

**FEBRUARY 28, 2023**

The Council of the City of Clarksburg met in a Special Meeting on Tuesday, February 28, 2023, at 5:00 P.M. at the Clarksburg Municipal Building – Council Chambers, 222 West Main Street, Clarksburg, West Virginia, with Mayor Marino presiding.

**COUNCIL MEMBERS PRESENT:**

Will Hyman  
Gary Keith  
Jim Malfregeot  
Jerry Riffle  
Wayne Worth  
Lillie Junkins, Vice Mayor  
Jimmy Marino, Mayor

**ALSO PRESENT:**

Steve Pulice, Interim City Manager  
Paula Hardman, Recording Clerk

**1. ROLL CALL**

**2. INTERVIEW CITY MANAGER APPLICANT**

**MOTION** by Councilmember Hyman, **SECONDED** by Councilmember Malfregeot to adjourn into Executive Session pursuant to Chapter 6, Article 9A, Section 4 of the West Virginia Code to discuss personnel matters and that the following persons be present: Mayor and members of Clarksburg City Council. **MOTION APPROVED UNANIMOUSLY.**

Concluding Executive Session, **MOTION** by Councilmember Worth, **SECONDED** by Councilmember Hyman to reconvene into regular session. **MOTION APPROVED UNANIMOUSLY.**

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

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James Marino, Mayor

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Approved

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Paula Hardman, Recording Clerk

## MARCH 2, 2023

Prior to the regular session of Council held on Thursday, March 2, 2023, Council conducted a conference session at 5:30 p.m. at the Clarksburg Municipal Building, City Manager's Conference Room, 2<sup>nd</sup> 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  
Gary Keith  
Jim Malfreot  
Vice Mayor Lillie Junkins  
Mayor James Marino

### COUNCIL MEMBERS ABSENT:

Jerry Riffle  
Wayne Worth

AG: 23-10

## AGENDA

### CITY OF CLARKSBURG

AGENDA FOR **REGULAR MEETING OF COUNCIL OF THE CITY OF CLARKSBURG TO BE HELD THURSDAY, MARCH 2, 2023** 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 Malfreot*) & PLEDGE
3. APPROVAL OF MINUTES:
  - CONFERENCE (WORK) SESSION – JANUARY 12, 2023
  - SPECIAL SESSION – JANUARY 12, 2023
  - REGULAR SESSION – JANUARY 19, 2023
  - SPECIAL SESSION – JANUARY 24, 2023
  - SPECIAL SESSION- JANUARY 25, 2023
  - REGULAR SESSION – FEBRUARY 2, 2023
  - CONFERENCE (WORK) SESSION – FEBRUARY 7, 2023
  - SPECIAL SESSION- FEBRUARY 9, 2023
  - SPECIAL SESSION – FEBRUARY 10, 2023
  - REGULAR SESSION – FEBRUARY 16, 2023
4. PETITIONS, COMMUNICATIONS AND PUBLIC HEARINGS
5. CITY MANAGER'S REPORT/UPDATE
6. UNFINISHED BUSINESS
7. NEW BUSINESS:
  - A. CONSIDERATION OF FIRST READING OF AN ORDINANCE AUTHORIZING DESIGN AND OTHER PRECONSTRUCTION ACTIVITIES RELATING TO THE ACQUISITION AND CONSTRUCTION OF ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE EXISTING PUBLIC WATERWORKS SYSTEM OF THE CITY OF CLARKSBURG AND THE FINANCING OF THE COST, NOT OTHERWISE PROVIDED, THEREOF THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$1,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF WATERWORKS SYSTEM DESIGN REVENUE BONDS, SERIES 2023 B (WEST VIRGINIA DWTRF PROGRAM); NOT MORE THAN \$1,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF WATERWORKS SYSTEM DESIGN REVENUE BONDS, SERIES 2023 C (WEST VIRGINIA DWTRF PROGRAM/FORGIVABLE); PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING EXECUTION AND DELIVERY OF ALL DOCUMENTS RELATING TO THE ISSUANCE OF SUCH BONDS; APPROVING, RATIFYING AND CONFIRMING LOAN AGREEMENT RELATING TO SUCH BONDS; AUTHORIZING THE SALE AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH BONDS AND ADOPTING OTHER PROVISIONS RELATING THERETO

- B. CONSIDERATION OF FIRST READING OF AN ORDINANCE AUTHORIZING DESIGN AND OTHER PRECONSTRUCTION ACTIVITIES RELATING TO THE ACQUISITION AND CONSTRUCTION OF ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE EXISTING PUBLIC WATERWORKS SYSTEM OF THE CITY OF CLARKSBURG AND THE FINANCING OF THE COST, NOT OTHERWISE PROVIDED, THEREOF THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$2,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF WATERWORKS SYSTEM DESIGN REVENUE BONDS, SERIES 2023 A (WEST VIRGINIA DWTRF PROGRAM); PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING EXECUTION AND DELIVERY OF ALL DOCUMENTS RELATING TO THE ISSUANCE OF SUCH BONDS; APPROVING, RATIFYING AND CONFIRMING A LOAN AGREEMENT RELATING TO SUCH BONDS; AUTHORIZING THE SALE AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH BONDS AND ADOPTING OTHER PROVISIONS RELATING THERETO
- C. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG FIXING COMPENSATION FOR POLL CLERKS AND ELECTION COMMISSIONERS FOR THE GENERAL ELECTION TO BE HELD IN THE CITY OF CLARKSBURG ON TUESDAY, JUNE 6, 2023
- 8. COUNCIL COMMENTS
- 9. ADJOURNMENT

During the conference session, Interim City Manager Pulice reviewed the agenda, informed of the fire of an abandoned structure on Second Street which received minimal structure damage noting that the structure was boarded up and that he met with Code Enforcement, and they would be getting more proactive as to the board-ups. Interim City Manager Pulice advised that he would keep an eye on vagrancy and address the same, as needed; informed of a boil water advisory which most likely does not impact city residents Mayor Marino inquired when the Charter amendment language would be ready with Mr. Marsh apprising that he would be drafting the same. Mr. Pulice informed of the request from the WV Black Heritage Festival for a support letter for federal congressional funding to help expand their outreach. Mr. Pulice stated that he was not sure of the scope of the Mission who also requested a letter of support for said funding; noted Spring clean-up would be starting on March 13<sup>th</sup>; informed that he would be getting the final narrative of the budget which included Council’s needs and wants. Mr. Pulice apprised that the amount owed to the Library is \$52,000 with Finance Director Kim Karakiozis informing of the reasons for the adjustment. Mr. Pulice informed that the Administration did get back to Mr. Phares regarding his concerns and a meeting has been scheduled with the property owner regarding a plan of action for the property. Councilmember Keith noted the graffiti on the Duff Street Community building and that the same needed to be addressed. Mr. Pulice informed that the inspection regarding the Spring Avenue issue has been rescheduled for March 9<sup>th</sup>.

At this time, the Clarksburg City Council met in REGULAR SESSION on March 2, 2023 at 6:00 P.M. at the Clarksburg Municipal Building – Council Chambers, 222 West Main Street, Clarksburg, West Virginia, with Mayor Marino presiding.

**COUNCIL MEMBERS PRESENT:**

Will Hyman  
 Gary Keith  
 Jim Malfregeot  
 Wayne Worth  
 Vice Mayor Lillie Junkins  
 Mayor James Marino

**ALSO PRESENT:**

Steve Pulice, Interim City Manager  
 Richard Marsh, City Attorney  
 Annette Wright, City Clerk

**COUNCIL MEMBER(S) ABSENT:**

Jerry Riffle

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

The following individuals appeared for petitions, communications and public hearings:

**Chris Lane (along with Karl and Denise Wagenbrennar) (via video conference)** – Said individuals discussed a proposed brewery and micro distillery in the old FBI building and discussed some of their needs and/or concerns: zoning use, B&O tax credit incentive, separate water line, and four (4) parking spaces. Mr. Wagenbrennar briefly discussed their proposal stating that they wanted to work with the local businesses and colleges to build upon the local labor forces in the area. The product would be produced and stored at said location utilizing the existing steam system. Mr. Wagenbrennar stated that they needed some clarifications as soon as possible regarding zoning, B&O tax incentives opining that three years would not be enough for what they need stating that said business would generate revenue from the sales rather than the building being converted back to office space pointing out that said proposal is a \$1 million investment that would be in existence for many years to come; however, the lease has not yet been signed. Mayor Marino thanked the Wagenbrennars for their presentation and suggested that further discussion be held at a work session. Mr. Lane apprised that he has been working with the Wagenbrennars for a couple of years now trying to find a space noting the urgency due to the lengthy time period to obtain the alcohol license and the desire to have the facility open by the summer.

**AGENDA ITEM NO. 5: CITY MANAGER’S REPORT/UPDATE**  
**Manager’s Report**  
**March 2, 2023**  
**Submitted by Steve Pulice**

**MANAGER’S OFFICE:**

1. The budget for fiscal year 2023/2024 is almost complete and with just a few modifications once we get the figures from the County. Thank you to the Finance Department for a great job putting together this year’s budget.
2. Economic Development is working to finalize Congressional Directed Spending requests by the March 10<sup>th</sup> deadline.

**POLICE DEPARTMENT:**

1. In February, the Harrison County Drug Task Force, M.H.I.T. and K9 units have seized 40 ounces of Fentanyl, 46 ounces of Methamphetamines, over \$170,000 in cash and seven firearms. To put this in perspective, this is enough Fentanyl to cause 560,000 overdoses! Chief Kiddy would like to thank those units for their superior work and dedication.
2. During the month of February, the police department responded to 1660 calls for service.

**CITY PARKS:**

1. Splash Zone – an online meeting will be held on March 7<sup>th</sup> to discuss waterslide improvements.
2. Our Recreation Coordinator has taken the lifeguard instructor course and is now certified to train our staff.
3. At the AMP, 96 LED step lights have been replaced.

**WASTEWATER TREATMENT PLANT:**

1. The DEP was at the plant on Thursday, February 23<sup>rd</sup> for their annual Lab audit. The inspection went well, and they are awaiting the final report.

**FIRE DEPARTMENT:**

1. The Fire Department responded to 197 calls for service and one working structure fire. Fire damage was confined to room and contents with little structural damage.
2. Fire Department assisted with two Narcan distributions held at Central Fire Station.

**ROBINSON GRAND PERFORMING ARTS:**

1. This month we will begin the process of switching phone and internet providers. This will cut these costs in half.
2. On March 22 & 23, we will have the searchlights repaired. They are currently only working at 50% capacity.
3. Seven events are scheduled for March, WV Southern Baptist Youth Conference, Extreme Talent Showcase Dance Competition, Godfather Weekend with Gianni Russo, Andy Gross and Mindboggling Act to name a few.

**CODE ENFORCEMENT:**

- 1. Code Enforcement issued 23 building permits for total job cost of \$706,622, 17 NOV's, 6 citations, 3 condemnation orders, 4 reboards, 56 inspections, 30 animal control complaints, 9 See, Click, Fix inspections.
- 2. Brewpub zoning letter, plans coming later.

**FINANCE DEPARTMENT:**

- 1. B&O tax - \$686,411, police citations - \$6,100, building permit fees - \$23,469, Board-Ups - \$400.00, removal grass/garbage - \$200, vacant property registration - \$1,600, fire service fees - \$171,945, payment agreements - \$855, demo payments - \$21,274.
- 2. New business licenses – 7, license renewals – 2.

**PUBLIC WORKS DEPARTMENT:**

- 1. Demoad 1735 Junkins Avenue.
- 2. Bridge Street sink hole repair.
- 3. Gould Avenue sewer repair.
- 4. Trimmed trees at the Life Science Center, Quarry and Jackson Square.
- 5. Preparation work for Spring clean-up starting March 13<sup>th</sup>.

Interim City Manager read a boil water advisory issued by the Water Board for the Liberty Addition area located outside of the City limits.

**END OF REPORT**

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:**

**A. CONSIDERATION OF FIRST READING OF AN ORDINANCE AUTHORIZING DESIGN AND OTHER PRECONSTRUCTION ACTIVITIES RELATING TO THE ACQUISITION AND CONSTRUCTION OF ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE EXISTING PUBLIC WATERWORKS SYSTEM OF THE CITY OF CLARKSBURG AND THE FINANCING OF THE COST, NOT OTHERWISE PROVIDED, THEREOF THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$1,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF WATERWORKS SYSTEM DESIGN REVENUE BONDS, SERIES 2023 B (WEST VIRGINIA DWTRF PROGRAM); NOT MORE THAN \$1,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF WATERWORKS SYSTEM DESIGN REVENUE BONDS, SERIES 2023 C (WEST VIRGINIA DWTRF PROGRAM/FORGIVABLE); PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING EXECUTION AND DELIVERY OF ALL DOCUMENTS RELATING TO THE ISSUANCE OF SUCH BONDS; APPROVING, RATIFYING AND CONFIRMING LOAN AGREEMENT RELATING TO SUCH BONDS; AUTHORIZING THE SALE AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH BONDS AND ADOPTING OTHER PROVISIONS RELATING THERETO**

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

**B. CONSIDERATION OF FIRST READING OF AN ORDINANCE AUTHORIZING DESIGN AND OTHER PRECONSTRUCTION ACTIVITIES RELATING TO THE ACQUISITION AND CONSTRUCTION OF ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE EXITING PUBLIC WATERWORKS SYSTEM OF THE CITY OF CLARKSBURG AND THE FINANCING OF THE COST, NOT OTHERWISE PROVIDED, THEREOF THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$2,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF WATERWORKS SYSTEM DESIGN REVENUE BONDS, SERIES 2023 A (WEST VIRGINIA DWTRF PROGRAM); PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE REGISTERED OWNERS OF SUCH**

**BONDS; AUTHORIZING EXECUTION AND DELIVERY OF ALL DOCUMENTS RELATING TO THE ISSUANCE OF SUCH BONDS; APPROVING, RATIFYING AND CONFIRMING A LOAN AGREEMENT RELATING TO SUCH BONDS; AUTHORIZING THE SALE AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH BONDS AND ADOPTING OTHER PROVISIONS RELATING THERETO**

**MOTION** by Councilmember Hyman, **SECONDED** by Councilmember Malfregeot 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 FIXING COMPENSATION FOR POLL CLERKS AND ELECTION COMMISSIONERS FOR THE GENERAL ELECTION TO BE HELD IN THE CITY OF CLARKSBURG ON TUESDAY, JUNE 6, 2023**

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

**COUNCIL COMMENTS:**

- Councilmember Malfregeot: Reminded all that if they see something to say something, noted tomorrow's First Fridays event, inquired if the City had collected B&O taxes for the VA parking garage, new lights on Route 50, FBI subcontractors, North View exit and the County building. Finance Director Karakiozis informed that she would look into the same. Also, Councilmember Malfregeot congratulated the Police Department for the bust on Charla Avenue.
- Councilmember Worth: Also thanked the MHIT task force for the bust; remarked on the proposed brewery presentation noting the excitement therewith and encouraged a work session as soon as possible with staff available to answer questions; also noted First Fridays event tomorrow.
- Councilmember Hyman: Commented on the proposed brewery pub presentation expressing excitement therewith; congratulated the task force for the bust in Suan Terrace and North View, remarked that he was glad that we could move on the Water Bonds and noted the First Fridays event.
- Vice Mayor Junkins: Remarked that the brew pub was a great and existing prospect, and she was looking forward to receiving more information at the work session and noted the First Fridays event.
- Mayor Marino: Also expressed excitement with the proposed brew pub; remarked that he was never against the Water Board or the bonds but rather with the Charter amendments; thanked Steve Pulice and Kim Karakiozis for submitting the best budget in the last two years noting that we have come a long way in the last two years and commended both Interim City Managers for doing a good job. Mayor Marino commented that Council has been on a City Manager search and opined that the same has been going well and that he is looking forward to having a permanent professional city manager to help the City move forward.

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

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Mayor James Marino

Approved: March 16, 2023

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Annette Wright, City Clerk