

April 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 April, 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
Fifth District	Fran Warner
Sixth District	Daniel K. (Dan) Weber
Seventh District	Philip R. (Phil) Mason
Eighth District	Thomas (Tom) Mainella
Ninth District	Ronald J. (Ron) Straight, Sr.

Also present were:

City Manager	Robin I. Gomez
City Clerk	Janet L. Keller
City Attorney	Kevin V. Sansalone
Finance Director	Eileen Layman
Police Chief	Steve Shine
Fire Chief	Ed Simmons
Marketing Director	Hanna Weaver

IN RE: OPENING CEREMONIES

Rev. Micah Blanks of Highland Avenue Methodist Church gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Moran.

IN RE: FSHS BASKETBALL TEAM HONORED

City Council honored the 2016 Class AA State Champion Fairmont Senior High School Boys Basketball team, players and coaches. Mayor Straight noted that the City of Fairmont is very proud of their accomplishment this year in winning the state title for the first time in 20 years. The Mayor introduced Coach Dave Retton and the coach introduced the individual team

members.

APPROVAL OF MINUTES

Mayor Straight noted that each member of Council had received a copy of the minutes from the Regular Meeting held on March 22, 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 OF THE COUNCIL FOR THE CITY OF FAIRMONT PROVIDING FOR AN INCREASE IN THE FRANCHISE FEE CONTAINED IN THAT CERTAIN CABLE SYSTEM FRANCHISE AGEEMENT BY AND BETWEEN THE CITY OF FAIRMONT AND COMCAST OF COLORADO/PENNSYLVANIA/WEST VIRGINIA, LLC., FROM 3% TO 5% AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO DO ALL THINGS REASONABLE AND NECESSARY IN CONNECTION THEREWITH

Pursuant to a notice duly published in the Times-West Virginian on March 28, 2016, a public hearing was convened to obtain citizen input on a proposed ordinance providing for an increase in the franchise fee with Comcast from 3% to 5%.

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

KEVIN SANSALONE, City Attorney, spoke in favor of the proposed ordinance. He said there was a discussion at a previous Council meeting whereby Council requested that the franchise fee relating to the Comcast agreement be increased from 3% to the maximum percent allowable under Federal law which is 5%.

Mr. Gomez stated that we are bringing this forward as we did at a prior meeting because through some sort of an oversight, our agreement with Comcast from 2012 did stipulate a 3% of a franchise fee, however, Comcast explained to him that they did not receive the ordinance that actually adopted the 5% franchise fee. He added that both cable franchises, Time Warner and Comcast, levy the same 5% franchise fee to their customers

within the corporate limits of the City of Fairmont.

There being no one else to speak, the public hearing was called to a close at 7:12 p.m.

IN RE: AN ORDINANCE PROVIDING FOR THE PUBLIC AUCTION OF SURPLUS PERSONAL PROPERTY OF THE CITY OF FAIRMONT; RESERVATION OF RIGHTS

Pursuant to a notice duly published in the Times-West Virginian on March 28, 2016, a public hearing was convened to obtain citizen input on a proposed ordinance providing for the public auction of surplus personal property.

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

EILEEN LAYMAN, Finance Director, spoke in favor of the proposed ordinance. She commended Purchasing Coordinator Paula Friend for putting the surplus list together. She noted that we have 34 items to be auctioned and she would encourage anyone who is interested to look at the website because they are at different locations of the City. She also mentioned that bids will be taken through May 19, 2016.

There being no one to speak, the public hearing was called to a close at 7:15 p.m.

ANNOUNCEMENTS

IN RE: PROCLAMATION PRESENTED

Mayor Straight asked Councilmember Yann to present a proclamation in honor of the 100th year of volunteering at Fairmont Regional Medical Center. The Mayor proclaimed April 16, 2016 as the 100th anniversary of Volunteering in Marion County.

IN RE: MEETINGS ATTENDED

Councilmember Moran reported that she recently attended the Historic Preservation Review Commission meeting and the Board of Zoning Appeals meeting. She stated that she intend to attend more of these types of meetings because, as a Councilmember, she needs to be aware of how they conduct business but also learning individuals that we, as a Council, have appointed. She then said that it is imperative that Council appoint members

to these boards whose number one goal is to do whatever is necessary to ensure future economic growth and development of Fairmont.

Councilmember Linger stated that he also attended these meetings as well and he agrees with Councilmember Moran that Council should see what is going on at these meetings more often. He said that it is good to hear opinions on certain matters and he encouraged all Councilmembers and citizens to attend more of these meetings.

Councilmember Weber stated that he passed out some information from the Morgantown City Council that they were looking at a way to vet more of the volunteers for our boards and commissions and he suggested the idea of doing interviews for those interested in serving on the boards. He said one board meeting last week was extremely interesting with opinions expressed on both sides and he thought it was an example of democracy at work and when the people speak, we should listen to the people.

Councilmember Mainella noted that the City of Fairmont, the past, used to host an appreciation dinner for all of the volunteers and members of the boards. He said it was a nice thing and the board members were recognized.

IN RE: CONDOLENCES TO MAYOR STRAIGHT AND FAMILY

All Councilmembers expressed their condolences to Mayor Straight and his family for the recent passing of his father, Earl Straight, Sr., first Mayor of Fairmont under the City Manager form of government.

Mayor Straight thanked everyone for their thoughts and prayers and for attending the service.

IN RE: NEW FIRE CHIEF INTRODUCED

The Mayor introduced the new Fire Chief Ed Simmons who was in attendance.

CITIZENS PETITIONS

IN RE: FAIRMONT NEWS EDITOR

JOHN DAHLIA, addressed Council and said that he was the editor of the newspaper called "Fairmont News", in which the first issue comes out on Thursday. He said that it will be a weekly newspaper and they have

reporters that are local that will be writing features, stories, etc. about Fairmont. He added that they have a Facebook page and a website that will go live tonight and they are really excited to be covering Fairmont and focusing on community journalism.

IN RE: TOBACCO FREE PARKS

BEVERLY KEENER, an employee of the Marion County Health Department for 17 years, asked Council to make all city parks and playgrounds tobacco free. She explained that tobacco is not a healthy life style and other cities in the area have adopted a policy making their parks tobacco free and she was hoping that Fairmont would follow. She then presented Council with sample policies from other cities.

Councilmember Moran stated that she thought it was a wonderful idea. She then asked how other cities enforce it.

Ms. Keener said that signs are put up and through education. She noted that enforcement is once the signs are put up.

Mr. Gomez said that this program was explained to him and that he was attempting to do it here and to bring it to Council in the form of an ordinance that would prohibit tobacco products in city parks. He noted that it was very common and growing in popularity throughout the country.

IN RE: ARTS AND HUMANITIES CELEBRATION

D. D. MEIGHEN, addressed Council about the Arts and Humanities celebration. He said that the City of Fairmont has been underwriting this celebration for 31 years and discussed what a great event they had and how much it is appreciated. He said that Arts enhance the community and the City.

CITY MANAGER'S REPORT

IN RE: VIDEO TO PROMOTE FAIRMONT

HANNA WEAVER, Marketing and Communications Director for the City of Fairmont, played a 6-minutes video for Council on promoting and marketing Fairmont.

Mr. Gomez said that the video speaks very well of Fairmont and we will begin to utilize it to attract developers, retail, corporate and businesses to

the area.

Rev. D. D. Meighen commented on the video and said that it was dynamic. He said that he would be more than happy to run it all the time on Channel 19 for the public to view.

IN RE: STREET SWEEPING

Mr. Gomez reported that the street sweeper is beginning to sweep in the residential areas.

IN RE: MAKE IT SHINE DAY

The City Manager announced that this Saturday, April 16th, is Make Marion County Shine Day. He said that if anyone wants to participate, to show up at Palatine Park at 8:00 a.m.

IN RE: BLOCK PARTY HELD AT LOCAL BUSINESS

Mr. Gomez reported that a business block party was held last weekend. He said that he thought it was a great idea and is something that he would like to replicate throughout the city. He said that he will reach out to the business community and see if they will be interested in something similar and maybe have this kind of event every other month or quarterly.

IN RE: PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR

The City Manager reported that the new Planning and Development Director will begin on Monday, April 25th and that person is Sandra Scaffidi. He noted that he was extremely excited to have her on board. He mentioned that she will be attending the next Council meeting for everyone to meet her.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT PROVIDING FOR AN INCREASE IN THE FRANCHISE FEE CONTAINED IN THAT CERTAIN CABLE SYSTEM FRANCHISE AGREEMENT BY AND BETWEEN THE CITY OF FAIRMONT AND COMCAST OF COLORADO/PENNSYLVANIA/WEST VIRGINIA, LLC., FROM 3% TO 5% AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO DO ALL THINGS REASONABLE AND NECESSARY IN CONNECTION THEREWITH

Mayor Straight entertained a motion for the adoption of an ordinance

providing for an increase in the franchise fee with Comcast from 3% to 5%.

Motion:

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

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote Council and the ordinance designated as Ordinance No. 1679 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE PROVIDING FOR THE PUBLIC AUCTION OF SURPLUS PERSONAL PROPERTY OF THE CITY OF FAIRMONT; RESERVATION OF RIGHTS

Mayor Straight entertained a motion for the adoption of an ordinance providing for the public auction of surplus personal property.

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 Council and the ordinance designated as Ordinance No. 1680 was duly adopted.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 762.04 LEVY OF TAX, ARTICLE 762 HOTEL MOTEL OCCUPANCY TAX, PART SEVEN BUSINESS AND TAXATION CODE OF THE FAIRMONT CITY CODE, TO ACCOMMODATE CHANGES ENACTED BY THE WEST VIRGINIA LEGISLATURE TO WEST VIRGINIA CODE §7-18-1, ET SEQ., TO PROVIDE FOR THE ELIMINATION OF THE EXEMPTION FROM TAX FOR HOTEL/MOTEL ROOMS OCCUPIED FOR THIRTY DAYS OR MORE

Mayor Straight entertained a motion and a second for the introduction of an ordinance amending Article 762 regarding the Hotel Motel Occupancy Tax and to provide for the elimination of the exemption from the tax for rooms occupied for thirty days or more.

Motion:

Councilmember Burdick 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 April 26, 2016 by voice vote of Council.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT PROVIDING FOR THE REZONING OF THAT CERTAIN REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, WINFIELD DISTRICT, MARION COUNTY, WEST VIRGINIA, COMPRISED OF THE FOLLOWING TAX PARCELS:

<u>DISTRICT</u>	<u>TAX MAP</u>	<u>PARCEL NO.</u>
WINFIELD CITY	7	116
WINFIELD CITY	7	117

THE REAL ESTATE BEING REZONED FROM "NEIGHBORHOOD MIXED USE (NMU)" TO "INDUSTRIAL (I)" AND PROVIDING FOR AN AMENDMENT TO THE ZONING MAP OF THE CITY OF FAIRMONT

Mayor Straight entertained a motion and a second for the introduction of an ordinance providing for the rezoning of parcels in Winfield City from Neighborhood Mixed Use to Industrial.

Motion:

Councilmember Warner 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 April 26, 2016 by voice vote of Council.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE PROVIDING FOR THE PUBLIC AUCTION OF SURPLUS PERSONAL PROPERTY OF THE CITY OF FAIRMONT POLICE DEPARTMENT; RESERVATION OF RIGHTS

Mayor Straight entertained a motion and a second for the introduction of an ordinance providing for the public auction of surplus personal property for the Police Department.

Motion:

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

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

Discussion:

Police Chief Steve Shine informed Council that the Police Department was going to try to implement an on-line auction which is one of the permitted ways to dispose of surplus property. He said that hopefully this will open up their sales to a wider audience and possibly gain them some more money or value out of the items.

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

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT REPEALING CITY ORDINANCE NOS. 1545, 1573, 1579, AND 1599, PERSONNEL RULES WHICH PROVIDE FOR THE CITY'S EXISTING PAY PLAN AND LIST OF OCCUPATIONAL CLASSES FOR ALL CLASS TITLES AND EMPLOYEES, AND REENACTING A PAY PLAN AND LIST OF OCCUPATIONAL CLASSES FOR ALL CLASS TITLES AND EMPLOYEES TO PROVIDE FOR A 3% INCREASE IN THE BASE RATE OF PAY FOR ALL CLASS TITLES EFFECTIVE JULY 4, 2016, MODIFYING LONGEVITY PAY; AND PROVIDING FOR CERTAIN STYLISTIC CHANGES

Mayor Straight entertained a motion and a second for the introduction of an ordinance to provide for a 3% increase in the base rate of pay.

Motion:

Councilmember Linger 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 April 26, 2016 by voice vote of Council.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT AUTHORIZING THE MAYOR AND THE BUILDING INSPECTOR TO EXECUTE THE ENVIRONMENTAL ASSESSMENT DETERMINATIONS AND COMPLIANCE FINDINGS FOR A HUD-ASSISTED PROJECT, NAMELY THE MILLER SCHOOL REDEVELOPMENT PROJECT, PURSUANT TO THE PROVISIONS OF 24 CFR PART 58, SUBJECT TO THE PRIOR EXECUTION AND DELIVERY OF INDEMNIFICATION/HOLD HARMLESS AGREEMENT; DISCLAIMER

Mayor Straight entertained a motion for the adoption of a resolution authorizing the Mayor and Building Inspector to execute the Environmental Assessment Findings for the Miller School Redevelopment Project.

Motion:

Councilmember Warner moved for the adoption of the proposed resolution and the reading of a synopsis in lieu of the entire resolution. The motion was seconded by Councilmember Mason.

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

Roll call was taken by the Clerk.

The Mayor declared the resolution adopted by unanimous vote of Council.

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 8:26 p.m.