

February 13, 2018

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 13th day of February, 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
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
Police Chief	Steve Shine
Fire Chief	Ed Simmons

IN RE: OPENING CEREMONIES

A Moment of Reflective Silence was held in lieu of an invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Grubb.

IN RE: PLAQUE PRESENTED TO COUNCILMEMBER LINGER

Mayor Mainella stated that this was Councilmember Linger's last meeting on City Council. He noted that he moved outside the city limits and is no longer eligible to serve as a Councilmember. The Mayor presented a plaque to Councilmember Linger in appreciation of his service to the City of Fairmont from January 1, 2015 to February 13, 2018.

IN RE: SCOUT TROOPS RECOGNIZED

The Mayor recognized several boy scouts from Troop 7 and Troop 13. He noted that they were working on their Eagle Scout Badge. A hearty welcome was given to the scouts.

IN RE: PROCLAMATION PRESENTED TO SHELIA TENNANT

Mayor Mainella presented a proclamation to Shelia Tennant for more than 30 years of dedicated service to the Fairmont Soup Opera.

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 23, 2018.

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

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 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

Pursuant to a notice duly published in the Times-West Virginian on January 29, 2018, a public hearing was convened to obtain citizen input on a proposed ordinance providing for the conveyance of property located on Diamond Street to the MRDC.

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

Nick Fantasia, President of the Marion Regional Development Corporation, Charlie Reese, Executive Director of MRDC, Brent Skidmore, Board Member of MRDC, and Adam Rohaly with Omni Architects gave a presentation to City Council on how their proposed project would financially benefit the City.

Nick Fantasia passed out visual aids to City Council while Adam Rohaly described the project.

Mr. Rohaly stated that the 25 townhouses and 14-16 patio homes would generate nearly \$900,000 in revenue for the City over a 10 year period. He said the project would be on the land on Diamond Street between the Third Street Bridge and Diamond Street and consists of 6.57 acres. MRDC would pay the City \$100,000 for the property, which is half of the estimated value, but the plan states that the remainder would be made up by \$206,000 in construction B&O Taxes and permit fees once the project is underway in year two. The project would be split in two phases, with the first being the acquisition of the 3.96 acres from the City to complement the adjacent property already owned by MRDC. Phase two is the acquisition of private properties on the river side of Diamond Street.

Mr. Fantasia said that if the MRDC could not acquire the private properties, they may have to reconsider the project, but the City would still receive the \$100,000 payment for their property.

Mr. Reese said they are including a 20% contingency on the project. The City will receive approximately \$58,000 just in permits and right now the City is getting nothing out of the property. He said the contingency plan used to be 10% because the costs will go over so it will probably be more than that for this project. He said the City just raised the permit costs so the City will get more for the building permits and that is a one-time shot.

Councilmember Mason said he wanted to see this project go, however, he needs to know that the asset that belongs to the citizens of Fairmont is being fairly dealt. It has been appraised at \$200,000 and their proposal is to buy it for \$100,000 and that is a little difficult for him to say until he knows how we are going to make up that other \$100,000 for the appraised value.

Mr. Fantasia and Mr. Rohaly both went over the breakdown of the project. Mr. Fantasia said the initial breakout would come from B&O related to the demolition portion of the project. In the second phase of the project, it will be the site preparation, the infrastructure, utility installation and the street

preparation. Once that portion of the project is completed, then the next phase of the B&O and applicable portions of the project would be the construction of the individual structures themselves and then the follow up would be the B&O related to all of the vendors who worked on the project. He then said that they are hoping through this project that the majority of the materials would be purchased locally.

Mr. Fantasia said what they tried to illustrate in Schedule #2 shows the purchase price, shows the initial permitting fees, shows the annualized fees that would come to the City, water, sewer, storm sewer, streets, etc. With the incremental difference in today's tax base versus the completed project tax base, over a ten year schedule, you are seeing a yield of nearly \$900,000 for a piece of property that the City acquired through a dollar transaction and, at present, has very little development occurring on it.

Councilmember Mason said he wants to see this go but it has to go the right way.

The Mayor thanked the group for explaining the project.

There being no one else to speak, the public hearing was called to a close at 7:35 p.m.

ANNOUNCEMENTS

IN RE: RESIGNATION OF COUNCILMEMBER LINGER

Councilmember Mason said that he will miss Councilmember Linger. He thanked him for serving and said he will miss his conversations.

Councilmember Moran also noted that she will miss Councilmember Linger. She said that he was a great asset to Council.

Councilmember Yann said he will miss Councilmember Linger too.

Councilmember Merrifield thanked Councilmember Linger for being Councilmember Linger. He jokingly said that he was just starting to figure him out. He then thanked him for serving.

IN RE: STATE HISTORY EXPO

Councilmember Grubb announced that the 15th annual State History Expo will be held on Saturday, March 10th in the Court House.

IN RE: TRUCKS ON WASHINGTON STREET

Councilmember Yann mentioned that something has to be done with the trucks coming across the High Level Bridge and turning onto Washington Street. He said that tonight one of the trucks hit his wife's car while it was parked on Washington Street. He said that something has to be done about those trucks and we are getting enough complaints on them for something to be done. He said that someone had counted over 40 trucks turning onto that street in the last two days.

IN RE: MISCELLANEOUS ITEMS FROM COUNCILMEMBER LINGER

Councilmember Linger noted that he has security cameras at his building on Washington Street if anyone is interested in seeing them in order to see the trucks going by.

Councilmember Linger said this is his last meeting and it has been an honor and pleasure working with all of the Councilmembers. He said that felt like Council has accomplished a lot over the years. He said that he is happy to see that community involvement has increased over the years and good to see everyone coming out to voice their opinions and being part of the process.

He then brought up a couple items. He said that he is proud of the amount of paving that has been done, however, he would like to see someone inspect the work when the roads are done. He said there are some spots on brand new roads that the road surface is not correct, storm grates and water meters being sunk down well below the surface of the new road. He said, both at his old house and at his business, paving was done above the level of existing sidewalks and then paving in a curb above that road has caused swimming pools in front of his old house and has mud and debris across his property in front of his business. He said if we are going to be paying money to get the roads paved they should be ground down and paved properly or we should be taking care of the sidewalks that we are rendering obsolete by paving the road above the sidewalks.

Councilmember Linger stated that he would like Council to consider Municipal Broadband within the City and provide internet throughout the City. It is a money making endeavor, cost a lot of money upfront, but over time, you have good revenues and also provides valuable internet service to every home within the City at an affordable cost. He said that Municipal Broadband has proven to attract industry and residents in the city.

In closing, he said that it has been great working with everyone and he will still be in touch since he is a business owner in the downtown.

CITIZENS PETITIONS

IN RE: HOME LOAN GRANT PROGRAM

AMY HAMMOND with the Fairmont-Morgantown Housing Authority addressed Council to explain the Federal Home Loan Affordable Housing Program Grant Award. She stated this was the 9th year for this award and explained the criteria for applying for the loan.

IN RE: LOW INCOME HOMES PROPOSED IN JACKSON ADDITION

DEIRDRA FLUKER, a resident of Silver Springs, Maryland, spoke on behalf of her mother, a 73 year resident of Jackson Addition. She said the Fairmont Community Development Partnership is planning to build 20 single-family homes for low income families on 3.3 acres of undeveloped land adjacent to Windmill Park. She explained that this application was submitted in 2016 for 32 multiple housing dwellings which was voted down by the City Council which was not received well by the community either. The Partnership connected with the community and said that the single family dwellings would be better received by the community but no one seems to be aware of the change of plans from multi-housing units to single family dwelling units. She then asked why does the Partnership continue to go to the same watering hole and why can't they get nice homes like they are going to build on Diamond Street. She said that they don't even have a seat around the Council table to know what is going on in their community. She went on to say that they are going to build 27 single family homes on 3.5 acres of land and there is no way that can be an attractive addition to the community and it is her understanding that the Partnership and the City Manager thinks that the addition of these homes is going to bring the community back to its old standing. Jackson Addition has never been a rental community, always been a community of homes where most people have jobs, always two parent households working to try to make a life for their family. She stated that they do not want rental homes to the number of 27 in their community on one street. She encouraged Council to encourage the Partnership to focus on empowering people in their community and don't just drop 27 low income homes in one neighborhood. She then suggested spreading the wealth and put the houses throughout various locations in the City.

ED VINCENT, 606 Maple Avenue, spoke in opposition to the development of

the single family homes in Jackson Addition. He said that when we had this conversation a couple years ago someone representing the Partnership stood right here in the Council Chamber and said that if the neighborhood was so strongly opposed to this kind of low income development, they had no interest in pursuing it. As soon as they said that, they went right back to the office and started finding a way that they could get around the need for rezoning the property and the need for public input. He added that there has been no public input in this at all and then they came up with this new plan. He went on to say that they evidentially don't respect the Jackson Addition or the people who live there. They stood here and called it a blighted area and if anyone would walk through the Jackson Addition area or that neighborhood, they will see attractive houses, well kept, on large lots and they are owned and well cared for and you can see the pride that people have in them. He said the issue is really lack of respect; Jackson Addition is primarily a black community and when you get liberal minded people and they see a concentration of black residents, the thinking goes right up to poverty and need and let's build them some low income housing over there. Mr. Vincent said the people that live in Jackson Addition are not the people you see eating at the Mission or Soup Opera. Of the 18 houses that he has seen built over there since he lived there, only 3 of them were built for people who had roots in that neighborhood and the rest of them are occupied by people from out of the area. The 3 that are owned by the people who grew up in that area are nicely kept and they look good. Quite a few of the others don't look good. Other than the liberal minded people, if you get the more narrow minded people, they just say it's a black neighborhood and let's put our low income houses and poor people there. Mr. Vincent said that we want to build low income houses in Jackson Addition but we are going to build \$150,000 to \$180,000 house over by the river and it's just not fair. He added that we have subsidized housing on Maple Avenue, on Ogden Avenue, Norval Street, Howard Street, and all of the houses that the Partnership has built over there and that is enough of low income housing there. Most of the housing over there is owned and not rental housing. He closed by saying that he really does not want to see the low income houses build there.

Mr. Vincent then thanked the Council for the demolition on two of the houses on Ogden Avenue and the one on Howard Street.

JEN LESMANN, 1913 Pleasant Valley Road, stated that she thinks of bringing people together. She has friendship ties with the Partnership and loves a lot of things she has seen come out of that office and the impact they have had on the low income housing and the homeless community. The Partnership is a great gem in our community and they are trying their hardest to make a

difference. She said everyone needs to sit down at the table and talk about what the questions and concerns are and how we can meet in the middle to make this something that is improving Fairmont's economy. She said that everyone needs to focus on the impact of this project and there is so much potential for growth and everyone needs to get together and talk. She volunteered to be that middle person and said she will get us where we need to go if that's what it takes because if we don't, we are at the point where we either die or we thrive.

KELLY ROSE, 301 Murray Avenue, spoke in favor of the project. She said that she moved to Fairmont several months ago and sometimes we base our opinion out of fear of the unknown. She said the median income is \$56,500 and to qualify for one of these homes, one you need to be at 60% of the median income which equals about \$33,900 per year for your salary. She said the houses will be different than what is expected and we need to sit down and listen to each other. She said we are talking about things that are going to be really important to the community.

ANTHONY HORTON, 914 Lewis Street, stated that he has been living in Jackson Addition for 45 years. He thought it was strange that people come to his neighborhood and tell them what they need without any input from the people who are stakeholders in the community. He told Jen Lesmann that he understood her tears and her speech, but he does not even know her and she does not live in their neighborhood. He said that the community is represented by Mr. Merrifield and he does not even know Mr. Merrifield. He said until they get a seat at the table, nothing is going to change for their neighborhood. He went on to say that over the years they have been taken advantage of by the City and tonight they want to say enough is enough. The neighborhood is asking City Council to not do anything in their community without their input and it is wrong that you come to people's community and do what you think ought to be done without the input of people who have been there all of their lives. We don't have anybody at the seat of the table who looks like us and who lives in the neighborhood that they live in because getting elected to City Council is hard for a person of color since people vote at large throughout the City. He then asked City Council what they are going to do about it at the end of the day to make City Council more inclusive so it won't be lily white and so you have the input of a person of color. He asked Council again what are they going to do about it. He then told Council to stop coming into their community and telling them what they need, he said ask them what they need.

Mayor Mainella said that to set the record straight, he has served on Council for 12 years and he has served with three people of color in those 12 years,

Marlene Mitchell, Kay Francis Meade, and De'Andrea Bussey. He noted that they sat right here with us. He told Anthony Horton the fact that he did not get elected, he just didn't get elected.

ANDREA FLEMING, Executive Director of the Fairmont Community Development Partnership, spoke in favor of the single family homes. She said she did not attend the meeting last year because she was not aware that they were in opposition to their development. She explained that the Partnership has been around for 25 years and she has been in this position since 2015 and it is not an easy task when you are dealing with folks. She noted that they have invested a lot of money in the neighborhood in forms of Small Cities Block Grants and other types of funding to do some sidewalk development on Maple Avenue, lighting, and infrastructure. The Partnership has owned this piece of property since 2004 and have failed to have any kind of funding to come to fruition to be able to develop this. So when they were approached by the developer from Wheeling who specializes in this type of development, they also own the development in White Hall, called Birchview, that they put in service in 1994 which is their best performing property that they have. Ms. Fleming said that they are the land owner and they serve as the non-profit partner on the application so they have to partner with a non-profit entity in order to submit the low income housing tax credit application. They agreed to partner with that but they are really selling the property to the developer and they will be doing the development and they will not have ownership of that development going forward. It will be property that has been tax exempt since 2004 that will now be on the County's tax roll as privately owned and maintained. They will not be renting it out or maintaining it but they do have a very strict process and will be doing a 15-year background check. She said by selling 20 single family homes, 15 will be two-story, with five of those being handicapped accessible with oversized garages that would accommodate a wheel chair. She said we don't have enough of that type of housing in Fairmont so we don't have a good stock of single story housing. Putting 20 of those homes on 3.3 acres, it turns out that they do fit, however, they may have to ask for a couple variances. She said from a community level, they have been active in the West Side Coalition meetings for the past two years and they have talked to the community. She stated that they didn't want apartments but said they wanted single family houses.

BRIAN CHENOWETH, 1227 Pleasant Valley Road, also spoke in favor of the homes. He said it will create a safe, vibrant neighborhood in Fairmont. He explained that the homes, while labeling under affordable housing, will benefit the neighborhood, not impair it. He also said that a lot of negative connotation is that it is going to be low income, meaning very poor people

who are not going to take care of the houses. They think project stuff from the 70s and criminal activity and drug dealing. He said this is not that. This is for your young professionals or your single mom.

MICHAEL WHITE, 551 Pike Street, Monongah, also spoke in favor of the single family homes that are being proposed. He spoke about the positive perspective of the low income housing tax program.

CITY MANAGER'S REPORT

IN RE: THANK YOU TO COUNCILMEMBER LINGER

Mr. Gomez thanked Councilmember Linger for his service to the City of Fairmont.

IN RE: BUDGET WORK SESSION

The Manager invited everyone to attend the Budget Work Session to be held on Tuesday, February 27th, at 5:00 p.m. He noted the regular meeting will begin at 7:00 p.m. He mentioned that the public hearing on the Budget will be held at the regular meeting at 7:00 p.m. on Tuesday, March 13th.

IN RE: COUNCIL CHAMBERS AUDIO

Mr. Gomez said that one item he is going to propose in the budget is to work on modernizing the audio in the Council Chambers. He noted this will eliminate some of the microphones.

IN RE: FAIRMONT 101

The City Manager announced that the new Fairmont 101 class will begin on Thursday, April 5th. He noted that it will run from April through July and will be opened up to 20 people. He mentioned that it was free of charge and will include lunch.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, 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 for the adoption of an ordinance providing for the conveyance of property located on Diamond Street to the MRDC.

Motion:

Councilmember Straight 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 Council and the ordinance designated as Ordinance No. 1758 was duly adopted.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE FAIRMONT CITY CODE

Mayor Mainella entertained a motion and a second for the introduction of an ordinance to approve current replacement pages to the City Code.

Motion:

Councilmember Moran 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 February 27, 2018 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; RESERVATION OF RIGHTS

Mayor Mainella entertained a motion and a second for the introduction of an ordinance providing for the public auction of surplus personal property owned by the City of Fairmont.

Motion:

Councilmember Merrifield 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 February 27, 2018 by voice vote of Council.

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

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

Motion:

Councilmember Straight moved to appoint Anne Bolyard as an Alternate 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.

The Mayor declared Anne Bolyard appointed as an Alternate to the Board of Zoning Appeals for a three-year term ending January 1, 2021 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 Merrifield seconded the motion.

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

The Mayor declared the meeting adjourned to Executive Session at 8:40 p.m. by unanimous vote of Council. The Mayor noted that the purpose of the Executive Session was to talk to the four candidates who express interest in being appointed to the unexpired term of the 3rd District to replace Councilmember Linger. He said that no action will be taken after reconvening the meeting.

IN RE: MEETING RECONVENED

The Mayor declared the meeting reconvened at 9:42 p.m.

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 9:43 p.m.