SEPTEMBER 5, 2019

The Clarksburg City Council met in REGULAR SESSION on Thursday, September 5, 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  
Jim Malfregeot (Via phone)  
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  
Gary Keith  
Lillie Junkins  
Marshall Goff  

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

MOTION by Councilmember Junkins, SECONDED by Vice-Mayor Marino for approval of the minutes of the Regular Session of Council held on August 15, 2019. MOTION APPROVED UNANIMOUSLY.

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

James Harris, 489 Washington Avenue--appeared before Council voicing concerns with Harm Reduction explaining the same as such. He explained that he was against passing proposed Needle Exchange Ordinance set before council. He stated although it is not councils intent to close the program he fears this will be the result and will impact residents of neighboring municipalities in Harrison County for there is only one (1) Harm Reduction Program. He then explained the importance of being as helping as possible to those using said program as to not spread communicable diseases. If this program is stopped them these diseases will spread. He then reminded his offering several suggestions to improve the program at the last meeting to lessen any burdens such as changing the hours of operations etc. also suggesting council spend time doing a little research Harm Reduction Programs as to educate them on how this is the first line of defense in reducing the spread of harmful diseases explaining the same as such as he did at the previous meeting.

He closed in stating that if said ordinance was passed, it would be a terrible mistake and advised council to study the matter further other than rushing into action that they may regret later and there are plenty of empty real-estate in the city ready for any new businesses that will hopefully come flocking to Clarksburg, the backpackers and the homeless will be out of site once the needle exchange is out of business and the citizens are once again safe to walk the streets. We shall see if that’s the case.

Richard Cava, 419 Clark Street—appeared before council expressing concerns about the Needle Exchange. He informed of the streets and yards being littered with dirty needles. He then complained about the needles being given out at the taxpayers’ expense. He asks council to stop and think about that along with the lawsuits they could face regarding this issue. He also stated his opinion to be that the city should not be promoting drug use and this is what it looks like its boil down to.

He then requested the Health Department to investigate the bed bug problem at the mission. Thank you.

Marisa Rexroad, 312 N 4th Street—appeared before council informing of people sleeping on street corners, along the creek banks and abandoned buildings are the most visible reminder that our cities struggle with homelessness and substance abuse explaining the same as such reminding them of the current program they along with code enforcement, the police and others have been working on to get this cleaned up. Said program is messy and not an easy task to deal with because there is not a one size fits all solution in addressing this problem. Our tax payer
dollars are put towards attending to these needs for hospitalization, ambulance service, mental health care and substance abuse treatment and support networks etc. She then reported the same as such explaining in detail how it all works including details on those they have helped. She stated together, they will provide change on this complex issue for the good. She also informed of the widespread problems of meth and the trouble it causes with it also being the cheapest drug on the streets at this time. She then request for council appoint some of their selves as to join them in addressing the lack of services for those addicted to meth. Thank you.

Lou Ortenzio, 312 N 4th Street—appeared before council with comments regarding the Mission. He reported to council of working together with everyone doing a sweep of the camps as Ms. Rexroad had touched upon in her previous report giving thanks to everyone lending a helping hand recognizing the difficulty in said situation. He then informed of the kinds of people they are dealing with within these camps explaining the same as such.

Greg & Michelle Graham and Andrew Fincham, 260 E Main Street- appeared before council voicing concerns with Code Enforcement. They informed council at this time of property her son had recently purchased with the city on 260 East Main Street explaining that shortly after they had received a letter from Code Enforcement stating that the property had been condemned giving them two (2) weeks to do absolutely nothing with said property. She informed although Code had never been inside said property, it was their opinion that the property was not structurally sound adding that the previous owner had never received any such notice from them in any way and said property had been vacant for quite some time before they purchased it.

She then informed of copper being stolen from said property and that significant work is needed to bring property up to code at this time explaining the same as such, she also provided pictures for council to review. Code Enforcement has also forbidden entrance into said property without a structural report provide by a licensed engineer making it unable for them to even retrieve their mail.

They are simply asking to be able to enter the property and bring said property up to code compliance.

The Mayor thanked them for bringing this situation to their attention asking for the City Manager to follow up with this and to get back to Mr. & Mrs. Graham along with the Mayor to report her findings.

Interim City Manager Wright provider her business card to them as to make a follow-up appointment as such.

Jeff Thompson, 402 E Main Street- appeared before council voicing concerns with the Needle Exchange and slum areas. He informed his opinion that the Needle Exchange Program was simply enabling drug users explaining the same as such. He stated at this time that he heard no one saying to stop the program only to move it to another area instead of downtown. The children in our downtown deserve a safe place to stay and play. He also informed of getting a call from his mother who lives in the downtown area voicing concerns with backpackers explaining the same as such.

Craig W. Phillips, 406 Isaac Creek Rd. - appeared before council voicing concerns with the 2nd and final reading of the City Ordinance regarding the Needle Exchange Program also providing handouts for council’s review. He also informed that the Needle Exchange Program is enabling illegal, criminal activities explaining the same as such adding that continuing to do so is only allowing this current activity to continue as such. In doing so, this shows their lack of concern for their selves and the citizens around them. He worries about people leaving the area and as a member of the Central Church of Christ; they also find needles lying all around their property reporting thousands of dollars of damage to their property also disturbances at their time of worship, littering, etc. explaining the same as such requesting the ordinance be amended accordingly to address such needs and for the police to provide the needed protection.

He then requested that the Harrison Clarksburg Health Department and doctors be held legally and financially responsible for the cost in damages frame the Harm Reduction Program.

Jack A. Moore, 1206 Pride Avenue- appeared before council voicing concerns with transient population and related activities. He started with all backpackers being confirmed as transients at a previous meeting explaining the same as such addressing several areas of concern.

Dorian James, of Blueprint Communities- appeared before council extending an invitation to them for the Improve your community event to be held on September 15, 2019 explaining the same as such also providing a hand-out with additional information.
Bob Kulick, 1622 Williams Avenue- appeared before council voicing concerns with a needle that was found behind his neighbor’s house with frustration explaining the same as such.

Marc Jackson appeared before council voicing concerns with Harm Reduction. He informed of the severe addiction problem within our city that needs to be addressed and not swept under the rug explaining the same as such. He pleaded with council to stand up and do the right thing and to recognize the backpackers as human beings and to show compassion accordingly. Address the problem now.

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

General Updates

1. Demolition – A list of properties has been identified as “slum and blight” and is on the agenda for Council’s declaration. Once the Resolution declaring the same as “slum and blight” is adopted, we will work with Stantec to begin the environmental assessment of each property. We will also be working with our Public Works Department to identify those structures that we can take down in-house.

2. I will be meeting with Chris Thomas, Director of Government Affairs, Charter Communications (locally known as Spectrum) tomorrow. I received a letter from Mr. Thomas apprising of upcoming changes/price increases which will take effect on or after October 6, 2019.

3. Interim Chief Snider and I will be meeting with representatives of US Cellular tomorrow (September 6th) to discuss (security) cameras for the Glen Elk area. This was a Council recommendation from the August 26th work session.

4. We have been interviewing this week for the laborer position(s) in the Public Works Department. Due to a pending resignation, we will now be hiring three (3) rather than two (2) laborers.

5. An Open House will be held on Monday, September 9th, 4:00 p.m.- 7:00 p.m. at St. James Parish Center on the North 25th Street Glass and Zinc Superfund Site (old Rolland’s Glass plant). This property was added to the EPA’s Superfund National Priorities List (NPL) in September 2016. The first phase of the EPA’s sampling is scheduled to begin in late September 2019. Information concerning the Open House will be on our website and social media sites.

6. Our Employee Committee heard presentations from dental and vision carriers. We will be switching our dental (now with Delta Dental) and optical (now with Eye Med) insurances(s) to Guardian, per the Employee Committee’s recommendation. Guardian will be the carrier for both dental and optical. Per the committee, more providers in our area accept Guardian.

7. Two (2) façade applications were approved by the Urban Renewal Authority in August for 134 S. Third Street.

8. Fall Clean up- The City’s Fall Clean-up will begin September 23rd. The Clean-up will run the following weeks: September 23rd; September 27th; September 30th – October 4th and October 7th – October 11th. Complete details and route schedules have been posted on the City’s website and social media sites.

9. City Hall Carpet Cleaning will begin on September 10th at 5:00 p.m.
1. Police
   a. The Police Civil Service Commission conducted oral interviews the evening of September 4th and will be meeting on Friday, September 6th to review composite scores and certify the list. The list contains ten (10) applicants who have been scheduled to interview next week with myself and Interim Police Chief Snider. New hires will begin the week of September 16th with the oath of office to be administered to the new probationary patrol officers on Thursday, September 19th at 10:00a.m. in the Council Chambers.

   b. The police Civil Service Commission will again start the eligibility list process with the Physical Ability Test scheduled for Saturday, October 5th at 10:00a.m. at Robert C. Byrd High School. Those successfully completing the Physical Ability Test will move on to the Written Test Scheduled for Wednesday, October 16th at 6:00p.m. at the Harrison County Senior Citizens Center.

   c. The Police Chief Nominating Committee (comprised of myself, Sheriff Robert Matheny and Attorney Tom Dyer) met on Tuesday, August 27th to review the 53 applications/resumes received with thirteen (13) individuals identified for interviews. Of the 13 applicants, two (2) of the applicants have withdrawn and/or accepted a position elsewhere.

   d. On this day, the Nominating Committee conducted telephone interviews with four (4) out-of-state applicants and will be conducting in-person interviews next week.

1. Fire-
   a. Our ladder truck passed the Underwriters Laboratory (UL) inspection which is an extensive annual test with no deficiencies found.

   b. Captain Cindy Murphy attended the 2019 State Emergency Response Commission conference which was held August 20th – August 22nd. This conference is sponsored by the West Virginia Division of Homeland Security and Emergency management and the WV State Emergency Response Commission. The theme of this year’s conference was Building Our Foundation with a mission of these organizations being the implementation of the Emergency Planning and Community Right to know Act (EPCRA).

**Economic Development**

1. Ribbon Cutting –
   A Ribbon Cutting for Momma Leah’s Goods, 122 South 4th Street, was held on Tuesday, September 3rd at 11:00a.m.

**Boards & Commissions**

1. The Harrison County Commission has asked that we confirm the reappointment of James Griffin to the CENTRA Board. This is a five-member board with two appointments made by the City; two appointments made by the County and one being a joint appointment between the County and City. Mr. Griffin’s appointment is the joint appointment.

**Events**

1. RGPAC- music- Travis Tritt, September 27th (SOLD-OUT)

2. The WV Black Heritage Festival will be held this weekend with the Youth Block Party scheduled for Friday, September 6th @ Jackson Square. The Festival will be on Main Street September 7th & 8th.

3. Harrison County Chamber of Commerce’s Business After Hours –Tuesday, September 10th, 5:00p.m. – 7:00p.m. - Fairmont State’s Charles Pointe Center, 100 Marketplace Avenue, 2nd Floor, Bridgeport.
1. A work Session is scheduled for Thursday, September 12th at 6:00p.m.
2. Our Police Department has purchased six (6) in car video units for six (6) new cruisers ordered. The camera units will be wireless and will be able to dub video from the rear lot of the city building. The total price was $31,770. With $1,950. configurations of discounts.
3. The scheduled tent encampment that was mentioned earlier this evening will happen this Friday with the availability of Public Works because there will be several hundred pounds of garbage that will need to be hauled off. These camps will be located at Sandy Blvd., 4th Street, 6th Street, under the bridge in Glen Elk and River Road. Members of Code Enforcement, Clarksburg Police Department along with the Clarksburg Mission will help carry out this mission.

UNFINISHED BUSINESS:

A. CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING 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

 Notices of the public hearing concerning the above captioned Agenda item appeared in the Clarksburg Exponent/Telegram on August 20th, 2019 and August 27th, 2019. Before opening the public hearing, Mayor Kennedy acknowledged a letter he received from a concerned citizen, Joyce Rabinal, in opposition of said ordinance (a copy of said letter is attached hereto and incorporated herein as “Exhibit A.”).

 Mayor Kennedy then declared the public hearing open with no one appearing therefore. Upon closing the public hearing, MOTION by Vice-Mayor Marino to amend the Needle Exchange Ordinance, Section 1-1 of said ordinance to add the following sentence to the end of that section, “Nothing herein shall prohibit the distribution of needles and syringes for the treatment of diabetes not a part of a needle exchange program”. And to also amend Section 2-2 of said ordinance to add a numbered paragraph eight (8) which shall read, “No needle exchange program shall operate in the Central Business District of the City of Clarksburg on or after January 1, 2020”. SECONDED by Councilman Keith for amendment. MOTION APPROVED UNANIMOUSLY.

 Next, Mayor Kennedy called for a motion of the above-captioned ordinance on second and final reading. MOTION by Councilmember Junkins, SECONDED by Vice-Mayor Marino for approval of the above-captioned ordinance on second and final reading. MOTION APPROVED UNANIMOUSLY.


 Notices of the public hearing concerning the above captioned Agenda item appeared in the Clarksburg Exponent/Telegram on August 20th, 2019 and August 27th, 2019.

 At this time, Mayor Kennedy called for motion to remove said agenda item off the Table with MOTION by Vice-Mayor Marino, SECONDED by Councilman Keith to remove said agenda item off the TABLE. MOTIONED MADE UNANIMOUSLY.
Mayor Kennedy declared the public hearing open with no one appearing therefore. Upon closing the public hearing, **MOTION** by Vice-Mayor Marino to amend section 121.03 (C) of this ordinance to add the following sentence to the end of that section. “This policy does not apply to present employees of the City, nor shall it apply to members of the police and fire department”. **SECONDED** by Councilman Keith for amendment. **MOTION APPROVED UNANIMOUSLY**.

Next Mayor Kennedy called for a motion of the above-captioned ordinance on second and final reading. **MOTION** by Councilwoman Junkins, **SECONDED** by Vice Mayor Marino to approval of the above-captioned ordinance on second and final reading. **MOTION APPROVED UNANIMOUSLY**.

**NEW BUSINESS:**

A. **CONSIDERATION OF A RESOLUTION DECLARING CERTAIN AREAS OF THE CITY OF CLARKSBURG TO BE SLUM OR BLIGHTED AREAS**

**MOTION** by Councilman Keith, **SECONDED** by Vice-Mayor Marino for approval of the above-captioned Resolution. **MOTION APPROVED UNANIMOUSLY**.

B. **CONSIDERATION OF CONFIRMATION OF THE HARRISON COUNTY COMMISSION’S REAPPOINTMENT OF JAMES GRIFFIN TO THE CENTRA BOARD**

**MOTION** by Councilman Goff, **SECONDED** by Vice-Mayor Marino for approval of the above-captioned Resolution. **MOTION APPROVED UNANIMOUSLY**.

C. **CONSIDERATION OF SETTING THE DATE AND TIME FOR THE OBSERVANCE OF TRICK-OR-TREAT FOR THURSDAY, OCTOBER 31ST FROM 6:00P.M. TO 7:30P.M.**

**MOTION** by Councilwoman Junkins, **SECONDED** by Councilman Goff for approval of setting the date and time for the observance of Trick-Or-Treat for Thursday, October 31st from 6p.m. – 7p.m. **MOTION APPROVED UNANIMOUSLY**.

**DEViating FROM AGENDA**

**COUNCIL COMMENTS:**

Councilman Goff: Commented on the cameras for the cruisers commending acting Chief Snider on his proactive approach on this issue. and the way he is running the department explaining the same as such. On another note as years past on Halloween we need extra patrol as to make our kids safe, that the most important thing.

Councilman Keith: Thanks all in attendance stating his gratitude for seeing everyone getting involved. He also stated on the Needle Exchange Program, it’s not as clear cut as people try to make it out to be. The needle exchange has been banned in fifteen (15) states so it’s not like council is doing something out of the ordinary explaining the same as such. He informed he was sorry for the people that don’t like it but this is the road council has chosen to go down. He also took this time to give thanks to Interim Chief Snider for their cooperation in helping with the Parsons Hotel and surrounding area. He also disagreed with the comment that was previously made during the council meeting regarding the time it takes for the police to show up when called indicating that sometimes they don’t show. This is simply not true; they always show up and in a timely manner. He did not agree or appreciate this comment. You may not like how your problem is handled, but they do show up and they do remedy the situation. If people are saying this it is simply
not true. There is a lot of misinformation out there and this information can cause problems with moral within the department and these needs to stop. He just wants to acknowledge our officers and back them up by saying this. He then thanked Interim Chief Snider for all his hard work.

Councilman Malfreget: No Comments were made at this time.

Councilwoman Junkins: Stated she could definitely feel the passion and empathy that a lot of people present have shown here at this meeting with regard to the needle exchange. She then stated to everyone to please understand that this was just dropped in their laps by previous administration and they had no option but to try to regulate it somehow because of how it is affecting the community and health issues. The question she ask though is does the benefit out way the harm? We have to ask ourselves this because of the failure to act by previous council regulating the program properly places us where we are at this point explaining the same as such. She then recalled previous conversations with Mr. Bundy asking him if he regretted that with Mr. Bundy informing yes. She then touched upon her children in the classroom in which she teaches every day that speak of their neighborhoods, alleyways and parks being riddled with needles and the danger this puts them in. She has a hard time getting this image out of her head at this point. She does not want anyone to suffer from addiction understanding that no one is immune from this affecting their family. Council is very aware of the drug problems here in Clarksburg and West Virginia as a whole but she also has to think about the effect this has on our citizens. As hard as this is for us, we have to regulate this thanking everyone for their dedication and attending the council meetings.

Vice-Mayor Marino: Commended Interim City Manager Wright for her informational manager report, he touched upon the demolition report and the progress being made. US Cellular moving in a positive direction to make our city better and staff she is hiring in some much needed positions. Also commending her on implementing the employee committee back which is much needed and the fall clean-up being a huge asset also stating there is nobody better to handle getting our police force built back up then City Manager Annette Wright working closely with our Police Civil Service. He stated he is very pleased with the direction the city is taking explaining the same as such. Lastly he stated his hopes for everyone to get on board with council in what they are trying to do to move this city forward thanking everyone in attendance.

Mayor Kennedy: Yet another standing room only crowd, extending thanks and appreciation to everyone in attendance recalling setting on council for years latterly talking to a blank wall and empty seats showing excitement for everyone being involved and showing concern for the city now explaining the same as such hoping to see more and more of this kind of involvement. At this time he echoed Councilman Goff on his comments about the police department and moving forward with public safety. His number one concern is to make Clarksburg safe again explaining the same as such informing his hopes to make the parks safe so his children on day can play in them again. He then closed with informing everyone to go out and enjoy the Black Heritage Festival, a good time had by all.
D. DISCUSSION OF POSSIBLE REAL ESTATE TRANSACTION

MOTION by Vice-Mayor Marino, SECONDED by Councilwoman Junkins to adjourn into Executive Session pursuant to Chapter 6, Article 9A, Section 4 of the West Virginia Code to move that council adjourn into executive session to discuss matters involving the purchase, sale or lease of property, advance construction planning, the investment of public funds or other matters involving competition which, if made public, might adversely affect the financial or other interests of the City and that the following persons be present:

Mayor & Members of City Council
City Manager
Finance Director
City Attorney
City Clerk

MOTION APPROVED UNANIMOUSLY.

Following Executive Session, MOTION by Vice-Mayor Marino, SECONDED by Councilwoman Junkins to reconvene into Regular Session. MOTION APPROVED UNANIMOUSLY.

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

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Ryan Kennedy, Mayor
Approved

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Paula Hardman, Interim City Clerk