

FEBRUARY 4, 2021

The Clarksburg City Council met in REGULAR SESSION on Thursday, February 4, 2021 at 6:00 P.M. via a combination of WebEx and/or on-person with Mayor Kennedy presiding.

COUNCIL MEMBERS PRESENT:

Frank Ferrari
Marshall Goff
Gary Keith
Lillie Junkins
Jim Malfregeot
Mayor Ryan Kennedy

ALSO PRESENT:

Harry Faulk, City Manager
Annette Wright, City Clerk

COUNCIL MEMBER(S) ABSENT:

Vice Mayor Jimmy Marino

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

At this time Council deviated from the agenda for the following presentation: Mayor Kennedy virtually presented a “Key to the City” to Arlene “Ginga” Bashnett in recognition of her 104th birthday, as well as to recognize “Gramma and Ginga” for bringing positive notoriety to Clarksburg. Due to Covid, the Key will be delivered.

MOTION by Councilmember Malfregeot, **SECONDED** by Councilmember Ferrari for approval of the minutes of the Regular Session of Council held on January 21, 2021. **MOTION APPROVED UNANIMOUSLY.**

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

Martin Shaffer, 211 N. Sixth Street – remarked that he felt abused and harassed; stated that various claims have not been prosecuted and that the City dropped the ball. Mr. Shaffer apprised that he would be attending future meetings to bring those issues to Council that still need to be addressed and that he would be filing FOIAs to document such concerns.

Will Hyman, 2207 Gould Avenue – addressed Council to suggest that agenda items be more detailed/explanatory.

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

**Manager’s Report
February 4, 2021
Submitted by Harry R. Faulk**

Manager’s Office

1. *The Finance Director, Chief Accountant, and I have met with all the Department Directors to review line item by line item on each of their budgets. We are currently working on the final draft of the budget.*
2. *Bid openings were performed this past week for 8 contracts for various demolitions of blighted structures throughout town. They will be presented to Council shortly.*

Police Department

1. *For the year-end report of 2020, the Department made 128 felony arrests, 1,012 misdemeanor arrests, issued 1,071 traffic citations, filed 1,947 criminal reports, and investigated 405 motor vehicle accidents.*
2. *For January, the Department responded to 1,849 calls for service leading to 5 felony arrests, 118 misdemeanor arrests, 173 criminal reports were filed, and 66 motor vehicle accidents were investigated.*
3. *The Department is working with a company to test cameras that will be placed in high traffic areas of the City to assist with fighting criminal activity throughout Clarksburg.*

4. *Our M.H.I.T. Officer has seized over \$9,000 in drug money, seized several grams of Heroin, Marijuana and Cocaine, along with confiscating several firearms.*

Fire Department

1. *The Department responded to 245 calls for service for the month of January, 4 of which were vehicle fires resulting in approximately \$31,600 in fire loss.*
2. *The rollers on the doors of the Rescue truck were replaced in house and the remote-control deck gun on one of the Fire Engines was repaired after several years of being out of operation.*

Finance Department

1. *The annual audit for FY 2019-2020 with Tetrick & Bartlett was been completed. We are currently waiting for the final report to be submitted.*
2. *The annual Fire Service Fee invoices have been mailed out.*
3. *Work continues on the FY 2021-2022 Budget.*

City Parks

1. *The Superintendent approached the Harrison County Commission to request the continuation of the subsidy for Frank Loria Field. The request was increased from \$6,000 to \$8,000 effective July 1, 2021.*
2. *CityNet has converted all phone lines from Frontier.*

Robinson Grand Performing Arts Center

1. *The Center continues to receive private bookings.*
2. *The Robinson Grand is delighted to host the 60th Annual Holly Ball Reimagined under their iconic marquee on February 4th through the 6th. Registered participants will pick up food and beverage packages to-go. All proceeds benefit the WVU School of Nursing Project at United Hospital Center.*

Code Enforcement

1. *The Department issued 63 building permits for a total project cost of \$101,296.84. Thirty-one notice of violations were issued which resulted in 10 citations, 16 condemnation orders, and 4 reboards. Five vehicles were tagged for removal and 3 illegal signs were removed.*
2. *Thirteen residential and 9 commercial inspections were performed.*
3. *Animal Control responded to 24 calls for service.*

Public Works

1. *The Department installed 100 feet of new sanitary sewer pipe along with one manhole.*
2. *Maintenance continues on cleaning catch basins throughout the City.*
3. *The annual Christmas Tree pick up program was completed.*
4. *The Street Sweeper was utilized throughout the neighborhoods.*
5. *Crews waxed the floors of City Hall and now are painting the interior.*
6. *Our crews continue to do an excellent job with keeping our streets snow and ice free during snowstorms. Keep up the great work.*

Wastewater Treatment Plant

1. *The plant treated 253 million gallons of wastewater for the month of January with no violations to report.*
2. *Work continues on the new septage receiving station. A safety ladder was recently installed on the pump station and 100 feet of a new sewer drain line along the outside of the plant flood wall have been installed.*

“Proud Past... Unlimited Future”

UNFINISHED BUSINESS:

- A. **CONSIDERATION FOR ADOPTION ON SECOND READING A BOND AUTHORIZING ORDINANCE OF THE CITY WHICH AUTHORIZES THE REFUNDING AND REPAYMENT IN FULL OF THE CITY’S OUTSTANDING**

WATER REVENUE BONDS, SERIES 2014 A, AND THE ISSUANCE BY THE CITY OF ITS WATER REFUNDING REVENUE BONDS, SERIES 2021 A, IN AN AMOUNT NOT TO EXCEED \$3,750,000 FOR THE PURPOSE OF FINANCING THE REFUNDING OF THE SERIES 2014 A BONDS, THE PAYMENT OF COSTS OF ISSUANCE OF THE SERIES 2021 A BONDS AND RELATED COSTS

MOTION by Councilmember Malfregeot, **SECONDED** by Councilmember Goff for approval of the above-referenced ordinance on second reading. **MOTION APPROVED UNANIMOUSLY.**

- B. CONSIDERATION OF A PUBLIC HEARING OF AN ORDINANCE OF THE CITY OF CLARKSBURG PROVIDING FOR THE ABANDONMENT OF UNOPENED, UNIMPROVED EXTENSIONS OF 16TH ST. AND ALPHA AVE. THIRTY (30) FEET IN WIDTH ADJACENT AND ALONG PARCELS 65 AND 70 ON TAX MAP 14 OWNED BY RAYMOND D. COMER AND BARBARA J. COMER IN THE CITY OF CLARKSBURG, COAL DISTRICT, HARRISON COUNTY, WEST VIRGINIA, SHOWN IN 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**

With notices of the public hearing appearing in *The Exponent/Telegram* on January 26, 2021 and February 2, 2021, Mayor Kennedy declared the public hearing open with the following individual appearing therefor:

John Angiulli – addressed Council regarding his concerns with the abandonment of 16th Street stating that such would hinder access to his property. Mr. Angiulli referenced those articles set forth in the Codified Ordinances regarding the abandonment procedure. Mr. Angiulli asserted his use of the property as a reason to not approve said abandonment request, as well as opining that such would hinder his access to his property. Mr. Angiulli inquired as to why this matter was not going to be voted on this evening with Mayor Kennedy apprising that as a courtesy to the Vice Mayor during his illness, he was delaying the vote on the same. Mr. Angiulli urged Council to review the sections of the Codified Ordinances pertaining to abandonments.

There being no one else wishing to address Council, Mayor Kennedy closed the public hearing.

- C. CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING OF AN ORDINANCE OF THE CITY OF CLARKSBURG PROVIDING FOR THE ABANDONMENT OF UNOPENED, UNIMPROVED PORTION OF OVERHILL ROAD/WINDING WAY FORTY (40) FEET IN WIDTH ADJACENT AND ALONG PARCEL 389 ON TAX MAP 6 OWNED BY KEVIN M. KELLAR IN THE CITY OF CLARKSBURG, CLARK DISTRICT, HARRISON COUNTY, WEST VIRGINIA, SHOWN IN 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**

With notices of the public hearing appearing in *The Exponent/Telegram*, Mayor Kennedy declared the public hearing open. With no one appearing therefor, the public hearing was closed. **MOTION** by Councilmember Malfregeot, **SECONDED** by Councilmember Ferrari for approval of the above-captioned ordinance on second and final reading. **MOTION APPROVED UNANIMOUSLY.**

- D. CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING OF AN ORDINANCE OF THE CITY OF CLARKSBURG TO AMEND ARTICLE 920 OF THE CODIFIED ORDINANCES TO INCLUDE ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAM AND AMEND**

RELATED SECTIONS

With notices of the public hearing appearing in *The Exponent/Telegram*, Mayor Kennedy declared the public hearing open. With no one appearing therefor, the public hearing was closed. **MOTION** by Councilmember Malfregeot, **SECONDED** by Councilmember Ferrari for approval of the above-captioned ordinance on second and final reading. **MOTION APPROVED UNANIMOUSLY.**

E. CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING OF AN ORDINANCE OF THE CITY OF CLARKSBURG AMENDING SECTION 5 OF THE CITY CHARTER TO PROVIDE FOR DIRECT ELECTION OF THE MAYOR

With notices of the public hearing appearing in *The Exponent/Telegram*, Mayor Kennedy declared the public hearing open with the following individual(s) appearing therefor:

William Hyman – appeared to express his support of the amendment and that he believed such was important to the citizens.

There being no one else wishing to address Council concerning this matter, Mayor Kennedy closed the public hearing.

MOTION by Councilmember Malfregeot, **SECONDED** by Councilmember Ferrari for approval of the above-captioned ordinance on second reading. **MOTION CARRIED 4-2 with Councilmembers Junkins and Keith casting the dissenting votes.**

At this time, the Mayor allowed for an additional citizen comment from Andrea Pecora, 322 Despard Street, who addressed Council concerning 207 E. Pike Street noting the roach infestation thereat and the problems that will be occurring once again in the spring. Mr. Faulk informed that he would check with Code Enforcement on the status of this property and give her a call.

NEW BUSINESS:

A. CONSIDERATION OF FIRST READING OF AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES

MOTION by Councilmember Ferrari, **SECONDED** by Councilmember Goff for approval of the above-captioned ordinance on first reading. **MOTION APPROVED UNANIMOUSLY.**

B. CONSIDERATION OF A SUPPLEMENTAL RESOLUTION PROVIDING PARAMETERS AS TO THE PRINCIPAL AMOUNTS, DATES, MATURITY DATES, REDEMPTION PROVISIONS, INTEREST RATES, INTEREST AND PRINCIPAL PAYMENT DATES AND OTHER TERMS OF THE WATER REFUNDING REVENUE BONDS, SERIES 2021 A (TAX-EXEMPT) OF THE CITY OF CLARKSBURG; AUTHORIZING AND APPROVING THE SALE AND DELIVERY OF SUCH BONDS TO THE ORIGINAL PURCHASER; AUTHORIZING AND APPROVING A BOND PURCHASE AGREEMENT, A REGISTRAR AGREEMENT, AN OFFICIAL STATEMENT, A TAX CERTIFICATE, A TAX COMPLIANCE POLICY, AND OTHER INSTRUMENTS RELATING TO THE BONDS; AUTHORIZING THE PURCHASE OF A MUNICIPAL BOND INSURANCE POLICY AND MUNICIPAL BOND DEBT SERVICE RESERVE INSURANCE POLICY AND AMENDMENT AND/OR MODIFICATION OF THE ORDINANCE TO COMPLY THEREWITH; APPOINTING A REGISTRAR, PAYING AGENT AND DISSEMINATION AGENT FOR SUCH BONDS; AND MAKING OTHER PROVISIONS TO THE BONDS

MOTION by Councilmember Ferrari, **SECONDED** by Councilmember Malfregeot to **TABLE** the above-captioned matter. **MOTION APPROVED UNANIMOUSLY.**

COUNCIL COMMENTS:

- Councilmember Malfregeot: Asked that Vice Mayor Marino be kept in our thoughts and prayers; reminded of the “If you see something/say something” campaign regardless of how insignificant it may seem.
- Councilmember Goff: Expressed appreciation to the CPD for their efforts to keep drugs out of our communities.
- Councilmember Ferrari: Concurred with Councilmember Goff; referenced the budget remarking on the amount of money to hire additional officers and the possibility of sacrificing other matters therefor.
- Mayor Kennedy: Advised that he would be working with the City Manager on a budget work session date; extended prayers for a full recovery to the Vice Mayor; noted his priorities of the CPD and CFD having the personnel, equipment, etc. to keep our citizens safe, as well as the demolition of run-down structures.

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

E. Ryan Kennedy, Mayor

Approved: February 18, 2021

Annette Wright, City Clerk