

OCTOBER 20, 2022

Prior to the regular session of Council held on Thursday, October 20, 2022, Council conducted a conference session at 5:30 p.m. at the Clarksburg Municipal Building, City Manager's Conference Room, 2nd Floor, 222 West Main Street, Clarksburg, West Virginia to review the meeting agenda as set forth hereinbelow with those Council members present therefor noted as well:

COUNCIL MEMBERS PRESENT:

Will Hyman
Jim Malfregeot
Jerry Riffle
Wayne Worth
Vice Mayor Lillie Junkins

COUNCIL MEMBER(S) ABSENT:

Gary Keith
Mayor James Marino

AG: 22-27

A G E N D A

CITY OF CLARKSBURG

AGENDA FOR REGULAR MEETING OF COUNCIL OF THE CITY OF CLARKSBURG TO BE HELD **THURSDAY, OCTOBER 20, 2022** AT THE CLARKSBURG MUNICIPAL BUILDING – COUNCIL CHAMBERS, 222 WEST MAIN STREET, CLARKSBURG, WEST VIRGINIA AT **6:00 P.M.**

PRIOR TO THE REGULAR COUNCIL MEETING, COUNCIL WILL BE MEETING IN THE CITY MANAGER'S CONFERENCE ROOM AT 5:30 P.M. FOR A CONFERENCE SESSION (NOTE: THIS SESSION IS ALSO OPEN TO THE PUBLIC). IN ADDITION TO THE AGENDA, COUNCIL WILL HAVE THE OPPORTUNITY TO ASK QUESTIONS TO THE CITY MANAGER AND/OR ATTENDING STAFF.

ORDER OF BUSINESS

1. ROLL CALL
2. PRAYER *(to be given by Councilmember Riffle)* & PLEDGE
3. PROCLAMATION PRESENTATION – “DOMESTIC VIOLENCE AWARENESS MONTH”
4. APPROVAL OF MINUTES:
REGULAR SESSION – SEPTEMBER 15, 2022
5. PETITIONS, COMMUNICATIONS AND PUBLIC HEARINGS
6. CITY MANAGER'S REPORT/UPDATE
7. UNFINISHED BUSINESS
8. NEW BUSINESS:
 - A. PRESENTATION REGARDING AMENDMENT NO. 2 - - SEAN O'LEARY, WV CENTER ON BUDGET & POLICY AND HARRISON COUNTY ASSESSOR ROCKY ROMANO
 - B. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG PROVIDING FOR THE ABANDONMENT OF AN UNIMPROVED EXTENSION OR PORTION OF UPLAND AVENUE ADJACENT TO PROPERTY OWNED BY BRENDA L. JONES AND TIMOTHY J. BUMGARDNER IN THE CITY OF CLARKSBURG, CLARK DISTRICT, HARRISON COUNTY, WEST VIRGINIA SHOWN ON THE PETITION 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
 - C. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG PROVIDING FOR THE ABANDONMENT OF AN UNOPENED AND UNIMPROVED ALLEY ADJACENT TO PROPERTY OWNED BY BENJAMIN D. LOWTHER AND LINSEY MARIE LOWTHER IN THE CITY OF CLARKSBURG, CLARK DISTRICT, HARRISON COUNTY, WEST VIRGINIA SHOWN ON THE PETITION 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

D. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG PROVIDING FOR THE ABANDONMENT OF AN UNOPENED AND UNIMPROVED ALLEY ADJACENT TO PROPERTY OWNED BY JOHN SEDLOCK AND ANN SEDLOCK IN THE CITY OF CLARKSBURG, COAL DISTRICT, HARRISON COUNTY, WEST VIRGINIA SHOWN ON THE PETITION 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

E. CONSIDERATION OF A RESOLUTION OF THE CITY OF CLARKSBURG, WEST VIRGINIA, CREATING A COMMITTEE FOR YOUTH SPORTS ENGAGEMENT AND DEVELOPMENT

F. CONSIDERATION OF REDIRECTING THE SMALL BUSINESS ASSISTANCE GRANT PREVIOUSLY AWARDED TO DR. ORTIZ AND HEAL-ORTIZ, INC. TO MY MOTHER'S DAUGHTER, LLC

9. COUNCIL COMMENTS

10. ADJOURNMENT

The Conference Session included a review of the agenda, as well as Interim City Manager Kiddy apprising of the \$250,000 COPS grant. Mr. Kiddy also informed that Sgt. Walsh would be retiring and that we would be testing for police officers with a \$7,500 bonus offered to certified police officers. With regard to the proposed youth sports committee, Councilmember Riffle remarked that the formation of this committee would be an investment into the youth and that grants may be available. With regard to the Small Business Assistance Grant, Mr. Whitmore explained that the original award was granted to Dr. Ortiz and Heal-Ortiz, Inc., who declined the grant due to previous receipt of ARPA funds and that staff is recommending that the grant be awarded to My Mother's Daughter with discussion held concerning the same. Further, regarding the Small Business Assistance grants, Vice Mayor Junkins commented that there were some concerns with the guidelines of the grant program remarking that the Wytheville idea was derailed and suggested that the grant program be discussed at a future work session. Vice Mayor Junkins stated that she would like a recommendation from the Economic Development Department as to the direction to go to enhance and draw in business to downtown. Mr. Whitmore suggested that the executive director of the Wytheville project be invited to a future work session. Further, Vice Mayor Junkins inquired if the Small Business Grant program needed to continue and/or be tweaked with Mr. Whitmore apprising that he would do some additional research. Conference Session concluded.

At this time, the Clarksburg City Council met in REGULAR SESSION on October 20, 2022 at 6:00 P.M. at the Clarksburg Municipal Building – Council Chambers, 222 West Main Street, Clarksburg, West Virginia, with Vice Mayor Junkins presiding.

COUNCIL MEMBERS PRESENT:

Will Hyman
Jim Malfregeot
Jerry Riffle
Wayne Worth
Vice Mayor Lillie Junkins

ALSO PRESENT:

Mark Kiddy, Interim City Manager
Richard Marsh, City Attorney
Annette Wright, City Clerk

COUNCIL MEMBER(S) ABSENT:

Gary Keith
Mayor James Marino

Following roll call, the prayer was offered, and the pledge was led by Councilmember Riffle.

PROCLAMATION PRESENTATION – Vice Mayor Junkins presented a “Domestic Violence Awareness Month” proclamation to the Hope, Inc. representative.

MOTION by Councilmember Malfregeot, **SECONDED** by Councilmember Worth for approval of the minutes of Regular Session of Council held on September 15, 2022. **MOTION APPROVED UNANIMOUSLY.**

At this time, Council allowed for petitions, communications and public hearings with the following individuals appearing therefor

Lou Ortenzio and Herb Linn, 4595 Morgantown Road, Lakelynn, PA – appeared before Council to discuss the WVU project with the Clarksburg Mission to improve services for treatment, recovery and support services for people with substance use disorder in Harrison County. Mr. Linn apprised that the project, if awarded, would begin January 1, 2023 and they are requesting the support and endorsement of the City.

AGENDA ITEM NO. 6: CITY MANAGER’S REPORT/UPDATE
Manager’s Report
October 20, 2022

Announcements: A full Veteran’s Day Parade will be held on November 11th in downtown Clarksburg.

FIRE DEPARTMENT:

1. All fire trucks passed annual pump test to maintain certification.
2. The Department had a highly successful kick off to Fire Prevention Week.

POLICE DEPARTMENT:

1. The Department will have extra patrols out in neighborhoods during Trick or Treat.
2. Four new officers will be joining the Department in November with a swearing in ceremony to be held on November 4th at 10:00 a.m.
3. The Police Department will again participate in NO SHAVE NOVEMBER and proceeds will go to local charity.
4. Sgt. Joseph M. Walsh will be retiring from the Department after 21 years of dedicated service.

CLARKSBURG CITY PARKS:

1. City Parks’ Truck or Treat will be held this Saturday at the Clarksburg City park from 6 – 8 pm.

CODE ENFORCEMENT:

- 1. In the first two weeks of October, issued 43 building permits totaling \$502,041.15.
- 2. Issued 31 Notices of Violation, conducted 25 inspections and 39 follow-up inspections.

ROBINSON GRAND:

- 1. The first Born and Bred concert was held on October 8th, featured artists are born or raised in WV, the next event is scheduled in January.
- 2. November 2022 will be the busiest month of events since the opening of the Robinson Grand.

ECONOMIC DEVELOPMENT:

- 1. The 2022 staff draft of the Comprehensive Plan is available on the City website.
- 2. The City has recently been awarded a \$250,000 COPS grant through the Department of Justice which will be used to hire two additional officers.

WASTEWATER TREATMENT PLANT:

- 1. CEC Concrete replaced the concrete chlorine steps and sulfur dioxide steps and deck at the plant.
- 2. Plant is working with Thrasher to complete the Clean Water Needs Survey.

FINANCE DEPARTMENT:

- 1. Demo payments received since July 01, 2022 total \$69,402.59.
- 2. Open enrollment for AFLAC Insurance will begin late October and early November for employees.
- 3. Sales and Use Tax for the 3rd quarter total \$1,265,110.57.

END OF REPORT

UNFINISHED BUSINESS: NONE.

NEW BUSINESS:

A. PRESENTATION REGARDING AMENDMENT NO. 2 – SEAN O’LEARY, WV CENTER ON BUDGET & POLICY AND HARRISON COUNTY ASSESSOR ROCKY ROMANO

Mr. O’Leary apprised that his organization does research on various matters noting the concern with Amendment No. 2 as it would take a significant portion of the property taxes out of the various budgets which could hinder services provided by municipalities. Mr. O’Leary remarked that the amendment only gives the Legislators the authority to eliminate those taxes with no plan on how to replace these funds.

Harrison County Assessor Rocky Romano informed that the Assessors have been trying to educate the public on what they are voting on noting their opposition thereto. Assessor Romano noted the businesses that have come to the county in spite of the inventory tax and remarked that this was not a reason, as stated by the Legislature, to eliminate the same.

- B. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG PROVIDING FOR THE ABANDONMENT OF AN UNIMPROVED EXTENSION OR PORTION OF UPLAND AVENUE ADJACENT TO PROPERTY OWNED BY BRENDA L. JONES AND TIMOTHY J. BUMGARDNER IN THE CITY OF CLARKSBURG, CLARK DISTRICT, HARRISON COUNTY, WEST VIRGINIA SHOWN ON THE PETITION FOR SAID ABANDONMENT ON FILE IN THE CITY CLERK'S OFFICE; PROVIDING FOR THE 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 Councilmember Malfregeot, **SECONDED** by Councilmember Hyman for approval of the above-captioned ordinance on first reading. **MOTION APPROVED UNANIMOUSLY.**

- C. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG PROVIDING FOR THE ABANDONMENT OF AN UNOPENED AND UNIMPROVED ALLEY ADJACENT TO PROPERTY OWNED BY BENJAMIN D. LOWTHER AND LINDSEY MARIE LOWTHER IN THE CITY OF CLARKSBURG, CLARK DISTRICT, HARRISON COUNTY, WEST VIRGINIA SHOWN ON THE PETITION 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 Councilmember Hyman, **SECONDED** by Councilmember Worth for approval of the above-captioned ordinance on first reading. Following City Manager Kiddy's explanation of the ordinance and Councilmember Keith noting the poor condition of the street due to the work for the new county building, **MOTION APPROVED UNANIMOUSLY.**

- D. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG PROVIDING FOR THE ABANDONMENT OF AN UNOPENED AND UNIMPROVED ALLEY ADJACENT TO PROPERTY OWNED BY JOHN SEDLOCK AND ANN SEDLOCK IN THE CITY OF CLARKSBURG, COAL DISTRICT, HARRISON COUNTY, WEST VIRGINIA SHOWN ON THE PETITION 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 Councilmember Malfregeot, **SECONDED** by Councilmember Hyman for approval of the above-captioned ordinance on first reading. **MOTION APPROVED UNANIMOUSLY.**

E. CONSIDERATION OF A RESOLUTION OF THE CITY OF CLARKSBURG, WEST VIRGINIA, CREATING A COMMITTEE FOR YOUTH SPORTS ENGAGEMENT AND DEVELOPMENT

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

F. CONSIDERATION OF REDIRECTING THE SMALL BUSINESS ASSISTANCE GRANT PREVIOUSLY AWARDED TO DR. ORTIZ AND HEAL-ORTIZ, INC. TO MY MOTHER’S DAUGHTER, LLC

MOTION by Councilmember Riffle, **SECONDED** by Councilmember Worth for approval of the above-captioned matter. **MOTION APPROVED UNANIMOUSLY.**

COUNCIL COMMENTS:

Councilmember Riffle: Extended prayers to the Gallo family for the loss of Cindy Gallon, the first female officer in Harrison County, informed of the upcoming First Friday event, and thanked Council for supporting the Youth Committee.

Councilmember Worth: Congratulated the CPD on the COPS grant; thanked those for the support of the Domestic Violence Awareness Month proclamation, thanked Mr. Linn and Mr. O’Leary for their presentations this evening.

Councilmember Malfregeot: Thanked all for attending and reminded all that if they see something to say something.

Councilmember Hyman: Congratulated Sgt. Walsh on his 21 years of service, reminded of the upcoming Fall/Halloween activities and events, and noted his uncertainty regarding Amendment 2.

Vice Mayor Junkins: Thanked Sgt. Walsh for his service, expressed appreciation to Mr. Linn for the work he is doing and remarked that she believed Amendment No. 2 would not be beneficial for teachers.

There being no further business to come before Council, **MOTION** made by Councilmember Hyman, **SECONDED** by Councilmember Worth and **APPROVED UNANIMOUSLY** for adjournment.

Mayor (or) Vice Mayor (or) Councilmember

Approved: November 17, 2022

Annette Wright, City Clerk