

January 23, 2018

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 23rd day of January, 2018, at the Public Safety Building located at 500 Quincy Street in Fairmont, West Virginia.

Mayor Mainella called the meeting to order.

Councilmembers present were:

First District	Marianne Moran
Second District	Frank G. Yann
Third District	Robert (Rob) Linger
Fourth District	Kenneth (Brad) Merrifield
Fifth District	Fran Warner
Sixth District	Dora Kay Grubb
Seventh District	Philip R. (Phil) Mason
Eighth District	Thomas (Tom) Mainella

Councilmembers absent were:

Ninth District	Ronald J. (Ron) Straight, Sr.
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Also present were:

City Manager	Robin I. Gomez
Representing City Clerk	Paula Friend
Police Chief	Steve Shine
Director of Planning	Sandra Scaffidi
Fire Chief	Ed Simmons

IN RE: EXCUSE COUNCILMEMBER STRAIGHT

Councilmember Warner made a motion to excuse Councilmember Straight from tonight's meeting. Councilmember Mason seconded the motion.

The Mayor declared Councilmember Straight 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 Grubb.

APPROVAL OF MINUTES

Mayor Mainella noted that each member of Council had received a copy of the minutes from the Regular Meeting held on January 9, 2018.

Councilmember Mason 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

No public hearings were scheduled for this meeting.

ANNOUNCEMENTS

IN RE: WEST VIRGINIA MUNICIPAL LEAGUE

Councilmember Yann stated that he just got back from attending the annual WVML Conference in Charleston and after listening to other cities from throughout the state, he said we all have issues but Fairmont is ahead of the curve in getting some of these issues solved.

Mayor Mainella also mentioned that they attended several training sessions while at the conference. He noted that demolition is a big emphasis on BAD buildings, like Fairmont is focusing on. He said that we are a little ahead of the game because we had funding allocated this year for demolition.

Another area discussed, per Mayor Mainella, was the Police and Fire Pensions. He stated that we are ahead of the game on this issue as well because of the 1% sales tax enacted last year benefiting the pension funds.

IN RE: UNITED WAY

Councilmember Mason said that he attended the United Way luncheon today and they surpassed their goal this year by \$23,000.00.

IN RE: FOUNDER'S MONTH

Councilmember Grubb said that this is Founder's Month because everything that happened with Fairmont and Marion County happened in January. She

then gave a brief history of a few of the significant historical events.

CITIZENS PETITIONS

IN RE: PALATINE PARK WALL

Warren Harger of Jefferson St., Fairmont handed out an information packet and spoke regarding the condition of the walls at the entrance to Palatine Park. He stated that he considers the walls an eyesore, and has requested that the walls be repaired before the Three Rivers Festival.

IN RE: HUMAN RIGHTS

James Nolan, Mount Vernon Avenue addressed Council regarding Human Rights. He said that there are several types of community including interdependent (cohesive), conflict and dependent. He explained the differences between the types of communities and hopes for more relationship building in Fairmont.

IN RE: LARGE TRUCKS CAUSING TRAFFIC CONGESTION

Nick Fantasia of Columbia Street addressed Council regarding the issues of the sand trucks and tank trucks with greater than 50' trailers using the High Level Bridge to get to their depot along the river. The trucks are attempting to make the 90° turn onto Washington St. then another 90° turn onto Madison St. and then another 90° onto the road leading to their shipping area. He said the vehicles are blocking all lanes on the bridge for extended periods of time causing an inconvenience and a safety hazard. He said there is evidence of damage to street signage, traffic lights, curbing, fire hydrant, etc. He suggested the vehicles be prohibited from using Washington or Madison due to their length. He also suggested their route of travel should be 3rd Street Bridge to Fairmont Ave., and going down Cleveland Ave. by the flower shop. He said they would not have any 90° turns or steep inclines.

Mayor Mainella said that he and the City Manager have been in discussion recently over these issues. Police Chief Steve Shine said that the route was initially thought of as a solution but at the time there was a 13 ton weight limit on Cleveland Avenue but that has since been removed and now over half of the traffic now uses Cleveland Avenue. He said we can let them know that it is okay to use it full time now. City Manager Gomez said another option was to make Washington Street a one way from Madison Street. It was suggested that signs be put up alerting drivers of the restrictions.

CITY MANAGER'S REPORT

IN RE: PALATINE PARK WALL

City Manager Robin Gomez said that we own the abutment and one option is to demolish the abutment, so we are getting an estimate for that cost. Another option is to clean it up and convert into public art/mural. Also, the billboard on the abutment is actually attached to the structure so we will speak to the sign company and look into the removal of that billboard. He said that the wall that has the Johnny Johnson mural needs to be cleaned and pressure washed. The wall that advertises the Merchant Street shopping area may actually belong to the neighboring property owned by Mr. Sears.

Councilmember Grubb stated that the wall may be historical and should look at restoration of the wall.

IN RE: GRANT FOR SIDEWALK PROJECT

Mr. Gomez stated that we received formal notification of the award of a \$400,000 grant from the State of West Virginia Department of Transportation Division of Highways for our sidewalk project. He said that we will be utilizing various funding sources including TIF funds to begin installing sidewalks beginning near Bell Run Road and running to Country Club Road. He said phase two will be Country Club Road from Locust Avenue to Fairmont Avenue. We will be applying for another grant to help with the funding of that.

IN RE: TOURS ON MARTIN LUTHER KING, JR. DAY

City Manager Gomez thanked Rev. D. D. Meighen and all of the coordinators and participants that attended the tours. He said it was very enlightening and interesting how so many people contributed to promote equality and inclusion and began that process as early as the 1930's. He said that it was a very interesting part of history and we will look to put some of the history on the city's website.

IN RE: FEDERAL PRESERVATION PROGRAM PLAQUE RECEIVED

City Manager Gomez thanked Sandra Scaffidi, Director of Planning, for her part in the City of Fairmont receiving a plaque in celebration of the 50th anniversary of the National Historic Preservation Act of 1966. The National Park Service, Department of the Interior, congratulated Fairmont, WV on being a certified local government and partner in the Federal Preservation Program since September 3, 1999. He thanked Sandra and said that we continue to do everything we can to preserve and retain historical structures as best as we can.

IN RE: WEST VIRGINIA MUNICIPAL LEAGUE CONFERENCE

City Manager Gomez said that he attended, along with Council, the WVML winter conference. He said interacting with other cities and learning what they are doing helps and that Fairmont is doing some unique and innovative work and it is good to share that and to also learn from other cities.

IN RE: 1% SALES TAX TO HELP WITH POLICE AND FIRE PENSIONS

Mr. Gomez said that the 1% sales tax was to help with our Police and Fire pensions. He said that we received our second distribution last week and for the current fiscal year, we have received \$941,021.00. He said our budget for the year, estimated by the State of WV when Council adopted the ordinance allowing for the additional sales tax beginning July 1, 2016, we exceeded the budget in the first year and it looks like we will in the second year as well. Approximately \$344,000 of that money goes back into the general fund with the remaining going to help fund the police and fire pensions.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT PROVIDING FOR THE CONVEYANCE OF THAT CERTAIN PARCEL OF REAL PROPERTY SITUATE IN UNION CITY DISTRICT, MARION COUNTY, WEST VIRGINIA, DESCRIBED AS 3.96 ACRES DIAMOND STREET, FROM THE CITY OF FAIRMONT TO THE MARION REGIONAL DEVELOPMENT CORPORATION, SAID REAL ESTATE BEING PART OF THE REAL ESTATE ACQUIRED BY THE CITY OF FAIRMONT FROM NORFOLK SOUTHERN RAILWAY COMPANY BY DEED DATED OCTOBER 12, 2012, AND OF RECORD IN THE OFFICE OF THE CLERK OF THE COUNTY

COMMISSION OF MARION COUNTY, WEST VIRGINIA IN DEED BOOK 1122, AT PAGE 69, AND WHICH REAL ESTATE IS DEPICTED AS PARCEL 362, OF MARION COUNTY TAX MAP 05-10

Mayor Mainella entertained a motion and a second for the introduction of an ordinance providing for the conveyance of property.

Motion:

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

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

The Mayor declared the public hearing set for February 13, 2018 by voice vote of Council. He also stated that representatives from the Marion Regional Development Corporation and Omni Associates will be there for the public hearing with charts and renderings. They will go over the project and answer any questions at that time.

IN RE: ADOPTION, A RESOLUTION BY THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY FOR AN ASSISTANCE TO FIREFIGHTER GRANT IN THE AMOUNT OF \$268,496.00 TO ENHANCE THE OPERATIONS AND SAFETY OF THE FAIRMONT FIRE DEPARTMENT, AND IF SUCH GRANT IS AWARDED, FURTHER AUTHORIZING THE ACCEPTANCE THEREOF, AND PROVIDING THE CITY MANAGER WITH AUTHORITY TO DO ALL THINGS REASONABLE AND NECESSARY IN CONNECTION THEREWITH

Mayor Mainella entertained a motion for the adoption of a resolution authorizing the submission of an application for a grant.

Motion:

Councilmember Mason 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.

Councilmember Mason asked if this resolution obligate the City of Fairmont to future expenditures that have not been considered in the budget. City Manager Gomez and Mayor Mainella both said that it does not.

Roll call was taken by the Clerk.

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

IN RE: ADOPTION, A RESOLUTION BY THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY FOR AN ASSISTANCE TO FIREFIGHTER GRANT IN THE AMOUNT OF \$470,000.00 FOR VEHICLE ACQUISITION, AND IF SUCH GRANT IS AWARDED, FURTHER AUTHORIZING THE ACCEPTANCE THEREOF, AND PROVIDING THE CITY MANAGER WITH AUTHORITY TO DO ALL THINGS REASONABLE AND NECESSARY IN CONNECTION THEREWITH

Mayor Mainella entertained a motion for the adoption of a resolution authorizing the submission of an application for a grant.

Motion:

Councilmember Mason 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 Moran.

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.

IN RE: ADJOURN TO EXECUTIVE SESSION

Mayor Mainella moved to adjourn to Executive Session as per WV Code §6-9A-4(2)(9) and City Charter Section 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 public officer. Councilmember Mason seconded the motion.

Roll call was taken by the Clerk for the Executive Session.

The Mayor declared the meeting adjourned to Executive Session at 7:40 p.m. by unanimous vote of Council.

IN RE: MEETING RECONVENED

The Mayor declared the meeting reconvened at 7:50 p.m.

IN RE: ONE RE-APPOINTMENT, BOARD OF ZONING APPEALS, THREE YEAR TERM TO END JANUARY 1, 2021

Mayor Mainella entertained a motion for one re-appointment to the Board of Zoning Appeals for a three-year term to end January 1, 2021.

Motion:

Councilmember Mason moved to re-appoint Joseph Manchin, IV to the Board of Zoning Appeals for a three-year term to end January 1, 2021. The motion was seconded by Councilmember Warner.

Roll call was taken by the Clerk.

Councilmember Moran	Abstain	Councilmember Yann	Yes
Councilmember Linger	Yes	Councilmember Merrifield	Yes
Councilmember Warner	Yes	Councilmember Grubb	Yes
Councilmember Mason	Yes	Mayor Mainella	Yes

The Mayor declared Joseph Manchin, IV re-appointed to the Board of Zoning Appeals for a three-year term ending January 1, 2021 by majority 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 Grubb.

The Mayor declared the meeting adjourned by voice vote of Council at 7:51 p.m.