August 15, 2019

The Clarksburg City Council met in **REGULAR SESSION** on Thursday, August 15, 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:**

Marshall Goff
Lillie Junkins
Gary Keith
Jimmy Marino, Vice Mayor,
Ryan Kennedy, Mayor

**ALSO PRESENT:**

Annette Wright, Interim City Manager
James Cann, City Attorney
Paula Hardman, Interim City Clerk

**COUNCIL MEMBERS ABSENT:**

Frank Ferrari
Jim Malfregeot

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

At this time, Council deviated from the Agenda for a special presentation with Mayor Kennedy presenting a special certificate to Liberty High School student, Bryce Allen Miller in recognition of achieving the honor of Eagle Scout touching upon highlights for his achievements having gone above and beyond with Mr. Miller expressing sincere appreciation informing of highlights on his accomplishments expressing sincere thanks.

Also, at this time, the Mayor recognized several members of Post 13 of the Clarksburg American Legion that were present in honor of celebrating the Legion turning 100 years old this year explaining with the recent passing of the Legion Act, membership has now been expanded to anyone who has severed active duty in the armed forces in the United States on any date from the famous day of (Pearl Harbor Day) December 7, 1941 to present, including the future with Mr. Mike Greaver addressing council informing Post 13 in Clarksburg will also turn 100 years on September 3rd expressing thanks and appreciation for such an honorable recognition inviting all eligible to join as members with the Mayor announcing that he, also is a very proud lifetime member.

**MOTION** by Councilmember Keith, **SECONDED** by Councilwoman Junkins for approval of the minutes of the Special Session of Council held on August 1, 2019. **MOTION APPROVED UNANIMOUSLY.**

Mayor Kennedy called for petitions, communications and public hearings with the following individuals appearing therefor:

**Chad Bundy, 330 W. Main Street**—appeared before Council voicing concerns with the Harm Reduction Ordinance explaining the same as such. He then referenced number (5) five on said ordinance, infectious disease testing as he previously discussed with the Mayor and the laws pertaining as such including number (7) seven, HIV testing. A detailed discussion ensued.

He also informed council of the Board of Health meeting earlier that day with City Manager Wright present also. He voiced their concerns that the Chief of Police should not have unilateral authority on rules concerning public health programs. They would be much more comfortable if any change to said ordinance would come straight from City Council, those who created it. The Mayor assured him at this time that the authority of the chief of police under said ordinance would be very clear that they could not promulgate anything that changes or conflicts with the ordinance, he or she could only promulgate additional rules which were complimentary with the ordinance that do not conflict explaining the same as such.
Jim Harris, 489 Washington Ave. — appeared before council to discuss the proposed ordinance on Harm Reduction. He introduced himself as the executive director of Health Access providing them with a brief history on day to day operations as such. He then explained that the Health Department had no funding for supplies and that they through grant funding that he had wrote himself partnered with them since the beginning of the Harm Reduction Program helping provide them with syringes.

He then explained some misunderstanding of Harm Reduction at a fundamental level informing he had done extensive research as such finding out that such programs have been around since the 1960’s but is new to West Virginia. He then referenced Huntington and others, adding that currently Huntington has 71 verified cases of HIV aids outbreak within the city since they have changed their ordinance restricting supplies explaining the same as such.

He then informed that Harm reduction was not about getting people to recovery, getting people sober etc… It was about protecting the citizens explaining the details.

He then voiced his concerns with the ordinance and individuals rights when trying to force someone into getting an HIV test including wither or not it was legal. He also touched upon needle exchange explaining the same as such sharing his thoughts with council on if the ordinance should pass as is. The Mayor thanked him for his comments.

Jimmy Greaver, 1818 ½ North 21st Street- appeared before council informing of various crimes within the North View area and downtown Wendy's voicing concerns as such requesting additional police presence with council expressing thanks and appreciation for his thoughts.

Ryan DeBarr—118 Waverly Way- appeared before council with comments regarding Police presence and vagrancy. He voiced concerns with recent violence in Dayton Ohio comparing it to Clarksburg stressing if the need for more cops is necessary then please hire new officers. He explained the importance in investing in new officers to keep the city safe using the city of Dayton as an example, the officers were able to catch the shooter quickly due to a high police presence. We need more officers so raise the pay if need be because the need is there and it can be done. He then voiced concerns with people being dropped off at the mission from Bridgeport informing of his opinion that if Bridgeport could afford to build a 40 million dollar sports arena then they can afford to build their own mission. He then requested for Clarksburg officers to do the same, maybe then that would stop them from dropping people off here in Clarksburg.

Jeff Thompsons- 402 East Main Street- appeared before council voicing concerns with the needle exchange program. He stated his belief to be that the needle exchange is a horrible program and he did not care what was done, it was a horrible program. It enables the drug addicts in his opinion. He then stated his belief that this was not a disease and that every single person has a choice with no one forcing them to do anything. The drug abusers in the downtown area have to be stopped and supplying them with needles is a waste of tax payer dollars and is simply enabling them explaining the same as such. He then stated the city should hire more police officers. He explained he is all for helping those who need help but that does not include enabling those with a drug problem.

Manuel Jackson- 118 Sycamore Street appeared before council to discuss Harm Reduction. He recalled attending a council meeting way back when Councilman Goff was the Police Chief explaining that he addressed council informing of drug problems down on Monticello Avenue and since that problem was kicked to the curb it has grown into the problem directly on Main Street today. He then informed that the Harm Reduction program is not something that he wants. However, he has felt open minded enough to listen to the research and what it proves reminding the Mayor that although the Chief of Police is in charge of public safety, he encouraged him to remember that Mr. Bundy is in charge of public health and this was not a decision that was made easily, it is simply a program that we need here. We never ask for this epidemic he stated asking council to give them a better solution to help work through this problem. Instead of coming in last place as a city, let’s come in first. The time has come to be a little more courageous. Now is the time for our new and old council members to set down and engage in conversation with the Health Department and health professionals to make sure our city is safe, but also safe in a healthy way. He then stated he also is a recovering drug addict and he knew for a fact that if we were to force people to get proper identification and things like that we, together were probably going to push this
problem right through the roof and then recovery is really going to be hard because addiction is a messy thing and a lot of people would like to believe that recovery is a nice neat road but it’s not. We are our own; we are the human race so let’s take care of the people here in our city.

AGENDA ITEM NO. 5: Manager’s Report
August 15, 2019
Submitted by Annette Wright

General Updates

1. Demolition – All contracted abatement and demolition work has been completed to date. We are preparing to submit the next list of properties for blight declaration to City Council in the near future.

2. Sidewalk Program- We have (3) three applications awaiting reimbursement. To date, $16,380 has been utilized in this program.

3. On August 11, 2019, there was a water line break in Traders Alley resulting in some of those businesses located thereat, including the Clarksburg-Harrison Health Department, to receive substantial water damage and problems associated therewith. Our Fire Department and Public Works Department provided much-needed assistance with this incident. The Health Department was closed on Monday, August 12th and was able to reopen on Tuesday, August 13th.

4. City Hall Maintenance-
   a. We have utilized the services of Maid Marie to perform cleaning services throughout city Hall which include the cleaning of baseboards, windows, handrails, wiping down walls, etc. They will be returning to finish their work, as well as some additional items.
   b. Police Department- The squad room floor has now been stripped, waxed and buffed with the new desks to be installed beginning tomorrow (August 16th).
   c. We are currently obtaining quotes for carpet cleaning throughout City Hall and anticipate carpet cleaning to begin within the next couple of weeks.
   d. The black wrought iron fence in the parking lot behind City Hall has been repaired.
   e. Once all cleaning services have been performed, we will obtain quotes for the painting of the common areas of City Hall.

5. I met with Dr. Janie Leary, Associate Professor of Community Health Education, Fairmont State University, on August 7th. Her class will be working on a needs assessment project as it relates to our community. She wanted to introduce herself and has volunteered to share the results of her student’s research and project(s) at the end of the semester. I believe this will provide us an opportunity to look at our community needs from a different perspective (other than a City viewpoint).

6. Employee Committee- the Employee Committee met on August 8th to review dental & optical insurance options and will be providing their recommendation very soon.

7. Per the DOH, the Second Street ramp work should be complete on or before August23rd.

8. Employment Opportunities:
   a. Administrative Assistant – The cut-off date for this position was August 9th. We received 49 applications therefor. We have scheduled seven (7) individuals to be interviewed.
b. Public Works- we are hiring two (2) positions in Public Works. The cut-off date was August 14th with 41 applications received therefor. We will be meeting to review the applications and select applicants for interview.

c. The Chief of Police position has been advertised in various newspapers, publications, social media/web sites. The application period closes on August 23rd. The Nominating Committee will be meeting in the near future to discuss this interviewing of applicants.

9. The Clarksburg Splash Zone will be closed the week of August 19-22 with the pool to close for the season on August 25th.

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**Police and Fire**

1. Police Civil Service Commission (PCSC) –

   a. Promotions – A swearing-in ceremony was held this morning at 9:00 a.m. for Sergeants William “Bill” Swiger and Ethan Walker.

   b. The Eligibility List process is moving forward- August 23rd is the anticipated date of completion for the polygraphs of the six (6) candidates. Upon receipt and review of the polygraph information, applicants will move onto the interviews with the Police Civil Service Commission and this group will then merge with the first group to establish the new Eligibility List.

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**Economic Development**

1. Ribbon Cutting-
   Nonnie’s Niche- 163 North 1st Street- Thursday, August 22, 2019 at 11:00 a.m.

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**Events**

1. RGPAC-
   a. Movies- “Harry Potter & the Deathly Hallows” (Part 2) - Friday, August 16th at 7:00 p.m.

   b. Music- The Gatlin Brothers- Friday, August 23rd at 7:30 p.m.

2. Wednesday, August 21st is “National Senior Citizens Day” and various activities have been planned for that day at the Harrison County Senior Center.

3. Fairs & Festivals

   a. 41st Annual West Virginia Italian Heritage Festival-
   
      i. Pasta Cook-Off- Saturday, August 24th, 7:00 a.m.- 2:00 p.m. @ Jackson Square
   
      ii. The Festival Kicks off on Friday, August 30th – September 1st
   
      iii. The WVIHF Parade- Saturday, August 31st at 10:00a.m.

   b. WV Black Heritage Festival-

      i. Youth Block Party- Friday, September 6th @ Jackson Square.

      ii. Festival will be on Main Street – September 7th & September 8th.

4. “Back to School Party” hosted by the Clarksburg-Harrison Regional Housing Authority is scheduled for Thursday, August 22nd from 4:30 p.m. – 7:30 p.m. at Laurel Lanes.

5. Art Show with Martina Zinn & The Holyfield Cousins will be held at the Progressive Women’s Association – August 23 & 24 beginning at 11:00 a.m. each day.
1. Work Session is scheduled for Monday, August 26th at 6:00 p.m.

CITY CLERK’S INFORMATION:

ZONING FORM IN CONNECTION WITH A “NOTICE OF APPLICATION TO OPERATE: AN ABCA LICENSED PRIVATE CLUB, PRIVATE WINE RESTAURANT OR TAVERN” FILED BY GOOD TIMES BAR AND LOUNGE dba GOOD TIMES BAR AND LOUNGE, LLC, 236 MILFORD STREET – RETURNED TO APPLICANT ON JULY 18, 2019

UNFINISHED BUSINESS:

A. CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING OF AN ORDINANCE OF THE CITY OF CLARKSBURG CREATING ARTICLE 115, SECTION 115.15, PROVIDING FOR THE CREATION OF ADVISORY BOARDS OR COMMITTEES BY RESOLUTION

Notices of the public hearing concerning the above-captioned Agenda item appeared in the Clarksburg Exponent/Telegram on August 6th, 2019 and August 13, 2019. Mayor Kennedy declared the public hearing open with no one appearing therefore. Upon closing the public hearing, MOTION by Vice-Mayor Marino, SECONDED by Councilwoman Junkins for approval of the above-captioned ordinance on second and final reading. MOTION APPROVED UNANIMOUSLY.

B. CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING OF AN ORDINANCE OF THE CITY OF CLARKSBURG CREATING ARTICLE 120 OF CHAPTER FIVE OF THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE CITY OF CLARKSBURG TO ENACT AN ANTI-NEPOTISM POLICY

Notices of the public hearing concerning the above-captioned Agenda item appeared in the Clarksburg Exponent/Telegram on August 6th, 2019 and August 13, 2019. Mayor Kennedy declared the public hearing open with no one appearing therefore. Upon closing the public hearing, MOTION by Vice-Mayor Marino, SECONDED by Councilman Goff to TABLE the above-captioned ordinance on second and final reading. MOTION APPROVED UNANIMOUSLY.

NEW BUSINESS:

A. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG REGULATING THE SALE, MARKETING AND DISTRIBUTION OF HYPODERMIC NEEDLES AND SYRINGES AND ESTABLISHING RULES AND REGULATIONS FOR THE NEEDLE EXCHANGE PROGRAM aka HARM REDUCTION PROGRAM

MOTION by Councilman Keith, SECONDED by Vice-Mayor Marino for approval of the above-captioned ordinance on first reading. MOTION APPROVED UNANIMOUSLY.

CONSIDERATION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLARKSBURG DECLARING THE GLEN ELK HISTORIC DISTRICT AS “CLARKSBURG’S LITTLE ITALY”

MOTION by Councilwoman Junkins, SECONDED by Vice-Mayor Marino for approval of the above-captioned Resolution. MOTION APPROVED UNANIMOUSLY.
B. CONSIDERATION OF THE APPOINTMENT OF THE INTERIM CITY MANAGER TO THE HARRISON-CLARKSBURG BOARD OF HEALTH

MOTION by Councilman Keith SECONDED by Vice-Mayor Marino for the appointment of the Interim City Manager to the Harrison-Clarksburg Board of Health. MOTION APPROVED UNANIMOUSLY.

COUNCIL COMMENTS:

Councilman Goff: Thanked everyone in attendance also expressing his utmost respect for Mr. Harris and his comments having appreciation for his input also explaining that it was something that council would have to look at and that he would also have to do his homework on the issue.

Councilman Keith: Shared his thoughts on the meeting being very informative and interesting thanking everyone in attendance including those who addressed council. He stressed the importance for everyone to remember during his campaign that one of his platforms was to shut the needle exchange down. He has since been convinced by recent talks and reading he has done that he has come to the conclusion that shutting it down may not be the smartest thing to do. However they intend to add some new rules understanding that everyone may not be happy with every new rule added but the rules will be whatever they say and that’s just how it’s going to be. In reference to the Chief of Police having the control to make more rules or any changes as far as he is concerned is not negotiable. He also reminded that the Chief of Police had to sign off on any paraphernalia given away to begin with allowing him to shut the program down right now if he wanted to. Under state code, if you haven’t anything on file with his signature, you are already violating the law giving away needles. He then stated that he gets the Harm Reduction, we want to help people but we also have a responsibility to our down town and to the safety of our citizens. Thank you.

Councilwoman Junkins: Informed of struggling with how she feels about the needle exchange understanding that its shows high emotions here in our city feeling the answer falls somewhere in the middle. She stated that she believes it is something necessary and needed while sharing her compassion with people struggling with addiction also being fully aware of the problems it causes within our community and knowing it’s about trying to keep the people in our community safe. Along with this, people are not safe because of people gathering in certain areas and leaving needles lay all over the ground. She is all for working with the health professionals and learning more on this topic including statistics of where we stand on said issue. She would like to see everyone be healthy, everyone be safe within our community and have a really nice place to live. She informed everyone in attendance that she is willing to listen and work together as to resolve this problem of it being within our downtown area between the hours of one (1) and three (3) pm.

Vice-Mayor Marino: Agreeing with previous comments from council members noting that this is a very big problem voicing concerns as such. He stated his respects for all speakers tonight making them fully aware of their feelings noting there has to be a change and he was in agreement to looking into changes and moving forward to do the right thing in a positive direction. He was also in agreement to the hours and it being in our downtown area was wrong. He also informed that he was open to changing the time and the area of which the needle exchange was taking place. He added his hopes to be that they make the right decision and do whets best for our community in moving forward.
Mayor Kennedy;  

Showed enthusiasm at this time of yet another standing room only crowd becoming more common within the last couple months thanking everyone in attendance. He invited everyone to keep coming back informing that council really wants to hear what the citizens have to say. He then informed that of his six years on council, public safety has always been his number one concern becoming more so with the worse things get. Living in his house now being only a stones throw of where his parents had brought him home from the hospital as an infant growing up in the Stealey neighborhood, he remembers how it use to be when you could walk home from school unattended as a pre schooler, walking all the way home with his parents having absolutely no fear for his safety. You would never let a child do that now due to serious public safety problems. His own children are unable to even play in the park near his home because of so many needles that are found there. This is not acceptable to him stating that he completely agrees with what Mr. Jackson stated about the previous council that were elected and no longer set in these seats, dropped the ball in the worst way. They did not address the problem when it was small causing it now to be huge. Now we, those of us who are setting here now have to deal with this and it is his personal opinion that he wants to attack it at every possible way they can to solve this problem of people not being safe at their property. Ending on a positive note, like his wife always says, he reminded all of the two upcoming festivals, the Italian Heritage Festival followed by the Black Heritage Festival. Both are amazing contributions to the City of Clarksburg. He visits both each year with his family. It’s a great time.

There being no further business to come before Council, MOTION made, SECONDED and APPROVED to adjourn.

Ryan Kennedy, Mayor

Authorized

Approved

Paula Hardman, Interim City Clerk