

January 12, 2016

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 12th day of January, 2016, at the Public Safety Building located at 500 Quincy Street in Fairmont, West Virginia.

Mayor Straight called the meeting to order.

Councilmembers present were:

First District	Marianne Moran
Second District	Frank G. Yann
Third District	Robert (Rob) Linger
Fourth District	William H. (Bill) Burdick
Sixth District	Daniel K. (Dan) Weber
Seventh District	Philip R. (Phil) Mason
Eighth District	Thomas (Tom) Mainella
Ninth District	Ronald J. (Ron) Straight, Sr.

Absent:

Fifth District	Fran Warner
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Also present were:

City Manager	Robin I. Gomez
City Clerk	Janet L. Keller
City Attorney	Kevin V. Sansalone

IN RE: EXCUSE COUNCILMEMBER WARNER

Mayor Straight entertained a motion to excuse Councilmember Warner from tonight's meeting.

Motion:

Councilmember Mainella moved to excuse Councilmember Warner. The motion was seconded by Councilmember Weber.

The Mayor declared Councilmember Warner excused from tonight's meeting by voice vote of Council.

IN RE: OPENING CEREMONIES

Rev. Leo Riley gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Weber.

IN RE: OATH OF OFFICE – SERGEANT BRIAN L. STEWART

Police Officer Brian L. Stewart was promoted to the rank of Sergeant effective Monday, January 11, 2016. City Clerk Janet Keller administered his Oath of Office during the meeting.

APPROVAL OF MINUTES

Mayor Straight noted that each member of Council had received a copy of the minutes from the Regular Meeting held on December 15, 2015.

Councilmember Mainella moved to approve the minutes as submitted. The motion was seconded by Councilmember Weber.

The Mayor declared the minutes approved as submitted by voice vote of Council.

PUBLIC HEARINGS

IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR AND AUTHORIZING THE TRANSFER AND CONVEYANCE OF CERTAIN PARCELS OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT:

**0.151 ACRE PIERPONT AVENUE (PARCEL 192.03 MAP 03-34)
LT PIERPONT AVENUE (CORRECTED PARCEL 192.02 MAP 03-34)
LT 7 & PT LT 9 PIERPONT AVENUE (PARCEL 262 MAP 03-34)
LOT 7 JAMISON STREET (PARCEL 193 MAP 03-34)**

FROM COLUMBA NWOKO AND JACINTHA C. NWOKO TO THE CITY OF FAIRMONT; PROVIDING FOR AND AUTHORIZING THE TRANSFER AND CONVEYANCE OF SAID PARCELS OF REAL ESTATE FROM THE CITY OF FAIRMONT TO THE FAIRMONT-MARION COUNTY TRANSIT AUTHORITY, A PUBLIC CORPORATION; APPROVING THE FORM OF THE TRANSACTIONAL DOCUMENTS' AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER THEM ON BEHALF OF THE CITY OF FAIRMONT; RATIFICATION

Pursuant to a notice duly published in the Times-West Virginian on December 14, 2015 a public hearing was convened to obtain citizen input on an ordinance providing for the transfer of parcels on Pierpont Avenue and Jamison Street to the Fairmont-Marion Country Transit Authority.

The Mayor asked if anyone present desired to speak to the proposed ordinance.

There being no one to speak, the public hearing was called to a close at 7:09 p.m.

IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR AND AUTHORIZING THE TRANSFER AND CONVEYANCE OF THAT CERTAIN PARCEL OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT:

LT 6 JAMISON STREET (PARCEL 194 Map 03-34)

FROM HYLTON HOLDINGS, LLC, A UTAH LIMITED LIABILITY COMPANY, TO THE CITY OF FAIRMONT; PROVIDING FOR AND AUTHORIZING THE TRANSFER AND CONVEYANCE OF SAID PARCEL OF REAL ESTATE FROM THE CITY OF FAIRMONT TO THE FAIRMONT-MARION COUNTY TRANSIT AUTHORITY, A PUBLIC CORPORATION; APPROVING THE FORM OF THE TRANSACTIONAL DOCUMENTS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER THEM ON BEHALF OF THE CITY OF FAIRMONT; RATIFICATION

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The Mayor asked if anyone present desired to speak to the proposed ordinance.

There being no one to speak, the public hearing was called to a close at 7:10 p.m.

IN RE: AN ORDINANCE AMENDING AND SUPPLEMENTING PART THREE – TRAFFIC CODE, CHAPTER SEVEN PARKING, ARTICLE 361 PARKING GENERALLY OF THE FAIRMONT CITY CODE, AND MORE PARTICULARLY TO

ADD SECTION 361.17 MANNER OF PARKING IN DESIGNATED PARKING SPACES THEREOF, TO PROSCRIBE PARKING A MOTOR VEHICLE IN MORE THAN ONE DESIGNATED PARKING SPACE; PENALTY

Pursuant to a notice duly published in the Times-West Virginian on December 14, 2015 a public hearing was convened to obtain citizen input on an ordinance amending the Parking Code to prohibit the parking of a motor vehicle in more than one designated parking space.

The Mayor asked if anyone present desired to speak to the proposed ordinance.

There being no one to speak, the public hearing was called to a close at 7:10 p.m.

ANNOUNCEMENTS

IN RE: PUBLIC WORKS DEPARTMENT COMMENDED

Councilmember Mason noted that it was nice to see the roads treated early this morning.

IN RE: FAIRMONT'S BIRTHDAY PRESENTATION

Councilmember Weber made a presentation to Council regarding January 19th being Fairmont's birthday. He gave a history presentation of Fairmont for those that did not know about Fairmont.

Councilmember Weber then suggested that the City erect an historical marker in Hull Alley in honor of a particular tree that was on Jefferson Street and Hull Alley.

IN RE: MARION COUNTY CHAMBER LEGISLATIVE BREAKFAST

Councilmember Burdick mentioned that there was a good crowd at the Legislative Breakfast last Friday.

Councilmember Moran noted that there were six Councilmembers and the City Manager at the Legislative Breakfast. She said that it was a good showing for the City of Fairmont.

The Mayor thanked everyone that attended the Legislative Breakfast.

IN RE: MUNICIPAL LEAGUE CONFERENCE

Councilmember Moran stated that she was looking forward to the Municipal League Conference next week in Charleston and meeting with our Legislators.

Mayor Straight reported that he spoke with most of our Legislators and we are welcome to come and see them so we don't have to set up an appointment.

IN RE: CITY MANAGER COMMENDED

Councilmember Moran thanked the City Manager for such a detailed and thorough Friday report. She asked that they keep coming.

CITIZENS PETITIONS

IN RE: MARION COUNTY VITAL SERVICES LEVY

BENNY AND ELSIE KYLE, 139 Bourbon Street, addressed Council regarding an event that he is planning during the Easter holiday. He is proposing to establish two world records in Fairmont. (During his presentation, he never mentioned what he was planning to do).

CITY MANAGER'S REPORT

IN RE: MR. KYLE'S EVENT

Mr. Gomez said that he will be providing more specific details to Council directly. He said that they are planning to hold a week-long event at Windmill Park, 24 hours a day, to try to establish two world records involving the continuous reading of scriptures of the Bible. He noted that we will do whatever we need to do to ensure that they do meet the requirements because of the size of the event and the impact that it could have on the City and certainly the potential drain on the City's resources and we are working with Mr. and Mrs. Kyle and the group of pastors to get that completed.

IN RE: FOUNDER'S MONTH

The City Manager said that January 14th is the Founder's Day for Marion County and January 19th is for the City of Fairmont. He thanked Councilmember Weber for the historical perspective that he is still learning about the City of Fairmont.

IN RE: AMERICA'S BEST COMMUNITIES AWARD

Mr. Gomez reported that tomorrow, January 13th, between 10:30 a.m. and noon, the America's Best Communities competition or program will unveil the semi-finalists for the competition that the City of Fairmont has been participating with the various partners Main Street Fairmont and 4 Fairmont. He said that we will be anxiously awaiting the results if the City of Fairmont is named as one of the 15 semi-finalists to continue in the process for that competition. He noted that the winner is eligible for at least \$1 million dollars.

IN RE: LEGISLATIVE BREAKFAST

The City Manager thanked all of Council that attended. He said that there are significant challenges with the WV Legislature and they are not unprecedented but certainly things that can be worked out and the struggle to generate and continue to generate the ongoing revenue that the State needs to provide the services.

IN RE: 4TH STREET BRIDGE

Mr. Gomez stated that on other item relating to that is the already funded project to expand the 4th Street Bridge. He noted that this was mentioned at the Legislative Breakfast. He said that he will follow up with the State to ensure that the project continues to go forward and to get a time line that it is to be completed and the impact that it will have on that area and Locust Avenue.

IN RE: SNOW AND ICE REMOVAL

The Manager said that he is quickly learning how the snow and ice removal works in Fairmont since he did not have this in Clearwater, Florida. He said that we need to be on top of when any snow and ice event begins. He noted that there were a couple challenges today in getting our crew to help or partner with the State DOH to get the Connector salted and cindered and the Connector was closed at least one time today. He said that we will continue to have our Public Works crews supplement as we need so that we maintain our roads and streets in a safe operating manner. He did say that the

priority is with the City of Fairmont streets and roads, however, it was very evident that you could barely drive anywhere through downtown and could not enter or exit the City. He noted that this will be part of our priority as well.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR AND AUTHORIZING THE TRANSFER AND CONVEYANCE OF CERTAIN PARCELS OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT:

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Mayor Straight entertained a motion for the adoption of an ordinance providing for the transfer of parcels on Pierpont Avenue and Jamison Street to the Fairmont-Marion Country Transit Authority.

Motion:

Councilmember Weber moved for the adoption of the proposed ordinance. Councilmember Linger seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of those Councilmembers present and the ordinance designated as Ordinance No. 1668 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR AND AUTHORIZING THE TRANSFER AND CONVEYANCE OF THAT CERTAIN PARCEL OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT:

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Mayor Straight entertained a motion for the adoption of an ordinance providing for the transfer of a parcel on Jamison Street to the Fairmont-Marion Country Transit Authority.

Motion:

Councilmember Weber moved for the adoption of the proposed ordinance. Councilmember Yann seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of those Councilmembers present and the ordinance designated as Ordinance No. 1669 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE AMENDING AND SUPPLEMENTING PART THREE - TRAFFIC CODE, CHAPTER SEVEN PARKING, ARTICLE 361 PARKING GENERALLY OF THE FAIRMONT CITY CODE, AND MORE PARTICULARLY TO ADD SECTION 361.17 MANNER OF PARKING IN DESIGNATED PARKING SPACES THEREOF, TO PROSCRIBE PARKING A MOTOR VEHICLE IN MORE THAN ONE DESIGNATED PARKING SPACE; PENALTY

Mayor Straight entertained a motion for the adoption of an ordinance amending the Parking Code to prohibit the parking of a motor vehicle in more than one designated parking space.

Motion:

Councilmember Moran moved for the adoption of the proposed ordinance. Councilmember Yann seconded the motion.

Discussion:

Councilmember Yann suggested that if this does go through with approval at the public be made aware of this change.

Mr. Gomez said yes, the City will put that on the City's internet site and make it publicly aware and advise the public when our enforcement people are out there as to the fact that there is a new ordinance.

Councilmember Burdick asked if this was to update the State Code or just an issue that we have.

Kevin Sansalone, City Attorney, replied that it is an issue that we have here in the City. He said that it results of individuals parallel parking in two spaces that were both handicapped spaces and also in the parking garage as opposed to parking within the lines, they park across the lines and occupy more than one space which causes a problem with the leases that we have with the parking garage and also the State employees that park there. He added that in order to rectify the situation we presented this ordinance to Council for adoption.

Councilmember Yann asked if this will also be enforced at grocery stores or places like that.

Mr. Sansalone said that it is his understanding that we enforce handicapped spaces not only on public streets but also on private property so this would apply to private property as well as public spaces with regard to handicapped spaces. He added that we do not enforce any other parking restrictions on private property other than handicapped parking and in fire lanes.

Councilmember Weber asked if Council can talk about parking something in the City of Fairmont.

The Mayor replied at another time.

Councilmember Weber noted that we need some changes.

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of those Councilmembers present and the ordinance designated as Ordinance No. 1670 was duly adopted.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE AMENDING AND SUPPLEMENTING PART THREE – TRAFFIC CODE, CHAPTER FIVE – VEHICULAR OPERATIONS, ARTICLE 333 DRIVING WHILE INTOXICATED; RECKLESS DRIVING OF THE FAIRMONT CITY CODE, AND MORE PARTICULARLY SECTION 333.01A DRIVING UNDER THE INFLUENCE, CONTROLLED SUBSTANCES OR DRUGS; PENALTIES THEREOF, TO PROVIDE FOR AND MEET CERTAIN CHANGES MADE IN THE LAWS OF THE STATE OF WEST VIRGINIA IN 2015

Mayor Straight entertained a motion and a second for the introduction of an ordinance amending the Traffic Code regarding Driving While Intoxicated to provide for and meet certain changes made in the laws of the State of West Virginia in 2015.

Motion:

Councilmember Mainella moved for the introduction of the proposed ordinance and the reading of a synopsis in lieu of the entire ordinance. Councilmember Moran seconded the motion.

The Clerk read the proposed ordinance by synopsis for the first time.

The Mayor declared the public hearing set for January 26, 2016 by voice vote of Council.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE CITY OF FAIRMONT PROVIDING FOR THE NAMING OF THAT CERTAIN SPUR OR ROADWAY SITUATE BETWEEN PARCEL 72 AND PARCEL 91 OF MARION COUNTY TAX MAP 05-24 IN THE CITY OF FAIRMONT, UNION DISTRICT, MARION COUNTY, WEST VIRGINIA, EXTENDING FROM THE INTERSECTION OF THE ALAN B. MOLLOHAN GATEWAY, COMMONLY REFERRED TO AS THE GATEWAY CONNECTOR, AND STONEY ROAD IN A NORTHEASTERLY DIRECTION TO THE RIGHT OF WAY OF STATE STREET EXTENSION, SAID SPUR OR ROADWAY TO BE NAMED STONEY HILL ROAD; DISCLAIMER

Mayor Straight entertained a motion and a second for the introduction of an ordinance providing for the naming of a roadway extending from the intersection of the Alan B. Mollohan Gateway and Stoney Road with said roadway to be named Stoney Hill Road.

Motion:

Councilmember Weber moved for the introduction of the proposed ordinance and the reading of a synopsis in lieu of the entire ordinance. Councilmember Mainella seconded the motion.

The Clerk read the proposed ordinance by synopsis for the first time.

The Mayor declared the public hearing set for January 26, 2016 by voice vote of Council.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE CITY OF FAIRMONT PROVIDING FOR THE NAMING OF THAT CERTAIN ACCESS ROAD SITUATE ENTIRELY WITHIN PARCEL 72 OF MARION COUNTY TAX MAP 05-24 IN THE CITY OF FAIRMONT, UNION DISTRICT, MARION COUNTY, WEST VIRGINIA, SAID ACCESS ROAD TO BE NAMED THE CREDIT UNION WAY; DISCLAIMER

Mayor Straight entertained a motion and a second for the introduction of an ordinance providing for the naming of that certain access road situate within Parcel 72 of Tax Map 05-24 with said access road to be named The Credit Union Way.

Motion:

Councilmember Mainella moved for the introduction of the proposed ordinance and the reading of a synopsis in lieu of the entire ordinance. Councilmember Yann seconded the motion.

The Clerk read the proposed ordinance by synopsis for the first time.

The Mayor declared the public hearing set for January 26, 2016 by voice vote of Council.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT MANIFESTING THE CITY'S CONSENT TO THE PLEDGE AND CONVEYANCE OF A LEGAL INTEREST IN THE FORMER LT. HARRY B. COLBORN U. S. ARMY RESERVE CENTER BY THE TASK FORCE ON

DOMESTIC VIOLENCE, HOPE, INC., AS COLLATERAL OR SECURITY FOR A SPECIAL ASSISTANCE LENDING PROGRAM LOAN TO BE MADE TO THE TASK FORCE ON DOMESTIC VIOLENCE, HOPE, INC., BY THE WEST VIRGINIA HOUSING DEVELOPMENT FUND

Mayor Straight entertained a motion for the adoption of a resolution for the City's consent to pledge collateral to the Task Force on Domestic Violence, Hope, Inc., by the West Virginia Housing Development Fund.

Motion:

Councilmember Weber moved for the adoption of the resolution. The motion was seconded by Councilmember Mainella.

Roll call was taken by the Clerk.

The Mayor declared the resolution adopted by unanimous vote of those Councilmembers present.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL FOR THE CITY OF FAIRMONT APPROVING AND ADOPTING AN AMENDMENT TO THE RULES AND REGULATIONS OF THE POLICE CIVIL SERVICE COMMISSION OF THE CITY OF FAIRMONT ADOPTED BY THE COMMISSION ON JANUARY 13, 2000, AND APPROVED BY COUNCIL ON FEBRUARY 22, 2000, TO PROVIDE FOR AND ESTABLISH WRITTEN RULES FOR BREAKING TIES IN THE EVENT OF A TIE IN THE SCORING OF PROMOTIONAL EXAMINATIONS AND EXAMINATIONS FOR ORIGINAL APPOINTMENT

Mayor Straight entertained a motion for the adoption of a resolution approving an amendment to the Police Civil Service Rules and Regulations to provide for a written policy for breaking ties in the event of a tie in the scoring of a promotional exam and exams for original appointment.

Motion:

Councilmember Weber moved for the adoption of the resolution. The motion was seconded by Councilmember Mason.

Roll call was taken by the Clerk.

The Mayor declared the resolution adopted by unanimous vote of those Councilmembers present.

IN RE: ADJOURN TO EXECUTIVE SESSION

Mayor Straight entertained a motion to adjourn to Executive Session as per WV Code §6-9A-4(b)(2)(A) and City Charter 2.11 (a)(1)A – to consider matters arising from the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal or compensation of a City Officer.

Motion:

Mayor Straight moved to adjourn to Executive Session as per WV Code §6-9A-4(b)(2)(A) and City Charter 2.11 (a)(1)A. Councilmember Linger seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the meeting adjourned to Executive Session at 7:50 p.m. by unanimous vote of those Councilmembers present.

IN RE: MEETING RECONVENED

The Mayor declared the meeting reconvened at 7:56 p.m.

IN RE: ONE CITY COUNCILMEMBER APPOINTMENT, STAFF TIF ADVISORY COMMITTEE

Mayor Straight entertained a motion for one City Councilmember appointment to the Staff TIF Advisory Committee.

Motion:

Councilmember Weber moved to appoint Councilmember Tom Mainella to the Staff TIF Advisory Committee. Councilmember Mason seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared Councilmember Tom Mainella appointed to the Staff TIF Advisory Committee by unanimous vote of those Councilmembers present.

ADJOURNMENT

The Mayor entertained a motion for adjournment.

Motion:

Councilmember Mason moved to adjourn the meeting. The motion was seconded by Councilmember Moran.

The Mayor declared the meeting adjourned by voice vote of Council at 7:58 p.m.