-in sanitary sewer is approximately 95% complete and we anticipate it to be completed by the end of the week. The carpentry around the perimeter of the exterior walls will commence the week of June 20th. The door frames will also be installed next week. The ramp installation will be completed within the next three (3) weeks.
2. Glen Avenue (Glenwood Hills section) – Mine Drainage Reclamation Project – DEP - The pre-construction meeting was held on-site on Wednesday, June 8th, with the contractor, Williams Excavations (Bloomington, OH) whom has a satellite office in Belington, WV.

This project is anticipated to begin Monday, July 11th, and it is projected to be completed within sixty (60) days. There will be some points in time throughout this project they will be crossing Glen Ave., which will cause traffic inconveniences.

3. Dozer – The Public Works Department contacted four (4) of the major equipment vendors within the region to provide the City a cost of a new dozer and a quote for a new model, year-end 2014 or 2015 dozer. Upon receiving the quotes, we will be recommending to Council to waive competitive bidding and award based upon the recommendation of City Administration. This is based upon urgent need to prepare final closure of C & D Landfill #2 and to open C & D Landfill #3 and lastly to participate with the future demolition programs.
4. Demolition –
 - a) TIF/Demolition – Recommend Council authorize expenditure from TIF Fund. The TIF Fund currently has \$706,508.48 within the account. A portion of these funds will be utilized for fourteen (14) structures.
 - b) The proposed timeline is as follows:
 - i. Advertising – Wednesday, June 29th and Wednesday, July 6th
 - ii. Pre-bid meeting – Wednesday, July 13th
 - iii. Bid opening – Wednesday, July 20th
 - iv. Council consider awarding bids – Thursday, July 21st

Sanitary Board

1. Waste Water Treatment Plant – The Sanitary Board is accepting sealed bids for “WWTP Operations Building Additions.” This addition will consist of new offices at the front entrance of the plant. The Sanitary Board will renew and consider awarding bid. Bid opening for office addition will be Wednesday, June 29th at 2:00 p.m.
2. Sewer Flusher Truck – The Sanitary Board will be accepting bids for purchase of a truck-mounted pressurized sewer flusher for the Public Works Department until Wednesday, July 6th at 2:00 p.m.

Economic Development

1. Chestnut Street – The contractor, Marks Drilling, will resume work shortly. The DOH anticipates Phase II being completed by the end of July. Upon completion of this phase, the DOH plans on reopening roadway until Phase III is awarded. The bidding of Phase III is to be in early 2017 and awarded in the Spring (April of 2017). This would be the final phase which will include the construction of sidewalks, curbs, sanitary sewer/storm drains and final paving.
2. Robinson Grand Performing Arts Center – The City contacted five (5) contractors to provide quotes to do interior demolition work within the Ball Room, as well as in the former Liberty Tax Service Building. This work is to assist in finalizing the design documents. I recommend Council waive competitive bidding and, based upon the lowest quote, authorize a contract to be executed with Veritas Contracting, LLC in the amount of \$27,708. The Administration will contract for asbestos abatement in the very near future.
3. Home Rule – Our Amended Home Rule Plan “The Brunch Bill” allowing for the sale of alcoholic beverages by ABCA Class “A” License holders beginning at 10:00 a.m. on Sundays has been advertised. The ordinance authorizing submission of such amendment is under “New Business.” I recommend Council approve. The Amendment would be presented to the Home Rule Board at the July 11th meeting.

FOIA

Received a FOIA request from Jon Cavendish on Friday, June 10th. This request is to review construction documents relating to the remodeling of a former pizza restaurant, then an Asian restaurant, into what is now Primanti Brothers. The information will be made available for inspection on Wednesday, June 29th.

Events

1. Saturday, June 18th – Greater Clarksburg 10K – will take place in downtown, as well as the two mile run and Kids K events. The 10K Race begins at 8:30 a.m.

2. Broadway Community Garden – Dedication Ceremony is scheduled for Saturday, June 25th at 11:00 a.m.

AGENDA ITEM NO. 6: CITY CLERK’S INFORMATION:

- A. ZONING FORM IN CONNECTION WITH AN APPLICATION TO OPERATE A PRIVATE CLUB, PRIVATE WINE RESTAURANT OR TAVERN FILED BY HIGHTIME LLC, dba CHUNKI’S PIZZA & HIGHTIME LOUNGE II, 341 E. PIKE STREET – RETURNED TO APPLICANT ON JUNE 7, 2016
- B. ZONING FORM IN CONNECTION WITH AN APPLICATION TO OPERATE A PRIVATE CLUB, PRIVATE WINE RESTAURANT OR TAVERN FILED BY MARSHALL COX, dba JOURNEY’S END 2, 1401 WEST VIRGINIA AVENUE – RETURNED TO APPLICANT ON JUNE 13, 2016
- C. ZONING FORM IN CONNECTION WITH AN APPLICATION TO OPERATE A PRIVATE CLUB, PRIVATE WINE RESTAURANT OR TAVERN FILED BY MINARD’S SPAGHETTI INN, INC. dba MINARD’S SPAGHETTI INN, 813 E. PIKE STREET – RETURNED TO APPLICANT ON JUNE 13, 2016

UNFINISHED BUSINESS: None.

NEW BUSINESS:

- A. **CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLARKSBURG, WEST VIRGINIA, TO SUBMIT TO THE MUNICIPAL HOME RULE BOARD A PROPOSED AMENDMENT, ATTACHED HERETO AS EXHIBIT A, TO THE CITY OF CLARKSBURG’S MUNICIPAL HOME RULE PLAN CONSISTENT WITH WEST VIRGINIA STATE CODE SECTION 8-1-5a, REQUESTING APPROVAL TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES BY CERTAIN ALCOHOL BEVERAGE CONTROL ADMINISTRATION CLASS “A” LICENSE HOLDERS BEGINNING AT 10:00 A.M. ON SUNDAYS**

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

- B. **CONSIDERATION OF WAIVING COMPETITIVE BIDDING AND AWARDDING INTERIOR DEMOLITION CONTRACT FOR ROBINSON GRAND PERFORMING ARTS CENTER PROJECT**

MOTION by Vice Mayor Malfregeot, **SECONDED** by Councilmember Lopez to waive competitive bidding for the interior demolition contract for the referenced project and award said contract to Veritas Contracting, LLC in the amount of \$27,708. **MOTION APPROVED UNANIMOUSLY.**

- C. **CONSIDERATION TO AUTHORIZE THE USE OF THE TIF FUNDS FOR DEMOLITION OF STRUCTURES AS STATED WITHIN THE TIF PLAN**

MOTION by Councilmember Caplan, **SECONDED** by Vice Mayor Malfregeot for approval of the above-captioned matter. Under discussion, Mr. Howe apprised that he would send out a copy of said structures located within the TIF District to Council. **MOTION CARRIED 6-0 with Councilmember Kennedy abstaining due to client representation.**

- D. **CONSIDERATION TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGENT OF RECORD FOR WORKER’S COMPENSATION**

MOTION by Vice Mayor Malfregeot, **SECONDED** by Councilmember Lopez to execute an agent of record contract for worker’s compensation with Commercial Insurance for Insurance America. Under discussion, Councilmember Kennedy referenced Councilmember Caplan’s earlier

comment wherein Councilmember Caplan expressed his support of Dyer Insurance Agency and inquired of Councilmember Caplan as to the same with Councilmember Caplan responding that Dyer Insurance Agency is a Clarksburg business that has provided services to the City in the past and he did not see much difference from what the other agencies offered. Councilmember Sigmon opined that the Administration should make such decisions and not Council. Councilmember Lopez opined that this matter should not have been on the agenda as it was not Council's job to consider the same and that the matter should be within the City Manager's control. Mayor Goings commented that it was a learning process for those councilmembers who sit on the committee as said councilmembers did not have a vote thereon and that everyone was comfortable with the City Manager and Finance Director doing what they were hired to do. **MOTION APPROVED UNANIMOUSLY.**

E. CONSIDERATION OF APPOINTMENT TO THE BOARD OF ZONING APPEALS

MOTION by Vice Mayor Malfregeot, **SECONDED** by Councilmember Lopez to reappoint Frank Robinette to the Board of Zoning Appeals. **MOTION APPROVED UNANIMOUSLY.**

F. CONSIDERATION OF CONFIRMATION OF CITY MANAGER'S APPOINTMENT TO THE CODE APPEALS BOARD

MOTION by Vice Mayor Malfregeot, **SECONDED** by Councilmember Lopez to confirm the City Manager's reappointment of Tom Corathers to the Code Appeals Board. **MOTION APPROVED UNANIMOUSLY.**

COUNCIL COMMENTS:

- Mayor Goings: Read a letter from Morgantown Fire Chief Mark Caravasos expressing appreciation to the Clarksburg Fire Department for their assistance and support during a tragic event that claimed the life of a Morgantown firefighter.
- Vice Mayor Malfregeot: Noted the CAPE Credit Union's digital sign as a nice addition thereto; encouraged attendance at the 10K Race.
- Councilmember Sigmon: Expressed sadness with the heroine epidemic that claimed another young life; wished new hire Officer Lane a speedy recovery from an injury sustained at the Academy.
- Councilmember Caplan: Expressed appreciation to the City Manager for the various committees that have been implemented.
- Councilmember Bowden: Commended the Police Department for their services in keeping citizens safe during the 10K Race; commended the Fire Department for their assistance to Morgantown Fire Department; expressed appreciation to Public Works for the street cleaning and pothole patching for the 10K Race; noted that the Wheeling Symphony would be performing at the Clarksburg Amphitheater on July 2nd.
- Councilmember Kennedy: Wished all fathers a Happy Father's Day and wished all a Happy West Virginia Day.

There being no further business to come before Council at this time, **MOTION** by Vice Mayor Malfregeot, **SECONDED** by Councilmember Lopez and **APPROVED UNANIMOUSLY** for adjournment.

Catherine A. Goings, Mayor

Approved: July 7, 2016

Annette M. Wright, City Clerk