

May 24, 2016

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 24th day of May, 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
Ninth District	Ronald J. (Ron) Straight, Sr.

Absent:

Eighth District	Thomas (Tom) Mainella
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Also present were:

City Manager	Robin I. Gomez
City Clerk	Janet L. Keller
City Attorney	Kevin Sansalone
Finance Director	Eileen Layman
Marketing Director	Hanna Weaver
Fire Chief	Edward Simmons
Program Manager	Martha Richards
Utility Controller	Mark Moore

IN RE: EXCUSE COUNCILMEMBER MAINELLA

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

Motion:

Councilmember Yann moved to excuse Councilmember Mainella from this meeting. The motion was seconded by Councilmember Linger.

The Mayor declared Councilmember Mainella excused 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 Yann.

IN RE: FSHS SOCCER TEAM RECOGNIZED

City Council honored the 2015 State Champion Fairmont Senior High School Boys Soccer team, players and coaches. Mayor Straight noted that the City of Fairmont is very proud of their accomplishment in winning the state title for the first time in 18 years. The Mayor introduced Coach DeNardi and Assistant Coach Darren Paul and then they 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 May 11, 2016.

Councilmember Mason 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 AMENDING AND SUPPLEMENTING THE PROVISIONS OF PART ONE-ADMINISTRATIVE CODE, CHAPTER SEVEN-BOARDS, COMMISSIONS AND AUTHORITIES, ARTICLE 171 PARKING AUTHORITY, SECTION .08 RATES, THEREOF, TO INCREASE CERTAIN RATES FOR PARKING: AND TO PROVIDE FOR AN EXPANSION OF THE PRE-PAID PARKING PASS PROGRAM FOR ELIGIBLE RESIDENTS

Pursuant to a notice duly published in the Times-West Virginian on May 2, 2016 and May 9, 2016, a public hearing was convened to obtain citizen input on a proposed ordinance to increase certain rates for parking and to provide for an expansion of the pre-paid parking pass program for eligible residents.

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

Mr. Gomez spoke in favor of the proposed ordinance. He provided Council with a background overview and explained the history of the Parking Fund.

Councilmember Mason stated that for FY16, it looks like the significant increase in the Parking Fund is primarily used for paving.

Mr. Gomez replied that it is primarily for the work that was done at the Merchant Street lot.

Councilmember Mason asked if that came from grants.

Mr. Gomez said it was just Capital that we budgeted out of the General Fund to pay for it. He noted that these funds have been budgeted.

Councilmember Yann asked if there was an estimate on what the cost is going to be to convert the phone.

The City Manager said that there really is no cost to implement the pay by phone system or the ability to pay through an app. He said the cost to retrofit the meters is a nominal cost; we don't have exactly what that would entail but it would be a couple thousand dollars just to convert that.

Councilmember Weber asked about the debt service to the Parking Garage. He asked if it was paid for.

Mr. Gomez replied yes.

Councilmember Mason asked about the increase in the contracted services.

Mr. Gomez said the increase is to pay for the cost of the Marion County Police Reserves at the Parking Garage. He said that we have not funded that completely in prior years and it is fully funded in the current fiscal year and also in FY17.

Councilmember Mason asked if that cost is incurred by the people who use the Parking Garage.

The City Manager stated yes and that is a reason for the increase in the rates in the garage. He noted that it all goes into the parking fund and we do record the revenue by category and we could just specifically state that we would use that revenue from the Adams Street Garage to pay for all of the costs of the Adams Street Garage.

Councilmember Mason said that the boat should float on its own. He said it should be covering its own expenses.

Mr. Gomez said yes, it should but it does not.

Councilmember Weber asked about the 150 State employees that park in the garage.

The Manager said that they pay the City monthly at a total of \$47,000 per year. He explained that when you add the cost of the Reserves, the cost of the cleaning of the garage, the cost of signage, and any future costs, that money doesn't come close to cover all of that. He added that you add the depreciation of the building, the debt service, it's not close to covering the costs.

Councilmember Mason asked when the contract is up with the State employees.

City Attorney Sansalone replied that there is a 10 year lease, with one-year renewals. He said the lease says there is an option to renew for ten additional one-year terms at which the rate shall be a rate established by ordinance by the City Council for the City of Fairmont. He said he thought it would be subject to negotiation at the termination of each one-year term which ended on April 30, 2016.

Councilmember Linger spoke against the proposed ordinance. He said that he understands the need for it to be a self-sustaining entity but he has some big concerns when you talk about the debt service on Veteran's Plaza, which is gone. He said that over a couple years that is a savings of \$75,000 per year. He said in 2012-2013, the City did a refinance of the debt service for the building and cut that by 40% with a savings of \$55,000.

Mr. Gomez said that was correct.

Councilmember Linger said that we have over \$100,000 per year all of a sudden that is less than we have to pay and as those costs are dropping, we are looking at raising revenues. He noted that it doesn't seem to balance out in his mind.

Mr. Gomez explained that we have ongoing costs.

Councilmember Linger stated that he understands that but the other side of the coin is that we just passed a balance budget even with these items in it and we just gave a raise to all City employees, which they deserve, and still

have a balanced budget with these items in here. He said that he did not see the push to raise more revenue solely for that reason. He said that if we are doing what we need to be doing then we should not be disproportionately raising revenue on the parking in one hot spot of the City when we pay half a million dollars to repave the lot behind Merchant Street and nobody over there has to pay for parking. He said that also it is not 100% utilized all of the time and no one pays for parking there but yet it costs us a half of a million dollars to redo. He said that if you want to increase the burden on the parking of downtown, you are affecting the business owners in downtown. He said the turnover is still important and that is why we have the meters and having the appropriate amount of time that they can be there is important but there comes a point where, even though \$1.00 is not a lot, but the perception becomes that it is cost prohibitive to come downtown because people have to pay for parking. He said that he would be very interested to know what the percentage of utilization is of our on-street parking from 8:00 a.m. to 4:00 p.m. and how full all of the parking is on the streets and then we can go from there. He noted that he would like to have the data to back up the decision because he does not like to make a decision based on we think it should do "x" so we are going to crank up the rates here without looking at other options that could balance it out a little bit without negatively impacting the established businesses in downtown.

Mr. Gomez said that without physically counting vehicles and it could be done but it would be a challenge to do that, one way to determine your occupancy of spaces is based on the revenue. He said that we currently charge 50 cents per hour (to make it simple by taking an 8 hour day) so take 50 cents at 8 hours is \$4.00 for one day at approximately 200 days per year is \$800 for one space times 200 spaces is \$160,000 taken over a year, therefore, you are looking at an occupancy level of approximately of about 20% given all 200 spaces, which we have fewer than that.

Councilmember Linger said that he would love to see the actual numbers on that because he thinks the occupancy isn't above a certain level, raising the rates on it doesn't make much sense because you raise the rates when there is the demand and you would justify paying that. He then mentioned that the people that use the garage, the effort should be made that whoever uses that garage covers the cost of that garage. He went on to say that each section of the parking should basically be self-funding to a certain level.

Mr. Gomez said he was doing the calculation for 200 spaces, if he just took the 80 spaces on Adams Street, and we currently have 84 spaces, but 80 spaces at \$4.00 per day for 200 days is \$64,000 and our revenue in FY15 for an entire year was \$46,217. He said a 67% occupancy rate for just as a

rough calculation to determine how full the spaces are based on paying.

Councilmember Linger suggested looking at other options as well before just making a decision to double the rates right out of the gate. He noted that we have time to do that.

Councilmember Mason stated that he is not sure what that means. He asked if that means to study it, have a work session on it to look at other options or what. He said that he thought there was some misunderstandings out there about what we are doing and why we are doing it. He then suggested having a work session rather than moving this forward, if that is the wish of the Council.

There being no one else to speak, the public hearing was called to a close at 7:32 p.m.

IN RE: AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING SECTION 2 OF ORDINANCE NO. 567, AS AMENDED BY ORDINANCE NOS. 1155 AND 1410, AND ORDINANCE NO. 1536, WHICH HAS BEEN CODIFIED AS PART 3 TRAFFIC CODE, CHAPTER 7 PARKING, ARTICLE 363 PARKING METERS, SECTION 363.07 "NOTICE OF PARKING VIOLATION; DUTY TO REPORT AND PAY FINE; PENALTY," OF THE FAIRMONT CITY CODE, TO PROVIDE FOR AN INCREASE IN THE FINES ASSESSED THEREUNDER

Pursuant to a notice duly published in the Times-West Virginian on May 2, 2016 and May 9, 2016, a public hearing was convened to obtain citizen input on a proposed ordinance to provide for an increase in the fines for parking violations.

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

Councilmember Linger spoke in favor of this proposed ordinance. He noted that he agreed fully with this ordinance. He stated that we have the parking meters and they are there to promote turnover and make sure we don't have people that are just parked all day in front of the downtown buildings. He said a lot of people see that \$5.00 fee and they just don't care if that get that ticket.

Mayor Straight said there was a gentlemen at a previous meeting that said that once he gets to \$20.00, then he went in and paid the tickets.

Councilmember Linger stated that he agreed with the escalating model that

is being proposed for the fines. He noted that you are penalizing those that break the rules not the ones that are following the rules.

There being no one else to speak, the public hearing was called to a close at 7:36 p.m.

IN RE: AN ORDINANCE TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE FAIRMONT CITY CODE

Pursuant to a notice duly published in the Times-West Virginian on May 16, 2016, a public hearing was convened to obtain citizen input on a proposed ordinance to approve the current replacement pages to the Fairmont City Code.

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 7:37 p.m.

IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA, APPROVING THE TERMS AND CONDITIONS OF THAT CERTAIN COLLECTIVE BARGAINING AGREEMENT BY AND BETWEEN THE UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION, LOCAL NO. 1-02, AND THE CITY OF FAIRMONT EFFECTIVE APRIL 24, 2016, AND ENDING APRIL 23, 2019, AND FURTHER AUTHORIZING AND EMPOWERING THE CITY MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY OF FAIRMONT; RATIFICATION

Pursuant to a notice duly published in the Times-West Virginian on May 16, 2016, a public hearing was convened to obtain citizen input on a proposed ordinance approving the terms and conditions of the collective bargaining agreement by and between the City of Fairmont and the United Steel, Paper And Forestry, Rubber, Manufacturing, Energy, Allied Industrial And Service Workers International Union, Local No. 1-02.

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

Mr. Gomez spoke in favor of the proposed ordinance. He said that this collective bargaining agreement reflects both general language enhancements and corrections but mainly provides for additional increases in shift premiums, certification hourly pays for those applicable job

classifications within the Union. He said that it also allows for an increase in the equipment, specifically the boots we provide to the employees, and then some additional training on sexual harassment. He noted all other provisions essentially remain the same.

EILEEN LAYMAN, Finance Director, spoke against the proposed ordinance. She said for the last 15 years, she has never spoken against proposed legislation but feels that it is her duty at this meeting. She said that she really wants to concentrate on Section 20-1 and disagrees with the City Manager in that it doesn't have any fiscal ties to it. She presented Council with the following Fact Sheet and addressed each item:

USW Contract Changes and Sick Leave Benefit Fact Sheet
Prepared for City Council – May 24, 2016

USW Contract Changes (estimates):

\$78,000	3% pay increase
6,700	Longevity pay change
8,700	Certification pay increase
8,800	Shift differential pay increase
<u>2,800</u>	Boot allowance increase
\$105,000	

Estimate of increased sick day pay is an additional increased benefit cost of \$9,900.

Ms. Layman said that a late addition to this contract change was the addition of moving from six (6) sick day accruals up to 12. She said that this contract states that the Steelworker will be eligible for nine (9) sick days after six (6) years on the job and twelve sick days after ten (10) years on the job. She said the estimated increase, just as an additional increase in benefit costs alone is another \$10,000 for the employee. She said granted if the employee calls off, the employee is not working and someone else may have to work overtime to do that job and you may not have anyone moving in that position but there will be a loss of productivity for the City.

She said that the table below shows that more than half of the employees currently are accruing at six (6) sick days. She said that 59% of our staff accruing at six (6) days.

The table below shows that more than half of the City's employees are in the bracket of accruing at six sick days per year.

Employee Listing: USW FOP IAFF UNREP TOTAL

Number currently at 12 days	13	13	29	24	79
% currently at 12 days	23%	36%	71%	42%	41%
Number currently at 6 days	44	23	12	33	112
% currently at 6 days	77%	64%	29%	58%	59%
Total Count	57	36	41	57	191
<u>Number if changing in 2016:</u>					
Number change from 6 to 9 days	14	3	3	8	28
Number change from 6 to 12 days	6	4	3	5	18
	20	7	6	13	46
					24%

Ms. Layman said that if we change this number in 2016, we will have another 46 employees accruing at a greater number of sick days. Then she looked at the liability. She said that we have sick days accumulated for all employees currently at 8,632 days. She went on to say that some employees have a lot more sick leave than other employees. She said that we have some employees who, she would say, abuse the system.

Example: She said we have an employee hired in 1996 and currently accrues at 12 sick days, on the books, this employee has seven (7) hours of accrued leave. She said this means that as an employee earns, the employee takes. She said that we have a much younger employee who earned 18 hours this year and has taken 20 hours this year, a young employee. She said that you would think sick leave should be reserved for a special need, a medical condition, etc.

She went on to say that Sick Leave Days accumulated for all full time employees is currently at 8,632 days. 602 sick days have been earned by employees in 2016. 477 days, or 79% has been taken. The report shows a pattern of employees using sick leave as it is earned.

Ms. Layman said that she thinks the report shows a pattern of employees using sick leave as it is earned and we either hire sickly people or there is something else going on.

Ms. Layman said that an employee is able to call off without scheduling time off, which affects productivity in the work day. She said that these sick days, three (3) more or six (6) more, we can call off and take as we choose. She went on to say that on the other hand we have some employees who have an overabundance of sick leave.

In addition, the average payout of accrued sick leave for employees resigning/retiring is \$4,000. The City has paid a high of \$49,000 for a sick accrual buyout and medical insurance benefit in retirement to one employee.

She went on to say that since 1999, for the past 18 years, City Council and various administrations have been working to limit the City's exposure to this unfunded liability while continuing to offer employees the benefit of six (6) sick days per year. Together with holidays, personal days, and vacation days, the City's employees are currently well positioned with paid time off. She said that over the years we have reduced the cap from current to 90, and reduced the cap from 90 to 60 and have negotiated these union contracts to get all three of the union contracts to reduce the amount of the accruals. She said that if we approve this contract, it is not going to just stay with the Steelworkers and we are going to be doubling the City's liability.

Ms. Layman stated that she hopes Council acts tonight to at least table this ordinance and further analyze the information she had provided.

There being no one else to speak, the public hearing was called to a close at 7:45 p.m.

ANNOUNCEMENTS

IN RE: ENJOY THINGS IN THE CITY

Councilmember Linger encouraged citizens to get outside and enjoy all of the things going on in the City. He said that a festival is coming up, events at the parks and the pool will be opening soon.

IN RE: EXIT SIGN ON INTERSTATE

Councilmember Yann said that driving back from Clarksburg a couple months ago, there is a big sign right after the Bridgeport exit that says "Fairmont Downtown Exit 137". He noted that it should be Exit 136 and will bring them right down the Connector and Exit 137 is for East Park Avenue.

IN RE: FINANCE DIRECTOR COMMENDED

Councilmember Moran thanked Finance Director Eileen Layman for having the guts to speak her mind and give Council the information on the sick days. She said that she didn't see it coming but was sure it wasn't easy and she appreciates her comments.

CITIZENS PETITIONS

There were no citizen's petitions for this meeting.

CITY MANAGER'S REPORT

IN RE: DEP AWARD

Mr. Gomez reported that the City of Fairmont Stormwater Utility received an award from the WV DEP for their stormwater project program.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, AN ORDINANCE AMENDING AND SUPPLEMENTING THE PROVISIONS OF PART ONE-ADMINISTRATIVE CODE, CHAPTER SEVEN-BOARDS, COMMISSIONS AND AUTHORITIES, ARTICLE 171 PARKING AUTHORITY, SECTION .08 RATES, THEREOF, TO INCREASE CERTAIN RATES FOR PARKING: AND TO PROVIDE FOR AN EXPANSION OF THE PRE-PAID PARKING PASS PROGRAM FOR ELIGIBLE RESIDENTS

Mayor Straight entertained a motion for the adoption of an ordinance to increase certain rates for parking and to provide for an expansion of the pre-paid parking pass program for eligible residents.

Motion:

Councilmember Linger moved to table this item. Councilmember Mason seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the ordinance tabled by unanimous vote of those Councilmembers present.

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING SECTION 2 OF ORDINANCE NO. 567, AS AMENDED BY ORDINANCE NOS. 1155 AND 1410, AND ORDINANCE NO. 1536, WHICH HAS BEEN CODIFIED AS PART 3 TRAFFIC CODE, CHAPTER 7 PARKING, ARTICLE 363 PARKING METERS, SECTION 363.07 "NOTICE OF PARKING VIOLATION; DUTY TO REPORT AND PAY FINE; PENALTY," OF THE FAIRMONT CITY CODE, TO PROVIDE FOR AN INCREASE IN THE FINES ASSESSED THEREUNDER

Mayor Straight entertained a motion for the adoption of an ordinance to provide for an increase in the fines for parking violations.

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. 1685 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE FAIRMONT CITY CODE

Mayor Straight entertained a motion for the adoption of an ordinance to approve the current replacement pages to the Fairmont City Code.

Motion:

Councilmember Linger moved for the adoption of the proposed ordinance. Councilmember Weber 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. 1686 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA, APPROVING THE TERMS AND CONDITIONS OF THAT CERTAIN COLLECTIVE BARGAINING AGREEMENT BY AND BETWEEN THE UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION, LOCAL NO. 1-02, AND THE CITY OF FAIRMONT EFFECTIVE APRIL 24, 2016, AND ENDING APRIL 23, 2019, AND FURTHER AUTHORIZING AND EMPOWERING THE CITY MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY OF FAIRMONT; RATIFICATION

Mayor Straight entertained a motion for the adoption of an ordinance

approve the terms and conditions of the collective bargaining agreement by and between the City of Fairmont and The United Steel, Paper And Forestry, Rubber, Manufacturing, Energy, Allied Industrial And Service Workers International Union, Local No. 1-02.

Motion:

Councilmember Moran moved to table the proposed ordinance. Councilmember Mason seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the ordinance tabled by unanimous vote of those Councilmembers present.

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 to providing for a General Fund budget revision.

Motion:

Councilmember Linger 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.

The Mayor declared the public hearing set for June 14, 2016 by voice vote of Council.

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

Mayor Straight entertained a motion and a second for the introduction of an ordinance to providing for a Coal Severance budget revision.

Motion:

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

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

The Mayor declared the public hearing set for June 14, 2016 by voice vote of Council.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE AUTHORIZING AND EMPOWERING THE CITY OF FAIRMONT TO GRANT AND CONVEY CERTAIN REAL PROPERTY TO THE CITY OF FAIRMONT WATER BOARD AS MORE PARTICULARLY DESCRIBED IN THAT CERTAIN DEED DATED MARCH 25, 2014, AND FOUND OF RECORD IN THE MARION COUNTY CLERK'S OFFICE IN DEED BOOK 1154, PAGE 190, AND MORE PARTICULARLY DESCRIBED AS PT LT 141 GUFFY STREET, (211 GUFFY STREET), AND BEING PARCEL 66, OF UNION CITY DISTRICT TAX MAP 07; APPROVING THE FORM OF THE TRANSACTIONAL DOCUMENTS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER THE SAME

Mayor Straight entertained a motion and a second for the introduction of an ordinance to convey 211 Guffy Street to the Fairmont Water Board.

Motion:

Councilmember Warner 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:

Mark Moore, Utility Controller, stated that this property is adjacent to the Customer Service Center on Guffy Street. He said the idea is to house the AMR meters, the test bench, storage for equipment and to have better control of the inventory.

The Mayor declared the public hearing set for June 14, 2016 by voice vote of Council.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1684, DULY ADOPTED APRIL 26, 2016, WHICH PROVIDES FOR THE CITY OF FAIRMONT'S CURRENT PAY PLAN AND LIST OF OCCUPATIONAL CLASSES FOR ALL CLASS TITLES AND EMPLOYEES, TO PROVIDE FOR THE FOLLOWING: AN INCREASE IN CERTIFICATION PAY FOR CERTAIN EMPLOYEES; AN INCREASE IN SHIFT DIFFERENTIAL FOR EMPLOYEES OF LOCAL 1-02 USW, ETC.; AND AN INCREASE IN THE ADDITIONAL COMPENSATION FOR EMPLOYEES WITH A BACHELOR DEGREE OR A FIREFIGHTER WITH A DEGREE IN FIRE SCIENCE

Mayor Straight entertained a motion and a second for the introduction of an ordinance to amend the current pay plan to provide for an increase in certification pay, an increase in shift differential, and an increase in compensation for employees with a Bachelor Degree or a Firefighter with a degree in Fire Science.

Motion:

Councilmember Warner 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:

Councilmember Weber stated that he wants to go back to the 3% for the school crossing guards. He said that if they make \$10.00 per hour, 3% is 30 cents so we are going to give them 30 cents more per hour. He explained that he has supported these people for a long time and he thought 30 cents on the hour is rather minuscule.

Mr. Gomez said that their prior pay was at \$4,000 and the 3% increase places them at \$4,120.

Mr. Sansalone said the pay increase was provided in Ordinance No. 1684 which was adopted on April 26, 2016. He said this ordinance is not for their pay increase.

Councilmember Weber noted that he was just throwing that question out.

Ms. Layman said that they really work two (2) hours per day. They work one (1) hour in the morning and one (1) hour in the afternoon and she would have to know the number of days that is scheduled to equate to this \$4,120. She said that it could be more than minimum wage to begin with.

Mayor Straight said that if they go above and beyond a certain pay, some of them have retired that work as crossing guards and some of them have assistance and cannot make over a certain amount because that may stop some of the funding that they get.

Councilmember Weber replied that the rich get richer and the poor get poorer.

Mr. Gomez said that is why he presented a percentage increase as well as a dollar amount increase.

Councilmember Weber said that if their pay increases hurt their retirement in any way, then we certainly don't want to do that.

The Mayor declared the public hearing set for June 14, 2016 by voice vote of Council.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR THE LEASE OF A PORTION OF THAT CERTAIN PARCEL OF REAL ESTATE OWNED BY THE CITY OF FAIRMONT, SITUATE ON COUNTRY CLUB ROAD IN FAIRMONT CITY DISTRICT, MARION COUNTY, WEST VIRGINIA AND BEING PART OF PARCEL 25 OF MARION COUNTY TAX MAP 03-08, WHICH PARCEL IS MORE PARTICULARLY DESCRIBED AS 1.39 ACRES IN THAT CERTAIN DEED FROM THE WEST END IMPROVEMENT COMPANY DATED APRIL 14, 1947, AND OF RECORD IN THE MARION COUNTY CLERK'S OFFICE IN DEED BOOK 444, AT PAGE 312; APPROVING THE FORM OF THE TRANSACTIONAL DOCUMENTS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELVER THE SAME

Mayor Straight entertained a motion and a second for the introduction of an ordinance providing for the lease of real estate owned by the City of Fairmont on Country Club Road to Lamar Advertising for the placement of two billboards.

Motion:

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

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

Councilmember Linger asked if these signs were non-conforming and if they are non-conforming, it's okay if we can make money off of it.

Mr. Sansalone said that under the current zoning ordinance, if there was an existing non-conforming use, it is allowed to continue to exist until it is abandoned or destroyed or there is certain criteria outlined in the ordinance which if the non-conforming use met, then it goes away. He said at some point, if these signs were to be either removed in their entirety, required to be repaired to a certain percentage, damaged by a vehicular accident, or some act of nature, so they lost their non-conforming status, then they would have to be removed and the property would have to be made conforming to the Zoning Code.

The Mayor declared the public hearing set for June 14, 2016 by voice vote of Council.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL FOR THE CITY OF FAIRMONT APPROVING AND ADOPTING A POLICY FOR SOLICITING APPLICANTS FOR POSSIBLE APPOINTMENT AND MAKING AND CONFIRMING APPOINTMENTS TO CITY BOARDS AND COMMISSIONS, A COPY OF WHICH POLICY IS ATTACHED HERETO AND MADE A PART HEREOF

Mayor Straight entertained a motion for the adoption of a resolution approving and adopting a policy for soliciting applicants for possible appointment to City boards and commissions.

Motion:

Councilmember Moran 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 Warner.

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

Discussion:

Councilmember Mason said the real purpose for the resolution was to increase participation not to look for qualified people to serve. He said again the purpose was to increase participation and to increase the number of people who might be interested and not to seek out just qualified persons. He said that there has been expression from a number of people around the City who want to be involved but they miss the notice, they don't see the advertisement, etc. He said the real purpose is to increase participation not to assure qualifications with quality people because we already have that. He also pointed out that with the four (4) bullets that he presented to Council, one was to distribute the ad to the Councilmembers at the time the ad was released. He said again the real purpose is to get more people involved and this includes the City Council to solicit people or informing people of the opportunity to serve. He said that he wants the ad distributed to the Councilmembers at the time the ad is distributed through the current avenues.

Councilmember Weber said that he does not know what qualified means and is a vague term to him.

Mr. Sansalone said that he took Councilmember Mason's bullets, but it may not be word for word, and he then read from the policy about the announcements and the advertisements.

Councilmember Mason said that he is missing the point. He said the point was to have a copy of the ad distributed to members to Council at the time the ad is actually distributed to the different media.

Mr. Gomez said that we will do that and provide Council with a copy.

Councilmember Mason said that it was not that difficult.

Mr. Gomez said that we have not currently had any new ones since we adopted this the other day but we will provide all of those to Council so that you have them and that is what Mr. Sansalone is saying.

Mr. Sansalone said that his other point is that the qualifications are defined by statute and they are specifically defined in the WV Code.

Roll call was taken by the Clerk and the following votes were recorded:

Councilmember Weber	No	Councilmember Warner	Yes
Councilmember Linger	Yes	Councilmember Moran	Yes
Councilmember Burdick	Yes	Councilmember Yann	Yes
Councilmember Mason	Yes	Mayor Straight	Yes

The Mayor declared the resolution adopted by majority 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 Warner seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the meeting adjourned to Executive Session at 8:30 p.m. by unanimous vote of those Councilmembers present.

IN RE: MEETING RECONVENED

The Mayor declared the meeting reconvened at 8:50 p.m.

IN RE: ONE APPOINTMENT, FAIRMONT PLANNING AND ZONING COMMISSION, THREE-YEAR UNEXPIRED TERM TO END SEPTEMBER 17, 2018

Mayor Straight entertained a motion for one appointment to the Planning and Zoning Commission.

Councilmember Weber moved to appoint Mike Blickenstaff for an unexpired term ending September 17, 2018. The motion was seconded by Councilmember Yann.

Roll call was taken by the Clerk

The Mayor declared Mike Blickenstaff appointed to the Planning and Zoning Commission for an unexpired term to end September 17, 2018 by unanimous vote of those Councilmembers present.

IN RE: ONE APPOINTMENT, HISTORIC PRESERVATION REVIEW COMMISSION, THREE-YEAR UNEXPIRED TERM TO END JANUARY 1, 2019

Mayor Straight entertained a motion for one appointment to the Historic Preservation Review Commission.

Councilmember Linger moved to appoint Madelaine Shultz for an unexpired term ending January 1, 2019. The motion was seconded by Councilmember Moran.

Roll call was taken by the Clerk

The Mayor declared Madelaine Shultz appointed to the Historic Preservation Review Commission for an unexpired term to end January 1, 2019 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 Weber.

The Mayor declared the meeting adjourned by voice vote of Council at 8:55 p.m.