The Clarksburg City Council met in REGULAR SESSION on Thursday, July 18, 2019 at 6:00 PM at the Clarksburg Municipal Building – Council Chambers, 222 West Main Street, Clarksburg, West Virginia, with Mayor Ryan Kennedy presiding.

COUNCIL MEMBERS PRESENT:

Frank Ferrari
Marshall Goff
Lillie Junkins
Gary Keith
Jim Malfregeot
Jimmy Marino, Vice Mayor
Ryan Kennedy, Mayor

ALSO PRESENT:

Annette Wright, Interim City Manager
James Cann, City Attorney
Jason Snider, Interim Chief of Police
Kimberly Karakiozis, Finance Director
Wendy Dutchess, Recording Secretary

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

**MOTION** by Councilmember Jim Malfregeot, **SECONDED** by Councilmember Frank Ferrari for approval of the special session of Council (for the Canvass), held on June 10, 2019. **MOTION APPROVED UNANIMOUSLY.**

**MOTION** by Councilmember Jim Malfregeot, **SECONDED** by Councilmember Marshall Goff for approval of the special session of Council, held on June 10, 2019. **MOTION APPROVED UNANIMOUSLY.**

**MOTION** by Councilmember Jim Malfregeot, **SECONDED** by Councilmember Frank Ferrari for approval of the special session of Council, held on June 17, 2019. **MOTION APPROVED UNANIMOUSLY.**

**MOTION** by Councilmember Jim Malfregeot, **SECONDED** by Councilmember Marshall Goff for approval of the regular session of Council, held on June 18, 2019. **MOTION APPROVED UNANIMOUSLY.**

**MOTION** by Councilmember Jim Malfregeot, **SECONDED** by Councilmember Marshall Goff for approval of the special session of Council, held on July 1, 2019. **MOTION APPROVED UNANIMOUSLY.**

PETITIONS, COMMUNICATIONS AND PUBLIC HEARINGS with the following individuals appearing therefor:

**Eric Lemley**, 215 Sycamore Street – addressed council concerning ‘Demolition of 217 Sycamore Street’, where his property is situated right next to the structure, with his garage only about 5 feet away. Mr. Lemley expressed gratitude to the Clarksburg Fire Department for the ‘fantastic’ job they did with putting the fire out, and stated that no damage was done to his property during the fire.

However Mr. Lemley’s concern is that prior to the fire, the location attracted illegal activity including trespassing, vandalism, property damage and squatting; and stated that illegal activity has resumed. He asked council to approve demolition of this structure and asked that it be demolished as soon as possible for the safety of his neighborhood.

**Joe Folio**, 205 E Main Street – addressed council concerning ‘Going Forward’. Mr. Folio stated that his family has a lot of money invested in the City of Clarksburg and also throughout six other counties in this State. Mr. Folio then directed his comments to the newly elected councilmembers referring to them as ‘new comers’ and stated that he believes they might have ‘cut off their noses to spite their faces’ with the move they made so far, and that he is hopeful that they have ‘looked before they leaped’. Mr. Folio is concerned that the City has lost three (3) management positions, and said that over the years many issues were faced, but that they worked together to resolve them. His personal preference ‘as a business person’ would have been to extend a probation period ‘until all is acclimated in the positions they are in’. Mr. Folio further stated that he hopes he is wrong and that all will be well going forward.

**Jeff Thompson**, 402 E Main Street – addressed council stating that ‘Street Paving’ goes along with trying to make our City look better, and stated that our streets, roads, and buildings look terrible. He stated that he does not feel that the City’s taxpayers’ money should be spent on demolition, but rather spent on downtown revitalization. He suggested that the City ask business owners to clean up the outside of their business establishments (maybe power-wash and wash windows) adding that it doesn’t have to be costly – but that using a little bit of ‘elbow grease’ might help. Although Mr. Thompson does not agree with ‘needle exchange’ he did suggest that police officers be posted on the streets on ‘needle exchange day’ to keep the ‘people/backpackers’ moving along. He also understands...
that Main and Pike Streets are owned by the State, but is hopeful that the City could repair at least the downtown sections. He referred to back in the day when the City’s streets and sidewalks were well maintained and would like for the City to be more presentable.

Representatives of the ‘Monticello Ongoing Revitalization Effort’, 458 E.B. Saunders Way (Kelly Miller Building) – Invited City Council to the Blueprint Community Kickoff on Sunday, July 21st from 2:00 PM – 5:00 PM: for a celebration, and thanked Council for their ongoing support, involvement and continued partnership. In 2019 M.O.R.E. was awarded ‘The Blue Print Community Status’, the only one awarded in the State of West Virginia since 2012. It was stated that Representatives of the City, MVB Bank, other businesses in this community as well as civic volunteers are all working together on these efforts to make the neighborhood a better place. Revitalization efforts include sidewalk development, park recreation, basketball court, literacy financial programs for the seniors. Focus areas include Monticello Avenue’s garden maintenance, economic and residential development throughout Harrison County. It was stated that a martial arts school will be housing the Kelly Miller Building and that short-term programming there includes a book club and long term plans exist for pre-employment food service training; and more lighting to the areas of Lee Avenue and Ben Street.

Bryan K. Payne, 115 South 4th Street – addressed concerning ‘Fence & Electrical Fence at Jackson Square’. Mr. Payne spoke of the upper section of Jackson Square where the canopy is, and where your main power execution system is, that there is a fence with an access gate that has been hit several times in last few years. Mr. Payne’s concern is that it is getting closer to hitting the power supply, and that his property is right behind that. Secondly, Mr. Payne recommended that the City get a fence company to repair the 6’ privacy fence that belongs to the City. Mr. Payne stated that the City’s Public Works Department has tried to remediate the fence in the past. Mr. Payne stated that it is power supply to Jackson Square. The supply is protected but kids and citizens climb on it resulting in a safety concern. Mr. Payne also stated long fence on traders alley does not have a cap, which causes concern for injury as various people crawl across when trespassing.

Louis Iquinto, 536 Hillcrest Circle – addressed concerning ‘general discussion’. First, Mr. Iquinto congratulated the winners of the election and commended them for selecting Annette Wright as interim City Manager and stated that ‘it wouldn’t be a bad pick’. Mr. Iquinto then stated that he a the meeting on behalf of his son Anthony Iquinto, and while holding up a picture of his son for council to see, stated that Anthony had been employed by the City of Clarksburg and worked in the sewer department, and that he died working at the City of Clarksburg. Mr. Iquinto referenced various reasons that he believe Anthony died. He said Anthony had C.O.P.D. and that for two (2) years Mr. Iquinto asked Martin Howe to change his son’s job because the doctor had written a letter suggesting to do so (being that the sewer gas is very toxic). Mr. Iquinto then mentioned a time when Jimmy Marino saved an employee’s life by holding his head up to get fresh air, and he felt that Jimmy should have been recognized for it. Mr. Iquinto said he was angry with the prior council because he had even called the Mayor, Vice Mayor, Marshall Goff who all said there was nothing they could do. With tears Mr. Iquinto said ‘they watched my son die while they sat on their hands’. He said he will never forgive Martin Howe, Boo Bellotte or anyone on council that could have helped but never did anything to help his son. He said he will never forget it the rest of his life. Mr. Iquinto then reminded council that the City Manager works for them, not the other way around. He said when he was Mayor he did something when someone needed something. He then thanked council for listening to him and said he hopes they get someone else for City Manager, ‘because Martin Howe sure doesn’t belong there – no character – none’, and that he has no use for anyone who votes for him. Mr. Iquinto again said ‘The City is at fault with what happened to my son’; and added that he doesn’t know yet if he will sue the City or not, that he’s been approach by two (2) attorneys who said he has a good case, and they would be ready to do it pro bono. He then directed a comment to Jimmy Cann, City attorney, and suggested that he ‘look at the insurance and find out if everybody can talk about a deal before we go any further’. Mr. Iquinto expressed his emotional distress the loss of his son has caused him and his wife. Mr. Iquinto continued that the distress led to his wife having to attend rehab to learn to re-walk. Mr. Iquinto reiterated that the City Manager works for Council, and Council does not work for him. At the conclusion of Mr. Iquinto’s comments, Mayor Ryan Kennedy stated ‘from someone who also lost a child, I extend my deepest condolences’.

AGENDA ITEM NO. 5:

CITY MANAGER’S REPORT/UPDATE
Manager’s Report
July 18, 2019
Submitted by Annette Wright
General Updates

1. Demolition –
   a. 130 W. Pike Street – Empire Builders has completed the demolition of said structure and the property has been graded, seeded and mulched.
   b. 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 28 of 30 structures; with an anticipated completion date of Friday, July 19th.
   c. Public Works has completed 16 out of 27 structures scheduled for demolition. Public works will start two (2) structures on Simpson Avenue starting July 22nd. They will then have ten (10) structures remaining.
   d. 217 Sycamore Street – This property had extensive fire damage (with pictures thereof provided in your packet). As noted therein, this fire-burned structure is a safety issue for the community. The administration recommends Council award the bid for the demolition of said structure to the lowest responsible bidder, Reclaim Co., in the amount of $19,275.00. This item is on the agenda under “New Business.”
   e. 124-128 Third Street – This demolition project will be fully reimbursed to the City by the property owner(s). The lowest, responsible bidder was Empire Builders in the amount of $102,450.00. This item is also on the agenda under “New Business.”

2. Paving List – I have distributed the paving list for Council’s review and comment. We would like to put this list out to bid on Monday, July 22 in anticipation of awarding the bid at the August 15th Council meeting.

3. Audit – Per the last Manager’s Report, we 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. Upon completion of the interviews of those submitting proposals, a recommendation will be made to Council Thursday, August 1st.

4. Splash Zone Children’s Waterplay Area – a loan closing for the Children’s Waterplay area of the Clarksburg Splash Zone took place Wednesday, July 17, 2019 with officials from the City of Clarksburg, Country Roads Leasing, West Union Bank, and the City of Clarksburg Parks present. As noted in the previous Manager’s Report, the terms of the permanent financing of the loan with West Union Bank will be for a 10-year term at 4.2% interest rate.

5. City Hall Maintenance –
   a. The front step of the entrance to City Hall has been repaired and is now safe and secure with plans to finish and seal very soon.
   b. City Hall – The Public Works Department will begin striping, waxing and buffing the floors the week of July 22nd.
   c. City Hall - The administration has reached out to three vendors to obtain quotes to thoroughly clean City Hall - from the floor to ceiling; including carpet cleaning, draperies, etc. Two of the vendors did a walk-thru of the building and will be providing us with quotes on Friday, July 19th.
   d. City Hall – Police Squad Room – This room will also be waxed with the metal desks to be replaced as the furniture is not only old but broken.
   e. City Hall Roof – The generator on the roof of City Hall has been repaired and the roof has been repaired to correct a leak within the building.

6. Employee Committee – An Employee Committee (once utilized in the past) will be put back into place. In the beginning, this committee will meet on an as-needed basis and will be comprised of individuals throughout all departments. This will be an opportunity for the Committee to meet and explore ideas and concerns of our employees; to bring information of importance such as training, seminars, etc., as well as ideas to improve and/or enhance employee morale.

Police and Fire

1. Police Civil Service Commission (PCSC) –
   a. Promotions –
      i) A swearing-in ceremony was held Monday, July 15th in Council Chambers wherein Officer Rick White was sworn in as Lieutenant and Officer Zackery Lantz was sworn in as Sergeant. An additional swearing in ceremony will be held on August 15th to swear in Officers William “Bill” Swiger and Ethan Walker as Sergeants.
   b. Eligibility List –
      i) The Police Civil Service Commission conducted interviews of four (4) applicants on Wednesday, July 17th.
      ii) The Police Civil Service Commission administered an entry-level written exam on June 19th with nine (9) applicants appearing therefor and all nine (9) receiving a passing score. Said applicants will now move onto the background phase of the eligibility list process.
   c. SWAT – In addition to the Officers previously mentioned, Officers Jeremy Randolph and Kane Bender, along with Officer Kevin Collins have been assigned to the Clarksburg Police Department’s SWAT Team. Officers Randolph and Bender attended a training Monday, July 8 – July 12 sponsored by the Shunnston Police Department. The Clarksburg Police Department’s SWAT Team now has eleven (11) members and one (1) medic.
   d. We currently have three (3) probationary officers attending the West Virginia State Police Academy. We originally had four (4) officers; however, unfortunately one officer did not successfully complete the physical ability test and, therefore, has been dismissed.
   e. PRO – (Prevention Resource Officer) – at Washington Irving Middle School – We are partnering with the Harrison County Sheriff’s Department for the placement of a deputy at WIMS to begin the 2018-19 school year. This position will be re-evaluated at a later time as to our ability to take over this detail once our manpower is back up.
2. Fire –
   a. With temperatures anticipated to be increasingly high this weekend, we have a protocol in place if there is a declared emergency. Our Fire Department is prepared, if needed, to set up emergency and cooling shelters.

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   1. Ribbon Cutting –
   a. Peppy’s Pet Pantry located at 305 Washington Avenue (PWA) on Friday, July 19th at 1:00 p.m. We have added our police and fire chiefs to all ribbon cutting invitations.

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   1. Upcoming events at the RGPAC –
      a. Movies –
         i) “Harry Potter & the Half Blood Prince” will be Friday, July 19, 2019 at 7:00 p.m.
         ii) “Disney’s Tangled” will be Thursday, July 27, 2019 at 7:00 p.m.
      b. Music –
         i) “Night of Worship” – Wednesday, July 24, 2019 at 7:00 p.m.
         ii) Almost Heaven Music & Arts Festival” – Saturday, July 27, 2019 at 3:00 p.m.
   2. Clarksburg Farmers Market – Saturday, July 20th 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. INSYNC Drug Awareness Walk – Monday, July 29th, at 5:30 p.m. at Duff Street in the Stealey neighborhood of Clarksburg.
   4. Clarksburg Community Action’s First Friday’s – Friday, August 2, 2019 – 6:00 p.m. to 10:00 p.m. at Jackson Square. First Friday’s features live music, artisans, various vendors and food.
   5. Clarksburg Amphitheater –
      a. Movies and Music in the Park – Movies in the Park begins at 8:45 p.m. and are free to the public, concessions are available. The following is the upcoming schedule:
         1. “Dirty Dancing (Girls Night)” – Thursday, July 18th
         2. “Hotel Transylvania 3” – Friday, July 19th
         3. “British Invasion Experience” – Saturday, July 20th
         5. “Shakespeare in the Park” – Sunday, July 28th
      b. Music -
         1. SOLD OUT – Morgan Wallen (rescheduled due to his cancellation) – Sunday, August 4th
         2. Toby Mac – Friday, August 9 at 7:00 P.M.

   **UNFINISHED BUSINESS:** None.

   **NEW BUSINESS:**
   A. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG PROVIDING FOR THE ABANDONMENT OF AN UNOPENED, UNIMPROVED EXTENSION OF ARGONNE STREET, 25 FEET IN WIDTH BETWEEN PARCELS 138 AND 163 UPON TAX MAP 1 IN THE CITY OF CLARKSBURG, CLARK DISTRICT, HARRISON COUNTY, WEST VIRGINIA, SHOWN ON THE PETITION FOR SAID ABANDONMENT ON FILE IN THE CITY CLERK’S OFFICE; PROVIDING FOR FINDINGS OF FACT IN CONNECTION WITH SAID ABANDONMENT; AND AUTHORIZING THE EXECUTION OF THE PROPER QUITCLAIM DEEDS, RESERVING THEREFROM UTILITY RIGHTS-OF-WAY.

      **MOTION** by Councilmember Frank Ferrari, **SECONDED** by Councilmember Marshall Goff for approval of the above-captioned matter. **MOTION APPROVED UNANIMOUSLY**

   B. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG TO REPEAL ARTICLE 121, SECTION 121.01, THEREBY ELIMINATING THE POSITION OF ASSISTANT CITY MANAGER.

      **MOTION** by Vice Mayor Jimmy Marino, **SECONDED** by Councilmember Marshall Goff for approval of the above-captioned matter. **MOTION APPROVED UNANIMOUSLY**

   C. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG AMENDING ARTICLE 109, SECTION 109.01(D) TO ALLOW THE COUNCIL OF THE CITY OF CLARKSBURG TO TRANSFER UNENCUMBERED FUNDS AT ANY TIME BETWEEN DEPARTMENTS
MOTION by Councilmember Jim Malfregeot  SECONDED by Vice Mayor Jimmy Marino for approval of the above-captioned matter.  MOTION APPROVED UNANIMOUSLY

D.  CONSIDERATION OF A RESOLUTION TO APPROVE REVISION TO THE CITY BUDGET FOR FISCAL YEAR 2019-2020.

MOTION by Vice Mayor Jimmy Marino, SECONDED by Councilmember Frank Ferrari for approval of the above-captioned matter.  MOTION APPROVED UNANIMOUSLY

E.  CONSIDERATION OF AWARD OF BID FOR THE DEMOLITION OF THE STRUCTURE(S) LOCATED AT 124-128 THIRD STREET

MOTION by Councilmember Frank Ferrari to award contract to Empire Builders for demolition of 124-128 Third Street in the amount of $102,450 with the understanding that the property owners will reimburse the City for total cost of the demolition, SECONDED by Councilmember Gary Keith   MOTION APPROVED UNANIMOUSLY

F.  CONSIDERATION OF AWARD OF BID FOR THE DEMOLITION OF THE FIRE-DAMAGED STRUCTURE LOCATED AT 217 SYCAMORE STREET

MOTION by Councilmember Jim Malfregeot, SECONDED by Vice Mayor Jimmy Marino for approval of the above-captioned matter.  MOTION APPROVED UNANIMOUSLY

G.  DISTRIBUTION OF 2019 MAYOR APPOINTMENTS

WV Italian Heritage Festival (liaison) – Vice Mayor Marino
Harrison County Senior Citizens Center – Councilman Keith
Council rep. to URA – Councilwoman Junkins
Council rep. to P&Z – Councilman Goff
Region VI/Workforce for WV – Vice Mayor Marino
NCWV Rehab – Mayor Kennedy
Employee Events/Christmas Party – Mayor Kennedy and All Members of Council
Spectrum Cable (liaison) – Councilwoman Junkins
Council rep. to Park Board – Councilman Ferrari
Council Rep. to Sanitary Board – Councilman Malfregeot

COUNCIL COMMENTS:
Councilman Ferrari – No comment

Councilman Goff said that he’s glad to see that we’re addressing the needs at City Hall which are long overdue, acknowledging that it’s a nice building that needs to be cleaned up and kept presentable. He commended Annette for having the foresight to do so. He also welcomed the crowd and let them know it was good to see them here.

Councilman Keith dittoed councilman Goff’s comments and added a thank you to Annette for basically taking the jobs of three (3) people and ‘has done an amazing job so far’. He also thanked everybody for being there, and thanked the speakers who appeared before them. Councilman Keith said they want to be open and hear what everyone has to say, and said we want to know the direction they want us to go.

Councilman Malfregeot read allowed the definition of transparency twice ‘The condition or state of being transparent; the lack of hidden agendas or conditions accompanied by availability of full information required for collaboration, cooperation, and collective decision making’. After reading the definition he stated that during the last two (2) weeks, information regarding special agendas, investigations, meetings, and Mr. Harold and Mr. Dyer being hired to investigate the City Manager was not shared with either himself, Mr. Ferrari or Mr. Goff. He said that ‘direct by the Mayor should have been the case, but unfortunately this was learned from the media’. He said that in the past all council members were informed prior to the media being notified, and that it seems ironic as ‘transparency’ has
been mentioned so frequently in communications with the public; and then questioned ‘is this going to be the standard policy now?’

Councilwoman Junkins addressed the crowd stating that council is currently holding discussions about forming a homeless task force that the City itself puts together, because there are a lot of concerns in Clarksburg about it; and stated that the City needs to be heavily involved in the decision-making as it relates to how we address it. She said ‘This is #1 priority – we have not forgotten’. Councilwoman Junkins also thanked Annette for her professionalism and kindness, and encouraged the crowd to keep coming back, saying ‘This is your City and you all belong here’.

Vice Mayor Marino said that it is nice to see everybody come out and get engaged with council, and said ‘That’s transparency – not being in a back room beating up on people because they don’t want to vote the way certain council people want to vote – That’s not transparency – hiding in a back room and chastising other council people’. Vice Mayor said he likes it to be done all out front like the Mayor is trying to do, and said ‘That’s transparency, to be open and communicate with everybody’. He added that he believes some people are upset because they are not in the ‘driver’s seat’ as in the past, and that he believes we’re heading in a good positive direction with transparency. Vice Mayor Marino said that our Mayor is taking good leadership, and that Annette as City Manager is phenomenal and knows what she’s doing, and he’s excited about our future.

Mayor Kennedy concluded council comments by also thanking Annette and stated that as our acting city manager, she is doing ‘a bang up job’. He also informed the people that steps are being taken concerning public safety, and that his #1 priority for the next two years, as Mayor, is to make Clarksburg safe again. He extended his appreciation to the crowd for being there, asked them to come back, and said that he hopes that the room is crowded for every single meeting.

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