

JULY 21, 2016

The Clarksburg City Council met in REGULAR SESSION on Thursday, July 21, 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
Ryan Kennedy
Chad Sigmon
Vice Mayor Jim Malfregeot
Mayor Catherine Goings

ALSO PRESENT:

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

COUNCIL MEMBER(S) ABSENT:

Robert Caplan
Sam Lopez

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

MOTION by Vice Mayor Malfregeot, **SECONDED** by Councilmember Sigmon for approval of the minutes of the Regular session of Council held on July 7, 2016. **MOTION APPROVED UNANIMOUSLY.**

Mayor Goings called for petitions, communications and public hearings with no one appearing therefor.

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

July 21, 2016

Submitted by Martin G. Howe

General Updates

1. Demolition –
 - a) The bid opening was held on Wednesday, July 20th. There were 15 total structures which were separated and bid by three (3) separate contracts. Four (4) contractors submitted bids on the various contracts. It is recommended that the contracts be awarded as follows:
 - Contract #1 – Reclaim Property, LLC - \$55,500
 - Contract #2 – Reclaim Property, LLC - \$31,750
 - Contract #3- Empire Builders, Inc. - \$70,500
 - b) \$135,250 will be expended from the City's TIF Funds and \$22,500 from Financial Stabilization Fund.
2. 2016 Milling and Paving – The bid specifications are currently being finalized. We anticipate utilizing the following schedule:
 - Advertise for bids – Thursday, July 28 and Thursday, August 4
 - Pre-bid meeting (non-mandatory) – Wednesday, August 10 @ 10 a.m.
 - Bid Opening – Wednesday, August 17 @ 2 p.m.
 - Council to consider awarding bid – Thursday, August 18
3. Waldomore – The State Historic Preservation Office (SHPO) has approved the additional work to replace two (2) additional doors as well as the flooring/structural repair for the first floor area.
4. Mountain Opportunities Corporation – has notified the City that they are proposing to develop two (2) structures comprising of a total of four (4) new residential units on N. 22nd Street within Riverside Addition of North View.

Economic Development

1. Robinson Grand Performing Arts Center –
 - a) Capital Campaign – The contract with Progressity was approved by Council in May, with a three (3) month renewal. This renewal has been executed to continue services for the remaining three (3) months.

- b) Veritas Contracting was approved a contract addition to remove the orchestra pit area in the amount of \$1,620. They are 100% complete with their entire contract.
- 2. Proposed TIF District – District No. 2 and Mountaineer Energy Park, MCP Real Estate Holding, LLC purchased the approximate 115 acres near/between N. 4th Street and N. 12th Street and Ohio Avenue for mixed use development: residential, industrial and office. The proposed TIF amount is approximately \$3.6 million and not to exceed \$5 million for the purpose to develop public infrastructure. Items pertaining to the TIF are on Council’s agenda; Administration recommends approval.
- 3. Ribbon Cutting –
 - a. My Little Cupcake – at their new expanded location, 331 W. Main Street, Monday, July 25 at Noon.
 - b. Replays Media Center – retro game stop and cyber-café, 217 W. Pike Street, Thursday, August 11 at Noon.

POLICE & FIRE

- Police –
- a) Civil Service Commission – Roger Diaz is my appointment to the Civil Service Commission and is under “New Business” for confirmation.
 - b) National Night Out – Tuesday, August 2 – 6 p.m. – 9 p.m. – VA Park & Splash Zone.

FOIA

Mack Cottrill submitted a FOIA request July 18 requesting the list of all the houses on the demolition list as well as all the houses which were placed out to bid as of July 18. This information will be provided on Friday, July 29.

Councilmember Sigmon referenced Mr. Cottrill’s previous appearance before Council and requested an update thereon with Mr. Howe informing that the property which Mr. Cottrill referenced is contained on Contract #3 noted hereinabove. Councilmember Bowden inquired if someone was going to talk to Mr. Cottrill concerning the same with Mr. Howe stating that Mr. Cottrill was aware of the demolition order on said property and that he was unaware of any further options for Mr. Cottrill other than to go to the Code Appeals Board. Mr. Morgan stated that he did not have a legal mechanism to take the property off the list and that said property has previously been through the Code Appeals Board process. Councilmember Sigmon inquired as to the reason for said demolition order with Mr. Morgan commenting that at one time the property was a meth lab. Mr. Morgan explained the role of the Code Official and the feasibility test concerning the placement of demolition orders. Mr. Morgan cautioned that if said property were permitted to be removed from the list, then he believes we would have to do the same for all the properties on said list.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

A. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG AMENDING ARTICLE 521, PART FIVE OF THE CODIFIED ORDINANCES OF THE CITY OF CLARKSBURG CODE TO ALLOW FOR SUNDAY ALCOHOL SALES AFTER 10 A.M.

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

B. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE COUNCIL OF THE CITY OF CLARKSBURG, WEST VIRGINIA REPEALING AND RE-ENACTING ARTICLE 1712.03, PART 12 OF THE CODIFIED ORDINANCES OF THE CITY OF CLARKSBURG PURSUANT TO THE WEST VIRGINIA HOME RULE PILOT PROGRAM TO ENABLE LOCAL CERTIFICATION AND SUPERVISION OF BUILDING CONDE OFFICIALS AND INSPECTORS EXEMPTING THE CITY FROM CERTAIN PROVISIONS OF STATE LAW

MOTION by Vice Mayor Malfregeot, **SECONDED** by Councilmember Sigmon for approval of the above-captioned ordinance on first reading. **MOTION APPROVED 4-0 with Councilmember Kennedy abstaining due to previous client representation.**

- C. CONSIDERATION OF FIRST READING 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 THAT CERTAIN TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF CLARKSBURG, COAL DISTRICT, CLARKSBURG, HARRISON COUNTY, WEST VIRGINIA, SITUATE AT 3200 JUNKINS AVENUE, DESIGNATED AS PARCEL 140 ON TAX MAP 6 FROM ITS CURRENT STATUS AS A BUSINESS-2 (B-2) DISTRICT TO BUSINESS-3 (B-3) DISTRICT**

MOTION by Vice Mayor Malfregeot, **SECONDED** by Councilmember Sigmon 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 AMENDING ARTICLE 1315.01 OF PART 13 OF THE CODIFIED ORDINANCES OF THE CITY OF CLARKSBURG BY AMENDING THE ZONING MAP; REZONING ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATE IN THE CITY OF CLARKSBURG, COAL DISTRICT, CLARKSBURG, HARRISON COUNTY, WEST VIRGINIA, SITUATE AT 1266 PIKE STREET, DESIGNATED AS PARCEL 110 ON TAX MAP 8 FROM ITS CURRENT STATUS AS A RESIDENTIAL-1 (R-1) DISTRICT TO BUSINESS-2 (B-2) DISTRICT**

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

- E. TO CONSIDER AND ACT UPON A PROPOSED RESOLUTION REGARDING THE SETTING OF A PUBLIC HEARING DATE WITH RESPECT TO THE PROPOSED CREATION OF ANEW TAX INCREMENT FINANCING DISTRICT IN THE CITY OF CLARKSBURG TO BE CALLED “CITY OF CLARKSBURG DEVELOPMENT DISTRICT NO. 2” (THE “TIF DISTRICT”) AND PUBLIC INFRASTRUCTURE PROJECTS AND IMPROVEMENTS WITHIN THE TIF DISTRICT (THE “TIF PROJECT”) AS SET FORTH IN THE TAX INCREMENT FINANCING APPLICATION (THE “TIF APPLICATION”) FOR THE TIF DISTRICT SUBMITTED BY MCP REAL ESTATE HOLDING, LLC**

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

- F. TO CONSIDER AND ACT UPON A PROPOSED REIMBURSEMENT RESOLUTION REGARDING THE REIMBURSEMENT OF FUNDS SPENT IN ANTICIPATION OF THE POTENTIAL APPROVAL OF THE TIF APPLICATION FROM OBLIGATIONS TO BE ISSUED FOR THE TIF PROJECT**

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

- G. CONSIDERATION OF A RESOLUTION TO APPROVE REVISION TO THE CITY BUDGET FOR FISCAL YEAR 2016-2017**

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

H. CONSIDERATION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLARKSBURG AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE WEST VIRGINIA DEVELOPMENT OFFICE TO RECEIVE GRANT FUNDS IN THE AMOUNT OF \$13,000.00 THROUGH THE FISCAL YEAR 2017 COMMUNITY PARTICIPATION GRANT PROGRAM FOR DEMOLITION OF DETERIORATED AND DILAPIDATED PROPERTIES

MOTION by Vice Mayor Malfregeot, **SECONDED** by Councilmember Sigmon for adoption of the above-captioned resolution. **MOTION APPROVED 4-0 with Councilmember Kennedy abstaining due to client representation.**

I. CONSIDERATION OF AWARD OF BID(S) FOR DEMOLITION AND ASBESTOS ABATEMENT OF VARIOUS STRUCTURES

MOTION by Vice Mayor Malfregeot, **SECONDED** by Councilmember Sigmon to award the following: Contract 1 to Reclaim Company, LLC in the amount of \$55,500, Contract 2 to Reclaim Company, LLC in the amount of \$31,750 and Contract 3 to Empire Builders, Inc. in the amount of \$70,500. **MOTION APPROVED 4-0 with Councilmember Kennedy abstaining due to client representation.**

J. CONSIDERATION OF CONFIRMATION OF CITY MANAGER’S APPOINTMENT TO THE POLICE CIVIL SERVICE COMMISSION

MOTION by Councilmember Sigmon, **SECONDED** by Vice Mayor Malfregeot to confirm the City Manager’s appointment of Roger Diaz to the Police Civil Service Commission. **MOTION APPROVED UNANIMOUSLY.**

K. CONSIDERATION OF CANCELLING THE AUGUST 4TH REGULAR MEETING OF CITY COUNCIL

MOTION by Councilmember Sigmon, **SECONDED** by Vice Mayor Malfregeot to cancel the August 4th Council meeting due to the WVML Annual Conference. **MOTION APPROVED UNANIMOUSLY.**

COUNCIL COMMENTS:

Mayor Goings: Read a portion of a letter to the City Manager from the First Presbyterian Church expressing appreciation to the City/respective departments for assistance with the demolition and disposal of the garage structure on Simpson Street in Stealey and expressed appreciation to Council for participation in the United Way video.

Vice Mayor Malfregeot: Inquired as to a paint can drop-off with Mr. Howe informing that the DEP partners with the municipalities for various drop-offs; commented on the newly-painted lines with Mr. Howe informing that any corrections thereto would be made during paving; commented on the enthusiasm received from Coach Fisher’s sign ceremony/unveiling.

Councilmember Sigmon: Expressed condolences and sympathies to the family of little “super hero” Jack Rollins; noted various parking violations wherein parking is taking place on yellow-lines/no parking areas; noted the excitement with the Robinson Grand project and the impact of the same on the downtown area and inquired as to why some of the businesses were not taking advantage of the façade program.

Councilmember Kennedy: Echoed the remarks of Councilmember Sigmon regarding the loss of Jack Rollins; expressed pleasure with the Pokémon Go activity taking place in the City and suggested the creation of Pokémon maps and the possibility of businesses staying open later.

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

Catherine A. Goings, Mayor

Approved: August 18, 2016

Annette M. Wright, City Clerk