

October 25, 2016

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 25th day of October, 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:

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
Eighth District	Thomas (Tom) Mainella
Ninth District	Ronald J. (Ron) Straight, Sr.

Councilmembers absent were:

First District	Marianne Moran
Seventh District	Philip R. (Phil) Mason

Also present were:

City Manager	Robin I. Gomez
City Clerk	Janet L. Keller
City Attorney	Kevin Sansalone
Police Chief	Steve Shine

IN RE: EXCUSE COUNCILMEMBER MASON

Councilmember Mainella made a motion to excuse Councilmember Mason from tonight's meeting. Councilmember Linger seconded the motion.

The Mayor declared Councilmember Mason excused by voice vote of Council.

IN RE: EXCUSE COUNCILMEMBER MORAN

Councilmember Yann made a motion to excuse Councilmember Moran from tonight's meeting. Councilmember Linger seconded the motion.

The Mayor declared Councilmember Moran excused by voice vote of Council.

IN RE: OPENING CEREMONIES

Rev. Rebecca Mihm of Fleming Memorial Church gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Warner and the boy scouts from Troop 7.

APPROVAL OF MINUTES

Mayor Straight noted that each member of Council had received a copy of the minutes from the Regular Meeting held on October 11, 2016.

Councilmember Linger moved to approve the minutes as submitted. The motion was seconded by Councilmember Warner.

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 THE REZONING OF THAT CERTAIN PARCEL OF REAL ESTATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, SITUATE AT THE CORNER OF CHAMBERLAIN AVENUE AND 11TH STREET, AND BEING PARCEL 93 OF MARION COUNTY TAX MAP 03-06, SAID REAL ESTATE BEING REZONED FROM "NEIGHBORHOOD MIXED USE" TO "EDUCATION" AND PROVIDING FOR AN AMENDMENT TO THE ZONING MAP OF THE CITY OF FAIRMONT

Pursuant to a notice duly published in the Times-West Virginian on October 17, 2016, a public hearing was convened to obtain citizen input on a proposed ordinance providing for the rezoning of parcels at the corner of Chamberlain Avenue and 11th Street from "Neighborhood Mixed Use" to "Education".

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 PROVIDING FOR THE VACATION AND ABANDONMENT OF AN UNOPENED PORTION OF THE RIGHT OF WAY OF CABIN TRAIL IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, AND BEING THAT CERTAIN PORTION OF THE

RIGHT OF WAY OF CABIN TRAIL SITUATE BETWEEN PARCEL NO. 3 AND LOTS NOS. 41, 42, 43 AND 44 AS SHOWN ON THE PLAT ENTITLED "MAP OF FOREST HILLS ADDITION, CITY OF FAIRMONT, MARION COUNTY, WEST VIRGINIA, DATED APRIL 1939" OF RECORD IN DEED BOOK 351, PAGE 27, WHICH REAL ESTATE IS IDENTIFIED AS PARCELS 143, 144, AND 145 OF MARION COUNTY TAX MAP 03-24, OWNED BY ROBERT CUTRIGHT AND SEVASTIANI PETRIDOU; RESERVING ALL UTILITY RIGHTS

Pursuant to a notice duly published in the Times-West Virginian on October 17, 2016, a public hearing was convened to obtain citizen input on a proposed ordinance providing for the abandonment of the right of way of Cabin Trail.

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

PAUL KETTERING, attorney representing the property owner, spoke in favor of the proposed abandonment.

There being no one to speak, the public hearing was called to a close at 7:08 p.m.

IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR AND AUTHORIZING THE PURCHASE OF THAT CERTAIN PARCEL OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT: PART PARCEL PENNSYLVANIA AVENUE, AND BEING PARCEL 237 OF MARION COUNTY TAX MAP 03-29, IDENTIFIED AS 345 PENNSYLVANIA AVENUE, FAIRMONT, WEST VIRGINIA, FROM THE HEIRS OF ELMO AND BERNICE TRICKETT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER ANY NECESSARY TRANSACTIONAL DOCUMENTS, AND TO TAKE DELIVERY OF A DEED FOR SAID PROPERTY ON BEHALF OF THE CITY OF FAIRMONT; RATIFICATION

Pursuant to a notice duly published in the Times-West Virginian on October 17, 2016, a public hearing was convened to obtain citizen input on a proposed ordinance providing for the purchase of real estate at 345 Pennsylvania Avenue.

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 7:11 p.m.

IN RE: AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS, WITH REGARD TO ESTABLISHMENT AND MAINTENANCE OF A TRAFFIC SIGNAL SYSTEM WITHIN THE MUNICIPAL LIMITS OF THE CITY OF FAIRMONT

Pursuant to a notice duly published in the Times-West Virginian on October 17, 2016, a public hearing was convened to obtain citizen input on a proposed ordinance authorizing the agreement with the DOH to establish and maintain a traffic signal on Fairmont Avenue and 10th Street.

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 7:12 p.m.

ANNOUNCEMENTS

IN RE: MARION COUNTY RESCUE SQUAD RECOGNITION

Councilmember Warner congratulated Councilmember Mainella on his award last night at the Marion County Rescue Squad Recognition celebration. She said that the other two honorees were U.S. Senator Joe Manchin and J.T. Hodges.

Councilmember Yann also commended Councilmember Mainella on his recognition with the Rescue Squad. He said that without his help the Rescue Squad would not be here.

Mayor Straight also extended congratulations to Councilmember Mainella for serving on the Rescue Squad Board for the past 25 years.

Councilmember Mainella state that it was a pleasure to have served with the Squad over the years.

IN RE: WV MUNICIPAL LEAGUE BOARD MEETING

Councilmember Burdick reported that he, Mayor Straight, and City Clerk Janet Keller attended the WV Municipal League Board Meeting two weeks ago in Lewisburg. He said that the main topic of the meeting was what is

going to happen with the State's budget and how it may affect the municipalities in WV.

IN RE: CITY COUNCIL CANDIDATE PUBLIC FORUM

Councilmember Burdick stated that he attended the City Council Candidate Public Forum and thanked Rev. Meighen and the Council of Churches for sponsoring the event. He said that he was definitely glad to see that we have term limits for Councilmembers because it is good to have a rotation.

IN RE: PIERPONT DEDICATION

Councilmember Linger reported that Pierpont is going to be hosting a dedication ceremony for the new advanced Technology Center at 2:00 p.m. on Monday, October 31st. He noted that it was opened to the public and encouraged everyone to attend and take a tour of the new facility.

IN RE: BOY SCOUT TROOP 7

Mayor Straight recognized the boy scouts from Troop 7 at Pleasant Valley Methodist Church. He noted that they were working on their Citizenship and Community Badge.

CITIZENS PETITIONS

IN RE: DAY REPORT CENTER ON ADAMS STREET

DELORIS SPATAFORE, owner of Arts and Antiques in downtown Fairmont, addressed Council regarding people loitering on the sidewalk in front of the Day Report Center next to her business. She noted there is always a crowd of people smoking and cursing and using indecent behavior in front of her business and she asked the City to enforce the loitering laws.

IN RE: REQUEST FOR ALLEY TO BE PAVED

CARMELLA HERMOSILLA, a resident of 1117 ½ Virginia Avenue, addressed Council to request that the alley near her residence be paved. She mentioned that the Public Works Department patched the holes but it was not paved.

CITY MANAGER'S REPORT

IN RE: PAVING OF ALLEYS

Mr. Gomez responded to Mrs. Hermosilla by saying that the City has worked on paving alleys primarily only in the downtown area. He said that he has had a discussion to include alleys throughout the City particularly those that are in very poor condition such as the one that was just mentioned. He added that they will be incorporated in next year's paving schedule.

IN RE: LOITERING IN DOWNTOWN

The City Manager said that he has had conversations with the County Administrator regarding the Day Report Center and the discussions have included comments made by the County to the affect that hopefully in the winter they will look to move the entrance of the Day Report Center from Adams Street to the alley behind Adams Street which the Sheriff's Department parks their vehicles. He said that may alleviate part of the problem. He noted that he will follow up with the County and look for other enforcement activities that we can do.

Councilmember Weber stated that regarding the loitering in the downtown area, this is a problem regarding the homelessness of people. He then reported what had happened to him personally involving a person that was loitering in front of the Marion County Historical Society.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT PROVIDING FOR THE REZONING OF THAT CERTAIN PARCEL OF REAL ESTATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, SITUATE AT THE CORNER OF CHAMBERLAIN AVENUE AND 11TH STREET, AND BEING PARCEL 93 OF MARION COUNTY TAX MAP 03-06, SAID REAL ESTATE BEING REZONED FROM "NEIGHBORHOOD MIXED USE" TO "EDUCATION" AND PROVIDING FOR AN AMENDMENT TO THE ZONING MAP OF THE CITY OF FAIRMONT

Mayor Straight entertained a motion for the adoption of an ordinance to providing for the rezoning of parcels at the corner of Chamberlain Avenue and 11th Street from "Neighborhood Mixed Use" to "Education".

Motion:

Councilmember Mainella 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 of those Councilmembers present and the ordinance designated as Ordinance No. 1708 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE PROVIDING FOR THE VACATION AND ABANDONMENT OF AN UNOPENED PORTION OF THE RIGHT OF WAY OF CABIN TRAIL IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, AND BEING THAT CERTAIN PORTION OF THE RIGHT OF WAY OF CABIN TRAIL SITUATE BETWEEN PARCEL NO. 3 AND LOTS NOS. 41, 42, 43 AND 44 AS SHOWN ON THE PLAT ENTITLED "MAP OF FOREST HILLS ADDITION, CITY OF FAIRMONT, MARION COUNTY, WEST VIRGINIA, DATED APRIL 1939" OF RECORD IN DEED BOOK 351, PAGE 27, WHICH REAL ESTATE IS IDENTIFIED AS PARCELS 143, 144, AND 145 OF MARION COUNTY TAX MAP 03-24, OWNED BY ROBERT CUTRIGHT AND SEVASTIANI PETRIDOU; RESERVING ALL UTILITY RIGHTS

Mayor Straight entertained a motion for the adoption of an ordinance to providing for the abandonment of a right of way of Cabin Trail.

Motion:

Councilmember Mainella 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. 1709 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR AND AUTHORIZING THE PURCHASE OF THAT CERTAIN PARCEL OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT: PART PARCEL PENNSYLVANIA AVENUE, AND BEING PARCEL 237 OF MARION COUNTY TAX MAP 03-29, IDENTIFIED AS 345 PENNSYLVANIA AVENUE, FAIRMONT, WEST VIRGINIA, FROM THE HEIRS OF ELMO AND BERNICE TRICKETT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER ANY NECESSARY TRANSACTIONAL DOCUMENTS, AND TO TAKE DELIVERY OF A DEED FOR SAID PROPERTY ON BEHALF OF THE CITY OF FAIRMONT; RATIFICATION

Mayor Straight entertained a motion for the adoption of an ordinance

providing for the purchase of 345 Pennsylvania Avenue.

Motion:

Councilmember Yann moved for the adoption of the proposed ordinance. Councilmember Burdick 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. 1710 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS, WITH REGARD TO ESTABLISHMENT AND MAINTENANCE OF A TRAFFIC SIGNAL SYSTEM WITHIN THE MUNICIPAL LIMITS OF THE CITY OF FAIRMONT

Mayor Straight entertained a motion for the adoption of an ordinance authorizing the agreement with the DOH to establish and maintain a traffic signal on Fairmont Avenue and 10th Street.

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 of those Councilmembers present and the ordinance designated as Ordinance No. 1711 was duly adopted.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2016-2017 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 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 November 9, 2016 by voice vote of Council.

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 7:45 p.m. by unanimous vote of those Councilmembers present.

IN RE: MEETING RECONVENED

The Mayor declared the meeting reconvened at 8:17 p.m.

ADJOURNMENT

The Mayor entertained a motion for adjournment.

Motion:

Councilmember Mainella moved to adjourn the meeting. The motion was seconded by Councilmember Weber.

The Mayor declared the meeting adjourned by voice vote of Council at 8:18

p.m.