

JANUARY 5, 2023

Prior to the regular session of Council held on Thursday, January 5, 2023, 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
Jim Malfregeot
Jerry Riffle
Wayne Worth
Vice Mayor Lillie Junkins
Mayor James Marino

COUNCIL MEMBER(S) ABSENT:

Gary Keith

AG: 23-01

A G E N D A

CITY OF CLARKSBURG

AGENDA FOR REGULAR MEETING OF COUNCIL OF THE CITY OF CLARKSBURG TO BE HELD **THURSDAY, JANUARY 5, 2023** 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 Riffle)* & PLEDGE
3. PETITIONS, COMMUNICATIONS AND PUBLIC HEARINGS
4. 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 RARE HOSPITALITY INTERNATIONAL, INC. dba LONGHORN STEAKHOUSE #5661, 100 TOLLEY DRIVE, BRIDGEPORT – RETURNED TO APPLICANT ON DECEMBER 15, 2022
5. 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 UNOPENED UNIMPROVED PORTION OF A PAPER STREET ADJACENT TO TAX PARCEL 133 ON TAX MAP 27 OWNED BY THE CITY OF CLARKSBURG IN THE CITY IN THE CITY OF CLARKSBURG, CLARK DISTRICT, HARRISON COUNTY, WEST VIRGINIA, BEING A 14' X 84' STRIP OR PARCEL SHOWN AS A GAP AREA ON A PLAT OF RETRACEMENT IN 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 DEED

- B. CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING OF AN ORDINANCE OF THE CITY OF CLARKSBURG PROVIDING FOR THE ACQUISITION OF REAL PROPERTY BEING A TRACT OR PARCEL OF LAND CONTAINING 6.172 ACRES SITUATE IN COAL DISTRICT, HARRISON COUNTY, WEST VIRGINIA
- 6. NEW BUSINESS:
 - A. CONSIDERATION OF FIRST READING OF AN ORDINANCE OF THE CITY OF CLARKSBURG INCREASING THE SALARIES OF THE FIRE CHIEF AND INTERIM CITY MANAGER STEVE PULICE AND DEPUTY FIRE CHIEF JIMMY GREEN
 - B. CONSIDERATION OF A RESOLUTION OF THE CITY OF CLARKSBURG, WEST VIRGINIA TO ENTER INTO ENGAGEMENT LETTERS WITH STEPTOE & JOHNSON PLLC TO SERVE AS ISSUER'S BOND COUNSEL
- 7. COUNCIL COMMENTS
- 8. ADJOURNMENT

During the conference session, Mr. Whitmore provided an update on Waldo stating that he has contact with some individuals who want to explore the feasibility of the redevelopment of said property. Mr. Whitmore added that the investor(s) was interested in leveraging all the assets, such as historical tax credits, etc. Mayor Marino inquired of Mr. Whitmore if he could put something in writing as to what is presented to potential developers with Mr. Whitmore apprising that the administration is working on putting together a package. Mayor Marino inquired as to the status of the grant for the pickle ball courts with Mr. Whitmore informing that he would look into the same as Park Board Supervisor John Cooper wrote said grant. Councilmember Riffle inquired about there being no Code citations written with Interim City Manager Pulice informing that he would look into the same. Mr. Pulice commended Public Works for their work on Christmas eve with the agenda for this evening being reviewed. Meeting concluded.

At this time, the Clarksburg City Council met in REGULAR SESSION on January 5, 2023 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
 Jim Malfregeot
 Jerry Riffle
 Wayne Worth
 Vice Mayor Lillie Junkins
 Mayor James Marino

ALSO PRESENT:

Steve Pulice, Interim City Manager
 Richard Marsh, City Attorney
 Annette Wright, City Clerk

COUNCIL MEMBER(S) ABSENT:

Gary Keith

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

At this time, Council allowed for petitions, communications and public hearings with no one appearing therefor.

AGENDA ITEM NO. 6: **CITY MANAGER’S REPORT/UPDATE
Manager’s Report
January 5, 2023**

MANAGER’S OFFICE:

1. Waldo speculative developer call
2. WVAPA Legislative Committee
3. URA materials sent
4. Reminder of “First Fridays – January Jam” this week on the 6th

POLICE DEPARTMENT:

1. Promotional testing has been conducted January 3rd for Sergeant and January 4th for Lieutenant.
2. Four new officers will begin training at the WV State Police Academy later this month.
3. Background investigations are being conducted on new applicants for the department.

CITY PARKS:

1. Splash Zone – contacting last year staff regarding reemployment this upcoming summer and prepping advertisements for new staff and arranging staff certifications.
2. Veteran’s Park Electrical Upgrade – this project is nearing completion with the panel box installation remaining.
3. Pickleball & Ice Rink – awaiting decision on the LWCF grant application
4. AMP- working on the entertainment schedule for 2023 for concerts, music in the park and movies.

WASTEWATER TREATMENT PLANT:

1. The discharge monitor report will be submitted for the month of December 2022 with no violations. The process treated approximately 301 million gallons of wastewater. The plant received 249,375 gallons of septage and brought in a total of \$11,386.74 in revenue from all sources.
2. Continued work with Pumpman out of Pittsburgh to get our #1 main raw pump repaired.
3. Citco water is scheduled to be at the plant to assist with some programming for our main influent gate. Gate is currently operating in manual mode.

ROBINSON GRAND PERFORMING ARTS:

1. The Robinson Grand had a strong finish to 2022, successfully executing 35 different events during November and December.
2. The RG will not hold event from January 9 – 19 to concentrate on maintenance projects that need completed.
3. Public events scheduled for January are: 1/7 – Diggery Digger’s Dino Show, 1/20 – Rodney Carrington, 1/22 – Movie: Chicago, 1/28 – Buffett: A Jimmy Buffett Tribute

CODE ENFORCEMENT:

1. The department issued 30 building permits for a total project cost of \$268,864.00, 27 notices of violation were issued with 0 citations. Three structures were condemned, 19 inspections were performed, and 14 animal control complaints were addressed.
2. Engineering reported – Soil testing on Milford St. for drain and sewer replacement, Euclid Avenue, sewer repair, Leon Street closeout, work with property owners for voluntary demos.
3. Finally, we want to welcome our newest code officer Randy Jaggie-Moore.

FINANCE DEPARTMENT:

1. Annual fire service fee invoices are being mailed this week. If you desire a change from bimonthly to annual, please contact the finance department at 304-624-1634.
2. Collections for the month of December 2022 are: demolition - \$20,415.79, payment agreements - \$630.00, grass & weeds - \$635.80, vacant property registration - \$3,379.70, fire service fees - \$76,501.12, B&O tax - \$8,926.04, new business licenses – 11, business license renewals – 4.

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 RARE HOSPITALITY INTERNATIONAL, INC. dba LONGHORN STEAKHOUSE #5661, 100 TOLLEY DRIVE, BRIDGEPORT – RETURNED TO APPLICANT ON DECEMBER 15, 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 UNOPENED UNIMPROVED PORTION OF A PAPER STREET ADJACENT TO TAX PARCEL 133 ON TAX MAP 27 OWNED BY THE CITY OF CLARKSBURG IN THE CITY OF CLARKSBURG, CLARK DISTRICT, HARRISON COUNTY, WEST VIRGINIA, BEING A 14’ X 84’ STRIP OR PARCEL SHOWN AS A GAP AREA ON A PLAT OF RETRACEMENT IN 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 DEED**

City Clerk Wright announced that notices regarding the public hearing for the above-captioned ordinance appeared in *The Exponent Telegram* on December 20, 2022 and December 27, 2022. Mayor Marino declared the public hearing open with Drew Cather, Esquire, appearing therefor representing the petitioner. Mr. Cather explained that the abandonment of said portion of property would clean up the title to the gap area. Councilmember Malfregeot inquired as to the location of said property with Mr. Cather presenting a copy of the plat relative thereto. There being no one else wishing to speak, Mayor Marino declared the public hearing closed.

MOTION by Councilmember Malfregeot, **SECONDED** by Councilmember Riffle 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 ACQUISITION OF REAL PROPERTY BEING A TRACT OR PARCEL OF LAND**

CONTAINING 6.172 ACRES SITUATE IN COAL DISTRICT, HARRISON COUNTY, WEST VIRGINIA

City Clerk Wright announced that notices regarding the public hearing for the above-captioned ordinance appeared in *The Exponent Telegram* on December 20, 2022 and December 27, 2022. Mayor Marino declared the public hearing open with no one appearing therefor. Upon closing the hearing, **MOTION** by Councilmember Malfregeot, **SECONDED** by Councilmember Riffle 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 INCREASING THE SALARIES OF THE FIRE CHIEF AND INTERIM CITY MANAGER STEVE PULICE AND DEPUTY FIRE CHIEF JIMMY GREEN

MOTION by Councilmember Hyman, **SECONDED** by Councilmember Riffle for approval of the above-captioned ordinance on second and final reading. **MOTION APPROVED UNANIMOUSLY.**

B. CONSIDERATION OF A RESOLUTION OF THE CITY OF CLARKSBURG, WEST VIRGINIA TO ENTER INTO ENGAGEMENT LETTERS WITH STEPTOE & JOHNSON PLLC TO SERVE AS ISSUER'S BOND COUNSEL

MOTION by Councilmember Malfregeot, **SECONDED** by Councilmember Hyman for approval of the above-captioned matter. Under discussion, Tom Aman, Esquire explained that the financing would be for the line replacement project and advised of the various grants to be utilized for this project. Mr. Aman pointed out that the long term and low interest; however, at this time only the design portion is being addressed at this point. **MOTION APPROVED UNANIMOUSLY.**

COUNCIL COMMENTS:

Councilmember Malfregeot: Reminded all that if they see something to say something.

Councilmember Riffle: Noted the First Friday's event tomorrow will be indoors at the Gore Lux, Waldomore and the API building with diverse music and thanked the Gore Lux owners for being a part of the event. Welcomed Chief Pulice as Interim City Manager.

Councilmember Worth: Expressed condolences to the City of Ripley and Jackson County for the loss of Mike Rueben; recognized the First Friday's and thanked all for their hard work.

Councilmember Hyman: Thanked everyone for attending this evening; welcomed Chief Pulice; commended the Public Works Department for taking care of the roads over the holidays. Lastly,

Councilmember Hyman wished his daughter, Aubrey, a Happy Birthday noting today that she turned seven.

Vice Mayor Junkins:

Wished all a Happy New Year; reiterated Councilmember Worth's comments regarding volunteerism. Remarked that it gets tough sitting on Council and Council sometimes gets down as well as apathetic and hoped that with the new year they could breathe some new life and get back on track and get things moving in a better direction.

Mayor Marino:

Thanked all for attending; commended Steve Pulice for serving as Interim City Manager and Jimmy Green for serving as Fire Chief; hoped that 2023 brings a lot of good things to the City.

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

Mayor (or) Vice Mayor (or) Councilmember

Approved: February 2, 2023

Annette Wright, City Clerk