October 3, 2019

The Clarksburg City Council met in **REGULAR SESSION** on Thursday, October 3, 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
Jimmy Marino, Vice Mayor,
Ryan Kennedy, Mayor

**ALSO PRESENT:**

Annette Wright, Interim City Manager
James Cann, City Attorney
Wendy Dutchess, Recording Secretary

**COUNCIL MEMBERS ABSENT:**

Frank Ferrari

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

**MOTION** by Councilmember Malfregeot, **SECONDED** by Councilmember Goff for approval of the minutes of the September 12, 2019 Conference (Work) Session. **MOTION APPROVED UNANIMOUSLY.**

**MOTION** by Vice-Mayor Marino, **SECONDED** by Councilmember Junkins for approval of the minutes of the September 19, 2019 Regular Session. **MOTION APPROVED UNANIMOUSLY.**

At this time, Mayor Kennedy deviated from the agenda to allow for the following presentation:

Mayor Kennedy presented a proclamation proclaiming October as “Domestic Violence Awareness Month”.

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

**Ryan Debarr** - 118 Waverly Way, Clarksburg - appeared before council to address public safety and Urban Renewal. He started by recalling the last time he addressed Council voicing the same concerns explaining that he didn’t really feel that he was attacking the needle exchange and he was never against it because he felt it was something important to have only expressing concern with the location explaining the same as such. He also mentioned the problems with the Mission and problems that his parents have experienced living in a bad area in the past. He also touched upon recent crimes within the City. He then talked about the demolition list voicing concerns with work permits being issued for labor being conducted at this time with a house on the current list questioning how this could happen. He stated such things taking place; in his opinion is a bad thing encouraging council to rethink the demolition list.

**Joe Folio** - 205 E. Main Street, Clarksburg – appeared before council to speak on issues in the city. He voiced concerns at this time with a current council person who directed the current Interim City Manager to direct code Enforcement to call him and have two real estate signs belonging to his son removed that have been up for quite some time, approxamately six years or so, directing his comments to councilmember Keith. He then stated the signs have since been removed, then stressing the importance of so many more issues within our City that are so much more important to worry about at these times explaining the same as such mentioning campaign signs that are still up after the Cities last election, empty properties within our business district and such, including no action on the Waldo or the Goff Building, which in his opinion, is an eyesore. He then informed Council that he did not appreciate the pettiness. His family has so much invested in this community, also informing that his family’s properties are well maintained. He then blessed council agreeing they have an uphill battle but he was not going to stand by and watch the inequities occur. He then informed they were going to be hearing from him more often thanking them for their time.

Mayor Kennedy also thanked Mr. Folio for his comments at this time.

**Bryan Payne** - 115 South 4th Street, Clarksburg appeared before council to inform that all store fronts are rented on South 4th Street explaining the same as such stressing he was looking forward to Council’s support in moving forward with a few minor issues thanking them for their time.
Eric Csutoros – 305 Buena Vista Avenue, Clarksburg appeared before council to address Initiative, Referendum, and Recall. He informed Council that there were a couple issues he felt he needed to address at this time with regard to the petition committee, being in disagreement, explaining the same as such showing appreciation to the City for stepping up and taking charge with said issues.

At this time, Mayor Kennedy addressed some of his issues.

Donald Myers – PO Box 197, Reynoldsville, WV 26422- appeared before council to address Initiative, Referendum, and Recall, introducing himself as representing the West Virginia Voters Initiative Foundation explaining the same as such, informing council of the power of the voters. He then voiced concerns for so many restrictions the city is trying to put forth as discussed requesting council to show him in writing where such power is to apply said restrictions. He then commended Council for their efforts. He then inquired as to Council, along with the County Commission to set down with the people, such as a work session to combine efforts on Initiative, Referendum, and Recall requesting everyone work together, thanking them for their time.

Richard Cava- 419 Clark Street, Clarksburg- appeared before council to address the Mission and the needle exchange. He opened with commending council and new leadership on unbelievable improvements within the Glen Elk area, including the Mission explaining the same as such. He then voiced concerns with the people in charge of the needle exchange showing no concerns for the citizens requesting they be held accountable for their mess left behind for the community to clean up also explaining the same as such. He also voiced concerns with Code Enforcement at this time.

AGENDA ITEM NO. 5: Manager’s Report
October 3, 2019
Submitted by Annette Wright

General Updates

1. Demolition – A request for funds from the Rainy-Day Fund in the amount of $400,000 is on the agenda under “New Business”. Said monies will be used for the demolition of structures set forth on the list of properties declared slum and blight at the September 5, 2019 council meeting. I recommend that Council approve said funds.

2. At the 11th Annual Historic Preservation Awards Banquet held at the RGPAC on Saturday, September 21st, three (3) locations within the city received Historic Preservation Alliance of West Virginia. Those locations were: The Waldomore, RGPAC and The Palace on the Main.

3. Fall clean-up - The City’s Fall Clean-up began on September 23rd and as of October 1st, 70 loads of debris totaling 111.69 tons have been collected for a tipping fee cost of $4,243.62.

4. In addition to the Fall Clean-Up, Public works has been working on demolitions from the previous demo list. As reported previously, all contracts have been completed with the remainder to be complete in-house. Four (4) structures remain to be completed by Public Works by mid-November. Public Works will also be identifying properties on the current list of properties declared slum and blight that they can take down in-house.

5. On September 22nd, Safeco, the contractor working on the demolition of the colonial village building, damaged the traffic signal, pedestrian signal and drop inlet at Main and Monticello. Public Works and the DOH, has repaired the signal and pedestrian signals. On September 27th, Public Works and the DOH met with the contractor to work out the remediation of costs related to the damages. The contractor has agreed to cover these costs. There will be final walk-through with the contractor once all debris has been removed from the site.

6. Winding Way- The contractor has begun the additional construction of the retaining wall.

7. October 2, 2019- An ambulance was stolen and hit three (3) electrical poles, Public Works Department used generators to keep traffic signals running properly so there were no further issues.

8. Census 2020- Various (local) part-time job opportunities are available with the United States Census Bureau with pay rates of $14.54 - $18.90 per hour and 58 cents per mile (based on area). Information is available on our social media sites.
9. The Harrison county Mayors’ Association will be meeting here at Clarksburg City Hall on Wednesday, October 9th at 6:00 p.m. This will be the first meeting of the HCMA since the recent municipal election(s) that took place throughout the county so there will be some new faces and the Association will be electing its officers.

10. The Clarksburg Development Authority will be holding its annual meeting on Wednesday, October 23rd at 10:00 a.m. in the City Manager’s Conference Room with officers to be elected as the agenda item.

### Police and Fire

1. Police -
   a. Mark Kiddy has been hired as Chief of Police and he will be sworn in on Monday, October 28th at 10:00 a.m. in council chambers. Following the swearing in ceremony, we will have a brief press conference to introduce Chief Kiddy to the public.
   b. As a reminder, the Physical Ability Test will be held this Saturday, October 5th at 10:00a.m. at Robert C. Byrd High School. Persons interested in testing just need to show up for the test that date; no application or paperwork beforehand is required. Those candidates successfully completing the Physical Ability will be provided with an application to complete and return at the time of the Written Test on Wednesday, October 16th at 6:00 p.m. at the Harrison County Senior Citizens Center.
   c. Neighborhood Watch Program – On September 26th Interim Chief Snyder met with a large group of neighbors on the lower Broad Oaks section for their first neighborhood watch meeting. The next meeting will be October 18th at 11:00 a.m.

2. Fire -
   a. The roof on the East end fire station is completed.
   b. All five (5) pumps and the ladder truck passed the annual third-party fire pump test on September 23rd.

### Economic Development

1. Ribbon Cutting -
   a. Verizon wireless, 252 Emily Drive- Friday, October 18th at 11:00 a.m.

### Events

1. RGPAC -
   a. Maggie rose – Sunday, October 6th at 7:00 p.m.
   b. Pink Ribbon Concert: Sharon Clark’s Tribute to Nat King Cole – Friday, October 11th at 8:00 p.m.
   c. Sunday, October 20th at 7:00 p.m., back by popular demand will be Disney’s Hocus Pocus. This will be a special “Sip & See” movie event where patrons 21 and older can purchase the Sanderson Sister’s famous Witches brew to enjoy while they watch the Halloween classic. This was a sell-out last year.
   d. Roots & Boots Tour: Sammy Kershaw, Collin Raye & Aaron Tippin – Friday, October 25th at 7:30 p.m.
   e. Saturday, October 26th from 8:00 p.m. (doors open at 7:00 p.m.) – Dance the night away on the historic RGPAC stage at its inaugural “Grand Costume Ball”. This event will benefit the Robinson Grand Community Theatre. Tickets are $25.00 and additional details can be found on our social media sites.

2. Local 89 (Fire Department) will be having “Fire Truck Rides & Canned Food Drive” on Sunday, October 6th beginning at 1:00 p.m. They are kindly requesting a donation of two canned goods for a ride.

3. Notre Dame High School Homecoming Parade- October 18th at 6:00 p.m. – route is from the VA to Hite Field.

4. Banner Requests – Harrison County 4H banners are on the light poles and will remain throughout the month in observance of National 4H Month.
5. As a reminder, Downtown Trick-or-Treat will be Wednesday, October 30th from 5:00 p.m. to 6:30 p.m. RCB Eagle Cabinet will also have a Trunk or Treat a Jackson Square.

MISCELLANEOUS

1. As previously reported, the bus tour of various locations and facilities throughout the City has been scheduled for Thursday, October 24th beginning at 5:00p.m. Upon return from the tour, we will meet in Council Chambers for a conference (work) session.

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 COLBY AND COLBY, INC., dba BURGERIM, 254 EMILY DRIVE - RETURNED TO APPLICANT ON SEPTEMBER 17, 2019

UNFINISHED BUSINESS:

A. CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING OF AN ORDINANCE OF THE CITY OF CLARKSBURG PROVIDING FOR THE ABANDONMENT OF A PORTION OF QUARRY DRIVE, 60 FEET IN WIDTH BETWEEN PARCELS 51.16 AND 51.24 UPON TAX MAP 308 IN THE CITY OF CLARKSBURG, COAL-CLARKSBURG (08) 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 QUIETCLAIM DEEDS, RESERVING THEREFROM UTILITY RIGHTS-OF-WAY

Notices of the public hearing concerning the above captioned Agenda item appeared in the Clarksburg Exponent/Telegram on Sept. 24th, 2019 and October 1st, 2019. Mayor Kennedy declared the public hearing open with no one appearing therefore. Upon closing the public hearing, MOTION by Councilmember Keith, SECONDED by Councilwoman Junkins for approval of 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 PROHIBITING THE BRANDISHMENT OF DEADLY WEAPONS IN BREACH OF THE PEACE ON PUBLIC PROPERTY AND PROPERTY OWNED BY THE CITY OF CLARKSBURG

MOTION by Councilwoman Junkins, SECONDED by Councilmember Keith 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 PROHIBITING THE SITTING AND/OR LAYING ON PUBLIC SIDEWAYS IN SUCH A MANNER AS TO DISRUPT FOOT TRAFFIC OR OTHERWISE ENCUMBER SAID WALKWAY

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

C. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG ESTABLISHING THE ALTERNATIVE SENTENCE OF COMMUNITY SERVICE AS PUNISHMENT FOR VIOLATIONS OF MUNICIPAL ORDINANCES

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

D. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG AMENDING SECTION 5 OF THE CITY CHARTER TO INCLUDE TERM LIMITS FOR ALL MEMBERS SERVING UPON THE CLARKSBURG CITY COUNCIL
MOTION by Vice-Mayor Marino, SECONDED by Councilwoman Junkins for approval of the above-captioned ordinance on first reading. MOTION APPROVED UNANIMOUSLY.

E. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG AMENDING THE CITY CHARTER TO INCLUDE SECTION 45: INITIATIVE AND REFERENDUM AND RECALL

MOTION by Councilwoman Junkins, SECONDED by Councilmember Keith for approval of the above-captioned ordinance on first reading. MOTION APPROVED UNANIMOUSLY.

F. CONSIDERATION OF UTILIZING $400,000 FROM THE RAINY DAY FUND FOR THE DEMOLITION OF STRUCTURES AS SET FORTH AND ATTACHED TO THE RESOLUTION DECLARING PROPERTIES AS SLUM OR BLIGHTED AREAS (RESOLUTION NO. 19-R22)

MOTION by Councilmember Goff, SECONDED by Councilmember Keith to approve utilizing $400,000 from the rainy day fund for the demolition of structures as set forth and attached to the Resolution declaring properties as slum or blighted areas (Resolution No. 19-R22) MOTION APPROVED UNANIMOUSLY.

COUNCIL COMMENTS:

Councilman Goff:
He informed his thoughts that the $400,000 going into the Rainy Day Fund was a worthwhile project looking forward to moving ahead with the list also thanking everyone in attendance.

Councilman Keith:
Thanking everyone in attendance also expressing excitement with everything that’s happening in moving the city forward explaining the same as such. He then addressed Mr. Folio at this time stating he did not want him to feel that he was singling him or his son out in any way. It was simply that he has started taking big walks through town taking notes to important things he sees that need to be taken care of explaining the same as such stressing the fact that they are only trying to improve the look of downtown.

Councilman Malfregeot:
Commended Chief Scott and the Fire Department for all their hard work in helping with the devastating fire in Bridgeport earlier that day.

Councilwoman Junkins:
Took this time to commend Interim Chief Snider in doing an amazing job as Chief thanking him for all his hard work explaining the same as such. She also informed of her plans for the Beautification Task Force and excitement for the way people will be able to view our city looking forward to selecting a Chairperson. She closed with informing that she feels hopeful for good things to come.

Vice-Mayor Marino:
Showed appreciation for a good agenda and how productive things are in moving forward and he’s very grateful to be able to be a part of this. He also noted this being the third week since the needle exchange has ended and how grateful the citizens are. There still is a long way to go but people are approaching him and thanking City Council for their efforts seeing a lot less problems explaining the same as such. He also informed Mr. Folio that he would take down any leftover campaign signs left from his campaign.

At this time he stressed disappointment with Code enforcement stating he would think they would be more proactive in letting someone leave their signs out for five years and he plans to address them giving out names to someone who inquires about a complaint with the Interim City Manager, this was not very professional, we all have the right, if we see things that need addressed to turn things in without fear of recurrences. He also touched upon the Initiative, Referendum, and Recall.

Mayor Kennedy:
Started by commending Council for voting unanimously tonight for several public safety ordinances. He also recognized Interim Police Chief Snider for doing a great job and all his hard work and the noticeable difference he has made with his leadership.

At this time he informed Council that he was open to Council interaction during public comments explaining the same as such.
He also took this time to congratulate the new incoming Police Chief Mark Kiddy informing they were looking forward to working with him and continuing to move the City in a positive direction. He closed with thanking everyone in attendance.

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

________________________________________
Ryan Kennedy, Mayor

________________________________________
Approved

_______________________________
Paula Hardman, Interim City Clerk