

JANUARY 19, 2023

Prior to the regular session of Council held on Thursday, January 19, 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
Gary Keith
Jim Malfregeot
Jerry Riffle
Wayne Worth
Vice Mayor Lillie Junkins
Mayor James Marino

AG: 23-03
<u>AGENDA</u>
CITY OF CLARKSBURG
AGENDA FOR REGULAR MEETING OF COUNCIL OF THE CITY OF CLARKSBURG TO BE HELD THURSDAY, JANUARY 19, 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
<ol style="list-style-type: none">1. ROLL CALL2. PRAYER (<i>to be given by Councilmember Worth</i>) & PLEDGE3. PROCLAMATION PRESENTATIONS:<ol style="list-style-type: none">A. "STALKING AWARENESS MONTH"B. "HUMAN TRAFFICKING AWARENESS & PREVENTION MONTH"4. APPROVAL OF MINUTES: CONFERENCE (WORK) SESSION – DECEMBER 7, 20225. PETITIONS, COMMUNICATIONS AND PUBLIC HEARINGS6. CITY MANAGER'S REPORT/UPDATE7. UNFINISHED BUSINESS<ol style="list-style-type: none">A. CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING 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 GREEN8. NEW BUSINESS:<ol style="list-style-type: none">A. CONSIDERATION OF A RESOLUTION OF THE CITY OF CLARKSBURG, WEST VIRGINIA, REGARDING BRIDGES AND PARTICIPATION IN STATE FUNDING PROGRAMB. DISCUSSION REGARDING PERSONNEL ISSUES9. COUNCIL COMMENTS10. ADJOURNMENT

During the conference session, discussion was held concerning the bridges, noted the lights on Route 50 are now operational, possible proposed discussion with the State to make Emily Drive one-way. With regard to the agenda item for the discussion of personnel issues, Mayor Marino advised that he put this on the agenda to conduct an annual evaluation of the City Clerk with Council members to discuss the same and also noted that the City Clerk requested that such evaluation and/or discussion be held in open session. Mayor Marino inquired of the City Attorney as to how Council should handle the same with Mr. Marsh stating that such could be held in executive session; however, pursuant to OGPA, the employee had the right to request the open meeting. Councilmember Hyman remarked that the item on the agenda violates the OGPA. Mayor Marino remarked that the evaluation was not to penalize but to improve the performance of the employee. Councilmember Riffle stated that such evaluation was never discussed by Council at all. Councilmember Keith stated that he would like for Richard Marsh to draft up a special session where the evaluation of the City Clerk, as well as the City Manager are the only items.

Councilmember Riffle remarked that it did not look good to request the evaluation at this time. The City Attorney confirmed that he would work on a special meeting sometime next week. Chief Kiddy referenced the handbook wherein evaluations are performed on the month the employee was hired. Councilmember Hyman suggested an ordinance for when the evaluations are to be held. Meeting concluded.

At this time, the Clarksburg City Council met in REGULAR SESSION on January 19, 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
Gary Keith
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

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

PROCLAMATION PRESENTATIONS:

- A. “STALKING AWARENESS MONTH”
- B. “HUMAN TRAFFICKING AWARENESS & PREVENTION MONTH”

Mayor Marino presented the above proclamations to representatives of HOPE, Inc.

MOTION by Councilmember Malfregeot, **SECONDED** by Councilmember Worth for approval of the Conference (Work) Session of December 7, 2022. **MOTION APPROVED UNANIMOUSLY.**

The following individuals appeared for petitions, communications and public hearings:

Joseph Davis, 522 Haymond Highway – addressed Council concerning the homelessness situation opining that the situation continues to grow. Mr. Davis shared his story of being homeless at one time and how he was able to get back on his feet due to the help that he received and opined that such help is no longer available as the Mission is now a treatment center. Mr. Davis requested that the City assist in finding a building with a bus route to help the homeless.

Chris Lane, 317 Buckhannon Avenue – addressed Council concerning issues on Spring Avenue. Mr. Lane stated that six months ago, he and residents came to Council concerning the storm drain project and issues therewith which to date have still not been addressed. Mr. Lane informed that the water is overflowing the curbs creating a flooding issue. Mr. Lane opined that the drain was incorrectly installed which was an issue that was brought before Council at the July 7th Council meeting and felt that not addressing this matter is simply negligent. Mayor Marino directed Interim City Manager Steve Pulice to schedule a meeting and to let Mr. Lane and himself know about the same.

AGENDA ITEM NO. 6: CITY MANAGER’S REPORT/UPDATE
Manager’s Report
January 19, 2023

MANAGER’S OFFICE:

- 1. The City Manager would like to thank all those involved in a very successful kickoff event for “First Fridays” held on January 6.
- 2. Economic Development is participating in an Uptown meeting and WVML Grants seminar.

POLICE DEPARTMENT:

- 1. On February 1, 2023 at 10:00 a.m. Chad Travis will be sworn in as Lieutenant, Jason Bartlett and Brett Levine will be sworn in as Sergeants with the CPD. Congratulations to these three officers.

2. Officers Chapen Purkey, Jonah Corbin, Nathaniel Murphy and Jonathan Stearns will begin their training at the WV State Police Academy on January 30, 2023.

CITY PARKS:

1. Waterslide improvements have been arranged and scheduled, lifeguard instructor class has been scheduled and recertification of guards has begun.
2. Salem University has begun practice on Frank Loria Field, weather permitting.
3. The Board will consider the bidding of the amusement game contract for the River Bend mini golf building.

WASTEWATER TREATMENT PLANT:

1. The Plant received the first payment application for the thickener rebuild using ARPA money. The first payment was for \$101,150.00. Parts are starting to come in and everything is expected to be here by May.
2. The quote for repair of #1 raw sewage pump should be here Wednesday or Thursday of this week; then we will be able to ship it off for repairs.

FIRE DEPARTMENT:

1. The members of the Fire Department are currently doing EMR training to ensure compliance with our rapid response license. This will allow our firefighters to maintain their ability to provide the citizens with the best care on medical and rescue calls.

ROBINSON GRAND PERFORMING ARTS:

1. The RG began 2023 with a successful children's event. Just under 600 guests attended "Diggery Digger's Rock & Roar Dino Show."
2. Rodney Carrington is scheduled to perform Friday, January 20. This show is completely sold out.
3. We recently painted the entire concessions hallway, had the carpets in the performance hall cleaned, had the stage rigging yearly inspection done, and got several security cameras that were down working again. Maintenance and repairs are always ongoing at the Robinson Grand.

CODE ENFORCEMENT:

1. The department issued 24 building permits for a total project cost of \$170,575.08, 30 notices of violation were issued with 1 citation. One structure was condemned, 16 inspections were performed, and 36 animal control complaints were addressed.
2. Patrol areas were assigned to inspectors for better management of vagrant areas and litter.

FINANCE DEPARTMENT:

1. The Finance Department is doing an audit on business licenses and asked that all business owners make sure they have a valid business license. They will be reaching out to all business owners without a license and give them 30 days to comply.

PUBLIC WORKS DEPARTMENT:

1. Remilled the alleys around town, working on moving the compost new building, cut areas with overhanging brush, cold patch potholes when weather permits.
2. Installed 9 vinyl wraps for the Beautification Committee under Rt. 50 East on East Pike.
3. Repaired 4 traffic signals, replaced guardrail at Florence St. Bridge, maintenance to parking garage nameplates.
4. Maintenance to 6 lift stations, 25 sewer calls with 21 being private.

END OF REPORT

UNFINISHED BUSINESS:

A. CONSIDERATION OF SECOND AND FINAL READING AND PUBLIC HEARING 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

City Clerk Wright announced that notices regarding the public hearing for the above-captioned ordinance appeared in *The Exponent Telegram* on January 10, 2023 and January 17, 2023. Mayor Marino declared the public hearing open with no one appearing therefor. Upon closing the public hearing, **MOTION** by Councilmember Malfregeot, **SECONDED** by Councilmember Worth

for approval of the above-captioned ordinance on second and final reading. **MOTION APPROVED UNANIMOUSLY.**

NEW BUSINESS:

A. CONSIDERATION OF A RESOLUTION OF THE CITY OF CLARKSBURG, WEST VIRGINIA, REGARDING BRIDGES AND PARTICIPATION IN STATE FUNDING PROGRAM

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

B. DISCUSSION REGARDING PERSONNEL ISSUES

Mayor Marino commented that this was an item that he put on the agenda to do an annual evaluation of the City Clerk, who works directly for the City Council; however, the Clerk has requested an open meeting therefor. There are copies of evaluation forms that I wanted to hand out to Council that they could review. Mayor Marino remarked that a special meeting could be held for the Clerk's evaluation which Mayor Marino commented that the evaluation is a tool to improve performance so that the employees know what is expected from them. Councilmember Hyman inquired as to what Council was voting on with Mayor Marino stating that Council could vote it up or down with no vote taken.

COUNCIL COMMENTS:

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|---------------------------|---|
| Councilmember Malfregeot: | Reminded all that if they see something to say something, offered condolences to former Chief Hilliard and his family upon the passing of his wife, commented on the privately owned parking lot behind the Courthouse and inquired if there was any way we could put up a sign for the customer to park at their own risk noting the excessive fines, etc. associated therewith. |
| Councilmember Riffle: | Wished all a good weekend. |
| Councilmember Worth: | Noted the upcoming budget work session stating that he would like to see there be funding for infrastructure noting staff's recommendations to establish an escrow account for maintenance; noted the special meeting held regarding Charter amendments and elections stating that he hoped all of Council would take the same seriously and get something resolved expeditiously. |
| Councilmember Keith: | Commented that he liked the idea of Code Enforcement being assigned to certain areas; emphasized with Mr. Lane's frustrations remarking that the same needed addressed; remarked on the operation of the Mission opining the same to be positive; congratulated the officers being promoted. |
| Councilmember Hyman: | Thanked everyone for attending this evening; commented that the "Friends Feeding Friends" are trying to help the homeless and opined that the sign at the Mission needed to be taken down as they are not helping the homeless and the poor people; remarked that he would like to see Council allocate funds for infrastructure; congratulated the officers being promoted. With regard to the evaluation, opined that the proper way to do the same would be to approve an ordinance for the agenda and do the same professionally. |
| Vice Mayor Junkins: | Yielded her time to the Mayor. |

Mayor Marino:

Thanked everyone for coming out; remarked that sometimes change is hard, and you get backlashed when you try to make change for the better; remarked that he was happy with the changes made since the 2019 Council came into office, and congratulated the officers on their promotions.

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 James Marino

Approved: March 2, 2023

Annette Wright, City Clerk