

January 26, 2016

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 26<sup>th</sup> 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 due to illness.

Motion:

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

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

**IN RE: OPENING CEREMONIES**

Rev. D. D. Meighen gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Weber.

**APPROVAL OF MINUTES**

Mayor Straight noted that each member of Council had received a copy of the minutes from the Regular Meeting held on January 12, 2016.

Councilmember Mason moved to approve the minutes as submitted. The motion was seconded by Councilmember Moran.

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

**PUBLIC HEARINGS**

**IN RE: 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**

Pursuant to a notice duly published in the Times-West Virginian on January 18, 2016, a public hearing was convened to obtain citizen input on an ordinance amending the Traffic Code regarding Driving While Intoxicated; Reckless Driving.

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 7:04 p.m.

**IN RE: 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**

Pursuant to a notice duly published in the Times-West Virginian on January 18, 2016, a public hearing was convened to obtain citizen input on an ordinance naming the certain roadway off the Gateway Connector as Stoney Hill Road.

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 7:05 p.m.

**IN RE: 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**

Pursuant to a notice duly published in the Times-West Virginian on January 18, 2016, a public hearing was convened to obtain citizen input on an ordinance naming the certain access road off the Gateway Connector as Credit Union Way.

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 7:06 p.m.

### **ANNOUNCEMENTS**

**IN RE: "MAYORS ON THE MOVE" MEETING**

Councilmember Moran mentioned that while she was snowed in, she watched Channel 19 and specifically it was the Marion County Commission meeting of December 2, 2015. She said that Charlie Reese reported that

there was a "Mayors on the Move" meeting scheduled for that night and that he told the Commissioners that all of the Mayors and Councilmembers had been invited. Councilmember Moran went on to say that she called Mr. Reese and said that she did not remember anything about this meeting and was told that only the Mayors get the invitation but certainly any Councilmember would be welcome to attend. She then said that she would like to be informed when the next meeting will be held because she would like to attend.

**IN RE: PRESS RELEASE FOR BOARD AND COMMISSION VACANCIES**

Councilmember Moran said that she would hope that, in the future, when we have appointments coming up to various boards and commissions that we could utilize Hanna Weaver, Communications/Marketing Director, to put that out on the City's Facebook page and maybe do a press release to the newspaper that we have upcoming appointments to make in order to generate a little more interest.

Councilmember Mason agreed with Councilmember Moran. He said that he has talked to a lot of people in our City who want to be of service on boards and commissions. He said that it would be nice in the future to have some new ideas and new blood particularly for people who have interest in serving our town. He noted that he does support the two names that are being recommended on tonight's agenda for approval by the County Commission.

Councilmember Weber said that we have good people on our boards and commissions and he appreciates their hard work.

**IN RE: BOARD OF ZONING APPEALS MEETING**

Councilmember Weber reported a couple weeks ago he attended a meeting having to do with the Carriage House situation on Walnut Avenue. He said that he didn't say anything and didn't think it was his place to say anything but he was quite concerned about how that particular board conducted themselves and their seemingly lack of information about what they were doing in regards to that. He said that after the meeting he felt that they should have tabled the motion until they got more information so they could make a better decision or a more educated decision about what was being done. He said that it appeared to him that the decision was made before the meeting took place and those two ladies who spoke were somewhat treated kind of, didn't want to say badly, but he thought they were not treated as well as they should have been as citizens especially around that particular area. He said that we need to appreciate all of their work of the boards and

commissions but we really need to vet the applicants better than what we do at the present time.

**IN RE: SNOW REMOVAL**

Councilmember Linger commended the Public Works Department and State DOH for doing a very good job dealing with large amounts of snow that we received. He said that when we get a mass amount of snow that we did, we have very limited resources to take care of that situation. He said that it goes to logic that the main thoroughfares are going to get taken care of first and foremost and then you move on to the secondary streets. He said every street that he has been called about has been plowed. He then thanked the road crews and everyone involved that worked long, strenuous hours to make sure the roadways were open and that emergency crews were able to get to where they needed to get to.

Councilmember Burdick said kudos to Public Works.

Councilmember Mason said he told his neighbor that one of the benefits of being on City Council is not having your street snow removed first.

Councilmember Mainella also expressed appreciation to the City and State crews that worked to clean up the snow. He also commended the Water Department, the fireman, and the police officers who also had to go the extra mile in the bad conditions.

Councilmember Weber stated that he certainly appreciated the City Manager and the road crews, Fire Department, Police Department, Water Department and all the members of the Public Works Department for doing an excellent job during the snow storm.

Mayor Straight said kudos to everyone involved with the snow removal.

**IN RE: WEST VIRGINIA MUNICIPAL LEAGUE CONFERENCE**

Councilmember Burdick reported that he and several others attended the WVML meeting in Charleston last weekend. He noted that Council got to speak to a couple of the Delegates and to Senator Prezioso. He asked everyone to keep them in your thoughts because it is going to be a tough year for the State to balance the budget.

## CITIZENS PETITIONS

**IN RE: FAIRMONT-MORGANTOWN HOUSING AUTHORITY**

AMY HAMMOND with the Fairmont-Morgantown Housing Authority addressed Council regarding the opportunity to rehab some houses. Ms. Hammond said that they were awarded home repair funds for the City of Fairmont and this is their 8<sup>th</sup> award for Fairmont to bring rehab dollars to low income families. She said that they include home repairs such as roofs, windows, flooring, accessibility, and any kind of repairs that need to be done. She said that the maximum amount is \$13,000 for rehab cost and is a 0% interest forgivable loan for the families. She said that they have a waiting list and can serve ten (10) families this year and she is very excited to kick off this program.

Councilmember Yann asked about the income amount.

Ms. Hammond said that they use the HUD income guideline and it depends on how many people are in the household.

Mr. Gomez asked if they use 80% of median income.

Ms. Hammond said yes.

Mr. Gomez said that he will provide that to Council.

Ms. Hammond said that people interested can call her at the Housing Authority and she will give out the applications and the people can return the pre-applications back in to her office. She noted that it does not cover new construction or add-ons of additional rooms.

**IN RE: COMMUNITY MEETING**

DIAMOND BROWN, a resident of 205 Norval Street and a board member with the Community Youth Development Center, invited Council to attend a stakeholders meeting on February 6 at Mt. Zion Baptist Church. She said the meeting will be from 10:00 a.m. to 4:00 p.m. and she would like for Council to attend just to see what they are doing in the community.

## CITY MANAGER'S REPORT

**IN RE: SNOW REMOVAL**

Mr. Gomez explained the snow removal process. He noted that it was a little bit of a challenge and a difficulty getting to all of the streets. He noted that they did reach all of the streets and will continue to widen them. He extended a big thank you to the staff and numerous people in Public Works and Utilities as well as Fire and Police. He then thanked the public for their patience and for their understanding and if we could we would get to every single street and have nothing on the streets but we just don't have the resources to get to everyone at every point in time. He noted that we do have some geographic challenges with the hills, cars parked on the streets that we can't move or place elsewhere, and the rate of the snow fall made it that much more challenging. Mr. Gomez reported that he did drive around with one of the plow trucks on Friday evening and saw first-hand the challenges that they faced particularly with the hills, with certain vehicles being out on the road, as well as narrow streets and trying to avoid hitting parked vehicles. He said that staff did a tremendous job to get out there and to try to clear them all as quickly and as safely as they possibly could.

**IN RE: WEST VIRGINIA MUNICIPAL LEAGUE CONFERENCE**

The City Manager reported that he, the Mayor, and several Councilmembers attended the WVML Conference in Charleston last week and spoke with our Delegates and our Senators. He thanked the Mayor and Council for their time and dedication and their words of wisdom to ensure that the City of Fairmont is well represented in Charleston and that those legislative actions that are in our best interest go forward. He noted that he wrote thank you letters to the Delegates and the Senator that did meet with us.

**IN RE: MAKE FAIRMONT A TREE CITY**

The Manager stated that there is a group out there that is working on eventually making the City of Fairmont a tree city. He noted that it was a little bit of an undertaking because we don't own and maintain many trees in the rights-of-way. He said that he will update Council going forward on that process.

**IN RE: CONGRATULATIONS TO FSU BASKETBALL TEAM**

Mr. Gomez extended congratulations to the Fairmont State University men's basketball team. He noted that the men are currently #2 and hope that they continue to winning a championship.

**IN RE: OUT OF TOWN**

Mr. Gomez reported that he will be traveling to Blacksburg, VA for his daughter's first gymnastics meet in West Virginia and surrounding areas. He will advise Council who will be acting in his place later this week.

### CONSIDERATION OF COUNCIL BUSINESS

**IN RE: ADOPTION, 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 for the adoption of an ordinance amending the Traffic Code regarding Driving While Intoxicated; Reckless Driving.

Motion:

Councilmember Moran moved for the adoption of the proposed ordinance. Councilmember Mason 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. 1671 was duly adopted.

**IN RE: ADOPTION, 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 for the adoption of an ordinance naming the certain roadway off the Gateway Connector as Stoney Hill Road.

Motion:

Councilmember Linger 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. 1672 was duly adopted.

**IN RE: ADOPTION, 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 for the adoption of an ordinance naming the certain access road off the Gateway Connector as Credit Union Way.

Motion:

Councilmember Mainella 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. 1673 was duly adopted.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2015-2016 ANNUAL BUDGET: GENERAL FUND**

Mayor Straight entertained a motion and a second for the introduction of an ordinance providing for a General Fund budget revision.

Motion:

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

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

The Mayor declared the public hearing set for February 9, 2016 by voice vote of Council.

**IN RE: A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA, REQUESTING THAT THE CITY OF FAIRMONT HISTORIC LANDMARKS COMMISSION PREPARE AND SUBMIT AN APPLICATION TO THE WEST VIRGINIA DIVISION OF CULTURE AND HISTORY, ARCHIVES AND HISTORY DEPARTMENT, FOR AN OFFICIAL WEST VIRGINIA STATE HIGHWAY HISTORICAL MARKER COMMEMORATING THE CITY OF FAIRMONT AS THE BIRTHPLACE OF DAVID E. TORK**

Mayor Straight entertained a motion for the adoption of a resolution requesting that the City of Fairmont Historic Landmarks Commission prepare and submit an application to the State for an official highway marker commemorating the City of Fairmont as the birthplace of David E. Tork.

Motion:

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

Roll call was taken by the Clerk.

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

**IN RE: TWO APPOINTMENTS, MARION COUNTY PARKS AND RECREATION COMMISSION, THREE YEAR TERMS TO END DECEMBER 31, 2018**

Mayor Straight entertained a motion for two re-appointments to the Marion County Parks and Recreation Commission for three year terms to end December 31, 2018.

Motion:

Councilmember Mason moved to recommend J. Phillip Burton and Mark Miller to the Marion County Parks and Recreation Commission for appointment to MCPARC for terms ending December 31, 2018. Councilmember Weber seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared J. Phillip Burton and Mark Miller to be recommended to the County Commission for re-appointed to the Marion County Parks and Recreation Commission for terms ending December 31, 2018 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 Linger.

The Mayor declared the meeting adjourned by voice vote of Council at 7:38 p.m.