

**August 3, 2023**

The Clarksburg City Council met in REGULAR SESSION on Thursday, August 3, 2023 at 6:00 p.m. at the Clarksburg Municipal Building – Council Chambers, 222 West Main Street, Clarksburg, West Virginia, with Mayor Malfregeot presiding.

**PRESENT:**

Councilmember Martin Howe  
Councilmember Will Hyman  
Councilmember Marc Jackson  
Councilmember Wayne Worth  
Councilmember Hattie Wright  
Vice Mayor Jerry Riffle  
Mayor Jim Malfregeot

**ALSO PRESENT:**

Tiffany Fell, City Manager  
Richard Marsh, City Attorney  
Annette Wright, City Clerk

1) **Roll Call**

2) **Prayer & Pledge** – given by Vice Mayor Riffle

3) **Approval of Minutes:**

**Motion** by Councilmember Hyman, **Seconded** by Councilmember Worth for approval of the Conference/Work Session meeting minutes of **July 6, 2023**. **Motion Approved Unanimously.**

**Motion** by Councilmember Howe, **Seconded** by Councilmember Jackson for approval of the Regular Session meeting minutes of **July 6, 2023**. **Motion Approved Unanimously.**

**Motion** by Councilmember Hyman, **Seconded** by Councilmember Wright for approval of the Conference/Work Session meeting minutes of **July 20, 2023**. **Motion Approved Unanimously.**

**Motion** by Councilmember Howe, **Seconded** by Councilmember Jackson for approval of the Regular Session meeting minutes of **July 20, 2023**. **Motion Approved Unanimously.**

4) **Petitions, Communications, and Public Hearings:**

**Geary Rollins**, 87 Pinewood Drive – appeared before Council concerning the new trash can/receptacle ordinance expressing his support therefor but inquired as to who and how the same would be enforced.

**Joe Folio**, 205 East Main Street – remarked that he never sees any results from Code Enforcement noting problems he faces with the homeless such as broken windows, etc. Mr. Folio also commented on the grass in the curb lines, as well as lots with high grass expressing his frustrations with such neglect.

5) Delegation

6) **City Manager's Report –**  
**City Manager's Report**  
**August 3, 2023**  
**Submitted by Tiffany Fell**

(Attached hereto as "Attachment to August 3, 2023 Minutes")

7) **Unfinished Business:**

**a) Streets and Sidewalks**

With notices regarding the public hearing appearing in *The Exponent Telegram* on July 25, 2023 and August 1, 2023, Mayor Malfregeot declared the public hearing open with Mr. Shaun Jedju appearing therefor. Mr. Jedju noted the existing ordinance already on the books and remarked that it appeared to be an enforcement issue rather than the need for an additional ordinance. There being no one else wishing to speak on this matter, the public hearing was closed. During discussion, Councilmember Worth also expressed concerns with the enforcement of the proposed ordinance and whether the same could be constitutionally challenged. Councilmember Howe also noted the ordinance currently on the books and inquired as to the need therefor.

**Motion By:** Vice Mayor Riffle

**Seconded By:** Councilmember Jackson

For approval of SECOND and FINAL READING of an Ordinance of the City of Clarksburg to Create Article 562 to Ensure Free and Fair Use of Streets and Sidewalks

**Motion Defeated 3-4**

	FOR	AGAINST
Councilmember Howe		√
Councilmember Hyman		√
Councilmember Jackson	√	
Councilmember Worth		√
Councilmember Wright	√	
Vice Mayor Riffle	√	
Mayor Malfregeot		√

**b) Property Lease**

With notices regarding the public hearing appearing in *The Exponent Telegram* on July 25, 2023 and August 1, 2023, Mayor Malfregeot declared the public hearing open with the following individuals appearing therefor: Mr. Shaun Jedju remarked on the need for parking for Gore Luxe. Mr. Chris Lane commented that it would be beneficial to see something finally done with the property but inquired if the City did any type of public announcement that the property was available. Also, Mr. Lane inquired if there were any appraisals done for the lease rate. City Manager Fell suggested that this matter be tabled to allow for additional discussion at a future work session. Mayor Malfregeot stated that he would like to see an engineering study and plans for the proposed lot. Vice Mayor Riffle opined that the City was protected in the contract and noted that the lot has been vacant for ten plus years.

**Motion By:** Councilmember Worth

**Seconded By:** Councilmember Howe

To TABLE on second and final reading an Ordinance of the City of Clarksburg to Lease Property Situate at the Corner of South 3<sup>rd</sup> Street and West Pike Street.

**Motion to TABLE approved 6-1**

	FOR	AGAINST
Councilmember Howe	√	
Councilmember Hyman	√	
Councilmember Jackson	√	
Councilmember Worth	√	
Councilmember Wright	√	
Vice Mayor Riffle		√
Mayor Malfregeot	√	

8) **New Business:**

a) **Arlington Sewer Project**

**Motion By:** Councilmember Hyman

**Seconded By:** Councilmember Howe

For approval of FIRST READING of an Ordinance Authorizing the Design and Other Preconstruction Services for the Additions, Betterments and Improvements to the Sewerage System of the City of Clarksburg as well as Costs to be Paid to the US Army Corps of Engineers in regard thereto and the Financing of the Cost thereof, not otherwise provided, through the Issuance by the City of Not More than \$1,500,000 in Aggregate Principal Amount of Sewer Design Revenue Bonds, Series 2023 A; Providing for the Rights and Remedies of and Security for the Registered Owners of such Bonds; Authorizing Execution and Delivery of all Documents relating to the Issuance of such Bonds; and Authorizing the Sale and Providing for the Terms and Provisions of such Bonds and Adopting other Provisions relating thereto

**Motion Approved Unanimously.**

b) **Motion By:** Vice Mayor Riffle

**Seconded By:** Councilmember Jackson

For approval of a Reimbursement Resolution which would authorize the reimbursement of qualified costs incurred by the City of Clarksburg or the Clarksburg Sanitary Board in connection with the design and preconstruction activities and with deposits with WV Army Corps of Engineers relating to design and construction activities associated with the acquisition, construction and equipping of upgrades to the public sewerage system and the payment of engineering costs and fees and other costs for consulting or professional services that may be necessary in connection therewith to the issuance of sewer design revenue bonds by the City from the proceeds of such bonds when issued

During discussion, Bond Counsel Tom Aman explained the reimbursement and informed that said resolution allows for the City to get reimbursed once the bonds close.

**Motion Approved Unanimously.**

- c) **Motion By:** Vice Mayor Riffle  
**Seconded By:** Councilmember Wright

For adoption of a Resolution of the Council of the City of Clarksburg, West Virginia, to Create an Extracurricular Grant Program for Extracurricular Children and Youth Activities

**Motion Approved Unanimously.**

- d) No motion was made on the following agenda item:

Consideration of appointment to the Parking Authority

10) **Council Comments:**

Council reminded everyone of the First Friday's event. Councilmember Howe noted that the Water Board did not receive ARPA funding and suggested Council discuss the same, and requested a list of all on-going lawsuits. Vice Mayor Riffle apprised that several members of Council attended the informative and educational WVML Conference with Mayor Malfregeot requesting that an ordinance be prepared to address delinquent business license fees.

**Motion** by Councilmember Hyman, **Seconded** by Councilmember Howe for adjournment. **Motion Approved Unanimously.**

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James Malfregeot, Mayor

APPROVED: August 17, 2023

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Annette Wright, City Clerk