

## APRIL 15, 2021

The Clarksburg City Council met in REGULAR SESSION on Thursday, April 15, 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:**

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

### **COUNCIL MEMBERS(S) ABSENT:**

Frank Ferrari

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

At this time, Council deviated from the agenda for the presentation of a proclamation to representatives of HOPE, Inc. declaring April as “Sexual Assault Awareness Month” in the City of Clarksburg.

**MOTION** by Councilmember Malfregeot, **SECONDED** by Vice Mayor Marino for approval of the minutes of the Conference (Work) Session of Council held on March 25, 2021. **MOTION APPROVED UNANIMOUSLY.**

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

**John Madia**, 115 Hartland Avenue – appeared before Council concerning mobile food vendors. Mr. Madia expressed the following comments regarding the vendor ordinance on this evening’s agenda and referenced page 4 thereof commenting that the noise level should be measured and not by someone’s opinion, page 5 mentions insurance opining that the City should require a business liability policy along with the insurance policy, noted a discrepancy as to the number of food trucks permitted and inquired as to how fines would be issued if such was violated. Page 5 referencing signage wherein banners are to be a certain size pointing out that most banners are larger than the maximum requirement. Mr. Madia remarked that this ordinance came from Huntington, a college town, and that the area food truck vendors should have been given the opportunity to offer their input. Mayor Kennedy asked the City Manager to get with the City Attorney to amend the ordinance.

**Brad Morris**, 503 Stanley Avenue - appeared before Council to discuss the sidewalk area from Nutter Fort to Broad Oaks, demolition and Certificates of Occupancy. Mr. Morris apprised of the need for a sidewalk from Nutter Fort to Broad Oaks citing a public safety concern for pedestrians. Remarked that he was supportive of the demolition program and pointed out that a reason many of these properties are not rehabilitated is because they are not worth the investment and also opined that the hoops someone has to jump through to rehab said properties are challenging. With regard to Certificates of Occupancy, Mr. Morris remarked that while the same may generate revenue for the City it costs him money and time. Mr. Morris pointed out that HUD housing landlords do not have to pay the \$25.00 C/O fee and others inside the government system do not have to pay the fee and asked that the policy be looked into. Mr. Morris went on to say that it wasn’t the \$25.00 fee but it’s that combined with everything else and this body initiated said fee. Mayor Kennedy asked the City Manager to check with Nutter Fort to see who owns the real estate referenced above by Mr. Morris.

**Kenneth Tyson – “Mr. Taco”** – spoke to Council concerning mobile food vendors. Mr. Tyson referenced various sections of the proposed ordinance on this evening’s agenda such as

the noise section, signage, insurance, remodeling, etc. Mr. Tyson commented that the ordinance was a huge step forward but he did not believe the first reading was appropriate this evening in light of the needed changes. Mr. Tyson commented that Council may want to sit down with the local food vendors to discuss their concerns noting that they have been doing this for a while. Also, Mr. Tyson remarked that rather than follow an ordinance for a city 100 miles away, let's talk about some of this stuff.

**Martin Shaffer**, 211 N. 6<sup>th</sup> Street – addressed Council concerning strategic planning. Mr. Shaffer remarked that when he was first elected to Council he wanted Clarksburg to do a strategic plan similar to Bridgeport. Mr. Shaffer stated that the City needs to develop a strategic plan and that the citizens need to be involved.

Councilmember Malfregeot inquired of Mr. Shaffer if he had made an appointment with the City to schedule payments for the demolition of his property on Pike Street with Mr. Shaffer responding that he was getting his paperwork from the Finance Department and he would sit down with the City Manager.

**AGENDA ITEM NO. 6:    CITY MANAGER'S REPORT/UPDATE**  
**Manager's Report**  
**April 15, 2021**  
**Submitted by Harry R. Faulk**

**Manager's Office**

1. *We received 119 applications for the position of Public Works Laborer. Applicants were screened and 22 candidates will be interviewed next week.*
2. *Interviews were conducted last week for the position of Plant Operator and Stacey Soles happily accepted the position. His start date is May 10<sup>th</sup>. Welcome to the team!*
3. *The Beautification Committee met with Sculptor Bill Hopen. He is going to design a sculpture for the park on the corner of W. Pike and S. 3<sup>rd</sup> Street.*
4. *Interviews for the position of Director of Economic Development will begin next week.*
5. *This morning we welcomed a new business in Clarksburg. The Hair Way to Beauty Salon and Barbershop had their ribbon cutting ceremony today. They are located at 431 Clark Street in the Glen Elk Community. Welcome to our great City.*

**Police Department**

1. *Testing for Police Officers will take place the next two Saturdays, April 17<sup>th</sup> and April 24<sup>th</sup> beginning at 9:00 a.m. at the Robert C. Byrd High School.*
2. *Officers will begin training and certification on May 24<sup>th</sup> for the drone.*
3. *The new body cameras and in car video systems installation will begin next week.*

**Fire Department**

1. *On Easter Sunday, the Department experienced one of the largest residential fires in the last 15 years. Three occupied homes were destroyed, 6 structures were damaged, and 5 vehicles totaled. The State Fire Marshall is investigating the cause of the fire. No injuries were reported.*
2. *Today, we had sworn in our new Fire Chief, Steve Pulice, along with Captains Walter Knight, Stephen McIntire, and Brian Hall, and Lieutenants Adam Pulice and Chris Runner and firefighter Andrew Hardy.*
3. *The process has begun to fill the Training and Safety Officer, Fire Marshall, and Mechanics positions.*

**Finance Department**

1. *Proposals for the financing of the Sutphen Ladder Truck have been received. Council will consider awarding the bid next month.*
2. *Updates to the City's Website for clarification on B&O tax requirements were completed.*
3. *The Department has been reviewing ordinances and looking at ways for Clarksburg to be more business friendly.*
4. *Quarterly B&O Tax Assessments will be issued next week for all businesses that neglected to file and pay their B&O taxes for any quarters in the year 2018 and 2019. If not paid within 30 days, liens will be filed and sent to an outside collection agency.*

City Parks

1. *The Pickleball Group will meet with the Park Board to discuss improvements at the VA Park Courts.*
2. *The Clarksburg Visitors Bureau is planning an event to be held at the Amp in June.*
3. *Work continues to prepare for the opening of Slash Zone for the season.*

Robinson Grand Performing Arts Center

1. *The Center was proud to have successfully completed two public events and one wedding with the highest attendance since March 2020.*
2. *Weekends are fully booked for the rest of 2021 and they are now accepting reservations for 2022.*

Code Enforcement

1. *The Department issued 53 Building Permits for a total project cost of \$266,289.*
2. *Twenty-one Notice of Violations were issued. Zero citations were written. Six structures were condemned. Three demo structures were reboarded along with 9 condemned structures. Nineteen residential and 7 commercial inspections were performed. Twenty-five notice of violations were resolved. Three properties were removed from the condemned list. Four vehicles were tagged, and 5 signs were removed.*
3. *Animal Control responded to 26 calls for service with seven animals taken to HCAC.*

Public Works

1. *The Sanitary Department installed 206 feet of new sanitary sewer pipe, along with responding to 21 sewer complaints. A new catch basin was installed at Monticello and Main Street.*
2. *Public Works has picked up over 63 tons in week 1 of Spring Clean Up and 41 tons in week 2. Fourteen tons of yard waste was collected, and 25 tons of compost was screened.*
3. *Crews demolished 619 and 336 Monticello Ave along with 3 structures on Levy Court.*
4. *The 2020/2021 Paving project is complete and ready to go out to bid.*

Wastewater Treatment Plant

1. *The Plant treated 197 million gallons of wastewater in March with no violation to report.*
2. *The Plant also received 238,650 gallons of septage for a revenue of \$12,571.66.*
3. *Work has begun to replace the perforated roller on the sludge press.*

Upcoming Events:

- *Fire Civil Service Commission – April 16<sup>th</sup> @ 2:00pm in Council Chambers*
- *Harrison County Economic Development Corp.– April 20<sup>th</sup> @ 11:20am in Council Chambers*
- *Chat with Code Enforcement – April 20<sup>th</sup> @ 5:00pm at the Robinson Grand*
- *Clarksburg Small Business Summit – April 21<sup>st</sup> @ 9:00am at the Robinson Grand*

**“Proud Past... Unlimited Future”**

**UNFINISHED BUSINESS:**

- A. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG TO AMEND SECTION 745 REGARDING TAX CREDITS TO REENACT THE SAME AND ADD A TAX CREDIT FOR A NEW BUSINESS LOCATION WITH CONSTRUCTION COSTS**

**MOTION** by Councilmember Keith, **SECONDED** by Councilmember Goff to remove this matter from the TABLE. **MOTION APPROVED UNANIMOUSLY.** **MOTION** by Councilmember Malfregeot, **SECONDED** by Councilmember Keith for approval of the above-captioned ordinance on first reading. **MOTION APPROVED UNANIMOUSLY.**

**NEW BUSINESS:**

- A. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG TO CREATE AN ORDINANCE LICENSING AND SETTING FORTH RESTRICTIONS ON MOBILE FOOD VENDORS**

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

**B. CONSIDERATION OF FIRST READING OF AN ORDINANCE ADJUSTING COMPENSATION OF CITY COUNCIL MEMBERS**

Matter died due to lack of a motion.

**COUNCIL COMMENTS:**

- Councilmember Malfregeot: Suggested that the City make some sort of donation to the Mayer family noting that Bill Mayer is a City employee; suggested that we look at a curfew where people have to be off the streets at 11:30 p.m. noting that people are running the streets all hours of the night; reminded all that if they see something to say something.
- Councilmember Goff: Expressed that he was glad to see everyone here as well as some of the candidates.
- Councilmember Keith: Expressed his appreciation as well with a nice turnout this evening; noted the beautiful ceremony at the Fire Department this morning followed by the ribbon cutting for the beauty shop in Glen Elk; expressed his encouragement in seeing 119 applications received for the Public Works Department and suggested that this may be the time to hire a couple of extras; with regard to the food truck, noted that we needed to be a little more careful about the ordinances and thanked those this evening for appearing and helping to get it right; remarked that he thought that this round of demos could be the light at the end of the tunnel.
- Councilmember Junkins: Expressed her sympathies to the families involved in the Easter fire and thanked the CFD for their rapid response. Councilmember Junkins commented that around election time people begin to analysis the status of the city pointing out that all citizens play a role in the decline and that it will it take all citizens working together for its repair stating that no one department or one citizen would be enough to accomplish what we want to achieve. Councilmember Junkins continued that we have to stop pitting one another against each other and work together for the betterment of the city.
- Vice Mayor Marino: Expressed thoughts and prayers to the Mayer family (due to the loss of their home by fire); congratulated all promotions in the Fire Department; expressed appreciation with the City being able to offer employment opportunities noting the 119 applications received; expressed his excitement with the new economic development director opining that such was much needed; noted the \$6.3 million ARA monies coming in; noted his encouragement with the candidates running on June 1<sup>st</sup>.
- Mayor Kennedy: Concurred with the comments regarding the Easter fire and shared a story wherein his family home caught fire in 1999 and noted the heroism of the firefighters; with regard to the curfew suggestion made by Councilmember Malfregeot, Mayor Kennedy stated that this would have to be ran by the City Attorney as he is not the City's attorney; however, he

did recall some type of problem with the same. Mayor Kennedy commended the police chief and manager for the “Coffee with a Cop” and noted the upcoming “Chat with Code Enforcement” which will be the first time the citizens have the opportunity to sit down and talk with Code Enforcement; noted that April 21<sup>st</sup> would be the first Small Business Summit; noted the \$6.3 million coming to the City but did not know all the rules stated he would like to see the broadband updated.

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

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E. Ryan Kennedy, Mayor

Approved: May 6, 2021

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Annette Wright, City Clerk