MAY 16, 2019

The Clarksburg City Council met in REGULAR SESSION on Thursday, May 16, 2019 at 6:00 P.M. at the Clarksburg Municipal Building – Council Chambers, 222 West Main Street, Clarksburg, West Virginia, with Mayor Goings presiding.

COUNCIL MEMBERS PRESENT:  
Gary Bowden  
Frank Ferrari  
Marshall Goff  
Ryan Kennedy  
Chad Sigmon  
Vice Mayor Jim Malfregeot  
Mayor Catherine Goings

Following roll call, the prayer was given and the pledge led by Vice Mayor Malfregeot.

Council deviated from the agenda for a proclamation presentation by Councilmember Sigmon to Shawn Kniceley of United Summit Center proclaiming May as “Mental Health Awareness Month” in the city of Clarksburg.

MOTION by Vice Mayor Malfregeot, SECONDED by Councilmember Ferrari for approval of the minutes of the regular session of Council held on May 2, 2019.  MOTION APPROVED UNANIMOUSLY.

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

Martin Shaffer, 211 N. Sixth Street – addressed Council concerning (Crime) Volume 14 – because of homelessness.  Mr. Shaffer remarked that it has been 767 days since he reported the theft of the jackhammer and nothing has been done.  Mr. Shaffer commented on problems due to homelessness referencing the City’s police department budget of $5.2 million stating that such equals $158,000 per officer.  Mr. Shaffer stated that there have been three house fires and inquired as to what was being done to get the arsonist.  Mr. Shaffer further stated that the police, not the property owner(s), should be the ones to tell the homeless individuals that are sleeping in Glen Elk doorways to move.  Mr. Shaffer expressed frustration with nothing being done about the problems he raised.

Mike Weiss, 1935 Pride Avenue – addressed Council concerning the extension of the City Manager’s contract and raise.  Mr. Weiss inquired as to how the Council justified, with everything going on, giving Mr. Howe another raise opining that he was the highest paid city manager in the state.

Jimmy Marino, 700 Milford Street – also addressed Council concerning the City Manager’s employment contract.  Mr. Marino concurred with Mr. Weiss’ remarks.  Mr. Marino stated that there are so many issues in the city, as well as the inability to get police officers and opined that the money could be spent more wisely than on the City Manager’s salary.  Further, Mr. Marino expressed concern with the timing of the contract extension noting the election is in approximately two weeks wherein at least two new members will be on Council.  Mr. Marino suggested that Council table this matter at this time until after the new Council is seated.  Mr. Marino stated that acting on this matter would encumber another council which may not be illegal but possibly unethical.

AGENDA ITEM NO. 5:  
CITY MANAGER’S REPORT/UPDATE
Manager’s Report  
May 16, 2019  
Submitted by Martin G. Howe

General Updates

1. Public Works Union Contract – AFL-CIO Local 743 – Public Works’ Union Contract is on the agenda for consideration under New Business.  This contract will begin July 1, 2019 and run through June 30, 2022.  The administration recommends approval.
2. Demolition –  
a. Anderson/CIRA Associates – They were awarded three (3) contracts for asbestos abatement.  To date, CIRA has completed 10 of the 25 abatements.
b. Empire Builders – They were awarded four (4) contracts consisting of thirty (30) demolitions and/or asbestos abatements and demolition. To date, they have completed razing eleven (11) structures and have abated four (4) out of nineteen (19) in preparation to complete demolition.

c. Public Works has completed six (6) out of twenty-seven (27) structures scheduled for demolition.

3. Boards and Commissions – The following Boards and Commissions are appointments of the City Manager. All of the appointments are under New Business for Council’s confirmation.

a. Urban Renewal Authority – City Manager reappoints Sam Gallo to URA.

b. BOCA – City Manager appoints Greg Linder to the Code Appeals Board.

c. Planning & Zoning Commission – City Manager appoints George Faris to the Planning & Zoning Commission.

4. M.O.R.E. – Monticello Ongoing Revitalization Effort – The Blue Print Communities Kick-off ceremony will be Wednesday, May 29th at 9:00 a.m.

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<th>Infrastructure Projects</th>
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<td>1. Embankment Failures –</td>
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<td>a. Bond closing – Permanent financing not to exceed $2.75 million to permanently finance the embankment failures, with a term of 4.45% for ten (10) years, will occur on Monday, June 3, 2019 at 11:00 a.m. as a pre-closing in the City Manager’s Conference Room. These infrastructure improvements would not have been financially feasible to complete without the recently-implemented 1% Sales and Use Tax.</td>
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<td>b. Upper Winding Way – All concrete lagging has been installed. The wall has been backfilled with crusher run stone. Existing concrete pavement from the roadway has been removed. The project is tentatively scheduled to be completed in approximately three (3) weeks.</td>
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<td>c. Ascension/Brannon – Public Works Department crews recently completed site improvements to existing hillsides near a storm water control culvert. Hydroseeding is occurring as of Thursday, May 16, 2019 that will assist with slope stability. Next week additional maintenance work will take place on the existing storm water culverts.</td>
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<td>d. Camden Street Bridge – WVDOT project is approximately two (2) to three (3) weeks away from major completion. Discussions are presently being held concerning the addition of a chain link fence along walkway at both ends of the bridge.</td>
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<th>Police and Fire</th>
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<td>1. Police Civil Service Commission (PCSC) –</td>
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<td>a. The Police Civil Service will be meeting on Monday, May 21, 2019 to begin reviewing background information on the five (5) remaining candidates.</td>
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<td>b. New Eligibility List –</td>
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<td>i. Physical Ability Test – Saturday, June 8th at 10:00 a.m. at Robert C. Byrd High School.</td>
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<td>ii. Written Test – Applicants who successfully complete the physical ability test will be provided an application for the written test which will be conducted on Wednesday, June 19th at 6:00 p.m. at the Harrison County Senior Center.</td>
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<td>c. Promotional Exam –</td>
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<td>i. Monday, June 10th – testing for Lieutenant (1 position)</td>
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<td>ii. Tuesday, June 11th – testing for Sergeant (3 positions) – Police Civil Service Commission will also be deciding whether not all vacancies will be filled with this test due to one (1) officer being on military leave.</td>
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<td>2. Police –</td>
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<td>a. One (1) new probationary officer (Preston Lewis) was sworn in Wednesday, May 14, 2019.</td>
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<td>b. We currently have four (4) probationary officers awaiting enrollment to the West Virginia State Police Academy.</td>
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<td>c. The Clarksburg Police Department attended a job fair, Operation Appreciation, Thursday, May 16, 2019 at the Fairmont Armory. This event was targeted towards veterans and military personnel.</td>
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<td>d. Clarksburg Police Department will be attending a Job Fair on Friday, June 7th at the WV State Building.</td>
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<td>1. Robinson Grand Performing Arts Center – USDA – The Bond Closing for permanent financing will be on Wednesday, May 22, 2019 at 10:00 a.m. in the City Manager’s Conference Room. We anticipate financing approximately $8.4 million out of an approximately $20 million project. This again exemplifies the overall success of the New Market Tax Credits, Historical Tax Credits (State and Federal) and a Capital Campaign.</td>
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<td>2. Harrison Energy Center – The main line extension agreement for sanitary and sewer to service the new natural gas fired power plant has been submitted to the Public Service Commission for review.</td>
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<td>3. Simon’s Crossings – The preliminary plan reviews are anticipated to begin at the end of the month. This is the $7.5 million residential housing facility to be located at the end of N. 12th Street. It will consist of a total of thirty-eight (38) units.</td>
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4. Goff Building -
a. Roofing Project – We anticipate the contractor, Sutter Roofing, will have the new roof completed by the end of May.

b. The developer is still in process of executing due diligence and project pricing.

c. Sadd Brothers – Glen Elk Apartments – The construction of the new estimated $6.2 million residential housing complex consisting of thirty-six (36) units is approximately 42% complete. The fourth floor is framed and ready for the roof to be installed beginning May 28, 2019, weather permitting. The building is anticipated to be under roof by June 6, 2019. The brick exterior is also anticipated to begin being installed the next one (1) to two (2) weeks (weather permitting).

d. Ribbon Cutting – Hair, Inc. will be celebrating its 20th Anniversary with a ribbon cutting Friday, May 24, 2019 at 11:00 a.m. An open house will also be taking place Saturday, May 25, 2019. Hair, Inc. is located at 548 Emily Drive.

Events

1. Upcoming events at the RGPAC –
   a. Music – “Beginnings: The Ultimate Tribute to Chicago” Saturday, May 18, 2019 at 8:00 p.m.
   b. Dance Recital – Altered Productions will be Friday, May 24 and Saturday, May 25.
   c. There are three (3) additional upcoming dance recitals by other studios from late May through mid June.

2. Coast to Coast Rt. 50 Yard Sale will be setup on the corner of 3rd Street and Washington Avenue sponsored by the PWA on Saturday, May 18th beginning at 8:00 a.m.

3. Float the Fork – Celebration – Friday, May 31, 2019 at the VA Park will allow for registration, demonstrations, boat rentals, and safety tips for the Saturday event which begins in Good Hope.

FOIA

1. FOIA request from Andy Mancini – received on Monday, May 6, 2019, requesting all electronic emails, memos, attachments or otherwise from former employee James Marino to or from Justine Marino and Marino Brothers. A response was provided on Friday, May 10, 2019. The information is still being gathered to be provided.

2. FOIA request from Records Request, Friday, May 10, 2019, requesting copies of all invoices for dog waste bags for the past two (2) years. We responded to Records Request on Thursday, May 16, 2019.

3. FOIA request from Lindsey McQuiddy, Armada Analytics, Inc., Monday, May 13, 2019, requesting the certificates of occupancy, final approved site plan/approval documents, any special permits/conditions, variances, any open zoning code violations, any opening building violations, and any open fire code violations of Oakmound Apartments. We responded, and provided a letter with the appropriate information to Ms. McQuiddy on Wednesday, May 15, 2019.

UNFINISHED BUSINESS:

A. CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING OF AN ORDINANCE ESTABLISHING SALARIES OR COMPENSATION FOR MUNICIPAL OFFICERS AND EMPLOYEES FOR FISCAL YEAR 2019-2020 AND REPEALING ALL INCONSISTENT ORDINANCES

City Clerk Wright announced that notices regarding the public hearing for the above-referenced ordinance appeared in The Exponent Telegram on May 7, 2019 and May 14, 2019. Mayor Goings declared the public hearing open with no one appearing therefor. Upon closing the public hearing, MOTION by Vice Mayor Malfregeot, SECONDED by Councilmember Sigmon for approval of the above-captioned ordinance on second and final reading. MOTION APPROVED UNANIMOUSLY.

NEW BUSINESS:


MOTION by Councilmember Kennedy, SECONDED by Councilmember Bowden to TABLE the above-captioned matter. MOTION TO TABLE defeated with only Councilmembers Kennedy and Bowden voting in favor thereof.

MOTION by Vice Mayor Malfregeot, SECONDED by Councilmember Sigmon for
adoption of the above-captioned resolution. Under discussion, Councilmember Kennedy commented on the City Manager being the head of the city and his responsibilities therein noting the concerns with the homeless/backpackers, the crimes being committed, and our citizens not feeling safe and, in light thereof, could not give the person responsible for handling these matters a raise. Councilmember Bowden commented that although he is fully supportive of the City Manager, he is opposed to considering the contract extension at this time as he believes that matter would be better addressed by the future/new Council. Mayor Goings remarked to Councilmember Kennedy on the many positives in the City such as the Robinson Grand, infrastructure projects, Glen Elk apartments, etc. and that we always focus on the negative. Mayor Goings stated that if Councilmember Kennedy had a simple solution to the problems he referenced, then he needed to share the same. Mayor Goings stated that the police salary has been increased; however, we can’t make someone want to be a police officer. In closing, Mayor Goings added that this Council should be extremely proud of what has been accomplished. Concluding discussion, MOTION CARRIED 5-2 with Councilmembers Kennedy and Bowden casting the dissenting votes.

B. CONSIDERATION OF SALARY ADJUSTMENT FOR CITY CLERK FOLLOWING PREVIOUS PERFORMANCE EVALUATION

MOTION by Councilmember Ferrari. SECONDED by Councilmember Goff to increase the City Clerk’s salary by $2,000. MOTION APPROVED UNANIMOUSLY.

C. CONSIDERATION TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE 2019 CONTRACT BETWEEN THE CITY AND ALF-CIO LOCAL 743

MOTION by Councilmember Ferrari, SECONDED by Councilmember Goff to authorize the City Manager to execute the 2019 contract between the City and the ALF-CIO 743. MOTION APPROVED UNANIMOUSLY.

D. CONSIDERATION OF CONFIRMATION OF THE CITY MANAGER’S APPOINTMENT TO THE URBAN RENEWAL AUTHORITY

MOTION by Vice Mayor Malfregeot, SECONDED by Councilmember Sigmon for confirmation of the City Manager’s reappointment of Sam Gallo to the URA. MOTION APPROVED UNANIMOUSLY.

E. CONSIDERATION OF CONFIRMATION OF THE CITY MANAGER’S APPOINTMENT TO THE CODE APPEALS BOARD

MOTION by Councilmember Ferrari, SECONDED by Vice Mayor Malfregeot for confirmation of the City Manager’s appointment of Greg Linder to the Code Appeals Board. MOTION APPROVED UNANIMOUSLY.

F. CONSIDERATION OF CONFIRMATION OF THE CITY MANAGER’S APPOINTMENT TO THE PLANNING & ZONING COMMISSION

MOTION by Vice Mayor Malfregeot, SECONDED by Councilmember Sigmon for confirmation of the City Manager’s appointment of George Faris to the Planning & Zoning Commission. MOTION APPROVED UNANIMOUSLY.

G. CONSIDERATION OF A PETITION FILED BY RONNIE KALALAU OF 99 ARGONNIE STREET REQUESTING THE ABANDONMENT OF AN ALLEY THAT RUNS BETWEEN HIS PROPERTIES LOCATED THEREAT

MOTION by Councilmember Bowden, SECONDED by Councilmember Kennedy to forward the above-captioned petition to the Planning & Zoning Commission for their review, public hearing and comment. MOTION APPROVED UNANIMOUSLY.

H. CONSIDERATION OF CANCELLING THE JUNE 6, 2019 REGULAR COUNCIL MEETING (DUE TO WVML BOARD MEETING)
MOTION by Vice Mayor Malfregeot, SECONDED by Councilmember Ferrari to cancel the June 6th Council meeting due to the WVML Board meeting. MOTION APPROVED UNANIMOUSLY.

I. CONSIDERATION OF SCHEDULING A TIME FOR THE MONDAY, JUNE 10, 2019 CANVASS

MOTION by Vice Mayor Malfregeot, SECONDED by Councilmember Sigmon to conduct the Canvass on Monday, June 10th at 8:30 a.m. MOTION APPROVED UNANIMOUSLY.

J. CONSIDERATION OF RESCHEDULING THE JUNE 20, 2019 REGULAR COUNCIL MEETING TO TUESDAY, JUNE 18, 2019 (DUE TO THE WEST VIRGINIA DAY HOLIDAY)

MOTION by Vice Mayor Malfregeot, SECONDED by Councilmember Sigmon to reschedule the June 20th meeting to Tuesday, June 18, 2019 due to the WV Day Holiday. MOTION APPROVED UNANIMOUSLY.

COUNCIL COMMENTS:

Mayor Goings: Congratulated the City Manager and Police Chief on working toward getting a K9 for the Police Department; read aloud an email from Timothy Bumgardner commending the Public Works Department on their efficiency in addressing a ditch line matter; congratulated Vice Mayor Malfregeot on his funeral director status; informed of a May 22nd 7:00 p.m. meeting at Clarksburg Country Club sponsored by Dyer Law Offices extending an invitation to Council regarding the Mission.

Councilmember Bowden: Stated that he hoped the City Manager and Police Chief would be attending the meeting at Clarksburg Country Club referenced by the Mayor; congratulated the City Manager and City Clerk on their job performance evaluations.

Councilmember Sigmon: Informed of the United Methodist Church’s 5K and expressed support thereof; expressed enthusiasm with the Police Department getting a K9 back in operation; noted the improvements being made at the old Maxwell-Duncan House and expressed desire for the continuance thereof; thanked the candidates who came out to the meeting this evening and expressed best wishes to all; congratulated the City Clerk and City Manager and wished all a happy and safe Memorial Day.

Councilmember Kennedy: Noted the First Fridays’ events with the next one to be held on June 7th and expressed appreciation to those responsible for the same.

There being no further business to come before Council, MOTION by Councilmember Ferrari, SECONDED by Vice Mayor Malfregeot and APPROVED UNANIMOUSLY for adjournment.

Catherine A. Goings, Mayor
Approved: June 18, 2019

Annette M. Wright, City Clerk