JUNE 18, 2019

The Clarksburg City Council met in REGULAR SESSION on Thursday, June 18, 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

ALSO PRESENT:  
Martin Howe, City Manager  
James Cann, City Attorney  
Annette Wright, City Clerk

Following roll call, the prayer was given and the pledge led by Councilmember Bowden.

Council deviated from the agenda for the following presentations:

Former Mayor and Councilmember Jim Hunt presented the 2019 Rex B. Hunt Memorial Scholarship to Molley Eakle, daughter of Mike Eakle who is an employee in the Public Works Department. The scholarship recipient was presented with a check in the amount of $500, a certificate and a copy of Mr. Hunt’s book, The Amazing City.

Mr. Hunt also presented certificates to outgoing Council: Mayor Goings, Councilmembers Bowden and Sigmon in appreciation of their service.

MOTION by Vice Mayor Malfregeot, SECONDED by Councilmember Ferrari for approval of the minutes of the regular session of Council held on May 16, 2019. MOTION APPROVED UNANIMOUSLY.

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

Martin Shaffer, 211 N. Sixth Street – noted the loss of former Councilmember JoAnne McNemar’s husband, Clyde Thomas, and requested that the family be kept in our prayers. Mr. Shaffer stated that for the last nine months he has been here complaining about crime and remarked that the Police Department is finally being proactive in some fashion. Mr. Shaffer commended the Fire Department on their job in fighting the fire at the structure located on Pike Street. Lastly, Mr. Shaffer presented the outgoing Council with a token (plaque) of appreciation for their services.

AGENDA ITEM NO. 5:  
CITY MANAGER’S REPORT/UPDATE

Manager’s Report  
June 18, 2019  
Submitted by Martin G. Howe

General Updates

1. Demolition –
   i. 130 W. Pike Street – This property had extensive fire damage on Sunday morning and is structurally unsafe. The administration has solicited two (2) quotes for an emergency removal. The administration recommends Council to waive competitive bidding and award the contract to Empire Builders in the amount of $200,000 to be funded from the Rainy Day fund.
   ii. Anderson/CIRA Associates – They were awarded three (3) contracts for asbestos abatement, to date CIRA has completed the abatement of all twenty five (25) structures.
   iii. Empire Builders – They were awarded four (4) contracts consisting of thirty (30) demolitions and/or asbestos abatement and demolitions. To date they have completed razing twenty one (21) structures and have completed abating all nineteen (19) structures in preparation of demolition.
   iv. Public Works has completed fifteen (15) out of twenty-seven (27) structures scheduled for demolition.

2. Audit – Received notification from WV State Auditor’s Office to conduct an Audit from an approved Independent CPA for Fiscal Year ending 2018/2019 and 2019/2020. Request for Proposals will be advertised the week of June 17th with the proposals due by Friday July 5th. Interviews will be conducted the week of July 8 with a recommendation to Council Thursday, July 18th. The interview committee will consist of: Kim Karakiozis, Finance Director; Darrell McCune, Assistant Finance Director; and Councilmember Frank Ferrari.
3. Splash Zone Children’s Waterplay – The administration recommends approving financing submitted by Country Roads Leasing and West Union Bank in the amount $278,336 for a 10 year term at 4.2% interest rate for permanent financing.

4. The Administration recently held a meeting to discuss the BUILD (Better Utilizing Investments to Leverage Development) grants with an Engineering Firm. They are currently assessing, the WVDOH Bridge Reports to determine what can be grouped together for potentially submitting to the Federal Highway Administration. The applications are due mid-July.

5. Boards and Commissions – The following Boards and Commissions are appointments of the City Manager. Both appointments are under New Business for Council’s confirmation
   a. Planning and Zoning Commission – City Manager reappoints Bryan Payne to the Planning and Zoning Commission.
   b. Clarksburg Development Authority – City Manager reappoints Sam Gallo to the CDA.

### Police and Fire

1. Police Civil Service Commission (PCSC) –
   a. Promotional Exam results –
      i. Sergeant Rick White will be promoted to Lieutenant.
      ii. PFC. William “Bill” Swiger and Patrolman Ethan Walker will be promoted to Sergeant.
      iii. The Police Civil Service will be meeting on Monday, June 26, 2019 at 10a.m. to have a hearing requested by an officer to review the test results for the Sergeant’s exam to fulfill the third and final vacancy.
   b. New Eligibility List –
      i. Physical Ability Test was held Saturday, June 8, 2019. A total of 21 individuals tested, 13 are eligible move forward to the written test.
      ii. Written Test – The written test will be conducted on Wednesday, June 19th at 6:00 p.m. at the Harrison County Senior Center.

2. Police –
   a. SWAT - Officers Jeremy Randolph and Kane Bender have been assigned to the Clarksburg Police Department’s SWAT Team. Randolph and Bender will attend training Monday, July 8th – Friday, July 12th sponsored by the Shinnston Police Department. The Clarksburg Police Department’s SWAT Team currently has eight (8) members and one (1) medic.
   b. We currently have four (4) probationary officers awaiting enrollment to the West Virginia State Police Academy.

### Economic Development

1. Harrison Energy Center – The Clarksburg Sanitary Board received notice from the Public Service Commission approving the Alternate Manline Extension Agreement (subject to filing Health Permit) for the Clarksburg Sanitary Board to provide service to ESC Harrison County Power.

### Events

1. Upcoming events at the RGPAC –
   a. Movie – “Disney’s Beauty and the Beast” will be Friday, June 21, 2019 at 7:00p.m.

2. Clarksburg Farmers Market – Saturday June, 22nd and 29th, July 6th and 13th in the Tractor Supply Parking Lot from 9a.m.-1p.m. The Clarksburg Farmers Market is a diverse collection of 20 vendors that bring fresh produce, meat, eggs, breads, and more to Clarksburg and surrounding communities.

3. Clarksburg Amphitheater –
   a. Music - Dylan Scott will be performing Thursday, June 20, 2019 at 7:00p.m. tickets can be purchased at http://www.Clarksburgamp.com
   b. The Wheeling Symphony Orchestra will be performing Saturday July, 6, 2019 Doors open at 6:00p.m.; shows start at 7:00p.m. and the show will conclude with fireworks. Music in the Park is a free event.
   c. Movies and Music in the Park – Movies in the Park begin at 8:45p.m. and are free to the public, concessions are available. The following is the upcoming schedule:
      1. “Ralph Breaks the Internet 2” Friday, June 21, 2019
      2. “Aquaman” Friday, June 28, 2019
      3. The Marzels will be performing Saturday, June 29, 2019 at 7:00p.m
      4. “Dirty Dancing (Girls Night)” Thursday, July 18, 2019
   d. Music – Mini Pop Kids will be performing Saturday July, 13, 2019 at 7:00p.m. Tickets can be purchased at www.Clarksburgamp.com.

### FOIA


2. FOIA request from Ashley Cannon, Everytown for Gun Safety, Wednesday, May 29, 2019, requesting the full police report regarding the mass shooting committed by Sidney Muller on 7/26/2013. We responded to
Ms. Cannon on Monday, June 3, 2019 letting her know those records were unavailable due to Mr. Muller’s appeals process, as the case is pending further judicial review.

3. FOIA request from Asha Adamson, Smartprocure, Monday, June 17, 2019, requesting all purchase records from January 29, 2019 to current. We responded to Ms. Adamson on June 17, 2019 and those records were provided to her.

4. FOIA request from Martin Shaffer, Sunday, June 16 2019, received Monday, June 17, 2019 requesting the dates and times of the Police Department’s inspections of structures on the condemnation and demolition lists and especially of 130 West Pike Street. The information is currently being gathered. A response was provided June 18, 2019.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

A. CONSIDERATION TO WAIVE COMPETITIVE BIDDING TO AWARD AN EMERGENCY DEMOLITION OF THE FIRE-DAMAGED STRUCTURE LOCATED AT 130 WEST PIKE STREET

MOTION by Councilmember Ferrari, SECONDED by Vice Mayor Malfregeot to waive competitive bidding for the emergency demolition of the fire-damaged structure located at 130 West Pike Street to Empire Builders, Inc. in the amount of $200,000 with funds therefor taken from the Rainy Day Fund. Under discussion, City Manager Howe explained that the emergency was due to the same being unsafe and a public safety concern. MOTION APPROVED UNANIMOUSLY.

B. CONSIDERATION OF A RESOLUTION OF THE COUNCIL OF THE CITY OF CLARKSBURG AUTHORIZING TAXABLE FINANCING IN AN AMOUNT OF $278,336.00 FOR REPLACEMENT OF THE CHILDREN’S WATER PLAY POOL AREA AT THE SPLASH ZONE TO AUTHORIZE THE CITY MANAGER AND DIRECTOR OF FINANCING TO EXECUTE ALL REQUIRED DOCUMENTS TO COMPLETE THE FINANCING

MOTION by Vice Mayor Malfregeot, SECONDED by Councilmember Goff for approval of the above-captioned matter. Under discussion, City Manager Howe apprised that said pool area was the only element of the aquatic center that was not new when the new Splash Zone was completed. MOTION APPROVED UNANIMOUSLY.

C. CONSIDERATION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CITYNET FOR FIBER NETWORKING

MOTION by Vice Mayor Malfregeot, SECONDED by Councilmember Sigmon for approval of the above-captioned matter. Under discussion, City Manager Howe explained that this would be similar to what the City of Bridgeport has done and that such would allow us to reduce our overall communication expenses. Councilmember Kennedy remarked that he thought it was important to expand broadband as much as possible noting the benefits thereof. MOTION APPROVED UNANIMOUSLY.

D. CONSIDERATION OF APPOINTMENT TO THE BOARD OF PARK COMMISSIONERS

MOTION by Councilmember Ferrari, SECONDED by Vice Mayor Malfregeot to reappoint James Larry to the Board of Park Commissioners. MOTION APPROVED UNANIMOUSLY.

E. CONSIDERATION OF APPOINTMENT TO THE PARKING AUTHORITY

MOTION by Councilmember Ferrari, SECONDED by Vice Mayor Malfregeot to reappoint Vincent Lopez to the Parking Authority. MOTION APPROVED UNANIMOUSLY.

F. CONSIDERATION OF APPOINTMENT TO THE SANITARY BOARD
MOTION by Vice Mayor Malfregeot, SECONDED by Councilmember Ferrari to reappoint Mark Linville to the Sanitary Board. MOTION APPROVED UNANIMOUSLY.

G. CONSIDERATION OF APPOINTMENTS TO THE BOARD OF ZONING APPEALS

MOTION by Vice Mayor Malfregeot, SECONDED by Councilmember Goff to reappoint Rev. James Harris and Frank Robinette to the Board of Zoning Appeals. MOTION APPROVED UNANIMOUSLY.

H. CONSIDERATION OF CONFIRMATION OF THE CITY MANAGER’S APPOINTMENT TO THE CLARKSBURG DEVELOPMENT AUTHORITY

MOTION by Councilmember Ferrari, SECONDED by Councilmember Sigmon to confirm the City Manager’s reappointment of Sam Gallo to the Clarksburg Development Authority. MOTION APPROVED UNANIMOUSLY.

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

MOTION by Councilmember Bowden, SECONDED by Councilmember Sigmon to confirm the City Manager’s reappointment of Bryan Payne to the Planning & Zoning Commission. MOTION APPROVED UNANIMOUSLY.

J. CONSIDERATION OF CANCELLING THE JULY 4, 2019 REGULAR COUNCIL MEETING

MOTION by Councilmember Bowden, SECONDED by Councilmember Goff to cancel the July 4th regular Council meeting due to the holiday. MOTION APPROVED UNANIMOUSLY.

COUNCIL COMMENTS:

Concluding each Councilmembers’ comments thanking the outgoing Council for their dedication and services, City Manager Howe, along with City Clerk Wright, presented the outgoing Councilmembers with plaques in appreciation for their dedication to the City and its citizens. Lastly, Richard Goings, husband of Mayor Cathy Goings, presented a proclamation, which he was instrumental in writing, to his wife proclaiming this date, June 18, 2019 as “Cathy Goings’ Day” in the City of Clarksburg.

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

Ryan Kennedy, Mayor
Approved: July 18, 2019

Annette M. Wright, City Clerk