

February 26, 2019

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 26th day of February, 2019, at the Public Safety Building located at 500 Quincy Street in Fairmont, West Virginia.

Mayor Merrifield called the meeting to order.

Councilmembers present were:

First District	Joshua D. (Josh) Rice
Second District	Frank G. Yann
Third District	Karl (David) Kennedy
Fourth District	Kenneth (Brad) Merrifield
Fifth District	Barry H. Bledsoe
Sixth District	Dora Kay Grubb
Seventh District	Philip R. (Phil) Mason
Eighth District	Thomas (Tom) Mainella
Ninth District	Donna M. Blood

Also present were:

City Attorney	Kevin Sansalone
City Clerk	Janet L. Keller
Police Chief	Steve Shine

Absent:

Interim City Manager	Bruce McDaniel
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Rev. James Norton gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Kennedy.

APPROVAL OF MINUTES

Mayor Merrifield noted that each member of Council had received a copy of the minutes from the Organizational Meeting held on February 12, 2019 and from the Regular Meeting held on February 12, 2019.

Councilmember Mason moved to approve the minutes as submitted. The motion was seconded by Councilmember Mainella.

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. 1771, DULY ADOPTED MAY 22, 2018, WHICH PROVIDES FOR THE CITY OF FAIRMONT'S CURRENT PAY PLAN AND LIST OF OCCUPATIONAL CLASSES FOR ALL CLASS TITLES AND EMPLOYEES AND IN PARTICULAR THAT CERTAIN PART OF SAID ORDINANCE ENTITLED *FRATERNAL ORDER OF POLICE PAY PLAN* TO PROVIDE FOR AN INCREASE IN THE ONE-TIME MONETARY INCENTIVE FOR RECRUITMENT OF NEWLY HIRED PROBATIONARY POLICE OFFICERS WITH AN ACTIVE VALID LAW ENFORCEMENT CERTIFICATION

Pursuant to a notice duly published in the Times-West Virginian on February 18, 2019, a public hearing was convened to obtain citizen input on a proposed ordinance to amend the Pay Plan to provide for an increase in the one-time monetary incentive for recruitment of newly hired probationary police officers with an active valid law enforcement certification.

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

Police Chief Steve Shine spoke in favor of the proposed ordinance. He said the ordinance, if approved, allows a savings of \$13,000 plus for the hiring of certified officers. He said this incentive will offset that first year's wages and, hopefully, give officers a little bit of money to be able to move to Fairmont.

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

ANNOUNCEMENTS

IN RE: REPRESENTATIVES NAMED

Councilmember Grubb reported that Rev. D.D. Meighen, Rev. Richard Bowyer, and Former Mayor Greg Hinton have chosen 14 people to represent our black community that have made significant contributions to the nation and have been appearing all over the internet.

IN RE: HISTORY EXPO

Councilmember Grubb also reported that the History Expo will be held on

March 16th in the Marion County Court House. She noted that it was open to the public. This is the second year in a row that the antique big trucks will be on display outside of the Court House.

Councilmember Kennedy stated that he was excited about the History Expo. He noted that he signed up for that event and will be showing some coal mining antiques.

IN RE: POLICE DEPARTMENT COMMENDED

Councilmember Grubb said that she received a telephone call about the Police Chief. She said the caller said that they had a problem, called the Police Department, and it was the best that they have ever been treated at any time. The caller said that we have a wonderful police force.

IN RE: LOCAL CITIZEN COMMENDED

Councilmember Bledsoe commended a local resident, Janeen Floyd. He said that a couple weeks ago there was a post on Facebook that talked about all of the garbage that was on the hillside below the Sheetz parking lot. It was a mess and someone called Sheetz and they didn't take care of it. Janeen Floyd took it upon herself to clean up the hillside. He then commended her for cleaning it up and said that if everybody would just do one thing like that every now and then, Fairmont would be a better place.

IN RE: LOCAL BUSINESS COMMENDED

Councilmember Rice said he would like to bring attention to a local business that we have, Mountain Creative, who sponsored a bowl drive with the United Way. He said they brought the community together and did approximately 400 bowls for the upcoming United Way event.

IN RE: REV. DOBBS 80TH BIRTHDAY CELEBRATION

The Mayor stated that he attended the 80th birthday celebration for Rev. Wesley Dobbs. He said that he had the best time that he has had in a very long time. He mentioned that those folks know how to have a birthday party.

CITIZENS PETITIONS

IN RE: SELECTIVE ENFORCEMENT COMPLAINT

AARON ASHLEY, 22 Freeland Street, spoke about selective enforcement by the Police Department. He said that a problem keeps reoccurring with drug

addicts breaking in the building owned by the Fairmont Building and Investment Company on Cleveland Avenue. He said that since April of last year, they have had 37 police calls to that location with zero arrests. He noted that this was a drug addicted problem that keeps reoccurring. He mentioned multiple situations where they were staying inside the doors and the employees could not get into the building. He went on to say that when they leave, they leave drug paraphernalia behind and asked why the Police Department doesn't arrest them for that. He noted that they even go up the fire escape and break into the building. He said they are escorted out of the building or off the property but no arrests have been made.

Councilmember Bledsoe asked Mr. Ashley if he had these types of issues before the homeless were thrown out of the woods.

Mr. Ashley replied they are 60% to 70% higher in chronic issues now compared to prior 2017. These are not people seeking shelter, this is people that are most generally incoherent.

CITY MANAGER'S REPORT

IN RE: FY18 AUDIT REPORT

On behalf of Bruce McDaniel, Interim City Manager, City Clerk Janet Keller, reported that the FY18 Audit Report has been presented to each Councilmember. On January 28, 2019, Tetrick & Bartlett presented the City of Fairmont with its annual audit report for fiscal year ending June 30, 2018. She said that Mr. McDaniel was pleased to report that the auditors made no audit adjustments from their fieldwork and the audit report gives an unqualified opinion on the financial statements. She noted that the audit report will be published on the State Auditor's website and the City's website and will be made available to lending agencies as required, and others as requested.

IN RE: REMOVAL OF DEAD TREES AT MORRIS PARK

The City Clerk also reported there has been some discussion and concerns about dead trees in Morris Park. One tree fell some time ago and tore up one of the Christmas displays. There is a total of 87 dead trees that have been marked and they need to come down. She said that residents have concerns about some of the trees when they walk around the park. Public Works said that they could cut the trees as time permitted in between doing other things that they normally do, however, it will take a while for them to get the trees

cut down and removed. She went on to say the Chip West, Filtration Plant Supervisor, has hired a company to cut trees down around the filtration plant and that was already budgeted and scheduled and he has talked to this company about the 87 trees and said that they are willing to cut them down and take the wood and clean up for a total of \$11,800 which makes it to be \$135.63 per tree. She mentioned that the company is insured and Mr. McDaniel said that we do have the money to hire the company to do the work. We will have to do a budget revision but the City has the money for it. The Clerk then said that it is a good deal because it will get rid of the dead trees and will also take care of people's concerns about the trees when they are at the park.

Mayor Merrifield stated that the liability alone, both on our people cutting the trees and the liability if those would fall and hit anyone or the property, we should move on that. It was the consensus of Council that Mr. McDaniel move on preparing the budget revision and get the trees cut down.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1771, DULY ADOPTED MAY 22, 2018, WHICH PROVIDES FOR THE CITY OF FAIRMONT'S CURRENT PAY PLAN AND LIST OF OCCUPATIONAL CLASSES FOR ALL CLASS TITLES AND EMPLOYEES AND IN PARTICULAR THAT CERTAIN PART OF SAID ORDINANCE ENTITLED *FRATERNAL ORDER OF POLICE PAY PLAN* TO PROVIDE FOR AN INCREASE IN THE ONE-TIME MONETARY INCENTIVE FOR RECRUITMENT OF NEWLY HIRED PROBATIONARY POLICE OFFICERS WITH AN ACTIVE VALID LAW ENFORCEMENT CERTIFICATION

Mayor Merrifield entertained a motion for the adoption of an ordinance to amend the Pay Plan to provide for an increase in the one-time monetary incentive for recruitment of newly hired probationary police officers with an active valid law enforcement certification.

Motion:

Councilmember Mason moved for the adoption of the proposed ordinance. Councilmember Kennedy 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. 1802 was duly adopted.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE REPEALING ORDINANCE NO. 1558, DULY ADOPTED APRIL 24, 2012, AND CODIFIED AS SECTION 1765 OF THE FAIRMONT CITY CODE, *FLOODPLAIN REGULATIONS*, AND RENACTING ARTICLE 1765 *FLOODPLAIN REGULATIONS* TO PROVIDE FOR CERTAIN MODIFICATIONS TO SAID REGULATIONS RECOMMENDED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND THE STATE OF WEST VIRGINIA DIVISION OF HOMELAND SECURITY, WEST VIRGINIA FLOOD MANAGEMENT PROGRAM ESTABLISHING THAT A FLOODPLAIN EXISTS AND REQUIRING ALL CONTRACTORS, PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A PERMIT FOR DEVELOPMENT AND THE CONSTRUCTION, SUBSTANTIAL IMPROVEMENT, OR RELOCATION OF ANY BUILDING OR STRUCTURE; PROVIDING FOR CERTAIN MINIMUM STANDARDS FOR CONSTRUCTION WITHIN THE FLOODPLAIN AREA AND SETTING FORTH SPECIAL PROCEDURES FOR SUBMISSION AND APPROVAL OF PLANS; AND ESTABLISHING PENALTIES FOR ANY PERSON WHO FAILS TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE

Mayor Merrifield entertained a motion and second for the introduction of an ordinance to re-enact a Floodplain ordinance and provide for certain modifications to the regulations recommended by FEMA.

Motion:

Councilmember Bledsoe moved for the introduction of the proposed ordinance. The motion was seconded by Councilmember Blood.

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

The Mayor declared the public hearing set for March 12, 2019.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL FOR THE CITY OF FAIRMONT APPROVING AND ADOPTING AN AMENDMENT TO PART VII *TESTING & EVALUATION RULES AND REGULATIONS* OF THE RULES AND REGULATIONS OF THE POLICE CIVIL SERVICE COMMISSION OF THE CITY OF FAIRMONT ADOPTED BY THE COMMISSION ON JANUARY 13, 2000, AND APPROVED BY COUNCIL ON FEBRUARY 22, 2000, AND MORE PARTICULARLY 7.03 *PROMOTIONAL EXAMINATIONS* THEREOF, TO PROVIDE FOR A MAXIMUM OF THREE POINTS FOR PHYSICAL FITNESS

Mayor Merrifield entertained a motion for the adoption of a resolution approving and adopting an amendment to the Police Civil Service Rules and Regulations to provide for a maximum of three (3) points for a physical fitness credit for all police promotional exams.

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 Blood.

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 Merrifield 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. Councilmember Mason seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the meeting adjourned to Executive Session at 7:30 p.m. by unanimous vote of Council.

IN RE: MEETING RECONVENED

The Mayor declared the meeting reconvened at 8:00 p.m.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL FOR THE CITY OF PROVIDING FOR THE ESTABLISHMENT OF A SEARCH COMMITTEE FOR THE PURPOSE OF ASSISTING CITY COUNCIL WITH THE IDENTIFICATION OF A NEW CITY MANAGER

Mayor Merrifield entertained a motion for the adoption of a resolution providing for the establishment of a Search Committee for the purpose of assisting City Council with the identification of a new City Manager.

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 Mainella.

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

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

Councilmember Mainella	Yes	Councilmember Yann	Yes
Councilmember Mason	Yes	Councilmember Kennedy	Yes
Councilmember Blood	Yes	Councilmember Rice	Yes
Councilmember Grubb	Yes	Councilmember Bledsoe	No
Mayor Merrifield	Yes		

The Mayor declared the resolution adopted 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 Mainella.

The Mayor declared the meeting adjourned by voice vote of Council at 8:05 p.m.