

January 24, 2017

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 24th day of January, 2017, at the Public Safety Building located at 500 Quincy Street in Fairmont, West Virginia.

Mayor Mainella called the meeting to order. He noted that the first item of business was for the Clerk to administer the Oath of Office to Dora Kay Grubb who was absent at the last meeting for the swearing in.

IN RE: OATH OF OFFICE – COUNCILMEMBER GRUBB

The City Clerk administered the Oath of Office of Councilmember to Dora Kay Grubb, the member elected to serve on Council for the City of Fairmont at the Municipal Non-Partisan General Election held November 8, 2016.

Dora Kay Grubb, a resident of 510 Mt. Vernon Avenue, representing the Sixth District, elected for a term of four years, commencing January 1, 2017 and expiring December 31, 2020.

The Clerk administered the Oath of Office, to-wit: "Do you, Dora Kay Grubb, having been duly elected to serve as a Councilmember of the City of Fairmont, solemnly swear, that you will support the Constitution of the United States, the Constitution of the State of West Virginia, and the Charter of the City of Fairmont, and that you will faithfully and impartially perform the duties of a Councilmember of the City of Fairmont, so long as you shall continue therein, to the best of your skill and judgment, so help you God?"

Councilmember Grubb replied "I will".

Thereupon, the City Clerk declared Dora Kay Grubb duly sworn in as a member of the Council of the City of Fairmont and extended congratulations to her.

Councilmembers present were:

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

Ninth District Ronald J. (Ron) Straight, Sr.

Absent:

First District Marianne Moran

Also present were:

City Manager	Robin I. Gomez
City Clerk	Janet L. Keller
City Attorney	Kevin Sansalone
Police Chief	Steve Shine
Fire Chief	Edward Simmons
Marketing Director	Hanna Weaver
City Planner	Sandra Scaffidi

IN RE: EXCUSE COUNCILMEMBER MORAN

Councilmember Yann moved to excuse Councilmember Moran from this meeting. Councilmember Straight seconded the motion.

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

IN RE: OPENING CEREMONIES

Rev. Larry Collins of Miles Chapel Church gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Yann.

APPROVAL OF MINUTES

Mayor Mainella noted that each member of Council had received a copy of the minutes from the Organizational Meeting and Regular Meeting held on January 10, 2017.

Councilmember Straight 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 OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1705, DULY ADOPTED SEPTEMBER 27, 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: RECLASSIFICATION OF CERTAIN POSITIONS AS "EXEMPT" AS A RESULT OF A COURT-ORDERED STAY OF THE FINAL RULE ISSUED BY THE US DEPARTMENT OF LABOR WHICH ATTEMPTED TO RE-DEFINE CERTAIN EXEMPTIONS UNDER THE FAIR LABOR STANDARDS ACT; PROVIDING FOR A ONE-TIME MONETARY INCENTIVE FOR RECRUITMENT OF NEWLY HIRED PROBATIONARY POLICE OFFICERS WITH AN ACTIVE VALID LAW ENFORCEMENT CERTIFICATION; AND RE-DEFINING IN GENERIC TERMS "OFFICER IN CHARGE" PAY FOR POLICE OFFICERS.

Pursuant to a notice duly published in the Times-West Virginian on January 16, 2017, a public hearing was convened to obtain citizen input on a proposed ordinance providing for an amendment to the City of Fairmont's current pay plan.

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

Mr. Gomez spoke in favor of the proposed ordinance and explained the minor changes to the ordinance.

There being no one to speak, the public hearing was called to a close at 7:09 p.m.

IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA, APPROVING THE TERMS AND CONDITIONS OF THAT CERTAIN WAGE AND BENEFIT AGREEMENT BY AND BETWEEN THE CITY OF FAIRMONT AND LODGE 69 OF THE FRATERNAL ORDER OF POLICE EFFECTIVE FOR THE PERIOD FROM FEBRUARY 24, 2017 TO FEBRUARY 23, 2020, AND FURTHER AUTHORIZING AND EMPOWERING THE CITY MANAGER TO EXECUTE AND DELIVER SAID AGREEMENT ON BEHALF OF THE CITY OF FAIRMONT.

Pursuant to a notice duly published in the Times-West Virginian on January 16, 2017, a public hearing was convened to obtain citizen input on a proposed ordinance approving the terms and conditions of the Wage Agreement between the City of Fairmont and Lodge 69 of the Fraternal Order of Police.

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

Mr. Gomez spoke in favor of the proposed ordinance. He highlighted the proposed changes.

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

ANNOUNCEMENTS

IN RE: PUBLIC SAFETY EMPLOYEES COMMENDED

Councilmember Straight commended the Fire Department and Police Department for their quick response to the fire on Fairmont Avenue the other day.

IN RE: FRANCIS PIERPONT BIRTHDAY CELEBRATION

Councilmember Grubb invited everyone to the birthday celebration on Wednesday, January 25th, at the CVB for Francis H. Pierpont. She noted the event will be held from 12:30 p.m. to 2:00 p.m.

IN RE: WELCOME CELEBRATION FOR NEW PUBLISHER

Councilmember Warner noted that she attended the welcome celebration for the new Publisher at the Times-West Virginian.

IN RE: BOARD AND COMMISSION APPOINTMENTS

Councilmember Linger reported that when Council is looking at folks to fill positions for Board and Commissions, he thought that business owners should be considered instead of just residents of the City of Fairmont. He noted that business owners may have some fresh perspectives and a different point of view than others and that would be for those that own or run businesses in the City. He thought business owners should have a say on these board and commissions because they are investing their livelihood and time into making the City of Fairmont better.

CITIZENS PETITIONS

IN RE: NEW MAIN STREET DIRECTOR

NIKKI LEWIS, Main Street Director, introduced herself to Council as the new Main Street Director. She then thanked Council for their support of Main Street Fairmont.

CITY MANAGER'S REPORT

IN RE: PRESENTATION – PASSPORT PARKING APP

Mr. Gomez and Hanna Weaver introduced a new way to pay for parking in downtown Fairmont. They made a presentation regarding the free Passport Parking application for a mobile phone. Customers will be able to pay for their parking without paying the parking meter. The app will ask for basic information such as payment information, as well as the license plate number on your car, which allows the customers to not receive a parking ticket.

IN RE: PRESENTATION – RESIDENTIAL UTILITY BILL

Mr. Gomez also made a presentation regarding the Residential Utility Bill. He discussed the format of the bill and the rates that are charged on the bill. He noted that he will have an update in the spring comparing the rates in Fairmont with other cities.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1705, DULY ADOPTED SEPTEMBER 27, 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: RECLASSIFICATION OF CERTAIN POSITIONS AS "EXEMPT" AS A RESULT OF A COURT-ORDERED STAY OF THE FINAL RULE ISSUED BY THE US DEPARTMENT OF LABOR WHICH ATTEMPTED TO RE-DEFINE CERTAIN EXEMPTIONS UNDER THE FAIR LABOR STANDARDS ACT; PROVIDING FOR A ONE-TIME MONETARY INCENTIVE FOR RECRUITMENT OF NEWLY HIRED PROBATIONARY POLICE OFFICERS WITH AN ACTIVE VALID LAW ENFORCEMENT CERTIFICATION; AND RE-DEFINING IN GENERIC TERMS "OFFICER IN CHARGE" PAY FOR POLICE OFFICERS.

Mayor Straight entertained a motion for the adoption of an ordinance providing for an amendment to the City of Fairmont's current pay plan.

Motion:

Councilmember Mason 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. 1716 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 WAGE AND BENEFIT AGREEMENT BY AND BETWEEN THE CITY OF FAIRMONT AND LODGE 69 OF THE FRATERNAL ORDER OF POLICE EFFECTIVE FOR THE PERIOD FROM FEBRUARY 24, 2017 TO FEBRUARY 23, 2020, AND FURTHER AUTHORIZING AND EMPOWERING THE CITY MANAGER TO EXECUTE AND DELIVER SAID AGREEMENT ON BEHALF OF THE CITY OF FAIRMONT.

Mayor Straight entertained a motion for the adoption of an ordinance approving the terms and conditions of the Wage Agreement between the City of Fairmont and Lodge 69 of the Fraternal Order of Police.

Motion:

Councilmember Mason moved for the adoption of the proposed ordinance. Councilmember Straight 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. 1717 was duly adopted.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 1307, AS AMENDED, PERSONNEL RULES AND REGULATIONS, RULE 8 RECRUITMENT AND EMPLOYMENT, AND MORE PARTICULARLY SECTION 8.4 RESIDENCY REQUIREMENT, THEREOF, TO PROVIDE FOR CERTAIN CHANGES TO THE RESIDENCY REQUIREMENT FOR POLICE EMPLOYEES

Mayor Mainella entertained a motion and a second for the introduction of an ordinance to amend the Personnel Rules to provide for certain changes to the residency requirement for Police employees.

Motion:

Councilmember Straight 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 February 14, 2017 by voice vote of Council.

IN RE: ADJOURN TO EXECUTIVE SESSION

Mayor Mainella 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 Mainella 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 Straight seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the meeting adjourned to Executive Session at 7:50 p.m. by unanimous vote of those Councilmembers present.

IN RE: MEETING RECONVENED

The Mayor declared the meeting reconvened at 8:30 p.m.

IN RE: ONE COUNCILMEMBER APPOINTMENT, PLANNING AND ZONING COMMISSION, TERM TO END THE SAME TIME AS THEIR TERM IN OFFICE

Mayor Mainella entertained a motion for one Councilmember appointment to the Fairmont Planning and Zoning Commission for the term to end the same

time as their term in office.

Councilmember Mason moved to appoint Councilmember Frank Yann to the Planning and Zoning Commission as the Council representative for a term to end the same time as their term in office. The motion was seconded by Councilmember Linger.

Roll call was taken by the Clerk.

The Mayor declared Councilmember Frank Yann appointed as the Council representative on the Fairmont Planning and Zoning Commission for a term to end the same time as their term in office by unanimous vote of those Councilmembers present.

IN RE: ONE COUNCILMEMBER APPOINTMENT, CONVENTION AND VISITORS BUREAU OF MARION COUNTY, TERM TO END JUNE 30, 2018

Mayor Mainella entertained a motion for one Councilmember appointment to the Convention and Visitors Bureau of Marion County for a term to end June 30, 2018.

Councilmember Merrifield moved to appoint Councilmember Rob Linger to the CVB for a term ending June 20, 2018. The motion was seconded by Councilmember Straight.

Roll call was taken by the Clerk.

The Mayor declared Councilmember Rob Linger appointed to the CVB for a term ending June 30, 2018 by unanimous vote of those Councilmembers present.

IN RE: ONE COUNCILMEMBER APPOINTMENT, MARION COUNTY RESCUE SQUAD, TERM TO END JANUARY 22, 2019

Mayor Mainella entertained a motion for one Councilmember appointment to the Marion County Rescue Squad for a term to end January 22, 2019.

Councilmember Warner moved to appoint Mayor Tom Mainella to the Marion County Rescue Squad for a term ending January 22, 2019. The motion was seconded by Councilmember Straight.

Roll call was taken by the Clerk.

The Mayor declared himself appointed to the Marion County Rescue Squad for a term ending January 22, 2019 by unanimous vote of those Councilmembers present.

IN RE: ONE COUNCILMEMBER APPOINTMENT, MARION COUNTY SENIOR CITIZENS BOARD, TERM TO END JANUARY 22, 2019

Mayor Mainella entertained a motion for one Councilmember appointment to the Marion County Senior Citizens Board for a term to end January 22, 2019.

Councilmember Yann moved to appoint Councilmember Marianne Moran to the Marion County Senior Citizens Board for a term ending January 22, 2019. The motion was seconded by Councilmember Linger.

Roll call was taken by the Clerk.

The Mayor declared Councilmember Marianne Moran appointed to the Marion County Senior Citizens Board for a term ending January 22, 2019 by unanimous vote of those Councilmembers present.

IN RE: ONE COUNCILMEMBER APPOINTMENT, WEST VIRGINIA MUNICIPAL LEAGUE BOARD OF DIRECTORS, TERM TO END JANUARY 22, 2019

Mayor Mainella entertained a motion for one Councilmember appointment to the WV Municipal League Board of Directors for a term to end January 22, 2019.

Councilmember Mason moved to appoint Councilmember Ron Straight to the WV Municipal League Board of Directors for a term ending January 22, 2019. The motion was seconded by Councilmember Merrifield.

Roll call was taken by the Clerk.

The Mayor declared Councilmember Ron Straight appointed to the WV Municipal League Board of Directors for a term ending January 22, 2019 by unanimous vote of those Councilmembers present.

IN RE: ONE COUNCILMEMBER APPOINTMENT, FAIRMONT AUDIT COMMITTEE, TWO YEAR TERM TO END SEPTEMBER 23, 2018

Mayor Mainella entertained a motion for one Councilmember appointment to the Fairmont Audit Committee for a term to end September 23, 2018.

Councilmember Yann moved to appoint Councilmember Phil Mason to the Fairmont Audit Committee for a term ending September 23, 2018. The motion was seconded by Councilmember Straight.

Roll call was taken by the Clerk.

The Mayor declared Councilmember Phil Mason appointed to the Fairmont Audit Committee for a term ending September 23, 2018 by unanimous vote of those Councilmembers present.

IN RE: TWO APPOINTMENTS, FAIRMONT AUDIT COMMITTEE, TWO YEAR TERMS TO END SEPTEMBER 23, 2018

Mayor Mainella entertained a motion for two appointments to the Fairmont Audit Committee for terms ending September 23, 2018.

Councilmember Straight moved to appoint Finance Director Eileen Layman and Jamie Greene to the Fairmont Audit Committee for terms ending September 23, 2018. The motion was seconded by Councilmember Mason.

Roll call was taken by the Clerk.

The Mayor declared Finance Director Eileen Layman and Jamie Greene appointed to the Fairmont Audit Committee for terms ending September 23, 2018 by unanimous vote of those Councilmembers present.

IN RE: TWO APPOINTMENTS, FAIRMONT PLANNING AND ZONING COMMISSION, THREE-YEAR TERMS TO END SEPTEMBER 17, 2019

Mayor Mainella entertained a motion for two appointments to the Fairmont Planning and Zoning Commission for three-year terms ending September 17, 2019.

Councilmember Linger moved to appoint Houston Richardson and Walter Colley, Jr. to the Fairmont Planning and Zoning Commission for three-year terms ending September 17, 2019. The motion was seconded by Councilmember Straight.

Roll call was taken by the Clerk.

The Mayor declared Houston Richardson and Walter Colley appointed to the Fairmont Planning and Zoning Commission for three-year terms ending September 17, 2019 by unanimous vote of those Councilmembers present.

IN RE: SEVEN APPOINTMENTS, FAIRMONT PARKS COMMISSION, SIX-YEAR TERMS TO END JUNE 30, 2023. THE COMMISSION SHALL CONSIST OF SEVEN (7) COMMISSIONERS, NOT MORE THAN THREE (3) MEMBERS OF CITY COUNCIL. THE TERM OF ANY COMMISSIONER APPOINTED FROM THE RANKS OF COUNCIL SHALL CONTINUE DURING HIS/HER TERM AS A MEMBER OF COUNCIL AND UNTIL HIS/HER SUCCESSOR IS APPOINTED AND QUALIFIED. THE TERMS OF ALL OTHER APPOINTED MEMBERS SHALL BE FOR SIX (6) YEARS ENDING JUNE 30, 2023

Mayor Mainella entertained a motion for seven appointments to the Fairmont Parks Commission.

Councilmember Straight moved to appoint Councilmember Brad Merrifield, Councilmember Marianne Moran, and Councilmember Dora Grubb to the Fairmont Parks Commission for terms ending the same time as their term on Council and at the same time Councilmember Straight moved to appoint Alden "Junior" Bennett, Patrick Snively, Neil Stalnaker, and Corwin Russell to the Fairmont Parks Commission for six-year terms ending June 30, 2023. The motion was seconded by Councilmember Yann.

Roll call was taken by the Clerk.

The Mayor declared Councilmember Brad Merrifield, Councilmember Marianne Moran, and Councilmember Dora Grubb appointed to the Fairmont Parks Commission for terms ending the same time as their term on Council and Alden "Junior" Bennett, Patrick Snively, Neil Stalnaker, and Corwin Russell for six-year terms ending June 30, 2023 by unanimous vote of those Councilmembers present.

IN RE: TWO RE-APPOINTMENTS, FAIRMONT WATER BOARD, THREE-YEAR TERMS TO END NOVEMBER 9, 2019

Mayor Mainella entertained a motion for two appointments to the Fairmont Water Board for three-year terms ending November 9, 2019.

Councilmember Yann moved to re-appoint James Decker and Thomas DeVito to the Fairmont Water Board for three-year terms ending November 9, 2019. The motion was seconded by Councilmember Straight.

Roll call was taken by the Clerk.

The Mayor declared James Decker and Thomas DeVito re-appointed to the Fairmont Water Board for three-year terms ending November 9, 2019 by unanimous vote of those Councilmembers present.

IN RE: ONE RE-APPOINTMENT, FAIRMONT/MORGANTOWN HOUSING AUTHORITY, FIVE-YEAR TERM TO END JUNE 30, 2021

Mayor Mainella entertained a motion for one appointment to the Fairmont/Morgantown Housing Authority for a five-year term ending June 30, 2021.

Councilmember Straight moved to re-appoint George Johnston to the Fairmont/Morgantown Housing Authority for a five-year term ending June 30, 2021. The motion was seconded by Councilmember Merrifield.

Roll call was taken by the Clerk.

The Mayor declared George Johnston re-appointed to the Fairmont/Morgantown Housing Authority for a five-year term ending June 30, 2021 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 Straight.

The Mayor declared the meeting adjourned by voice vote of Council at 8:41 p.m.