

## JULY 7, 2016

The Clarksburg City Council met in REGULAR SESSION on Thursday, July 7, 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:**

Anthony Bellotte, Assistant City Manager  
Greg Morgan, City Attorney  
Annette Wright, City Clerk

The prayer was given and the pledge led by Vice Mayor Malfregeot.

At this time, Council deviated from the agenda for the following recognition: Mr. Tyler Terango of the WVIHF, advised of the winners of this year's poster contest. Receiving first place was Mariah Vu with Maralisa Marra being the honorary winner. The winning posters were shown with Mayor Goings congratulating the contestants.

**MOTION** by Vice Mayor Malfregeot, **SECONDED** by Councilmember Caplan for approval of the minutes of the Regular session of Council held on June 16, 2016. **MOTION APPROVED UNANIMOUSLY.**

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

**Melissa Boyles**, 303 Clay Street – appeared before Council to inform of drug and gun-related concerns. Ms. Boyles commented that many of the neighbors are afraid to come forward with their concerns of an individual from Pittsburgh now residing in the apartment complex dealing drugs and discharging a gun. Ms. Boyles stated that she is concerned for the safety and well-being of her family members and others. Mr. Bellotte informed Ms. Boyles that he would meet with Detective Jason Snider tomorrow and someone would be in touch with her very soon.

**Mack Cottrill**, 1633 Hoffman Avenue – appeared before Council concerning a house he would like to save. Mr. Cottrill provided Council with pictures of structures located at 151 Washington Avenue, 226 Sumner Street, 425 Hornor Avenue and 222 Chestnut Street, all properties that had been condemned which he had repaired. Mr. Cottrill stated that he recently purchased the property located at 130 Milford Street from Mr. Runner and that he obtained an application from the Code Enforcement Department to appeal the demolition order on said property. Mr. Cottrill opined that the structure was sound and that he could rehabilitate the same. Mr. Cottrill requested that Council remove this structure from the demolition of properties going out to bid until he could appeal this matter to the Code Appeals Board. Mr. Cottrill remarked that this rehabilitation of the property would result in a savings to the City as well as get the property back on the tax rolls.

Mr. Morgan informed that said structure was put on the demolition list many years ago and noted that there is a difference between condemnation order and demolition order. Mr. Morgan explained that a demolition order results when the determination is made that the cost of repair exceeds the value of the property wherein it is not feasible to repair. Mr. Morgan stated that said property was purchased for taxes by Mr. Runner who appealed to the Code Appeals Board with said Board upholding the demolition order and, further, the Circuit Court upholding the demolition order. Mr. Morgan noted the final judicial order and commented that there is no method to re-open said case. Mr. Morgan added that pursuant to the records in the Courthouse, the property still belongs to Mr. Runner.

Mayor Goings asked Mr. Morgan to discuss this matter with the City Manager upon his return and contact Mr. Cottrill regarding the same.

**AGENDA ITEM NO. 5: PUBLIC HEARING ON AMENDMENT TO THE CITY’S HOME RULE PLAN (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)**

City Clerk Wright announced that notices regarding the above-captioned public hearing appeared in *The Exponent Telegram* on June 7, 2016 and June 14, 2016. Mayor Goings declared the public hearing open. With no one appearing therefor, the public hearing was closed.

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

July 7, 2016  
Submitted by Martin G. Howe  
(Presented by Anthony Bellotte)

**General Updates**

1. Jackson Square Restroom Renovation – HVAC unit has been installed outside of the building, interior framing is complete, proceeding on handicap ramp installation, floor installation scheduled for the week of July 18<sup>th</sup>, project still scheduled to be completed by July 30<sup>th</sup> with the exception of temporary ramp railings.
2. Dozer – The Administration recommends authorizing the purchase of a 2014 Case Model Dozer from State Equipment Company for the amount of \$225,956.
3. Waldomore –
  - a) Mountain State Electrical is expected to complete their portion of work by mid-July.
  - b) The plaster contractor, J&J Drywall, is anticipated to be completed by the end of August.
  - c) A change order has been approved to replace two (2) additional doors as well as some flooring.
  - d) The remaining flooring and painting is scheduled to be completed during September.
4. Demolition – As a reminder, the timeline for the TIF Demolition is as follows:
  - a) Pre-bid meeting – Wednesday, July 13<sup>th</sup>
  - b) Bid opening – Wednesday, July 20<sup>th</sup>
  - c) Council consider awarding bids – Thursday, July 21<sup>st</sup>

**Economic Development**

Robinson Grand Performing Arts Center – The Administration solicited quotes from seven (7) abatement companies, three (3) submitted quotes. The Administration recommends that Council authorize Cira and Associates Consulting. The contract is in the amount of \$9,832.

**Events**

1. The 5k Glow Run benefiting the West Virginia Italian Heritage Festival will be Saturday, July 16<sup>th</sup> at 9:00 p.m. Following the Glow Run, there will be a celebration held in Jackson Square “Glow in the Square.”
2. Ribbon Cutting – Harrison County YMCA Whole Kids Foundation Community Garden – Monday, July 11<sup>th</sup> at Noon.
3. Dedication – “Brothers of Hope Playground” at Clarksburg City Park on Friday, July 8<sup>th</sup> at 11 a.m.

**AGENDA ITEM NO. 7: MAYOR’S INFORMATION:**

- A. APPOINTMENT TO HARRISON COUNTY SENIOR CITIZENS BOARD – UPON TERM EXPIRATION OF CURRENT APPOINTMENT

**MOTION** by Councilmember Sigmon, **SECONDED** by Councilmember Lopez to **TABLE** this matter. **MOTION APPROVED UNANIMOUSLY.** Mayor Goings informed that she would be recommending Councilmember Kennedy for this appointment at the appropriate time and explained that there has been some confusion as to the Board terms pursuant to the Bylaws.

**UNFINISHED BUSINESS:**

- A. CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING 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**

City Clerk Wright announced that notices regarding the above-captioned public hearing appeared in *The Exponent Telegram* on June 21, 2016 and June 28, 2016. Mayor Goings declared the public hearing open. With no one appearing therefor, the public hearing was closed. **MOTION** by Vice Mayor Malfregeot, **SECONDED** by Councilmember Lopez for approval of the above-captioned ordinance on second and final reading. Under discussion, Mayor Goings apprised that the County Commission plans on putting this matter on the November ballot and informed that several other cities have submitted such amendment to the Home Rule Board. **MOTION APPROVED UNANIMOUSLY.**

**NEW BUSINESS:**

- A. CONSIDERATION TO WAIVE COMPETITIVE BIDDING REQUIREMENTS AND AUTHORIZE THE PURCHASE OF A 44,000 LB. CLASS 2014 CASE MODEL DOZER FROM STATE EQUIPMENT COMPANY FOR THE AMOUNT OF \$225,956**

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

- B. CONSIDERATION OF A FINANCIAL CONTRIBUTION TO THE PONY BASEBALL LEAGUE FOR THE CONSTRUCTION OF AN INDOOR BATTING FACILITY**

**MOTION** by Vice Mayor Malfregeot, **SECONDED** by Councilmember Caplan to authorize the City Manager to donate a sum of up to \$15,000 in the 2016-2017 fiscal year to the Pony Baseball League to be used in the construction of an indoor batting facility to be built at Clarksburg City Park subject to the approval of the form of appropriate agreement(s) between the City and the Pony League to be approved by the City Attorney. Under discussion, Councilmember Bowden commented that although he voted to support this project in the past, he has since learned that Bridgeport has plans for a major in-door facility and questioned the need for two facilities in such close proximity. Councilmember Bowden stated that he would like to have additional information, as well as possibly hearing from Park Superintendent John Cooper. Councilmember Sigmon expressed support of the project commenting that it may be difficult to obtain transportation to the Bridgeport facility. With regard to earlier discussion concerning the \$15,000 appropriated amount, Councilmember Lopez remarked that the budget could be revised should Council wish to increase the contribution. **MOTION CARRIED 6-1 with Councilmember Bowden casting the dissenting vote.**

- C. CONSIDERATION TO WAIVE COMPETITIVE BIDDING REQUIREMENTS AND AUTHORIZE THE ASBESTOS ABATEMENT OF THE ROBINSON GRAND PERFORMING ARTS CENTER**

**MOTION** by Vice Mayor Malfregeot, **SECONDED** by Councilmember Lopez to waive competitive bidding requirements and authorize the asbestos abatement of the Robinson Grand Performing Arts Center to Cira and Associates Consulting, LLC in the amount of \$9,832. Under discussion, Councilmember Bowden inquired as to the work entailed noting the diverse quotes received with Assistant City Manager Bellotte explaining that upon limited review of the quotes received, it appears that the quote submitted by Cira and Associates identified all the quantities. **MOTION APPROVED UNANIMOUSLY.**

**D. CONSIDERATION OF A REQUEST FOR AN ABANDONMENT OF AN UNIMPROVED/UNOPENED PORTION OF HAYES AVENUE**

**MOTION** by Councilmember Kennedy, **SECONDED** by Councilmember Bowden to refer the above-captioned petition for abandonment to the Planning & Zoning Commission. **MOTION APPROVED UNANIMOUSLY.**

**E. CONSIDERATION OF APPOINTMENT TO THE SANITARY BOARD**

**MOTION** by Councilmember Lopez, **SECONDED** by Vice Mayor Malfregeot for the reappointment of Mark Linville to the Sanitary Board. **MOTION APPROVED UNANIMOUSLY.**

**COUNCIL COMMENTS:**

Mayor Goings: Advised that she and Assistant City Manager Bellotte met with a landscaping company who will be providing quotes and options to spruce up the 2<sup>nd</sup> Street entrance to the City and the triangle/area at West end. Mayor Goings informed that the information would be brought to Council and noted the project to be in conjunction with Clarksburg Uptown.

With regard to Clarksburg Uptown, Councilmember Sigmon inquired as to the monies for the mural with Mayor Goings stating that she did not believe Clarksburg Uptown has any money for the project; however, he could come to a meeting to discuss the same.

Vice Mayor Malfregeot: Advised that the unveiling of the “Welcome sign/Home of Jimbo Fisher” would be unveiled on Monday (July 11<sup>th</sup>) at 1:00 p.m. at Jackson Square.

Councilmember Lopez: Apprised that he spoke to the City Manager about allocating additional funding (\$15,000 to \$20,000) for the sidewalk project with Council appearing to have no objections thereto.

Councilmember Sigmon: Expressed concern with the Class C fireworks being let off in the City noting that although State law now allows for the sale of the same, the City’s ordinances does not allow for the emission thereof and noted the need to enforce the noise ordinance as the continuation of such is startling and fearful to many people and pets. Also, Councilmember Sigmon suggested looking into the possibility of a holding cell (and reaching out to Highland Hospital therefor) for intoxicated or drug-impaired individuals which would alleviate public concerns associated therewith.

Councilmember Caplan: Remarkd on the flood devastations that have occurred in the southern part of the state noting our thoughts and prayers are with these individuals.

Councilmember Bowden: Advised that he has asked the City Manager to work with the Finance Director to see if there was a way to put the additional \$5,000 for the Senior Citizens Center back in the budget which would result in a \$25,000 contribution thereto; noted the successful Wheeling Symphony performance on Saturday night and informed of concerns as to the need for additional lighting for such evening events and to relay such concerns to the Park Board.

Councilmember Kennedy: Suggested that the venue be reconsidered for next year’s Wheeling Symphony event opining that the Amphitheater is not a conducive venue for families; opined that the City of Clarksburg should have

been more of a leader in the flood relief efforts noting the many area organizations that participated. Mayor Goings remarked that a lot of people in our community stepped up to the plate to assist in such efforts and that the same may have gone unnoticed.

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

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Catherine A. Goings, Mayor

Approved: July 21, 2016

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Annette M. Wright, City Clerk