July 11, 2019

The Clarksburg City Council met in a SPECIAL MEETING on Thursday, July 11, 2019 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
Lillie Junkins
Gary Keith II
Jim Malfregeot
Vice Mayor Jimmy Marino
Mayor Ryan Kennedy

ALSO PRESENT:
James Cann, City Attorney
Jason Snider, Interim Chief of Police
Annette Wright, City Clerk

With roll call taken upon arrival and the meeting being called to order by Mayor Kennedy, Mayor Kennedy explained that said meeting was called this evening as to whether to suspend the City Manager for 30 days and opined that such an important decision should be done in public with input from the public. Mayor Kennedy stated that he believed Council should hear the concerns of the public and that he wanted this process to be open and transparent.

PUBLIC HEARING ON THE PERFORMANCE OF THE CITY MANAGER

Mayor Kennedy declared the public hearing open with the following individuals appearing therefore:

Martin Shaffer – Addressed Council to shed light on the administration of Martin Howe as City Manager. Mr. Shaffer submitted a copy of the International City Managers’ Association Code of Ethics. Mr. Shaffer opined that he has first-hand knowledge of unprofessionalism, bad politics, bad judgment, and misuse of City funds. Mr. Shaffer stated that he was in the running to become City Manager in 2005, against Martin Howe, and despite his lack of experience, according to Mr. Shaffer, Martin Howe was chosen only to do the bidding of Mayor Lopez. Mr. Shaffer stated that you only need four (4) votes to do what you want in Clarksburg. Mr. Shaffer opined that Martin Howe attacked him and used his power in attempt to destroy him. Mr. Shaffer provided numerous examples to Council of wrongdoings by former Councils and Martin Howe which included; nepotism, making changes to the personnel manual to hire family members, withholding information from the Police Civil Service Commission to hire an individual who had a family member in politics; abuse of the P-Cards by spending funds without proper documentation, Mayor Lopez spending funds at various drinking establishments; falsifying advertisements and documentation for the former City Hall building; Martin Howe made demands for demolition and arrests; rigging bids for demolition; various Ethics Complaints against Martin Shaffer that were founds to not warrant any merit; the City of Clarksburg workers doing work for Martin Howe and Adam Barberio on the tax payers dime; Martin Howe’s vendettas against Martin Shaffer and family; falsifying grant applications for the Jackson Square Parking Garage; corruption of the City’s Sidewalk Grant Program, if citizens wanted to participate in the program they had to hire a specific contractor, grants not being awarded as described in the code, Councilmembers covered up the scandal and put prosecuting attorney Joseph Shaffer in a tough situation; Champ in Glen Elk received $15,000 worth of work for parking as a side walk apart of the City’s Sidewalk Grant Program; Adam Barberio appointed as the Code Official without proper credentials, a fraudulent letter was sent to the State Fire Marshall’s office that Barberio be grandfathered in; Code Officers were illegal licensed due to the City sending fraudulent requests for licenses; Tyke Martino receiving favorable treatment because he was Martin Howe’s father in law; discrepancies in the City Manager’s evaluations, Martin Howe was over paid despite his
contract and receiving the 3% COLA despite his contract; Martin Howe ordered for Martin Shaffer to be falsely arrested in 2009; City employees reprimanded for answering questions of a Councilmember; failure to provide and turn over information, which was not professional and against the Code of Ethics, and resulted in Martin Shaffer suing the City of Clarksburg for the information; illegal operation of Code Enforcement, appointments of non-qualified individuals to BOCA, fighting the Attorney General from having a hearing on the mishandlings of the Department; Adamston Flat Development, the property was sold to Mayor Lopez’s employer subsequently assisting in the financial interest of Lopez’s employer; demolition program, Code officials would condemn houses knowing vagrants would immediately enter and strip the houses of vital resources, ultimately giving Code Enforcement the opportunity to tear down the structure, properties 130 Milford Street, 115 Linden Avenue, 141 E. Main Street, were all mishandled by the City of Clarksburg, Code Enforcement, and BOCA to be demolished; Housing Fund Fraud, discrepancies found by the Attorney General; City of Clarksburg not approved for Tax Incremental Financing, Martin ignored Councilmembers’ request to begin the TIF process and was unprofessional to Councilman Shaffer; Clarksburg failed to progress due to cliques of controlling Councilmembers, did not pass a Resolution to declare Glen Elk Clarksburg’s Little Italy, losing tourism funds; City buying properties from friends/family members for large payoffs, Wilson Bakery building and the property owner not paying fire fees, the Robinson Grand Performing Arts Center, Oliverio’s Peppers and Valley Supply; crime in Clarksburg, lack of police enforcement, police not charging criminals with crimes; Burnt structures, lobbied the City should buy better equipment so they could demo these structures themselves, but Martin Howe never followed up to save the City money; awarding contracts without bids, Centra demolished a retaining wall for $500,000; rigging insurance contracts, Mayor Lopez’s nephew was awarded the insurance contract at the recommendation of Martin Howe; retirement scam, Council members can apply their years on Council towards retirement; 3,000 sq. ft building disappears, a truthful answer was never provided in regard to what happened to the building; Stoney Brook Road, City absorbed the cost of a contractor who was hired to fix the damaged caused by a separate contractor; City Manager made the Harrison County Landlords Association FOIA phone numbers after he refused to initially provide the information.

**Eric Post** - addressed Council by referencing his letter he posted on Facebook days prior to the meeting where he expressed his professional opinion. Mr. Post explained his family’s history in the City of Clarksburg. When Martin took the City Manager position 14 years ago he hosted Town Hall meetings that he attended as a college student, which made Mr. Post feel hopeful for the future after hearing him speak and seeing the change he made for Clarksburg. Mr. Post understands that this is an emotional time and his greatest fear is that the momentum of positivity will be lost if the wrong decision is made with the City Manager position. Mr. Post stated none of us are immune from what is seen when driving through town, no one immune to the crime on Clarksburg’s streets, we know the difficult times Clarksburg is facing, but if there was an easy answer to these problems they would be done everywhere in the country. Mr. Post opined vagrancy, opioid addiction, and crime are not just a Clarksburg problem but an American problem. Downtown areas across the nation have been struggling for decades since the change in transportation system in our country, he continued. These issues require an entire culture to change, and one man cannot do this on his own. In the past few months Mr. Post has seen growth in excitement in the people of Clarksburg, some of that can be credited to some of the people who were just recently elected to the new Council. It is important that Clarksburg keep this momentum, but this can only be sustained if we get out of the pattern of in fighting that has plagued Council’s in the past, cannot have divided council with (four) 4 to (three) 3 decisions over and over again for the next few years and expect progress to take hold. Mr. Post called on all Councilmembers to come together and find common ground. Working for a better future for the City that we all know and love.

**Ryan DeBarr** - Addressed Council that he is aware of what happens on social media and the three (3) or four (4) weeks leading to the election 10 times a day, every weekday
there were posts by the City, sometimes talking about stuff that happened 12 years ago, but mostly consisted of the Robinson Grand Performing Arts Center (RGPAC) and Demolitions. Mr. DeBarr stated that all we heard and then the City went so far to have a fake award ceremony in front of the RGPAC saying we got 2 million dollar check, a check given a couple of years earlier from a variety of organizations. Mr. DeBarr commented that a candidate’s father spoke to the media about the RGPAC. Mr. DeBarr opined that every establishment candidate lost, we have three (3) new candidates, two (2) cruised the victory and crushed it, and Gary I know it came down to drawing a name out of a basket, but you know what that shouldn’t have happened we have an incumbent, he continued. If the citizens of Clarksburg wanted the RGPAC 23 million dollars or however much it is we don’t even know, if they wanted all these demos then he would have won, he opined. Mr. DeBarr commented on the homeless/drug addicts living in the alley between Euclid and Waverly Way. Mr. DeBarr believes that the $800,000 we spend on the mortgage and the salaries at the RGPAC every year, $400,000 spent on demos a year could be utilized to hire 20 more police officers. Mr. DeBarr opined that the people want 20 more cops. In closing, Mr. DeBarr remarked that we all wanted a clean and safe town.

Charles Sigmon - addressed Council in support of City Manager, Martin Howe. Mr. Sigmon stated that it was upsetting to him and many others to hear that a vote will be taken on a Resolution to perhaps get rid of our City Manager. Mr. Sigmon stated Martin has grown up here, he’s lived here all his life, and wants Clarksburg to be a greater City. It is baffling to Mr. Sigmon that a man who has received good appraisals and evaluations every year for 14 years, that the three (3) new Councilmembers are ready to chop his head off. Mr. Sigmon opined it is a vendetta, and a vendetta is not justice. Mr. Sigmon hoped that Council would stop and take the time to think a little bit, set aside your personal likes and dislikes, and think seriously about what is supposed to be done. Mr. Sigmon believes that the vote could destroy a man’s career and livelihood; a man who has devoted 14 years of his life, a man who has a wife and three (3) children who live here, love him and who are proud of him and as many of us are of Martin. Mr. Sigmon believes that some of the allegations would be laughable if wasn’t serious situation. Mr. Sigmon continued by saying big cities cannot solve the homeless problem, and that Clarksburg is working on it, but you can’t blame one man. Mr. Sigmon feels some are throwing allegation up against the wall and hopes some of it sticks.

Joe Petrollo – Stated that he has had rental properties in the City since 2000 which had done well, very well until 2009. At that time Code Enforcement and its employees started what he deemed harassment. In about 2014 Mr. Petrollo contacted the state Attorney General, the fire Marshall and the FBI for help because it was too much, and it wasn’t just him, but a lot of people who had the same trouble. Mr. Petrollo referenced the complaint written by the state AG against the City of Clarksburg, Adam Barberio, Keith Kesling, Johnathan Davis, and Brian Kennedy, (employees of the Code office at the time), and read excerpts thereof. On or about April 16, 2009, Clarksburg knowingly amended their Board of Appeals from a five (5) member panel to an unlawful an impermissible three (3) member panel which is contrary to state building code. Require that chief appointing authority designate the members of all other commissions such a Board of Health, Fire Civil Service Commission, Housing Authority, Library, etc. In Clarksburg building code the city manager rather than council holds power to designate the members of the Board of Appeals, so then it begins to describe problems that occurred. Clarksburg operated for years with an illegal three member board with one of those people with a conflict of interest. Clarksburg has promulgated an ordinance with an unreasonable right of entry, remove the ability to repair under and order of demolition and otherwise failed to adopt provisions of each version of the updated State Building Code and has denied effected citizens due process contained in the State Building Code. Improperly did not inform owners of violations, including a collective order allowing reasonable time to make repairs and improvements to bring the structure into compliance. Basically all problems I have encountered is that they did not give you notice of any violations that they thought existed. Simply they would just come
and condemn their house and kick them out. This happened multiple times to me. Mr. Petrollo stated he never received a notice and was never provided a clear description of the violation, or reasonable time to repair. Mr. Petrollo continued to read excerpts from the lawsuit against the City, and the entities involved, which included that Clarksburg intentionally employed uncertified employees to carry out the work of the Building Code, and the Code Enforcement program. Not having a properly adopted State Building Code Since 2009. Unlawfully employed building code officials to engage in building code work, next Clarksburg is utilized the program to the detriment of effecting citizens and to the benefit of the respondents, which is the City Kesling Barberio and Davis, as well as others known and unknown – Those are the highlights from the City section, there are sections Barberio, Kesling, and Davis. Will not go on with reading the entire document, but continued to read excerpts from that document. Barberio performed numerous actions which resulted in violations, condemnations, demolitions of property acting under the improperly obtained certifications. Upon information Barberio has improperly used the power of his office to financially benefit in removing a property from the demolition list, document goes on and on. The document is available to anyone and everyone. My problems started in the year 2009 and they continue to basically up until recently. In the past couple months they have sort of left me alone, a little bit, but I get all kinds of ridiculous notices from the Code office that have nothing to do with me, but maybe they have to do with my tenants, if my tenants don’t pay their water bill. The code office wants to fine me for that, and that’s not my responsibility, so anyway in 2010 under all these problems one of my houses was illegally demolished by the City of Clarksburg, Mr. Petrollo opined. Since that time I have been getting bills the City wants me to pay for their illegal demolition, he continued. The whole entire system that I have tried to operate has basically ruined any chance I have had for the past 10 years to run a reasonable rental real estate business, so what I think is important that we take care of all of this, and the State Ag, FBI, thought it was important. There have been a lot of houses illegally demolished and a lot of people have lost their homes, while this has been on the news, Mr. Petrollo stated. People know that people were illegally removed from their homes and the homes were demolished, maybe because the neighbor had a friend who had power in the City and wanted the problem gone, lots of different reasons it happened, but I know it happened a lot. There is a lot of stories out there according to Mr. Petrollo. Mr. Petrollo feels something needs to be done from this ever happening again and something be done to reimburse everyone who has lost their property.

**Don Myers** – addressed Council by questioning, what is our responsibility as a citizen before stating, it is our responsibility to do something about it, it’s not our responsibility to walk around it. Mr. Myers questioned how did Martin Howe get that great attendance record to begin with? You already know that he was accused of buying liquor on City funds, Mr. Myers stated. Mr. Myers commented that Clarksburg has a major drug problem that nobody wants to address and nobody even got a plan to stop. Mr. Myers continued, if we don’t stop the drug problem we’re going to continue with empty houses. Mr. Myers believes that we basically put a sign out there at the end of the County that says “come to WV if you’re homeless and have a drug problem, we’ll take care of you.” Mr. Myers opined if you want to stop the drug problem you have to stop the dying, and if we quit selling their poison and opioids and replace it with a cannabis based extract to take care of the pain problem then we’d have no more dying. Were losing people at the rate they say a couple hundred a year, that’s real low estimate, he opined. Mr. Myers feels there have been more empty houses in Clarksburg and Harrison County in years. Mr. Myers believes we can’t tear our way of it, and a solution needs to be created to remediate the problem. Mr. Myers believes if Martin Howe is innocent he should be proven innocent and not let go. Mr. Myers commented that these charges did not happen overnight, but he was given positive assessments. Mr. Myers continued that the corruption in Harrison County has been happening for a long time, and the citizens have to do something about it. Mr. Myers feels that we need to let the courts decide who is right and who is wrong. Mr. Myers feels it is time that initiative, referendum, and recall is put into every City in Harrison County, and citizens need to quit allowing these
politicians to quit running our cities, like a Gestapo. Mr. Myers commented we need to quit allowing the drug addicts to take over our streets and our empty houses. Mr. Myers opined that people are burning down their properties to get out from underneath them, because they can’t afford to sell them. Mr. Myers stated, I’ll be honest with you, Martin. How is our Manager, where have we went in the last 8 years? You say who’s to blame? We’re all to blame, not one us, every one of us is to blame, but how did we get that way? Time to say we had enough, im here to tell you tonight we’ve had enough, he continued. The citizens voted two (2) guys in for change. Mr. Myers continued it’s kind of like this, if we don’t make changes, nobody else is going to. He concluded by saying, I ask for you all to stand up for what is right, because God is looking tonight if you don’t believe so.

Jerry Riffle – I became emotional when I got off the elevator tonight with my son and looked at the City Manager’s office. I’m always in the City, first with CCA, we’re always trying to get stuff done, and just seems there’s so many dead ends when you do good things, and there shouldn’t be dead ends. Everybody knows what’s good, everyone knows the right thing. We should never run into dead ends when we’re trying to do something good. When I got off the elevator, I got off the elevator and said which is the home side, which is the away side? Cause that’s the way the City is now, and I know Martin personally, not that well, but I see him in public and say hi and we’ve talked. I’ve talked to his wife a bunch, the family they’re all good people and so I don’t want to be on any side. I am on Clarksburg side and I want the morale to be improved around here. I want help with what I’m trying to do with Clarksburg Community Action (CCA). What everyone wants to do it together, and we’ve got to stop that. There’s some good things going on with the City but we need to get momentum and everyone behind it. When we see something like what CCA is doing, I’m not just advertising, for CCA, but I mean I kind of am, but we’re always doing something good and everybody is saying were doing a good job and thank you, and I know some people can only help in their own capacity, but we get so many opportunities to come out there and who cares who is out there who cares who also said their interested on Facebook who cares if they say they’re going, you know what we’re doing is good there is no argument. We’re doing a neighborhood watch, were trying to get the neighborhoods to know each other more, get neighbors to know each other’s names, everyone knows that’s good but people want to pick sides and stay away from it or not go do it or be negative, but there’s so many opportunities to nice and good things around here and people are choosing not for stupid reasons. We have to do what is right, it’s not hard to see, and when it comes to Martin, this is how I look at the situation, don’t take quote literally. “You either die a hero or live long enough to become a villain.” There’s certain positions in the public eye that you can only be in for so long before no matter how good of a job you did the first few years you’re going to eventually become the villain, because that’s the way things work. When you’re in the public eye that long things change, generations change, people views change, and you know term limits, and you know I plan on running for council one day, when it’s the right time. I am not going anywhere, Clarksburg is always going to be home. I almost ran last time, but I decided there was reasons I didn’t have to. I wasn’t ready. You have to stay invested no matter what. You run for City Council, you do your time there, and then you get off and then you still stay invested. You do something if you don’t have a seat up there maybe they’ll move to Bridgeport. You stay invested because you love the city we just have to get the morale up. I know many are on different sides here tonight, but say hello to them or have a good day to them. Thank you.

Geary Rollins – addressed Council. Mr. Rollins was wondering why the Assistant City Manager Mr. Bellotte was not at his position during the meeting, but according to the Clarksburg, Exponent Telegram Mr. Bellotte retired at 4p.m. today (July, 11 20). Mr. Rollins thanked Mr. Bellotte for his service.

Marsha Broughton – addressed Council as a lifelong resident of Clarksburg. Ms. Broughton attended the meeting to oppose the resolution. Ms. Broughton believes Martin has done a good job, despite it not being a perfect situation. Ms. Broughton thinks he’s done what previous Councils have wanted him to do the last few years. They
wanted to renovate the Robinson Grand Performing Arts Center (RGPAC) and we did it, and that alone shines a bright light into the City that hasn’t been shown for years, she continued. Ms. Broughton is very proud of what has been accomplished by the RGPAC, and feels that is a bright start which brings people into town. Yes, it may shine on some of our problems but then that helps us to better fix them, she opined. Ms. Broughton commented that Martin has done a wonderful job getting that off the ground, and finding creative financing so the City does not have a huge debt burden. Ms. Broughton believes it is premature for this Council to judge him without giving him direction and a chance to perform.

**Jay Kirkman** – addressed Council as a 5 year resident of Clarksburg, and that he has come to love this town, and considers it his home. Mr. Kirkman came to work at the VA, and has decided this is where he is going to live the rest of his life. Mr. Kirman has a vested interest like the rest of Clarksburg’s citizens. Mr. Kirkman served as the president/leader of the West End Community Development. A group that was born out of necessity, and was born out of self-defense because the area had gangs, break-ins, beat downs and vandalism. What started out as a small group along Locust Ave and Summit Court expanded to include all of West End, Locust, Mulberry and all surrounding streets, Mr. Kirkman remarked. According to Mr. Kirkman the group held meetings, and during the course of a year has worked a lot with Martin Howe, or at least attempted to. Mr. Kirkman commented that it was the groups intent to work with the City to solve the problems, to do their part to help alleviate the issues within the community. Mr. Kirkman stated that Mayor Ryan (Kennedy) can attest to what the group tried to do in the West End, because he came to our meetings. Mr. Kirkman stated he attend various Council meetings where he tried to work with Martin. Mr. Kirkman opined he’d never met a public official with such an arrogant and obstruct attitude towards the citizens. Mr. Kirkman feels that the City conducting the investigation is a step forward, and to-do anything less would cause the citizens of Clarksburg to say that a Council has been remised in their duties. Mr. Kirkman, a Senior Citizen, along with many of his peers do not understand what has happened to the City they know any love. Mr. Kirkman realizes that these issues didn’t get here over night they will not go away overnight, but in order for it to change we have to take the first step. Mr. Kirkman heard various points brought up at the meeting, and he realizes that Martin has friends and his supporters, but he’s got people who really don’t like him. Mr. Kirkman opined that you can’t be be wishy washy about the guy; you either really like him he’s a great guy, the kind of guy you go and have a beer with or you don’t. Mr. Kirkman, himself has mixed feelings on a personal level, and thinks he could be a great guy, but doesn’t know if he’s the right guy for the postion. Mr. Kirkman addressed an issue with Martin in regard the Clarksburg Police Officers and it was never addressed, according to him. Mr. Kirkman questioned whether it could it be possible that a member of Council would call for initiative, recall and referendum. Mr. Kirkman was told very a very close friend that Martin has once stated, I am the CEO of Clarksburg, I run Clarksburg not the City Council. Mr. Kirkman believes there is not a better illustration to the arrogance of the man in question. Mr. Kirkman only prays that Council takes the right move and does the investigation.

**Jane Palumbo** – address Council. I did not come to support or not support the City Manager. I am here because of the problems that face the citizens of Clarksburg. I am proud to say I voted for the three new members here, because I was so totally disgusted with the last Council, and I have been standing at this podium many times over the last year asking the City Manager, whom I assumed runs the City, to do something about the problems in our neighborhood. I have cited examples and I was never ever given form or explanation what so ever and I was told by the former police Chief, as I stated an example of being on a communion call, with one of the nuns from Immaculate Conception Church, as we passed a playground in Stealey at 2 oclock in the afternoon and there was a backpacker, drug addicts, homeless person, whatever you want to call it, shooting up right in front of the playground. Sister Berta looked at me and said is that a drug addict? I said yeah, probably is. Many numerous calls she and I have been on, we
have encountered them lying on the ground, defecating, and urinating. We go into a lot of places that leave a lot to be desired, unfortunately I have to say now that Clarksburg has a lot of places that leave a lot to be desired, and anyways as I was making my point here of what I am trying to say is. I then said, why was he not arrested? Then the police Chief at that time, who was Mr. Hilliard, said to me, we’re not allowed to arrest them, because he could have been using insulin. Don’t insult my intelligence. First of all, I know what an insulin needle looks like, you don’t shoot up with an insulin needle, and as far as anything goes I have no empathy for drugs addicts. I think it’s their choice. I have cancer, I didn’t choose to get that, and so I have no empathy. I know chemotherapy treatments and I know what I went through to live. Homelessness is a different situation, I feel that we should do what we can as a community or whatever for homeless people. We have enough people here on our own that we need and also at one of the other many Council meetings I attended last fall, and I brought the situation up about the Mission, and I said why are we accepting these people in here that have no ID, that are obviously drug addicts, have nowhere to live. We have no place to put them, aren’t we doing them an injustice? And then Cathy Goings and Martin Howe looked at each other and never answered. Ryan, I think you did address it, you did get up and say a few words that were encouraging, and I think Jimmy Malfregeot said we’re trying to get the Mission moved, and other than that no one said anything. Then I hear that we’re down 15 police officers, every time as I made the comment they’re robbing our cars, breaking into our homes, and lying on our yards, under our bushes wherever they can, so I said why are they not being arrested? Again no comment. Then a friend of mine who lives in Bridgeport tells me after I said to him why don’t I see any homeless in Bridgeport? He said because I had homeless drug person in our yard and we called the police, and they hand cuffed them, and within five (5) minutes and they took them to the Clarksburg Mission. So, now my point being the Clarksburg Mission probably has a positon of doing some good things or did at one time in the City, but it is not a drug rehab. When you have volunteer there who are afraid to serve people or do anything because they have weapons lying around on the table, and their lives have been threatened. So my husband and I quit along with several friends giving donations to the Mission for that very reason. I am not trying to throw anyone under the bus here, but as I was told here when I asked questions at many Council meetings I attended that the City Manager manages the Police Dept., he manages everything in the City as far as Code Enforcements, and he has the power to make a code and he has the power to do away with the Code. Maybe I’m misinformed, I don’t claim to know the workings of this City, because I don’t, but as tax payer and as a person who has lived here since 1980 I look at my property values, the homelessness of the streets, drugs addicts and I am sick of it as well as everyone else behind me. I don’t feel that this is a witch hunt as social media chooses to call it. I don’t feel that way at all. I think that the tax payers voted for change, that’s why you three (3) new Council people are here, because we all want change. It was wrong, I watched it on Social Media, posted by the Exponent Telegram, that Cathy Goings initiated a one year contract extension, and a cost of living raise for the city manager one week or so before the election. I don’t understand that, having an election one week later. That was totally and completely wrong. I have to say that, you know, I live here, I made a good living here, I worked for a TV station here a lot of years. I know a lot of people, and I am very involved with my church, and it’s sad to me when one of the priests calls me last week on a Thursday afternoon and stated his experience going to the church to do morning mass. There was a drug addict beside the Parish Center, who had a telephone plugged into the outside outlet, and was incredibly bad on drugs, and the priest explained to him that he had to move on. The phone was still there after the man left and the Priest obtained it with all intentions of taking it to Clarksburg Police Department. At the end of the day he finally had the chance for it to go to the Clarksburg Police Department, and how many calls on that phone were incredible. Now tell me, why would a homeless person have a cell phone and why would they be getting calls all day long? Someone once said to me, Clarksburg is a mecca for meth, and they all want to come here because of the meth. I again, I am fed up, and if I could get the money out of my house that I have in it on Buckhannon Avenue there would be a for sale in the yard, but I know I cant. So, I’m not ragging on anybody other than we all need to get together, put our heads together and
make change, and if that means we need a new city manager then I think we need one. Whatever it takes, but we need a change, but there’s been corruption, there’s been a lot of things that have happened that I know that are not right, and I’m not an attorney, so we need change. Another thing to put on record, when I said you call the police and they don’t show up, Cathy Goings said to me, “call 911, call 911”. So the next time I saw a guy on my property the 911 operator said to me, “this is not an emergency, why are you calling 911”, because I can’t get anyone at the Clarksburg Police Department to answer the phone and City Council told me to call 911. I was informed by the 911 operator that it is an emergency line only. I then called the police station again on another incident, when a prostitute was going down my street at 7 p.m., and I didn’t get an answer, so I didn’t call 911 because the 911 person told me not to. I put my faith in you three (3) and I really hope we can make changes, and I pray for all of us.

Dale Woofter - addressed Council in support of Martin (Howe). I look around here and I don’t believe I have met many of you people whether professional or in a social setting, but I had met Martin at a WVU football game, around town, different things, Mr. Woofter stated. Mr. Woofter commented that you could not ask for better children than Martin’s kids. Mr. Woofter spent 3 years in the army after graduating high school, 42 years in Michigan, before moving back to Clarksburg a few years ago upon retiring. Mr. Woofter made a list of things Martin has completed since being City Manager. Martin has renovated the pool, and put in the Splash Zone and lazy river, the Amphitheater at the VA Park, the RGPAC, and his understanding the RGPAC is making money for the City. From what Mr. Woofter knows about Martin, meeting him in social settings, he has seemed like an awful nice guy and the kids too, he concluded.

Kenneth Tyson – came to discuss issues with our wonderful Police Department we have here. We have homeless people or backpackers, whatever you want to call them living in the woods behind my house down on the river bed. On a Saturday night, about 11:30 P.M. my dog began to bark and bark and bark, so I look out my third story window, and they have a huge bonfire going in the middle of the woods. I called the Police Department and got questioned, and he said there’s a fire in the middle of my woods, do you want me to go ask what they’re doing? Needless to say I have five (5) patrol cars show up, great response. I had to show them how to get down in the woods because they didn’t want to go down there by themselves. Two guys and a girl down there were doing drugs down there, cutting down trees in the woods, the cops tell them they have until Tuesday to leave. This is a Saturday, what do you mean you have until Tuesday? It was due to the cop being off until Tuesday, so then I’ll come down and check on them because we have to give them time. Tuesday comes around, and nobody shows up. By Friday a neighbor at the end of the street is a police officer, not for the City but is a Police Officer, so I go to him and inform him we have backpackers, so he and I went down there that night, while he was dressed in law enforcement uniform, and I was dressed in ex-law enforcement garb from California, and went down there. They saw one definite law enforcement and another guy wearing law enforcement they probably figured they were both cops. We gave them until dark that night to move out of there, and they didn’t move out because they figured the cops weren’t coming back. So, the officer, myself, and my Rottweiler, and they were gone, guess what they have not came back, because someone was actually proactive and went down and did something about it. They cleaned up the area and did everything we told them to do. If the cops would have done what they were supposed to do the Saturday night, it wouldn’t have been a whole other week. I have four kids, one with disability, it’s not the right thing to do. The cops need to do what they’re supposed to do. They were trespassing, I now have full authority of the property. I am in the process of purchasing that property, but in the mean time I have authority. So if anyone goes down there I go down and kick them out myself. Recently, we have had suspicious persons on Waldeck Street, and the way my cameras are set up you can’t come on my street without being on my cameras, and the CAD log showed an officer responded and never did. I explained that it was BS because I can show you on my cameras that no one showed up. Some of you were here when I called out our Chief of Police when he told me that officers go up and down the street all
the time where he was presented with a flash drive that had 30 days’ worth of images on it where no officers drove up and down the street. Backpackers use Waldeck to bypass Main to go towards the Mountaineer Mart. So recently, after sitting outside with a baseball bat and lawn chair until about 1:00a.m. the issue of backpackers has decreased. Needless to say why do I have to do their job, when they get paid to do it? I did law enforcement, I did my part and share. I am out of it. I shouldn’t have to be doing what someone else is getting paid to do. We need our law enforcement to do what they’re supposed to do. Gary, you have been involved with the backside of law enforcement, and you know they’re over worked and underpaid. Absolutely, I guarantee they’re under paid. That is one of the reasons I am not law enforcement here after moving here in 2015, but with 4 kids a $30,000 doesn’t work. I found a bigger and better paying job, which is what most of the veteran law enforcement officers are doing as well. People who are on streets, I don’t think it’s their fault, it’s higher up and management, but now those who have stepped into their shoes need to step up and make law enforcement a priority. We get these beautiful trophies for traffic enforcement, and making their quotas on traffic stops, but how hard is it for them to drive around the block every once in a while. I have asked for it numerous times, talked on the phone, in person, to the Chief of Police, City Council, and City Manager, and it didn’t happen. Now that we have a new regime, can we please make it happen?

Shelly Gabriel – addressed Council. Ms. Gabriel has been in the City for 52 years, been in the military for 32 years, while keeping her permanent residence in Clarksburg. The July 11, 2019 was Ms. Gabriel’s first City Council meeting. Prior to the meeting Ms. Gabriel never thought she would care to come to one, but because of her grandchildren she does. Ms. Gabriel addressed Council by making three points. Point number one for Ms. Gabriel is her grandchildren. Ms. Gabriel commented that they live on North Ohio Avenue, Montpelier addition of Clarksburg. Despite a cruiser being parked out in front of their home, which is located in a 15 mph zone where they’re not the only children who live, there is a lot of speeding on that street. So, on July 11 at the City Council meeting Ms. Gabriel would like it documented she is asking for something to slow that down, there’s a speed limit sign, but what about a speed bump, she questioned. Ms. Gabriel is a solutions type of person, so if there’s some way she can help, Mr. Kennedy has her email address. Ms. Gabriel’s second point is she grew up on South Fifth Street, which used to be one of the nicest parts of town in the community, but she jokingly refers to it as East L.A. Ms. Gabriel commented that it has deteriorated to the point she am concerned for her parents safety. Her parents, who are the few elderly who live in that community have taken measures to protect their home. Ms. Gabriel does not know much about Martin Howe and what he’s done or what he hasn’t done, and she has seen positive things occur over the last several years, but has also seen Clarksburg being overwhelmed with many things the people have mentioned at tonight’s meeting. The drug issues etc., so again, as a solutions person, if she can help in anyway with the Community Action groups or places she can volunteer, Mr. Kennedy has her email. Third thing Ms. Gabriel would like to address the Police Department and police officers. Ms. Gabriel stated, until you have walked in someone’s shoes you might want to think about how you’re judging that person. Ms. Gabriel is military police, and she commented that police officers do eat, and officers can take calls while they’re eating. Ms. Gabriel appreciates all the efforts made, but the City and its residents are overwhelmed because of the points that have been made, so we need to come together not blame each other, not look at the police officers as the problem, she opined. Ms. Gabriel then questioned when was the last time police officers had a significant raise, because she thinks they deserve it, which she would also like annotated.

Eric Sartoris - addressed Council as a candidate for WV State Senate. Mr. Sartoris was not present to speak about Martin Howe, and feels everyone has stated their opinions. Mr. Sartoris was present at the meeting to speak for Annette Wright. Mr. Sartoris commented that she has served this City for many, many years with distinction, but only Council can make the best distinction for this matter. Mr. Sartoris opined that Annette Wright is uniquely qualified for this position.
**Marissa Rexroad** – addressed Council. Ms. Rexroad commented that homelessness increasing in our town isn’t something unique to Clarksburg. Ms. Rexroad explained that it’s a thing that is happening across our state, because were in the midst of a substance abuse crisis. Ms. Rexroad believes that it is wrong to expect Council or Martin Howe to singularly handle this crisis. Ms. Rexroad continued, that ultimately we’ll all just end up disappointed with this Council or Martin Howe or any single person to bare to bring the resources that are necessary to really solve this crisis. Ms. Rexroad opined homelessness and addiction exists at every level in our community, so I would just like to purpose that we as a community together, meet regularly, and look for solutions and not just the blame here. She ultimately feels it is going to take the entire community to bring the resources to address this crisis, and it is not something we can expect one single person in this community to do. It is time that everyone here rolls up their sleeves and gets to work on the problems that we have heard here tonight, she continued. Ms. Rexroad stated that we all want to see Clarksburg thrive, and she thinks that is completely possible, but if you look at communities across the state, they are suffering from economic downturn, what they don’t have is one single person who is the star of the show, who brought the resources necessary to turn their towns around. What they have is an engaged citizen rate, like we have here tonight, that comes together more than once just put somebody together on public trial. Ms. Rexroad concluded, we need engaged folks who meet regularly to solve these issues, and she does not believe that it’s something you all should carry on your shoulders alone.

**Michael Brown** – addressed Council about the professionalism of Martin Howe. I have in the last 10 years have been involved with the Waldo Hotel, and am routinely one who goes in that does checks on the building. I monitor it with photo journalism and check if there are any issues that need addressed. One thing I have had to do is show the building to prospective developers. Received a phone call that the building is to be shown, and I get there and the City Manager is outside the door with Vandalia representatives. I was never greeted by Martin Howe. The visitor for the building is Congressman McKinley. We walked the first few floors of the building, and the Congressman is discussing and asking engineering questions about the building with his engineering background about how much opportunity there is in the building, how beautiful the building is, and as I watch our City Manager act like a disinterested child. The Congressman is asking a question while Martin Howe stomps on a piece of glass to break the attention. Is this what we want representing our City when we have a United States Congressman that is actually talking about our viable assets of our town, but instead we’re looking for attention breakers. Going on with the Waldo, back in 2014, the Waldo Group hosted a gentleman by the name of Steven Koontz, his company of Canton, Ohio is one of the top preservation companies in the country, and routinely gets called to D.C for Historic Preservation. He came to town free of charge, spoke at the Waldomore, and discussed the catalyst for downtown revitalization was the Waldo Hotel. Ironically enough in the same conversation, the last thing to revitalize your downtown is your theatre. A theater isn’t a bad thing, but going into the future you look at it after you build your catalyst of constant money makers in your town. Needless to say Council members that were there ignored it, and we have the theater now. I’m not against the theater that we vastly overspent on the theater. We spent nearly three times the amount on the RGPAC than the Capital Theater to Wheeling. We love to praise the City Manager for this as his crowning achievement, but we have to ask where did the money go, where did 23 million go in that theater? I looked around it the other night and my thought was it looks like the Cinemark at the mall. It is not accurate to the theater. My worry is when an audit comes in for Historic Tax Credits we’re going to be in trouble, because they will come in and audit those Tax Credits, and I don’t think we meet the criteria. I stood in front of the Nathan Goff House from trying to have it erected. We need to question what we’re doing with our tax funds, we need to question what our City is doing as a leadership, and it’s just run amuck. I hear people say it’s only one person, what can one person do. I look at it this way, the Titanic sank and the fault
was put on Capitan Smith, but Captain Smith wasn’t at the helm when it hit the ice berg, but he still receives the blame.

Tom David Franklin – addressed Council. Mr. Franklin arrived in Clarksburg 12 years ago from Hawaii and stayed at the Parson’s hotel the first night. Mr. Franklin has lived in Glen Elk and bought homes and real estate in Clarksburg and Harrison County. Mr. Franklin realized there were a lot of abandoned buildings, so he chose to acquire only land. Mr. Franklin received a phone call from Martin Howe, who wanted to buy a piece of property of his. Mr. Franklin donated the property instead, which ultimately helped establish the State Building in Downtown Clarksburg. Mr. Franklin joined Glen Elk Village development association and was a board member for years, Mr. Franklin stated there is a new apartment building coming into Glen Elk. Mr. Franklin believes that the area on Sandy Blvd would make a desirable greenspace for Clarksburg, so he has bought every structure to make this dream obtainable. Mr. Franklin owns all his properties outright, and would like to give them to the City of Clarksburg, but he does not know who to give them to. Mr. Franklin believes if this greenspace area is achieved it’d be just as great as what we have at the Veteran’s Memorial Park and the Nutter Fort Park. Mr. Franklin commented we’d have a beautiful walking space for the Federal employees to walk every day at lunch, and everyone else. He continued that it’d make a beautiful walk of the City. Mr. Franklin opined that the City needs something to be proud of, the RGPAC was an excellent project. Mr. Franklin stated he’d like the City to tear down a fire burnt structure on Byrd Lane because it’d make a great end of that green trail. Mr. Franklin concluded with that’d be something to be proud of.

AGENDA ITEM NO. 3: 
CONSIDERATION OF A PRELIMINARY RESOLUTION OF THE CITY OF CLARKSBURG, WEST VIRGINIA, SUSPENDING THE CITY MANAGER FOR THIRTY (30) DAYS IN ANTICIPATION OF TERMINATION AND APPOINTING AN INTERIM CITY MANAGER.

MOTION by Councilmember Marino, SECONDED by Councilmember Junkins for the adoption of the above captioned resolution. Under discussion, Councilmember Ferrari commented that he had publically stated, previously, he intended to oppose this Resolution with all due respect to his fellow Councilmembers, but looking at the Resolution, which he hadn’t seen it until it was sent to him by email, but he would like to comment on the Urban Decay issues. Many of these supposed facts are not the direct responsibility of the City Manager. A point that struck him was the point of the Police Department being understaffed. The Department is understaffed, and is budgeted at 48 officers for the Police Department, and the officers of can’t be kept because they leave for other jobs, they retire, but the City is in the process of getting new officers hired, and through the academy. But, to say it is Martin Howe’s fault the Police Department is understaffed, there is a lot of other factors. There have been other modifications made to get their pay to where it needs to be. To say it is understaffed isn’t something to hold against Martin Howe. Another statement in here that says he’s responsible for various businesses leaving Clarksburg, it is not fault that this has happened, but if you’re going to say how many businesses left, why don’t we look at some of the businesses that have come back here. The relocation of the DMV, a multimillion dollar project, that brings hundreds downtown, the Palace Residential rental project, major renovation to the RGPAC. It was an expensive project, but through New Market Tax Credits brought $6 million off of that price tag in equity back to this City, making it $14 million instead of $20 million. A major residential housing project in Glen Elk. Brownsfield project, in Adamston. Sure, businesses have left, but we need to look at what’s come. It is not his direct fault these businesses have left. The 1% decrease in the City budget. Mr. Ferrari is not sure if that’s correct, but there has been a decrease in the City’s budget. One of the main reasons is, after adopted the 1% Sale’s Tax Ordinance we reduced the B&O Tax on all businesses which took $800,075 right out of the General Fund, sure the budget will...
be less, because the Sale Tax is dealt with in a separate project. Since Martin Howe’s term at City Manager, we’ve put a $3 million Splash Zone in, the Amphitheater, demolished a number of homes through the project with 55 more that need to be demolished. An evaluation needs to be done, has he met the goals of City Council, and I know every year in our evaluations pretty much he met all of the goals we had set out. So, he has just carried out the policies of this Council. Councilmember Keith commented, a main criticism the new councilmember have gotten is how quickly they have acted on this, and I want to drive home to people that I don’t think the timing of this was our decision. When the City Manager requested a buyout that forced our hand. Councilman Keith concurred with Councilman Ferrari that the City Manager is not to be blamed on the Urban Decay portion of the Resolution. What concerns Councilman Keith is the Misappropriation of Funds and the mishandling of the FOIA/Unprofessionalism. Councilman Keith felt that the election was interfered with because of the FOIA request. Mr. Keith stated that he has not made his decision on terminating the City Manager. I am still looking at all the evidence, and I am going to decide, but I am for this Resolution tonight. Vice Mayor Marino commented openness of the meeting is the way Council meetings are supposed to be. Being open, transparent, letting everyone come to talk, and listening to the people that’s what we have done since our campaign, is listen to the people. Vice Mayor Marino commented this is not an easy thing and goes with much thought and consideration. It’s not a vendetta. I ran because of the condition of the City, and the downturn of Clarksburg. Instead of Vendetta, Vice Mayor Marino would like to say it is accountability. Vice Mayor Marino wants the City Manager to be accountable. Vice Mayor Marino continued other councilmembers are friends with the City Manager, and he has no desire to be friends with the City Manager, but instead his supervisor. Vice Mayor Marino does not want the issues to be clouded by friendship, and that is an issue that has failed our City government for many years. He wants to hold the City Manager accountable. Vice Mayor Marino is okay with a four (4) to three (3) votes because it shows Councilmembers have different ideas and personalities. Seven (7) to zero (0) votes like before in the backroom like we had in the past is not something Vice Mayor Marino wants. Vice Mayor Marino wants councilmembers to vote the way they want to vote, and not be harassed because they are not voting the way of the majority. Vice Mayor Marino gave examples of the lack of accountability when there was a collapse in the Police Department and the Code Enforcement Department, but he went unscathed. Vice Mayor Marino never saw an evaluation of how the departments were being run, and feels the City Manager must be in charge of the departments and not let them go astray. He continued that the City of Clarksburg has to go by Home Rule instead of the State Code, so they do not have to do anything, and they are not held accountable. Vice Mayor Marino stated he is not a vindictive person, but wants this City to move forward in the right direction. Since Vice Mayor Marino has been elected to Council, he has been trying to get information, and it is hard to get that information, and it seems that they have never been held accountable to get information, because Vice Mayor Marino has had to pull teeth to get that information. Vice Mayor Marino referenced the handbook and how the payouts to employees should be, which fell under Misappropriation of Funds. Vice Mayor Marino cited Unprofessionalism and the FOIA request right before the election. Stating, the City Manager did not look at the FOIA, but only sent out the information, which was personal and did not pertain to the City’s business. Vice Mayor Marino just wants the City to be run a professional way, and the citizens to hold him accountable for his actions while on Council. Vice Mayor Marino listened to both sides and wants to give a professional evaluation. Vice Mayor Marino’s opinion is not based on vendetta, but based the facts I have before me, and the facts I have heard from the people speaking. Vice Mayor Marino thinks the investigation will be healthy for all parties concerned. Mayor Kennedy commented that he originally intended to put slides up, but because of the lateness of the meeting he will only mention points from those slides. Mayor Kennedy is the only Veteran on Council and led troops, and when I was in command, it was ultimately my responsibility to main his unit, which is how accountability works, Mayor Kennedy opined. The Mayor contined that he believes that the City Manager has not fulfilled his duties as the City Manager, because he has had the power to fix some of the issues we have had. Mayor Kennedy
stated due respect to Councilman Ferrari, the budget has declined even with the 1% Sales Tax, but yet the City Manager’s budget has increased since 2011. Mayor Kennedy stated these are not opinions, but statistical facts. Mayor Kennedy stated there needs to be an investigation to determine if these allegations are indeed facts. Fortunately, the Charter provides a method to allowing us to conduct the investigation. Mayor Kennedy stated he intends to vote yes, so we can have the 30 day cooling off period and have that investigation, and let the chips fall where they may. The **MOTION** carried **4-3** with Councilmembers Ferrari, Goff, and Malfregeot casting the dissenting votes.

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

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Ryan Kennedy, Mayor
Approved: August 1, 2019

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Anjelica D’Annunzio, Recording Secretary