

## MARCH 18, 2021

The Clarksburg City Council met in REGULAR SESSION on Thursday, March 18, 2021 at 6:00 P.M. at the Clarksburg Municipal Building – Council Chambers, 222 West Main Street, Clarksburg, West Virginia, with Mayor Kennedy presiding.

### **COUNCIL MEMBERS PRESENT:**

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

### **ALSO PRESENT:**

Harry Faulk, City Manager  
Annette Wright, City Clerk

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

At this time, Council deviated from the agenda to allow for a presentation by the Auditor's Office regarding Project Mountaineer wherein the transparency portal allows for a real-time window into the City's finances. This will help to make audits more efficient and streamlined with a tutorial of the platform and how to navigate the website being demonstrated. Mayor Kennedy remarked that it was great to see all the work that has been done to make our finances more transparent.

**MOTION** by Councilmember Malfregeot, **SECONDED** by Vice Mayor Marino for approval of the minutes of the Regular Session of Council held on March 4, 2021. **MOTION APPROVED UNANIMOUSLY.**

At this time the Mayor called for petitions, communications and public hearings with the following individual(s) appearing therefor:

**Brad Morris**, 503 Stanley Avenue appeared before Council to discuss code enforcement. Mr. Morris expressed his frustration with Code Enforcement opining that said department does not need to be so aggressive but should work in cooperation with the citizens. Mr. Morris explained a situation wherein he was cited without a phone call from the City.

**AGENDA ITEM NO. 6:    CITY MANAGER'S REPORT/UPDATE**  
**Manager's Report**  
**March 18, 2021**  
**Submitted by Harry R. Faulk**

#### **Manager's Office**

1. *Under the American Rescue Plan of 2021, the City of Clarksburg will receive \$6.3 million to use towards responding to or mitigating the COVID-19 public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, covering lost revenue due to the Pandemic relative to revenues collected in the most recent fiscal year, and making necessary investments in water, sewer, or broadband infrastructure. The Department of the Treasury is expected to release further guidance on the utilization of these funds in the upcoming weeks. I recommend that Council have a work session in the coming months to start exploring ideas on how to utilize the funds.*
2. *The City of Clarksburg, along with the Harrison County Chamber of Commerce and the Harrison County Economic Development Corporation will host a Small Business Summit at the Robinson Grand on Wednesday, April 21<sup>st</sup> at 9:00a.m. Please RSVP for the event and it is open to any Clarksburg Business.*

#### **Police Department**

1. *We would like to welcome our newest K-9, Officer Asta. She is a 17-month-old German Shephard and Patrolman Kane Bender will be her handler. Training will begin in April.*

2. *The Clarksburg Police Department, along with Harrison County Sheriff Robert Matheny will host "Coffee with a Cop" at the Robinson Grand on Wednesday, March 24<sup>th</sup> beginning at 9:00a.m. This will be an opportunity for the public to meet with our Police and ask questions.*
3. *Testing for future Police Officers will be April 17<sup>th</sup> and April 24<sup>th</sup>. Details are on our website.*

#### Fire Department

1. *The FBI Weapons of Mass Destruction and Response Team met with our Hazmat Technicians to train on our newest diagnostic tool for detecting narcotics, explosives, and hazardous materials.*
2. *Firefighter Billy Elko has successfully completed his one-year probation.*
3. *Applications are currently being accepted for the position of Firefighter and the deadline to apply is May 13<sup>th</sup>.*

#### Finance Department

1. *A list of businesses that have failed to obtain a business license with the City have been given to Code Enforcement and may be cited if they fail to register.*
2. *The department audited all contractors and rental tax returns. For those that filed a zero, Code Enforcement will investigate whether the property is vacant.*
3. *Invoices are being prepared for the current round of demolitions.*

#### City Parks

1. *For the third year in a row, the Veterans Memorial Park has been named Harrison County's Best Park.*
2. *The RFP for soft drinks for the Amphitheater and Splash Zone has been advertised.*
3. *The first concert at the Amphitheater will be April 1<sup>st</sup>. Please check our website for details.*
4. *April 1<sup>st</sup> is the target date to begin the preparation for opening Splash Zone for the season.*

#### Robinson Grand Performing Arts Center

1. *The Center, along with Vintage Theatre Company will present the first live public event: "April Fools! An Evening of Improv Comedy with the Fearless Fools," on April 1<sup>st</sup>. Please visit their website for event tickets and details.*
2. *Antero Resources presented their \$100,000 contribution to the Center and is part of their overall commitment of \$600,000 for projects and on-going operations.*
3. *Local and regional dance recitals will take place throughout May and June. Restrictions will apply to the public. Please visit their website for details.*

#### Code Enforcement

1. *The Department issued 52 building permits for a total project cost of \$733,025.62. Twenty-three notice of violations and 13 citations were issued. Fourteen residential and 7 commercial inspections were performed.*
2. *Animal control responded to 36 calls for service.*
3. *Five vehicles were tagged for removal and 5 illegal signs were removed.*

#### Public Works

1. *The Department installed 147 feet of new sanitary sewer lines. Twenty catch basins were cleaned and 2 were replaced. Five tons of yard waste were picked up.*
2. *Crews demolished 848 Verdun Ave.*
3. *Lights in the Hewes Ave Parking Garage are starting to be converted to LED's.*
4. *Applications are currently being accepted for the position of Laborer and the deadline to apply is April 12<sup>th</sup>.*

#### Wastewater Treatment Plant

1. *Interviews were conducted for the position of Superintendent and I would like to congratulate Drew Eddy on being the ideal candidate to lead the future operations of the Plant. Chad Marsh has been promoted to Lab Director and Alex Bombardiere has been promoted to Shift Operator.*
2. *Applications are currently being accepted for the position of Plant Operator and the deadline to apply is March 26th.*
3. *The Septage Receiving Station is 85% complete.*

**“Proud Past... Unlimited Future”**

**UNFINISHED BUSINESS:**

- A. CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING OF AN ORDINANCE OF THE CITY OF CLARKSBURG PROVIDING FOR THE ABANDONMENT OF UNOPENED, UNIMPROVED EXTENSIONS OF 16<sup>TH</sup> 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 1, 2021, Mayor Kennedy declared the public hearing open with the following individuals appearing therefor:

John Angiulli, 915 N. 15<sup>th</sup> Street – expressed concern with the abandonment on 16<sup>th</sup> Street and read Article 905 of the codified ordinances to Council regarding reasons to not approve a petition for abandonment and asked Council to voting according thereto.

Barbara Comer – explained that she and her husband had no plans for said property at this time but that she made the abandonment petition should her daughter wish to make additions to the structure and need the additional land. Mrs. Comer remarked that she did her due diligence and that she is not asking for anything that has not been granted to others.

Councilmember Malfregeot inquired if Mr. Angiulli would have use of the property if the abandonment petition is approved with Mrs. Comer stating that he could go over her property as long as they had the right to go over his property.

Aimee Comer – remarked that her parents (the petitioners) should not have to be asked to put his use of the property into their deed stating that such was an unreasonable request.

There being no one else wishing to speaking for the public hearing, the hearing was closed.

**MOTION** by Vice Mayor Marino, **SECONDED** by Councilmember Junkins for approval of the above-captioned petition for abandonment. **MOTION CARRIED 4-3 with Councilmembers Ferrari, Goff and Keith casting the dissenting votes.**

**NEW BUSINESS:**

- A. PUBLIC HEARING ON PROPOSED BUDGET FOR FISCAL YEAR 2021-2022**

With notices regarding the public hearing appearing in *The Exponent Telegram* on March 11, 2021 and March 18, 2021, Mayor Kennedy declared the public hearing open. With no one appearing therefor, the public hearing was closed.

- B. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG TO AMEND SECTION 507.05 OF THE CODIFIED ORDINANCES TO MODIFY THE PENALTIES FOR THE LACK OF RESTRAINT OF DOGS AND CATS**

**MOTION** by Councilmember Ferrari, **SECONDED** by Councilmember Keith 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 TO AMEND SECTION 507.05 OF THE CODIFIED ORDINANCES TO MODIFY THE PENALTIES FOR THE LACK OF RESTRAINT OF DOGS AND CATS**

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

**D. CONSIDERATION OF APPROVAL OF THE BUDGET FOR FISCAL YEAR 2021-2022 IN THE AMOUNT OF \$20,588,360 FOR THE GENERAL FUND, \$56,100 FOR THE COAL SEVERANCE TAX FUND, \$269,000 FOR THE POLICE FINE ESCROW FUND, \$1,289,513 FOR THE EXCESS PROPERTY TAX LEVY FUND, \$1,030,000 FOR THE FINANCIAL STABILIZATION FUND, \$6,966,000 FOR THE SALES & USE TAX FUND AND \$705,300 FOR THE ROBINSON GRAND PERFORMING ARTS CENTER**

**MOTION** by Councilmember Malfregeot, **SECONDED** by Councilmember Keith for approval of the above-captioned budget. **MOTION APPROVED UNANIMOUSLY.**

**E. CONSIDERATION OF A RESOLUTION OF THE COUNCIL OF THE CITY OF CLARKSBURG APPOINTING A MEMBER TO THE CLARKSBURG VISITORS' BUREAU**

**MOTION** by Councilmember Junkins, **SECONDED** by Vice Mayor Marino to appoint Lisa Sutton to the Clarksburg Visitors' Bureau. **MOTION APPROVED UNANIMOUSLY.**

**F. CONSIDERATION OF A RESOLUTION APPOINTING BALLOT COMMISSIONERS, FIXING PRECINCT BOUNDARIES AND POLLING PLACES AND APPOINTING ELECTION OFFICIALS FOR THE GENERAL ELECTION TO BE HELD IN THE CITY OF CLARKSBURG ON TUESDAY, JUNE 1, 2021**

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

**G. CONSIDERATION OF A RESOLUTION APPOINTING EMERGENCY ABSENTEE VOTING COMMISSIONERS FOR THE GENERAL ELECTION TO BE HELD IN THE CITY OF CLARKSBURG ON TUESDAY, JUNE 1, 2021**

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

**H. CONSIDERATION OF A RESOLUTION OF THE CITY OF CLARKSBURG, WEST VIRGINIA APPROVING AMENDMENT OF THE RULES AND REGULATIONS OF THE FIREMEN'S CIVIL SERVICE COMMISSION OF THE CITY OF CLARKSBURG, WEST VIRGINIA**

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

**I. CONSIDERATION OF AWARD OF BID FOR THE REPAIR OF THE NEW SLIP LOCATED ON WINDING WAY**

**MOTION** by Councilmember Ferrari, **SECONDED** by Councilmember Malfregeot to award the above-referenced bid to Rock Forge Bridge Company in the amount of \$165,677 with a 15% contingency. **MOTION APPROVED UNANIMOUSLY.**

**J. CONSIDERATION OF APPOINTMENT(S) TO THE MUNICIPAL BUILDING COMMISSION**

**MOTION** by Vice Mayor Marino, **SECONDED** by Councilmember Ferrari to appoint Tracy Karle, Hayden Cottrill and Brooke Jenkins to the Municipal Building Commission. **MOTION APPROVED UNANIMOUSLY.**

**COUNCIL COMMENTS:**

Councilmember Malfregeot: Inquired of Mr. Faulk if he had made contact with the Governor to which he replied that he had not. Also requested that we look into the Opportunity Zone; noted the many streetlights out that we are paying for; welcomed Vice Mayor Marino back; reminded all that if they see something to say something.

Councilmember Ferrari: Asked for an email as to the structures our Public Works Department will be demolishing and also welcomed Vice Mayor Marino back.

Councilmember Goff: Expressed pleasure in the City having a second K-9; also welcomed back the Vice Mayor.

Councilmember Keith: Thanked all for attending this evening; concurred with Councilmember Goff's remarks regarding the second K-9; noted Covid monies and the possible use thereof to spur economic development with the demolitions of the Waldo and the Parsons Hotel; also welcomed back the Vice Mayor.

Vice Mayor Marino: Expressed his appreciation for being here this evening speaking on his Covid experience and 25-day hospital stay; expressed that he wanted to be supportive in his future endeavors in working with Council in a positive manner going forward; commended Mr. Faulk on the budget; noted those that signed up to run for Council commenting that all were good candidates for the City.

Mayor Kennedy: Welcomed back Vice Mayor Marino; expressed his appreciation for the second K-9; advised of a work session to discuss the \$6.3 million that the City is to receive; stated that he is not running for Council at this time as he believes in term limits.

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

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E. Ryan Kennedy, Mayor

Approved: April 1, 2021

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Annette Wright, City Clerk