MAY 20, 2021

The Clarksburg City Council met in REGULAR SESSION on Thursday, May 20, 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  
Frank Ferrari  
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 Ferrari.

MOTION by Councilmember Malfregeot, SECONDED by Councilmember Keith for approval of the minutes of the Regular Session of Council held on May 6, 2021. MOTION APPROVED UNANIMOUSLY.

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

Martin Shaffer, 211 N. 6th Street – remarked to Council that if you don’t learn from the past then you repeat your mistakes and that this Council has not learned from those mistakes. Mr. Shaffer remarked that downtown has been dying for the last 30 years and that the City has failed the citizens. Mr. Shaffer stated that property owners could seek to be removed from the City and he will seek such removal of his property located on Armory Road further stating that the City is not going to honor the agreement with his company to get sewage lines thereto.

Margaret Short, 628 Dale (P.O. Box 245) – addressed Council concerning a rental inspection expressing her discontent therewith and opining it was unnecessary for her to have incurred an electrician’s fee as all that was necessary was to label the ungrounded outlet as such.

Mr. Faulk remarked that the Code Department performed an inspection and it did not pass inspection at which point Ms. Short obtained and electrician and then the property passed inspection. Mr. Faulk added that the City would not be paying her bill as it would start a precedence. Mr. Faulk stated that the electrician made it up to Code with Ms. Short commenting that the electrician wrote “ungrounded” on the outlet.

Tim Stranko, Counsel to Clarksburg Water Board – Mr. Stranko remarked that he was proud of the Water Board who is servicing over 60,000 customers and that the Board has been acknowledged as a leader in the industry and, further, the relationship been City Council and the Water Board has been good. Mr. Stanko informed that when the Charter was written, the Water Board assumed all municipal powers regarding water and all aspects thereto. Mr. Stranko continued that when the Water Board needs an ordinance it states that Council “shall” enact ordinances at the request of the Water Board.

Paul Howe III, 315 S. Chestnut Street – addressed Council stating that this would be the first time in 20 years that a request for a salary increase has been made and that it is not very often the Water Board requests ordinances from the City. Mr. Howe noted that ten or plus years ago the Water Board asked Council to enact an ordinance to prohibit the tampering of meters. Mr. Howe asked for support of the Water Board’s resolution regarding a salary increase.

AGENDA ITEM NO. 6:  
CITY MANAGER’S REPORT/UPDATE
Manager’s Report  
May 20, 2021  
Submitted by Harry R. Faulk
Manager’s Office
1. The City of Clarksburg app for smartphones is almost complete and with a planned launch by the end of June.
2. Manager Faulk attended an American Rescue Plan informational session hosted by Senator Joe Manchin and State Auditor John McCuskey. The list is expanding on the how the funds can be used. An informational workshop session will be planned very soon.
3. Work has begun on the Sanitary Sewer Board Budget and the Parking Authority Budgets to present to those Boards next month.
4. The Clarksburg Beautification Committee presented the City with a mural located at the intersection of W. Main and S. 4th Street. The Committee meets on the second Wednesday of every month at 4:30p.m. at City Hall.

Police Department
1. Patrolman Bender and K-9 Asta have completed their training and are officially patrolling the streets.
2. Patrolman Moore is scheduled to graduate from the WV State Police Academy next Friday.
3. Background investigations have started on the 15 applicants for the Police Department.

Fire Department
1. The Department received 60 applications for the position of Firefighter. Forty-six successfully completed the written test, making them eligible for the physical test in which 28 passed. Those 28 will move on to the interview phase with the Civil Service Commission.
2. The annual hose testing has started, and South 6th may be blocked at times for the test.

Finance Department
1. We received notice from the State Auditor’s Office that we could put out an RFP for the City’s Audits for Fiscal Years 2021 and 2022. The RFP is being prepared and will be advertised on May 28th.
2. Proposals from three agencies have been received for Property & Casualty Insurance and Worker’s Compensation - Agent of Record Services. The proposals will be evaluated, and agencies will be interviewed in the next few weeks.
3. Renewals for Business Licenses for 2021-2022 will be mailed next week. If you do not receive a renewal, please contact the Finance Department.
4. One hundred and fifty-one businesses are not in compliance with 2020 B&O taxes and will not be eligible for license renewals unless the accounts are brought into compliance.

City Parks
1. VASCO met with the Superintendent and the Pickleball group to discuss upgrading the courts. The cost estimates are from $56,283 for recoating & permanent pickleball nets to $222,686 for repaving.
2. Summer Staff orientation was recently held, and individual training sessions are taking place.
3. The Health Department has granted permission to allow up to 650 guests per day at Splash Zone and 1,500 at the Amp.
4. Tickets will go on sale tomorrow for the Jameson Rogers and Nikko Moon concert scheduled for July 9th.

Robinson Grand Performing Arts Center
1. During the Month of May, the Center has 22 scheduled events. The schedule for 2021 is almost filled.

Code Enforcement
1. The Department issued 50 Building Permits for a total project cost of $975,096. Fifty-four Notice of Violations and zero citations were issued. Six structures were placed on the condemnation list. Twenty-two residential and 11 inspections were performed. Nine vehicles were tagged, and 6 signs were removed. Animal Control responded to 27 calls for service with 7 animals taken to HCAC and 4 traps were set.
2. Our Engineer is working on the Haymond Highway Bridge Project, Leon Street Slip, this year’s paving project, demolitions, Sewer Phase 4 Plan, and the Brickside Slip.

Public Works
1. This week is National Public Works Week. We have 48 men and women dedicated to the infrastructure services in waste and storm water, public buildings and grounds, maintenance of our streets and snow removal, traffic, and composting. Thank you for everything that you do for our community.
2. Crews worked around the clock to repair a major sewer line on W. Main Street that created a sink hole. They were able to dig a large area, replace three pipes and restore it within 26 hours with little disruption to downtown.

Wastewater Treatment Plant
1. The plant received 197,450 gallons of septage in the month of April for a revenue of $8,243.50.
2. The new septage receiving station is now accepting septage for the first time today.
3. The main gate shaft with a new actuated control system, a raw sewage pump and 2 effluent pumps have been installed.

Upcoming Events:
• Monday, May 31, 2021 – City Offices will be closed in Observance of Memorial Day.
• Tuesday, June 1, 2021 – City Election Day
• Tuesday, June 1, 2021 – City Offices will be closed for Election Day.
• Thursday, June 3, 2021 @ 11:30a.m.– Harrison-Clarksburg Health Department Meeting

“Proud Past...Unlimited Future”

UNFINISHED BUSINESS:
A. CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING OF AN ORDINANCE OF THE CITY OF CLARKSBURG TO CREATE AN ORDINANCE LICENSING AND SETTING FORTH RESTRICTIONS ON MOBILE FOOD VENDORS

The City Clerk reported that notices regarding the public hearing appeared in The Exponent Telegram on May 11, 2021 and May 18, 2021. Mayor Kennedy declared the public hearing open with no one appearing therefor. Upon closing the public hearing, MOTION by Councilmember Malfregeot, SECONDED by Councilmember Keith for approval of the above-captioned ordinance on second and final reading. MOTION APPROVED UNANIMOUSLY.

NEW BUSINESS:
A. CONSIDERATION OF FIRST READING OF AN ORDINANCE REGARDING LICENSING OF CONTRACTORS AND HANDYMEN

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

B. CONSIDERATION OF FIRST READING OF AN ORDINANCE MODIFYING PERSONNEL & ADMINISTRATIVE POLICIES & PROCEDURES MANUAL REGARDING LONGEVITY PAY

MOTION by Councilmember Ferrari, SECONDED by Councilmember Goff to TABLE the above-captioned ordinance. MOTION APPROVED UNANIMOUSLY.

C. CONSIDERATION OF A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER EQUIPMENT LEASE-PURCHASE AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

MOTION by Councilmember Ferrari, SECONDED by Councilmember Goff to enter into the above-captioned lease agreement with Country Roads Leasing, LLC, Freedom Bank for a tax-exempt 10-year term loan at 1.725%. MOTION APPROVED UNANIMOUSLY.
D. CONSIDERATION OF TWO (2) APPOINTMENTS TO THE WEST VIRGINIA TRANSIT (CENTRA) BOARD

MOTION by Councilmember Ferrari, SECONDED by Councilmember Goff to reappoint Robert Kramer and Tracy Brady to the CENTRA Board. MOTION APPROVED UNANIMOUSLY.

At this time Council deviated from the agenda for Council comments.

COUNCIL COMMENTS:
Councilmember Malfregeot: Commended the Public Works Department on the job they performed regarding the sink hole on Main Street; wished all a happy and safe Memorial Day weekend, and noted the candidates present and wished good luck to all.

Councilmember Ferrari: Noted that the COVID monies could be used for infrastructure and referenced the engineering work on the Haymond Highway bridge and the Leon slip projects; wished all candidates the best of luck.

Councilmember Goff: Also wished the candidates good luck; commended the Public Works Department for the good job on the Main Street sink hole; inquired as to the Charter amendments, as well as who wrote the same with Mr. Marsh stating that he wrote the new ones and Attorneys Jimmy Cann and Michael Secret wrote the others.

Councilmember Keith: Also commended the Public Works on the work on Main Street.

Councilmember Junkins: Concurred with the previous comments regarding the work performed by Public Works; wished all candidates good luck.

Mayor Kennedy: Also congratulated Public Works on their job performance; noted that early voting has started with June 1st being Election Day pointing out there are four seats up on Council, two on Water Board and five Charter amendments; informed of the “Meet and Greet” with candidates this Saturday at 9:00 a.m. at the PWA; wished all a Happy Memorial Day.

E. DISCUSSION OF LEGAL MATTERS RELATED TO THE WATER BOARD COMPENSATION ISSUE

MOTION by Councilmember Ferrari, SECONDED by Councilmember Junkins to adjourn into Executive Session pursuant to Chapter 6, Article 9A, Section 4 of the West Virginia Code to discuss legal matters and that the following persons be present: Mayor and Members of City Council, City Manager and City Attorney. MOTION APPROVED UNANIMOUSLY.

Concluding Executive Session, MOTION by Councilman Ferrari, SECONDED by Councilmember Junkins to reconvene into regular session. MOTION APPROVED UNANIMOUSLY.

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

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E. Ryan Kennedy, Mayor

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Approved: June 3, 2021

Annette Wright, City Clerk