

## NOVEMBER 3, 2022

Prior to the regular session of Council held on Thursday, November 3, 2022, Council conducted a conference session at 5:30 p.m. at the Clarksburg Municipal Building, City Manager's Conference Room, 2<sup>nd</sup> 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  
Vice Mayor Lillie Junkins  
Mayor James Marino

AG: 22-30

### AGENDA

#### CITY OF CLARKSBURG

AGENDA FOR **REGULAR** MEETING OF COUNCIL OF THE CITY OF CLARKSBURG TO BE HELD **THURSDAY, NOVEMBER 3, 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 Councilmember Worth*) & PLEDGE
3. APPROVAL OF MINUTES:  
REGULAR SESSION – OCTOBER 6, 2022  
SPECIAL SESSION – OCTOBER 13, 2022
4. PETITIONS, COMMUNICATIONS AND PUBLIC HEARINGS
5. CITY MANAGER'S REPORT/UPDATE  
CITY CLERK'S INFORMATION:
  - A. ZONING FORM IN CONNECTION WITH A "NOTICE OF APPLICATION TO OPERATE: A PRIVATE CLUB, PRIVATE WINE RESTAURANT OR TAVERN" FILED BY COMPASS INVESTMENT PROPERTIES, LLC, dba GRILL CLUB CAFÉ, 1124 EAST MAIN STREET – RETURNED TO APPLICANT ON OCTOBER 31, 2022
6. 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 AN UNIMPROVED EXTENSION OR PORTION OF UPLAND AVENUE ADJACENT TO PROPERTY OWNED BY BRENDA L. JONES AND TIMOTHY J. BUMGARDNER IN THE CITY OF CLARKSBURG, CLARK 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 QUITCLAIM DEEDS; RESERVING THEREFROM UTILITY RIGHTS-OF-WAY

- B. CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING OF AN ORDINANCE OF THE CITY OF CLARKSBURG PROVIDING FOR THE ABANDONMENT OF AN UNOPENED AND UNIMPROVED ALLEY ADJACENT TO PROPERTY OWNED BY BENJAMIND. LOWTHER AND LINSEY MARIE LOWTHER IN THE CITY OF CLARKSBURG, CLARK 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 QUITCLAIM DEEDS, RESERVING THEREFROM UTILITY RIGHTS-OF-WAY
- C. CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING OF AN ORDINANCE OF THE CITY OF CLARKSBURG PROVIDING FOR THE ABANDONMENT OF AN UNOPENED AND UNIMPROVED ALLEY ADJACENT TO PROPERTY OWNED BY JOHN SEDLOCK AND ANN SEDLOCK IN THE CITY OF CLARKSBURG, COAL 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 QUITCLAIM DEEDS RESERVING THEREFROM UTILITY RIGHTS-OF-WAY
- 7. NEW BUSINESS:
  - A. CONSIDERATION OF A CONTRIBUTION TO THE CLARKSBURG MISSION IN THE AMOUNT OF \$2,500 FOR THE WVU PROJECT TO IMPROVE TREATMENT, RECOVERY AND SUPPORT SERVICES FOR SUBSTANCE USE DISORDER
  - B. CONSIDERATION OF APPOINTMENT TO THE URBAN RENEWAL AUTHORITY
  - C. DISCUSSION REGARDING THE CITY MANAGER POSITION
- 8. COUNCIL COMMENTS
- 9. ADJOURNMENT

The Conference Session included a review of the agenda, as well as Interim City Manager Kiddy reviewing the Manager’s Report; apprised of the beginning of the establishment of a police eligibility list; with discussion also being held concerning the proposed \$2,500 to the Mission. Interim City Manager Kiddy suggested that the funds therefor be transferred from the National Night Out account. With regard to appointments/reappointments, Councilmember Riffle expressed concern with such individuals not appearing at the respective council meeting commenting that the boards/commissions needed to be taken more seriously. Brief discussion was held concerning the proposed wrap on the underpass pillars on the east end side, signage for WV Avenue, City speed limit and speed humps. Conference Session concluded.

At this time, the Clarksburg City Council met in REGULAR SESSION on November 3, 2022 at 6:00 P.M. at the Clarksburg Municipal Building – Council Chambers, 222 West Main Street, Clarksburg, West Virginia, with Mayor Marino presiding.

**COUNCIL MEMBERS PRESENT:**

- Will Hyman
- Gary Keith
- Jim Malfregeot
- Jerry Riffle
- Wayne Worth
- Vice Mayor Lillie Junkins
- Mayor James Marino

**ALSO PRESENT:**

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

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

**MOTION** by Councilmember Malfregeot, **SECONDED** by Councilmember Hyman for approval of the minutes of the Regular Session of Council held on October 6, 2022. **MOTION APPROVED UNANIMOUSLY.**

**MOTION** by Councilmember Malfregeot, **SECONDED** by Councilmember Hyman for approval of the minutes of the Special Session of Council held on October 13, 2022. **MOTION APPROVED UNANIMOUSLY.**

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

Chris Lane, Goff Building – provided an update on his building, distributed packets of free 30-minute parking coupons and informed of a new business opening in the building.

**AGENDA ITEM NO. 5:     CITY MANAGER’S REPORT/UPDATE**  
**Manager’s Report**  
**November 3, 2022**

**Announcements:**

1.     **Election Day is Tuesday, November 8<sup>th</sup>, please exercise your right to vote.**
2.     **A full Veteran’s Day parade will be held on November 11<sup>th</sup> in downtown Clarksburg.**

**FIRE DEPARTMENT:**

1.     The Fire Department responded to 276 calls for service in October.
2.     The Department completed a major upgrade to their Breathing Air system.

**POLICE DEPARTMENT:**

1.     Sgt. Joseph M. Walsh will be retiring on November 4, 2022, from the Department after 21 years of dedicated service.
2.     Four new officers will be sworn in on November 4<sup>th</sup> at 10:00 a.m. in Council Chambers.
3.     Speeding study was completed on Buena Vista Ave. in two-week time period, 1976 vehicles traveled on the roadway, with zero speeding violations and an average speed of 14 mph.

**CODE ENFORCEMENT:**

1.     In the last two weeks of October, Department issued 34 building permits totaling \$274,845.00.
2.     Issued 22 Notices of Violation, 4 condemnation orders, completed 16 inspections and responded to 32 animal complaints.

**ROBINSON GRAND:**

- 1. Native West Virginian, Michael W. Smith, will be in concert on Saturday, Nov. 5.
- 2. FLAW will be performing on Nov. 12<sup>th</sup> to support the Historic Clarksburg WV Cemetery Preservation Alliance.
- 3. Buddy Holly musical will be held on Nov. 19<sup>th</sup>.

**ECONOMIC DEVELOPMENT:**

- 1. The last First Friday’s of 2022 will be held at Jackson’s Square tomorrow, Nov. 4.
- 2. Parking study completion is expected in December 2022.
- 3. New business, Fore Lux, grand opening will be held on Friday, November 4 on South 2<sup>nd</sup> Street.

**WASTEWATER TREATMENT PLANT:**

- 1. The discharge monitoring report was submitted in October with no violations.
- 2. The plant processed 230,850 gallons of sewage and treated 203 million gallons of wastewater.
- 3. In the process of painting sludge lines at the Plant.

**END OF REPORT**

**CITY CLERK’S INFORMATION:**

- A. ZONING FORM IN CONNECTION WITH A “NOTICE OF APPLICATION TO OPERATE: A PRIVATE CLUB, PRIVATE WINE RESTAURANT OR TAVERN” FILED BY COMPASS INVESTMENT PROPERTIES, LLC dba GRILL CLUB CAFÉ, 1124 EAST MAIN STREET – RETURNED TO APPLICANT ON OCTOBER 31, 2022

**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 AN UNIMPROVED EXTENSION OR PORTION OF UPLAND AVENUE ADJACENT TO PROPERTY OWNED BY BRENDA L. JONES AND TIMOTHY J. BUMGARDNER IN THE CITY OF CLARKSBURG, CLARK 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 QUITCLAIM DEEDS, RESERVING THEREFROM UTILITY RIGHTS-OF-WAY**

City Clerk Wright announced that notices regarding the public hearing on the above-captioned ordinance appeared in *The Exponent Telegram* on October 25, 2022 and November 1, 2022. Mayor Marino declared the public hearing open with no one appearing therefor. Upon closing the public hearing, **MOTION** by Councilmember Malfregeot, **SECONDED** by Vice Mayor 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 PROVIDING FOR THE ABANDONMENT OF AN UNOPENED AND UNIMPROVED ALLEY ADJACENT TO PROPERTY OWNED BY BENJAMIN D. LOWTHER AND LINDSEY MARIE LOWTHER IN THE CITY OF CLARKSBURG, CLARK 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 QUITCLAIM DEEDS, RESERVING THEREFROM UTILITY RIGHTS-OF-WAY**

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**C. CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING OF AN ORDINANCE OF THE CITY OF CLARKSBURG PROVIDING FOR THE ABANDONMENT OF AN UNOPENED AND UNIMPROVED ALLEY ADJACENT TO PROPERTY OWNED BY JOHN SEDLOCK AND ANN SEDLOCK IN THE CITY OF CLARKSBURG, COAL 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 QUITCLAIM DEEDS, RESERVING THEREFROM UTILITY RIGHTS-OF-WAY**

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**NEW BUSINESS:**

**A. CONSIDERATION OF A CONTRIBUTION TO THE CLARKSBURG MISSION IN THE AMOUNT OF \$2,500 FOR THE WVU PROJECT TO IMPROVE TREATMENT, RECOVERY AND SUPPORT SERVICES FOR SUBSTANCE USE DISORDER**

**MOTION** by Councilmember Riffle, **SECONDED** by Councilmember Keith for approval of the above-captioned matter. **MOTION APPROVED UNANIMOUSLY.**

**B. CONSIDERATION OF APPOINTMENT TO THE URBAN RENEWAL AUTHORITY**

**MOTION** by Councilmember Hyman, **SECONDED** by Vice Mayor Junkins to reappoint Jordan (Thomason) Johnson to the URA. **MOTION APPROVED UNANIMOUSLY.**

*At this time, Council deviated from the agenda:*

**COUNCIL COMMENTS:**

- Councilmember Malfregeot: Welcomed Mayor Marino back following his surgery; reminded all that if they see something to say something.
- Councilmember Riffle: Also welcomed the Mayor back, reminded of the First Friday event and thanked Gore Luxe for their sponsorship, and thanked Chris Lane for the free parking for the event.
- Councilmember Worth: Also welcomed the Mayor upon his return and commented on the First Friday's events.
- Councilmember Keith: Concurred with Council in welcoming Mayor Marino back, congratulated Sgt. Walsh for his 21 years of service, and expressed appreciation for the four new police hires.
- Councilmember Hyman: Also congratulated Sgt. Walsh, thanked Chris Lane and the owners of the Gore Luxe for their sponsorship, noted the ribbon cutting for Pierpont Day Care, noted the upcoming Election and wished the City Clerk well.
- Mayor Marino: Thanked all for the well wishes during his recovery from surgery, thanked the Vice Mayor for conducting the meetings and Council for their work on the City Manager search.

**C. DISCUSSION REGARDING THE CITY MANAGER POSITION**

**MOTION** by Councilmember Riffle, **SECONDED** by Councilmember Keith to adjourn into executive session pursuant to Chapter 6, Article 9A, Section 4 of the West Virginia Code to discuss personnel matters and that the following persons be present: Mayor and Members of City Council. **MOTION APPROVED UNANIMOUSLY.**

Following Executive Session, **MOTION** by Councilmember Hyman, **SECONDED** by Vice Mayor Junkins to reconvene into regular session. **MOTION APPROVED UNANIMOUSLY.**

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

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Mayor (or) Vice Mayor (or) Councilmember

Approved: November 17, 2022

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Annette Wright, City Clerk