

SEPTEMBER 15, 2022

Prior to the regular session of Council held on Thursday, September 15, 2022, Council conducted a conference session at 5:30 p.m. at the Clarksburg Municipal Building, City Manager's Conference Room, 2nd Floor, 222 West Main Street, Clarksburg, West Virginia to review the meeting agenda as set forth hereinbelow with those Council members present therefor noted as well:

COUNCIL MEMBERS PRESENT:

Will Hyman
Gary Keith
Jim Malfregeot
Jerry Riffle
Wayne Worth

COUNCIL MEMBER(S) ABSENT:

Vice Mayor Lillie Junkins
Mayor James Marino

AG: 22-24

AGENDA

CITY OF CLARKSBURG

AGENDA FOR **REGULAR MEETING OF COUNCIL OF THE CITY OF CLARKSBURG TO BE HELD THURSDAY, SEPTEMBER 15, 2022** AT THE CLARKSBURG MUNICIPAL BUILDING – COUNCIL CHAMBERS, 222 WEST MAIN STREET, CLARKSBURG, WEST VIRGINIA AT **6:00 P.M.**

PRIOR TO THE REGULAR COUNCIL MEETING, COUNCIL WILL BE MEETING IN THE CITY MANAGER'S CONFERENCE ROOM AT 5:30 P.M. FOR A CONFERENCE SESSION (NOTE: THIS SESSION IS ALSO OPEN TO THE PUBLIC). IN ADDITION TO THE AGENDA, COUNCIL WILL HAVE THE OPPORTUNITY TO ASK QUESTIONS TO THE CITY MANAGER AND/OR ATTENDING STAFF.

ORDER OF BUSINESS

1. ROLL CALL
2. PRAYER *(to be given by Vice Mayor Junkins)* & PLEDGE
3. PROCLAMATION PRESENTATION – “CONSTITUTION WEEK”
4. APPROVAL OF MINUTES:
 - CONFERENCE WORK SESSION – AUGUST 11, 2022
 - SPECIAL SESSION – AUGUST 11, 2022
 - REGULAR SESSION – AUGUST 18, 2022
5. PETITIONS, COMMUNICATIONS AND PUBLIC HEARINGS
6. CITY MANAGER'S REPORT/UPDATE
7. UNFINISHED BUSINESS
8. NEW BUSINESS:
 - A. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG, WEST VIRGINIA, AMENDING AND RE-ENACTING SECTION 933.02 OF ARTICLE 933 OF CHAPTER 3 OF THE CODE OF THE CITY OF CLARKSBURG RELATING TO THE IMPOSITION OF RATES FOR THE USE OF THE SERVICES RENDERED BY SEWERAGE SYSTEM AND ESTABLISHING STANDARDS FOR THE USE OF SUCH SYSTEM AND THE COMPUTATION OF SUCH RATES, FOR RESIDENTS OF THE CITY OF CLARKSBURG
 - B. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG, WEST VIRGINIA, AMENDING AND RE-ENACTING SECTION 933.02 OF ARTICLE 933 OF CHAPTER 3 OF THE CODE OF THE CITY OF CLARKSBURG RELATING

TO THE IMPOSITION OF RATES FOR THE USE OF THE SERVICES RENDERED BY SEWERAGE SYSTEM AND ESTABLISHING STANDARDS FOR THE USE OF SUCH SYSTEM AND THE COMPUTATION OF SUCH RATES, FOR NON-RESIDENTS OF THE CITY OF CLARKSBURG

- C. CONSIDERATION OF FIRST READING OF AN ORDINANCE AMENDING SECTION 1707.08, RE-NUMBERING AND AMENDING SECTION 1707.09 AND CREATING A NEW SECTION 1707.09
 - D. CONSIDERATION OF FIRST READING OF AN ORDINANCE CREATING A FIRE DEPARTMENT COST RECOVERY ORDINANCE
 - E. CONSIDERATION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLARKSBURG AUTHORIZING APPLICATION OF GRANT FUNDS TO THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION - WEST VIRGINIA DIVISION OF MOTOR VEHICLES FOR A 2023 HIGHWAY SAFETY GRANT IN THE AMOUNT OF \$372,080
 - F. CONSIDERATION OF A RESOLUTION OF THE CITY OF CLARKSBURG, WEST VIRGINIA TO APPOINT MEMBERS TO THE BOARD OF DIRECTORS FOR CLARKSBURG VISITORS' BUREAU, INC.
 - G. CONSIDERATION OF THE REPAIR/REPLACEMENT OF THE NORTH VIEW FIRE STATION ROOF AND THE PUBLIC WORKS ROOF
 - H. CONSIDERATION OF THE PURCHASE OF A TOTAL OF 40 PORTABLE RADIOS FOR THE POLICE AND FIRE DEPARTMENTS
 - I. CONSIDERATION OF SETTING THE DATE AND TIME FOR THE OBSERVANCE OF TRICK-OR-TREAT FOR SATURDAY, OCTOBER 29, 2022 FROM 6:00 P.M. TO 7:30 P.M.
- 9. COUNCIL COMMENTS
 - 10. ADJOURNMENT

Following a brief review and light discussion of the agenda, Interim City Manager Kiddy informed that long-serving Sanitary Board member Jobby Spatafore would be stepping down and Council would need to fill this position with Councilmember Keith noting that Frank Ferrari mentioned his interest in this Board. With regard to the date on the agenda for Halloween/Trick-or-Treat, Council discussed amending the agenda to recognize the same on Monday, October 31st. Also, Manager Kiddy apprised that he has learned that there will be a Veterans' Day Parade this year.

Conference session concluded.

At this time, the Clarksburg City Council met in REGULAR SESSION on September 15, 2022 at 6:00 P.M. at the Clarksburg Municipal Building – Council Chambers, 222 West Main Street, Clarksburg, West Virginia, with Councilmember Keith presiding.

COUNCIL MEMBERS PRESENT:

Will Hyman
Gary Keith
Jim Malfregeot
Jerry Riffle
Wayne Worth

ALSO PRESENT:

Mark Kiddy, Interim City Manager
Richard Marsh, City Attorney
Annette Wright, City Clerk

COUNCIL MEMBER(S) ABSENT:

Vice Mayor Lillie Junkins

Mayor James Marino

Following roll call, the prayer was offered, and the pledge was led by Councilmember Hyman.

PROCLAMATION PRESENTATION – Councilmember Malfregeot presented Doris Dean of DAR with a proclamation proclaiming September 17-23, 2022 as “Constitution Week” in the City of Clarksburg.

MOTION by Councilmember Malfregeot, **SECONDED** by Councilmember Worth for approval of the minutes of Conference (Work) Session held on August 11, 2022. **MOTION APPROVED UNANIMOUSLY.**

MOTION by Councilmember Hyman, **SECONDED** by Councilmember Riffle for approval of the minutes of the Special Session held on August 11, 2022. **MOTION APPROVED UNANIMOUSLY.**

MOTION by Councilmember Hyman, **SECONDED** by Councilmember Worth for approval of the minutes of the Regular Session held on August 18, 2022. **MOTION APPROVED UNANIMOUSLY.**

At this time, Council allowed for petitions, communications and public hearings with the following individuals appearing therefor:

Ed Way, 261 Buena Vista Avenue – appeared before Council concerning speeding on Buena Vista and Worley Avenue. Mr. Way presented seven (7) letters from the residents in said area(s) expressing concerns with the speeding and running of a STOP sign. Mr. Way opined that Council could lower the speed limit under Home Rule and requested more police presence in said area(s) stating that they did not want to have to take matters into their own hands. Interim City Manager Kiddy advised that the vehicle/speed counter would be placed in said area.

Chris Lane, Buckhannon Avenue – apprised that he is working on better signage for his parking lot noting that the same may be utilized free-of-charge to all attending the First Friday’s events and advised of the kiosk area opened by the CVB in his building. Mr. Lane remarked on the lengthy grant process noting the grant submitted for the traffic study and remarked that he would hate to see the City miss this opportunity by not acting quickly enough.

Kim Harvey, 209 W. Pike Street – provided an update on the Gore Luxe properties. Ms. Harvey apprised that the building’s occupancy rate is up noting that the Democratic Headquarters has also rented a space. Ms. Harvey advised that Gore Luxe is the branding sponsor for First Fridays and was happy to see these events.

Curt Leiden, 207 W. Pike Street – expressed appreciation for the City’s support of the virtual sports simulator located in the Gore Luxe and that a ribbon cutting would be scheduled and extended an invitation to Council to stop by for a preview of the simulator.

AGENDA ITEM NO. 4: CITY MANAGER’S REPORT/UPDATE

**Manager’s Report
September 15, 2022**

Announcements:

1. The 5K Pepperoni Roll Run will be held Saturday, September 24th in the downtown and Glen Elk area. Streets will be closed from 0800 am to 11 am. Main Street and Pike Street will be closed from Chestnut Street to 2nd Street, and 4th Street and 6th Street in Glen Elk will be closed.

FIRE DEPARTMENT:

1. The Fire Dept. assisted the WVU Quick Response Team at Central Fire to dispense Narcan and instruct family members how to administer in case of an emergency.
2. On September 20th, the Rope Rescue Team will take part in a confined space awareness class at the FBI Center and will conduct a confined space drill with FBI personnel.

POLICE DEPARTMENT:

1. Police Dept. is conducting polygraphs on new applicants.
2. National Drug Take Back will be conducted October 29th at Wal-Mart, Walgreens (Rosebud Plaza and Clarksburg Police Department.
3. On September 26th, all officers will be attending a trauma first aid class.

CODE ENFORCEMENT:

1. In first half of the month, Code Enforcement has issued 40 building permits, totaling \$248,462.57.
2. They have issued 52 notices of violations.
3. Issued five (5) condemnation orders, conducted 21 inspections, and conducted 47 re-inspections.

PUBLIC WORKS:

1. Public Works Department will be conducting Fall Clean-up the first week of October and the third and fourth week of October for city residents. There will be no pick-up on the second week due to the holiday.
2. Department is continuing to patch streets and painting curbs by neighborhoods.
3. Responded to 50 sewer calls, with all being private property issues, repaired 60 feet of sanitary and storm water line.
4. Yard waste truck is running its seasonable routes.

ROBINSON GRAND:

1. Constatine Murolis and Foreigners Journey will be performing on September 17th, Comedian Chondra Pierce is performing on September 18 and the improv comedy group Second City is performing on September 23.

ECONOMIC DEVELOPMENT:

1. Grant applications have been submitted for federal funding related to five bridges in the city, grant research is continuing related to stormwater management and sanitary system.
2. Work is beginning on Winterfest planning.
3. Downtown parking study is expected to be completed in December.

END OF REPORT

UNFINISHED BUSINESS: NONE.

NEW BUSINESS:

- A. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG, WEST VIRGINIA, AMENDING AND RE-ENACTING SECTION 933.02 OF ARTICLE 933 OF CHAPTER 3 OF THE CODE OF THE CITY OF CLARKSBURG RELATING TO THE IMPOSITION OF RATES FOR THE USE OF THE SERVICES RENDERED BY SEWERAGE SYSTEM AND ESTABLISHING STANDARDS FOR THE USE OF SUCH SYSTEM AND THE COMPUTATION OF SUCH RATES, FOR RESIDENTS OF THE CITY OF CLARKSBURG**

MOTION by Councilmember Malfregeot, **SECONDED** by Councilmember Riffle for approval of the above-captioned ordinance on first reading. **MOTION APPROVED UNANIMOUSLY.**

- B. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG, WEST VIRGINIA, AMENDING AND RE-ENACTING SECTION 933.02 OF ARTICLE 933 OF CHAPTER 3 OF THE CODE OF THE CITY OF CLARKSBURG RELATING TO THE IMPOSITION OF RATES FOR THE USE OF THE SERVICES RENDERED BY SEWERAGE SYSTEM AND ESTABLISHING STANDARDS FOR THE USE OF SUCH SYSTEM AND THE COMPUTATION OF SUCH RATES, FOR NON-RESIDENTS OF THE CITY OF CLARKSBURG**

MOTION by Councilmember Malfregeot, **SECONDED** by Councilmember Worth for approval of the above-captioned ordinance on first reading. **MOTION APPROVED UNANIMOUSLY.**

- C. CONSIDERATION OF FIRST READING OF AN ORDINANCE AMENDING SECTION 1707.08, RE-NUMBERING AND AMENDING SECTION 1707.09 AND CREATING A NEW SECTION 1707.09**

MOTION by Councilmember Hyman, **SECONDED** by Councilmember Malfregeot for approval of the above-captioned ordinance on first reading. Following City Manager Kiddy's explanation of the ordinance and Councilmember Keith noting the poor condition of the street due to the work for the new county building, **MOTION APPROVED UNANIMOUSLY.**

- D. CONSIDERATION OF FIRST READING OF AN ORDINANCE CREATING A FIRE DEPARTMENT COST RECOVERY ORDINANCE**

MOTION by Councilmember Hyman, **SECONDED** by Councilmember Worth for approval of the above-captioned ordinance on first reading. **MOTION APPROVED UNANIMOUSLY.**

- E. CONSIDERATION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLARKSBURG AUTHORIZING APPLICATION OF GRANT FUNDS TO THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION – WEST VIRGINIA DIVISION OF MOTOR VEHICLES FOR A 2023 HIGHWAY SAFETY GRANT IN**

THE AMOUNT OF \$372,080

MOTION by Councilmember Malfregeot, **SECONDED** by Councilmember Worth for adoption of the above-captioned resolution. **MOTION APPROVED UNANIMOUSLY.**

F. CONSIDERATION OF A RESOLUTION OF THE CITY OF CLARKSBURG, WEST VIRGINIA TO APPOINT MEMBERS TO THE BOARD OF DIRECTORS FOR CLARKSBURG VISITORS' BUREAU, INC.

MOTION by Councilmember Hyman, **SECONDED** by Councilmember Malfregeot for adoption of the above-captioned resolution appointing the following members to said Board: Joshua Steer, Chad Weaver, Andrew Walker, Shannon Welsh, Mike Spatafore, Cheryl Mehaulic, Paul Jones and Lisa Sutton. **MOTION APPROVED UNANIMOUSLY.**

G. CONSIDERATION OF THE REPAIR/REPLACEMENT OF THE NORTH VIEW FIRE STATION ROOF AND THE PUBLIC WORKS ROOF

MOTION by Councilmember Malfregeot, **SECONDED** by Councilmember Worth to award the contract for the repair/replacement of the above-referenced roofs to Five Star Commercial Roofing in the amount of \$173,010.00. **MOTION APPROVED UNANIMOUSLY.**

H. CONSIDERATION OF THE PURCHASE OF A TOTAL OF 40 PORTABLE RADIOS FOR THE POLICE AND FIRE DEPARTMENTS

MOTION by Councilmember Malfregeot, **SECONDED** by Councilmember Worth for approval of the above-captioned matter in the amount of \$208,659.40 from Motorola. **MOTION APPROVED UNANIMOUSLY.**

I. CONSIDERATION OF SETTING THE DATE AND TIME FOR THE OBSERVANCE OF TRICK-OR-TREAT FOR SATURDAY, OCTOBER 29, 2022 FROM 6:00 P.M. TO 7:30 P.M.

MOTION by Councilmember Riffle, **SECONDED** by Councilmember Hyman to amend the above-stated date from the date listed to **Monday, October 31st**. Under discussion, it was noted that the county was observing Halloween on its original date of Monday, October 31st. Concluding discussion, **MOTION FOR THE OBSERVANCE OF TRICK-OR-TREAT ON MONDAY, OCTOBER 31ST APPROVED UNANIMOUSLY.**

COUNCIL COMMENTS:

Councilmember Riffle: Commented on the agenda noting the work being accomplished as well as the successful work session; thanked all who spoke this evening for bringing their concerns forward; extended well wishes to Mayor Marino; wished Vice Mayor Junkins a happy birthday and all a good weekend.

Councilmember Worth: Expressed pleasure in the increased occupancy rate of the

Gore Luxe; noted the infrastructure needs discussed at the work session and thanked Mr. Workman and Mr. Brown for their efforts regarding the same; commented on his priorities: infrastructure needs, public safety and the budget; expressed appreciation to Council for observing Halloween on the original Halloween date.

Councilmember Hyman: Thanked all for attending this evening; expressed appreciation to the Gore Luxe property owners for the tour; thanked Mr. Lane for his updates.

Councilmember Malfregeot: Informed that he has received complaints about the condition of the cemetery next to Hardees; noted the date as being the second-year anniversary of being shot and reminded all that if they see something to say something.

Councilmember Keith: Thanked all as well and commented on this being the opportune time to get rid of things during the Fall Clean-up.

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

Mayor (or) Vice Mayor (or) Councilmember

Approved: October 20, 2022

Annette Wright, City Clerk