

## AUGUST 18, 2016

The Clarksburg City Council met in REGULAR SESSION on Thursday, August 18, 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  
Annette Wright, City Clerk

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

**MOTION** by Vice Mayor Malfregeot, **SECONDED** by Councilmember Sigmon for approval of the minutes of the Regular session of Council held on July 21, 2016. **MOTION APPROVED UNANIMOUSLY.**

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

At this time, Mayor Goings welcomed Liberty High School political science students to the meeting.

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

August 18, 2016

Submitted by Martin G. Howe

<b>General Updates</b>
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1. Demolition – Contract signing for all three (3) contracts was conducted on Thursday, August 4<sup>th</sup>.
  - a) Contracts 1 & 2 – Reclaim will begin asbestos abatement Tuesday, September 6<sup>th</sup> and demolition will begin immediately after.
  - b) Contract 3 – Empire Builders will begin on Monday, August 22<sup>nd</sup>.
2. 2016 Milling and Paving – The bid opening was held on Wednesday, August 17 at 2:00 p.m. There were three (3) contractors whom submitted bids. The Administration recommends Council award the contract to J.F. Allen in the amount of \$559,558.80. Funds to be utilized will be as follows: Levy Fund \$480,000, TIF Funds \$65,029.80 and Clarksburg-Harrison Housing Authority - \$14,529.
3. Waldomore – Several change orders were approved by the City and Library. The one significant approval was for \$61,120.00 which was for 1<sup>st</sup> floor repair, excavation of underneath and the addition of subfloor being installed. The change orders were also authorized by WV SHPO.
4. Lowndes Hill Project – Bear Contracting has begun repairs to existing retaining walls on the northern portion of the project. Traffic signals have been installed for traffic control.
5. Sycamore Street Project – Contractor has installed all traffic detour signage and closed bridge as of yesterday, Wednesday, August 17<sup>th</sup>. The construction process of the bridge began yesterday afternoon.
6. YMCA – An RFP (Request for Proposal) was sent out to all banks within the County requesting taxable financing proposals for various terms from seven (7) to fifteen (15) years for HVAC system. The proposals are due Friday, September 9, 2016 a 12 p.m.
7. Salt/Cinders – Signed agreement for the purchase for 1,000 tons at \$79.57/ton delivered from Compass Minerals.
8. WV DOH – Yesterday, August 17<sup>th</sup>, Mayor Goings, Assistant City Manager and myself met with District Supervisor Ray Urse and discussed numerous DOH projects throughout our City.

**Economic Development**

1. Robinson Grand Performing Arts Center –
  - a) Asbestos Abatement – Cira and Associates completed the environmental abatement on all structures within the project as of August 1, 2016.
  - b) Economic Impact Analysis – Dr. Deskins, WVU Business & Economic – on Wednesday, August 24<sup>th</sup> at 9:00 a.m. will be presenting the Economic Impact Analysis of the Robinson Grand on Harrison County.
2. Clarksburg Credit Union – Contract was awarded to Veritas in the amount of \$498,483 for the construction of the new Credit Union located at Pike Street and 4<sup>th</sup> Street. The construction is to begin the week of August 22<sup>nd</sup> and estimated to take six to eight months to complete.
3. Ribbon Cuttings –
  - a) New Life Massage Therapy located at 1526 W. Pike Street, Thursday, August 25<sup>th</sup> at 12 noon.
  - b) Sprint located at 474 Emily Drive, Wednesday, September 7<sup>th</sup> at 12 noon.
  - c) Family of Marital Counseling Center located at 613 W. Pike Street, Friday, September 16<sup>th</sup> at 12 noon.

**Boards/Commissions**

Clarksburg-Harrison Regional Housing Authority – The City Manager’s appointments to the Clarksburg-Harrison Regional Housing Authority are Marcel Malfregeot and Delores Jackson. These appointments are on Council’s agenda under “New Business” for confirmation.

**Sanitary Board**

Equipment Purchases – On Thursday, August 9<sup>th</sup>, Sanitary Board authorized the purchase of:

- a) 16,000 GVW 4x4 Dump Truck
- b) Three (3) natural gas emergency generators for three (3) sanitary lift station locations.

**Police & Fire**

Police –

1. Body Cameras – 48 Watch Guard body cameras have been ordered and received. The total cost was \$38,880. Funding utilized consisted of \$13,053 from the U.S. Department of Justice, \$12,000 from the Asset Forfeiture Fund and \$13,827 from the Police Fine Escrow Fund.
2. Police Civil Service Commission – Held its meeting on Wednesday, August 17<sup>th</sup> to begin the process of beginning an eligibility list.
  - a) The Administration requested that a new eligibility list be started.
  - b) The advertisements will begin Sunday, August 21<sup>st</sup> – Friday, September 9<sup>th</sup>. The physical ability test will be held at RCB High School on Saturday, September 10<sup>th</sup> at 10 a.m. The written test will be conducted on Wednesday, September 28<sup>th</sup> at 6 p.m. at the Senior Citizens Center for those whom successfully passed the eligibility test.
3. Police Fore is currently at 43 which includes the five candidates that are expected to graduate from the Police Academy in October. We also have one (1) candidate which will return to the Academy in September. We are budgeted at 46 officers.

**FOIA**

1. Francie Floyd submitted a FOIA request July 21 requesting information on the investigation of Officer Scott Vinson. Denied request until Civil Service Commission hearing was afforded. Information was provided as of Monday, August 8<sup>th</sup>.
2. Roncie Bohanna submitted a FOIA request dated Monday, August 1<sup>st</sup> requesting all Certificates of Occupancy inspections in reference to 107 S. Florence Street. City responded there were no records associated with such address.

<b>Events</b>
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1. 38<sup>th</sup> Annual WV Italian Heritage Festival Pasta Cook-off on Saturday, August 27<sup>th</sup> with tasting beginning at noon in Jackson Square.
2. 38<sup>th</sup> Annual WV Italian Heritage Festival begins Friday, September 2<sup>nd</sup> through Sunday, September 4<sup>th</sup>.
3. Black Heritage Festival begins Friday, September 9<sup>th</sup> through Sunday, September 11<sup>th</sup>.

**UNFINISHED BUSINESS:**

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

City Clerk Wright announced that notices regarding the public hearing for the above-captioned ordinance appeared in *The Exponent Telegram* on July 26, 2016 and August 2, 2016 with the publisher's certificate to be filed with the permanent record. Mayor Goings declared the public hearing open with no one appearing therefor. Upon closing the public hearing, **MOTION** by Councilmember Caplan, **SECONDED** by Councilmember Sigmon for approval of the above-captioned ordinance on second and final reading. **MOTION APPROVED UNANIMOUSLY.**

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

City Clerk Wright announced that notices regarding the public hearing for the above-captioned ordinance appeared in *The Exponent Telegram* on July 26, 2016 and August 2, 2016 with the publisher's certificate to be filed with the permanent record. Mayor Goings declared the public hearing open with no one appearing therefor. Upon closing the public hearing, **MOTION** by Vice Mayor Malfregeot, **SECONDED** by Councilmember Lopez for approval of the above-captioned ordinance on second and final reading. **MOTION CARRIED 6-0 with Councilmember Kennedy abstaining due to past legal work on said subject matter.**

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

City Clerk Wright announced that notices regarding the public hearing for the above-captioned ordinance appeared in *The Exponent Telegram* on July 26, 2016 and August 2, 2016 with the publisher's certificate to be filed with the permanent record. Mayor Goings declared the public hearing open with no one appearing therefor. Upon closing the public hearing, **MOTION** by Vice Mayor Malfregeot, **SECONDED** by Councilmember Lopez for approval of the above-captioned ordinance on second and final reading. Under discussion, Mr. Howe explained that the property owner is requesting the rezoning to allow for the operation of a business thereat. **MOTION APPROVED UNANIMOUSLY.**

**D. CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING 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**

City Clerk Wright announced that notices regarding the public hearing for the above-captioned ordinance appeared in *The Exponent Telegram* on July 26, 2016 and August 2, 2016 with the publisher's certificate to be filed with the permanent record. Mayor Goings declared the public hearing open with no one appearing therefor. Upon closing the public hearing, **MOTION** by Councilmember Kennedy, **SECONDED** by Councilmember Sigmon 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 PROVIDING FOR THE ABANDONMENT OF A PORTION OF THE 35 FOOT WIDTH OF HAYES AVENUE, APPROXIMATELY 216.10 FEET LONG ON AN UNOPENED STREET IN THE CITY OF CLARKSBURG, CLARK DISTRICT, HARRISON COUNTY, WEST VIRGINIA, AS SHOWN ON THE PETITION AND PLATS FOR SAID ABANDONMENT ON FILE IN THE CITY CLERK'S OFFICE; PROVIDING FOR FINDINGS OF FACT IN CONNECTION WITH SAID ABANDONMENT; AND AUTHORIZING THE EXECUTION OF THE PROPER QUITCLAIM DEEDS RESERVING THEREFROM UTILITY RIGHTS-OF-WAY**

**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 FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG PROVIDING FOR THE ACQUISITION OF REAL PROPERTY SITUATE AT 1512 WEST VIRGINIA AVENUE, IN THE CITY OF CLARKSBURG, COAL DISTRICT, HARRISON COUNTY, WEST VIRGINIA**

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

**C. CONSIDERATION OF A RESOLUTION OF THE COUNCIL OF THE CITY OF CLARKSBURG, WEST VIRGINIA TO LEASE CERTAIN OFFICE SPACE AT 112 SOUTH THIRD STREET SITUATE IN THE CITY OF CLARKSBURG, HARRISON COUNTY, FROM GRANDEOTTO, INC. AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE A WRITTEN LEASE**

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

**D. CONSIDERATION OF APPROVAL TO TERMINATE THE CURRENT SELF FUNDED DENTAL AND VISION INSURANCE PROGRAM WITH AMERICAN BENEFIT CORPORATION AND ENTER INTO A NEW FULLY-FUNDED DENTAL AND VISION INSURANCE PROGRAM AGREEMENT WITH COMMERCIAL INSURANCE EFFECTIVE OCTOBER 1, 2016**

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

**E. CONSIDERATION OF APPROVAL OF A LEGAL SERVICES AGREEMENT WITH STEPTOE & JOHNSON TO SERVE AS BOND COUNSEL IN CONJUNCTION WITH INTERIM AND PERMANENT FINANCING FOR THE ROBINSON GRAND PERFORMING ARTS CENTER PROJECT**

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

**F. CONSIDERATION OF AWARD OF BID FOR MILLING AND RESURFACING CITY STREETS AND ALLEYS**

**MOTION** by Councilmember Sigmon, **SECONDED** by Vice Mayor Malfregeot to award the bid for milling and resurfacing of City streets and alleys to J.F. Allen in the amount of \$559,558.80 with the following funding: Levy Fund - \$480,000, TIF Funds - \$65,029.80 and Clarksburg-Harrison Regional Housing Authority - \$14,529. **MOTION APPROVED UNANIMOUSLY.**

**G. CONSIDERATION OF CONFIRMATION OF CITY MANAGER'S TWO (2) APPOINTMENTS TO THE CLARKSBURG-HARRISON REGIONAL HOUSING AUTHORITY**

**MOTION** by Councilmember Lopez, **SECONDED** by Councilmember Sigmon for the appointments of Marcel Malfregeot and Delores Jackson to the Clarksburg-Harrison Regional Housing Authority. **MOTION CARRIED 6-0 with Vice Mayor Malfregeot abstaining due to his relationship to appointee.**

**H. CONSIDERATION OF RESCHEDULING THE SEPTEMBER 1<sup>ST</sup> REGULAR COUNCIL MEETING**

**MOTION** by Vice Mayor Malfregeot, **SECONDED** by Councilmember Sigmon to cancel the September 1<sup>st</sup> Regular Council meeting. **MOTION APPROVED UNANIMOUSLY.**

At this time, Council deviated from the agenda to allow Mr. Bill Curry to address Council as he did not speak during petitions. Mr. Curry, P.O. Box 517, Lumberport, WV, apprised Council of the lock-out at Eagle Glass that has been on-going since July 11<sup>th</sup> and informed that the City police are being used as private security. Mr. Howe explained that the police are contracted out and that the officers can be contacted directly for such. Mr. Curry expressed appreciation for any support the workers are given.

**COUNCIL COMMENTS:**

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|------------------------|---|
| Mayor Goings:          | Congratulated the Clarksburg Police Department and the City Administration on the new police substation in Laurel Lanes; noted the Martinsburg ordinances regarding drug/gang houses, etc. and suggested we look at these at a work session; advised of a thank-you to the City from the 10K; informed of calls received concerning the ducks on Liberty Avenue and the need to address the same. |
| Vice Mayor Malfregeot: | Inquired if some other type of fencing/cover could be obtained for the bridge sidewalk located by Notre Dame with Mr. Howe informing that such inquiry can be made to the State.  |
| Councilmember Lopez:   | Commended the City Manager on his work noting the number of projects in the works.  |
| Councilmember Sigmon:  | Expressed appreciation for moving forward on the West end bridge lighting; thanked the students for their attendance this evening.  |

- Councilmember Caplan: Also thanked the students for their attendance; recognized Bobby Humphries, a graduate of the WI Class of 1966, who was in attendance this evening.
- Councilmember Bowden: Advised the students that the Manager's Report and Agendas were available on the City's website.
- Councilmember Kennedy: Also expressed appreciation to the students for their attendance and noted the upcoming festivals that will be taking place in the city.

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.

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Catherine A. Goings, Mayor

Approved: September 15, 2016

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Annette M. Wright, City Clerk