

February 28, 2017

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 28th day of February, 2017, 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 Sansalone
Police Chief	Steve Shine
Fire Chief	Edward Simmons
City Planner	Sandra Scaffidi

IN RE: OPENING CEREMONIES

Rev. Valerie Gittings gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Linger.

APPROVAL OF MINUTES

Mayor Mainella noted that each member of Council had received a copy of the minutes from the Regular Meeting held on February 14, 2017.

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

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, WEST VIRGINIA, APPROVING THE TERMS AND CONDITIONS OF THAT CERTAIN COLLECTIVE BARGAINING AGREEMENT BY AND BETWEEN THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 318, AND THE CITY OF FAIRMONT DATED APRIL 13, 2017, AND FURTHER AUTHORIZING AND EMPOWERING THE CITY MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY OF FAIRMONT

Pursuant to a notice duly published in the Times-West Virginian on February 20, 2017, a public hearing was convened to obtain citizen input on a proposed ordinance approving the terms and conditions of the agreement between the City of Fairmont and the IAFF Local 318.

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

Mr. Gomez spoke in favor of the proposed ordinance.

There being no one else 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 THE RIGHT OF WAY OF A PLATTED UN-NAMED ALLEY SITUATE IN FAIRMONT CITY DISTRICT (03), MARION COUNTY, WEST VIRGINIA, AND BEING THAT CERTAIN ALLEYWAY RUNNING NORTH TO SOUTH BETWEEN LOCUST AVENUE AND RIDGELY AVENUE AND BETWEEN THOSE CERTAIN PARCELS OF REAL ESTATE IDENTIFIED AS PARCELS 1, 2, AND 3 OF MARION COUNTY TAX MAP 03-26, AND PARCELS 13, 14, AND 15, OF SAID TAX MAP; RESERVING ALL UTILITY RIGHTS, WHICH PARCELS ARE OWNED AS FOLLOWS:

<u>TAX MAP</u>	<u>PARCEL NUMBER</u>	<u>OWNERS</u>
03-26	1	K & K RENTALS, INC.
03-26	2	MICHAEL KISNER & KATHY KISNER
03-26	3	STEVEN SINCLAIR & ROBIN SINCLAIR
03-26	13	STEVEN SINCLAIR & ROBIN SINCLAIR
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Pursuant to a notice duly published in the Times-West Virginian on February 20, 2017, a public hearing was convened to obtain citizen input on a proposed ordinance providing for the abandonment of an un-named alley between Locust Avenue and Ridgely 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 7:06 p.m.

IN RE: AN ORDINANCE AN ORDINANCE PROVIDING FOR THE SALE OF ONE (1) 1999 FORD 350 SUPER DUTY DIESEL ONE TON BUCKET TRUCK OWNED BY THE CITY OF FAIRMONT TO FAIRMONT STATE UNIVERSITY

Pursuant to a notice duly published in the Times-West Virginian on February 20, 2017, a public hearing was convened to obtain citizen input on a proposed ordinance providing for the sale of a 1999 Ford bucket truck to Fairmont State University.

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 7:07 p.m.

ANNOUNCEMENTS

IN RE: LAMAR ADVERTISING

Councilmember Moran reported that a resident of Cole Street called her to say that Lamar was in that neighborhood and was asking permission from a couple of the residents about placing billboards in their yards.

IN RE: LITTERING OF NEWSPAPERS

Councilmember Moran also mentioned that she received a call from a resident on Pittsburgh Avenue that said she had been walking the length of Pittsburgh Avenue and Ohio Avenue and noticed a lot of litter and newspapers in the yards and especially at houses that aren't lived in permanently and the newspapers were piling up. The resident asked if the newspapers were considered litter and asked if anyone has ever brought it up at a Council meeting. Councilmember Moran found out, after the fact,

from the Fairmont News that their newspaper is always in blue wrappers and the proper thing to do is to report it to that particular newspaper.

Mr. Gomez stated that he did receive communication from the Fairmont News that residents are to call them to request that they no longer have that paper delivered to them. He said that the other publication explained to him that they have stopped the random delivery of their weekly publication, the Marion Times. He noted that it was only by subscription.

IN RE: PARKING TICKETS

Councilmember Linger stated that he wanted to talk about parking and asked what happens when someone gets a ticket in downtown Fairmont. He said that they get a \$5.00 ticket and they may or may not care that they got a \$5.00 ticket and then they forget to pay the \$5.00 ticket. He said this is his understanding of what happens when they forget to pay the ticket. He said that a letter is sent to their house giving them a court date and the letter is sent in regular mail, not certified mail or not signature mail. There is no way to verify that this letter is getting to the people that it is intended to and to inform them of a court date. No other efforts are made to inform the person of the court date and the person misses the court date for a \$5.00 parking ticket and we then send a police officer out and waste the officer's time to go out an arrest someone and bring them in to be processed and fingerprinted for a \$5.00 ticket. He said that he thought this was one of the worst waste of resources that he has ever heard when it comes to a \$5.00 parking ticket.

Mr. Gomez said that they should be receiving a letter stating that you have not paid the ticket and that it is due.

Councilmember Linger asked if it was sent out by certified mail.

Mr. Gomez said no, none of them are sent certified mail.

Councilmember Linger said that there is no way to verify that it gets to that person.

Mr. Gomez said at some point the certified mail was sent to appear in court but that stopped a while ago. He then asked the City Attorney about the process.

Mr. Sansalone said that they do send them in regular mail. He said that they send the first notice as a notice to tell you that you are delinquent and

that an additional \$20.00 has been added because of your failure to pay so the \$5.00 ticket becomes \$25.00. He said the second one schedules a court hearing and you pay the ticket prior to the court hearing, then you are just obligated to pay the \$25.00. He went on to say that if you fail to pay the ticket and fail to appear at the hearing, the Judge issues a capias for your failure to appear and then you are assessed \$150.00 on top of the \$25.00 so the \$25.00 ticket then becomes a \$175.00 ticket.

Mr. Gomez said there is no registered mail or certified mail sent but there is a reminder, a notice, that you have not paid the ticket and it is now an additional fee. So you do, at least, receive one notification.

Councilmember Linger said there is no way to make sure it is received by that person.

Mr. Gomez said that was correct. He then said that it is sent based on where the vehicle is registered, to whom it is registered, and the address that the State of West Virginia has as the address for that registered vehicle.

Councilmember Linger said that he would like to look at, in the near future, if there is a way to improve upon that process because he did not think it is bright to send an official legal document for notice to appear without having any type of accountability for whether or not that was delivered or delivered in a timely manner or who received it. He said that it just does not make any sense at all. He said there should be a chain of custody for legal documents that is traceable with signatures.

Councilmember Mason stated that the next time that person won't forget to pay the ticket.

Councilmember Linger said that you have someone with no previous record, nothing on their record at all, and now all of a sudden they are fingerprinted because of a \$5.00 parking ticket.

Mr. Gomez said that staff will look at the process.

IN RE: UTILITY DEPARTMENT TOUR

Councilmember Merrifield stated that he had the privilege last week to tour the Wastewater Treatment Plant and the Water Filtration Plant along with the East Side Fire Station. He said that he came away impressed with the quality of the individuals who we have taking care of these facilities. He then thanked them for their hospitality and for the quality job that they do.

Councilmember Mason stated that he too attended the tour of the Wastewater Treatment facility and the Water Filtration Plant. He said he came away extremely impressed and both are very well run.

Councilmember Mason also mentioned that he toured the East Side Fire Station. He said that he was shocked at the condition of that building. He noted that the living quarters are embarrassing and probably would not meet Code if we were to rent the property out. He said that he was really happy that Council is looking at replacing that building in the very near future.

IN RE: MOUNTAINEER HISTORY EXPO

Councilmember Grubb invited everyone to attend the Mountaineer History Expo on Sunday, April 1st, at the Court House from 10:00 a.m. to 2:00 p.m.

IN RE: WEST VIRGIINIA MUNICIPAL LEAGUE CONFERENCE

Councilmember Straight reported that he and several others attended the WV Municipal League Conference in Charleston last week. He said that the State is facing tough decisions this session.

The Mayor said that several were in Charleston last Sunday through Tuesday and we did meet with the Legislators.

IN RE: BOY SCOUTS INTRODUCED

Mayor Mainella introduced two boy scouts that were in attendance. He introduced Robby Smith, who is working on his communications badge to become an Eagle Scout, and Nathan Morgan, who is working on his citizenship and communications badge for his Eagle Scout designation. He noted both scouts are from Troop 7.

CITIZENS PETITIONS

IN RE: DOWNTOWN STREET TREES

CARLY JONES, 202 Russell Street, addressed Council regarding the trimming of the downtown street trees. Ms. Jones said that Public Works had trimmed the trees last week and asked if they had any experience in tree trimming/tree care. She noted that they are one ugly season away from dead now since the trimming.

Mr. Gomez replied by saying that without having Urban Foresters to be able to trim, the Public Works Department trimmed the trees and were trimmed in accordance with guidance that our Public Works folks have to trim the trees. He said there is not a single inclination that what has been done will actually lead to what Ms. Jones has stated but only time will indicate that. He said most of the trees were already protruding out into the street so they did need to be trimmed and some were trimmed a little more than they should have been but the majority are trimmed to an adequate level that they will survive and prosper and bloom going forward. He noted that the winter has not been as cold so whether they will start to bud early or not is a possibility. He said that we did insure they would withstand the trimming that occurred for all of the trees in addition to ensure that they weren't protruding out into the road which just about all of them were.

CITY MANAGER'S REPORT

IN RE: FY 18 BUDGET

The City Manager thanked the Mayor, the Council, and the staff for all of the work on the FY 18 budget.

IN RE: CITY MANAGER WEEKLY UPDATE ONLINE

Mr. Gomez stated that he will be putting the City Manager weekly update on our internet site.

IN RE: CONCERNS TO BE EXPRESSED

The City Manager expected residents to be in attendance tonight to express their concerns regarding trash. He said that we continue to address the trash and debris complaint, almost daily, and continue to write letters and notify people and take people to court. He said that we are asking for everyone's help to please help us help keep our city clean and beautiful and as litter free as possible. He noted that we will be adding newer and more modern trash receptacles in areas throughout the City but it does take a collective effort to try to keep our clean as litter free as possible.

IN RE: TRUCK TRAFFIC

Mr. Gomez said that he has received some concerns about truck and tractor trailer traffic through downtown, particularly making various right hand turns on Washington Street. He said that he has met with the DOH to address the

concerns through downtown, however, we are limited as to what we can do but we are reviewing this to come up with some possible solutions to alleviate and force the truck traffic to go through State routes and avoid making certain right hand turns that one day may lead to a much more dangerous end result than has not.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA, APPROVING THE TERMS AND CONDITIONS OF THAT CERTAIN COLLECTIVE BARGAINING AGREEMENT BY AND BETWEEN THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 318, AND THE CITY OF FAIRMONT DATED APRIL 13, 2017, AND FURTHER AUTHORIZING AND EMPOWERING THE CITY MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY OF FAIRMONT

Mayor Mainella entertained a motion for the adoption of an ordinance approving the terms and conditions of the agreement between the City of Fairmont and the IAFF Local 318.

Motion:

Councilmember Straight moved for the adoption of the proposed ordinance. Councilmember Merrifield 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. 1719 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE PROVIDING FOR THE VACATION AND ABANDONMENT OF THE RIGHT OF WAY OF A PLATTED UN-NAMED ALLEY SITUATE IN FAIRMONT CITY DISTRICT (03), MARION COUNTY, WEST VIRGINIA, AND BEING THAT CERTAIN ALLEYWAY RUNNING NORTH TO SOUTH BETWEEN LOCUST AVENUE AND RIDGELY AVENUE AND BETWEEN THOSE CERTAIN PARCELS OF REAL ESTATE IDENTIFIED AS PARCELS 1, 2, AND 3 OF MARION COUNTY TAX MAP 03-26, AND PARCELS 13, 14, AND 15, OF SAID TAX MAP; RESERVING ALL UTILITY RIGHTS, WHICH PARCELS ARE OWNED AS FOLLOWS:

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03-26	15	MICHAEL KISNER & KATHY KISNER

Mayor Mainella entertained a motion for the adoption of an ordinance providing for the abandonment of an un-named alley between Locust Avenue and Ridgely Avenue.

Motion:

Councilmember Merrifield 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 Council and the ordinance designated as Ordinance No. 1720 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE PROVIDING FOR THE SALE OF ONE (1) 1999 FORD 350 SUPER DUTY DIESEL ONE TON BUCKET TRUCK OWNED BY THE CITY OF FAIRMONT TO FAIRMONT STATE UNIVERSITY

Mayor Mainella entertained a motion for the adoption of an ordinance providing for the sale of a 1999 Ford 350 Truck to Fairmont State University

Motion:

Councilmember Warner 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 Council and the ordinance designated as Ordinance No. 1721 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 and adopt replacement pages to the Fairmont 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 March 14, 2017 by voice vote of Council.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR AND AUTHORIZING THE PURCHASE OF THOSE CERTAIN PARCELS OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT:

- 1. BLOCK C LOT 12 HOWARD STREET, JACKSON ADDITION, BEING PARCEL 234 OF MARION COUNTY TAX MAP 03-36, FROM THE DEPUTY COMMISSIONER OF NON-ENTERED AND DELINQUENT LANDS; AND**
- 2. BLOCK C LOTS 10 AND 11 HOWARD STREET, JACKSON ADDITION, BEING PARCEL 235 OF MARION COUNTY TAX MAP 03-36, FROM THE DEPUTY COMMISSIONER OF NON-ENTERED AND DELINQUENT LANDS; AND**

AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER ANY NECESSARY TRANSACTIONAL DOCUMENTS, AND TO TAKE DELIVERY OF A DEED FOR SAID PROPERTIES ON BEHALF OF THE CITY OF FAIRMONT

Mayor Mainella entertained a motion and a second for the introduction of an ordinance providing for the purchase of parcels on Howard Street.

Motion:

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

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

The Mayor declared the public hearing set for March 14, 2017 by voice vote of Council.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR AND AUTHORIZING THE PURCHASE OF THOSE CERTAIN PARCELS OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT:

- 1. BLOCK 14 LOT 26 & COAL WALNUT AVENUE (PLAT 59 A-E), BEING PARCEL 98 OF MARION COUNTY TAX MAP 03-02, IDENTIFIED AS 420 WALNUT AVENUE, FROM GEOT PROPERTIES, LLC; AND**
- 2. BLOCK 14 LOT 25 WALNUT AVENUE, BEING PARCEL 99 OF MARION COUNTY TAX MAP 03-02, IDENTIFIED AS 422 WALNUT AVENUE, FROM ALICE SHAW; AND**

AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER ANY NECESSARY TRANSACTIONAL DOCUMENTS, AND TO TAKE DELIVERY OF A DEED FOR SAID PROPERTIES ON BEHALF OF THE CITY OF FAIRMONT

Mayor Mainella entertained a motion and a second for the introduction of an ordinance providing for the purchase of property on Walnut Avenue.

Motion:

Councilmember Mason 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 March 14, 2017 by voice vote of Council.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT MANIFESTING THE CITY'S SUPPORT FOR THE WEST VIRGINIA ROUTE 2 AND 1-68 AUTHORITY.

Mayor Mainella entertained a motion for the adoption of a resolution manifesting the City's support for the WV Route 2 and I-68 Authority.

Motion:

Councilmember Mason moved for the adoption of the 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.

ADJOURNMENT

The Mayor entertained a motion for adjournment.

Motion:

Councilmember Mason moved to adjourn the meeting. The motion was seconded by Councilmember Moran.

The Mayor declared the meeting adjourned by voice vote of Council at 7:45 p.m.