

March 10, 2020

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 10th day of March, 2020, 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 Manager	Valerie Means
City Attorney	Kevin Sansalone
City Clerk	Janet L. Keller
Fire Chief	Ed Simmons
Police Chief	Steve Shine

IN RE: OPENING CEREMONIES

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

APPROVAL OF MINUTES

Mayor Merrifield noted that each member of Council had received a copy of the minutes from the Regular Meeting held on February 25, 2020.

Councilmember Mason 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 TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE FAIRMONT CITY CODE

Pursuant to a notice duly published in the Times-West Virginian on March 2, 2020, a public hearing was convened to obtain citizen input on a proposed ordinance to approve and adopt current replacement pages to the Fairmont City Code.

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

Ms. Means spoke in favor of this proposed ordinance and said that she supports this ordinance. This is our regular replacement for all of the ordinances that Council has worked on and puts our Code up to speed on our website.

There being no one else to speak, the public hearing was called to a close at 7:05 p.m.

IN RE: ADOPTION, AN ORDINANCE AMENDING AND SUPPLEMENTING THE CITY OF FAIRMONT'S PERSONNEL RULES AND REGULATIONS TO PROVIDE FOR THE ESTABLISHMENT OF A CELL PHONE POLICY AND PROCEDURE TO BE CODIFIED AS RULE 28 OF SAID RULES

Pursuant to a notice duly published in the Times-West Virginian on March 2, 2020, a public hearing was convened to obtain citizen input on a proposed ordinance amending the Personnel Rules to provide for a cell phone policy.

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

Ms. Means spoke in favor of this proposed ordinance. She stated that she supports this ordinance and this ordinance is part of our ongoing review of our Personnel Policies and this particular policy was actually missing. She said this policy and the next policy are new to our Personnel Policies.

There being no one else to speak, the public hearing was called to a close at 7:06 p.m.

IN RE: ADOPTION, AN ORDINANCE AMENDING AND SUPPLEMENTING THE CITY OF FAIRMONT'S PERSONNEL RULES AND REGULATIONS TO PROVIDE FOR THE ESTABLISHMENT OF A

SOCIAL MEDIA POLICY TO BE CODIFIED AS RULE 29 OF SAID RULES

Pursuant to a notice duly published in the Times-West Virginian on March 2, 2020, a public hearing was convened to obtain citizen input on a proposed ordinance amending the Personnel Rules to provide for a social media policy.

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

Ms. Means spoke in favor of this proposed ordinance. She mentioned this ordinance is part of our ongoing review of our policies. She noted that there will actually be additional ones coming before Council for approval.

There being no one else to speak, the public hearing was called to a close at 7:07 p.m.

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 MARCH 10, 2020, 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 March 2, 2020, a public hearing was convened to obtain citizen input on a proposed ordinance approving the terms and conditions of the Collective Bargaining Agreement between the IAFF Local 318 and the City of Fairmont.

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

Ms. Means spoke in favor of this proposed ordinance. She said that she supports this ordinance as well. She then thanked the negotiating team for the Local 318 as well as the City's negotiating team. She noted there were many months of work going through the contract and coming to an agreement.

ED SIMMONS, Fire Chief, also spoke in favor of the proposed ordinance. He stated that they need this contract signed for recruitment and retention. He noted that they are getting ready to replace a lot of the guys in the Fire Department and it is very important for recruitment and retention but in addition to that, there has been some gray areas that have been in the

contract for years and we have closed some of those loopholes. He then asked Council to support this ordinance.

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

ANNOUNCEMENTS

IN RE: GLAD TO BE BACK

Councilmember Rice noted that he was glad to be back after a recent illness. He thanked the doctors and nurses at FRMC because things could have gone different if they were not there to take care of him.

Councilmember Blood stated that she was happy to have Councilmember Rice back at the meetings.

IN RE: FIRE AT 1008 MORGANTOWN AVENUE

Councilmember Yann thanked the Fire Chief for taking care of the fire at 1008 Morgantown Avenue. He said that he was sorry they could not have gotten it torn down before the department had to put the fire out. He noted that the adjacent buildings were not damaged and no one was hurt.

The Chief said that the guys did a heck of a job with the structure being unstable.

IN RE: NANCY BICKERSTAFF THANKED

Councilmember Kennedy thanked Nancy Bickerstaff for her work at Woodlawn Cemetery.

IN RE: NAMING OF 3RD STREET BRIDGE PASSED

Councilmember Grubb reported that the naming of the Rose Cousins Bridge passed the legislature. She noted that this is for the renaming of the 4th Street Bridge (Coal Run Bridge) to the Rose Agnes Rolls Cousins Bridge.

IN RE: FATHER'S DAY CELEBRATION

Councilmember Grubb stated that Central United Methodist Church is planning a Father's Day celebration and one of the things that they wanted to do is to hold a contest for all school children in competing of what Father's Day means to them.

CITIZENS PETITIONS

IN RE: CANDIDATE FOR HOUSE OF DELEGATES

RON STRAIGHT, a resident of 101 Shirlane Drive stated the following:

- With Councilmember Rice's recent illness, it is a proven fact that we need Fairmont Regional Medical Center.
- He is a member of the Police Civil Service Commission and the legislature recently passed a bill to help with the hiring of police officers. He then thanked City Clerk Janet Keller for working on this house bill to make sure it was passed.
- Mr. Straight announced that he is a candidate for the House of Delegates. He said with serving as a former Mayor and Councilmember, he has experience and is qualified for this seat.

CITY MANAGER'S REPORT

IN RE: PAINTING OF MURAL ON WALL NEAR PALATINE PARK

JOEL DUGAN, Art Professor at FSU, addressed Council regarding an update on the painting of a mural on the wall near Palatine Park. He and his art students presented two images of sketches for Palatine Park. He said that they really want to get from Council is some feedback and response about what Council thinks the images represent and look like. He said they meant with a number of community members and had about six weeks of development. The students then shared with Council their research and the symbol systems and talked about their pieces of work.

The first concept was an impression of stained glass that recreates the look of downtown Fairmont and the grounds of Palatine Park. The second was an impression of different historical figures who helped shape Fairmont and Marion County.

Councilmember Kennedy said the hard rock miner is completely out of place. He said there are thousands of pictures of coal mines and Fairmont had over 200 coal mines. He suggested a 12-year old boy. He said at the age of 8, you can go to work in the coal mines and hundreds of boys did that and at the age of 12, you were considered a man and you could go in the mine and work. He then said that every person in the sketch is an example of courage and change in the face of diversity and if you are going to have a coal miner, don't have a hard rock coal miner out of Colorado. He said to have a symbol of West Virginia.

The Mayor said the research about the area is pretty impressive. He said

that it is so impressive to see the quality of work.

Councilmember Grubb asked why they did not include Frances Pierpont who is probably the most important person in WV. She said that he was the father of WV.

Councilmember Bledsoe told the students that they have done an amazing job. He said there may be an issue with the hard hat but that is insignificant and can be fixed. He then said that he was glad Council did not have to vote. The two examples are so vastly different but yet both so amazing and so impressive.

Councilmember Rice noted that the students did a wonderful job and the coal mine stood out to him the most. He said maybe that coal miner is an example of someone who has worked at the mines. He said both groups did a wonderful job.

Councilmember Mainella asked who chooses which one goes on the wall.

Professor Dugan stated that although only one of the two mural designs will be painted on the wall, all students will be part of the painting process. He also said he believes that no matter which one is ultimately chosen, the other design will likely be painted eventually somewhere else in town. He said that once selected, the students will begin painting within the next few weeks. He then said that both designs are posted on the Fairmont State Art Department's Facebook page and people can comment on which design they would like to see painted at Palatine Park.

Councilmember Mainella asked if it was hard to change the hat on the coal miner.

Mr. Dugan replied no, not at all.

Councilmember Mainella suggested to paint a little plaque in the corner that says who it was done by and the year.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, AN ORDINANCE TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE FAIRMONT CITY CODE

Mayor Merrifield entertained a motion for the adoption of an ordinance approving the current replacement pages for the Fairmont City Code.

Councilmember Mason moved for the adoption of the proposed ordinance. Councilmember Rice 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. 1846 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE AMENDING AND SUPPLEMENTING THE CITY OF FAIRMONT'S PERSONNEL RULES AND REGULATIONS TO PROVIDE FOR THE ESTABLISHMENT OF A CELL PHONE POLICY AND PROCEDURE TO BE CODIFIED AS RULE 28 OF SAID RULES

Mayor Merrifield entertained a motion for the adoption of an ordinance amending the Personnel Rules to provide for the establishment of a cell phone policy.

Councilmember Mainella moved for the adoption of the proposed ordinance. Councilmember Rice 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. 1847 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE AMENDING AND SUPPLEMENTING THE CITY OF FAIRMONT'S PERSONNEL RULES AND REGULATIONS TO PROVIDE FOR THE ESTABLISHMENT OF A SOCIAL MEDIA POLICY TO BE CODIFIED AS RULE 29 OF SAID RULES

Mayor Merrifield entertained a motion for the adoption of an ordinance amending the Personnel Rules to provide for the establishment of a social media policy.

Councilmember Blood 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. 1848 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 COLLECTIVE BARGAINING AGREEMENT BY AND BETWEEN THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 318, AND THE CITY OF FAIRMONT DATED MARCH 10, 2020, AND FURTHER AUTHORIZING AND EMPOWERING THE CITY MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY OF FAIRMONT

Mayor Merrifield entertained a motion for the adoption of an ordinance approving the terms and conditions of the Collective Bargaining Agreement between the IAFF Local 318 and the City of Fairmont.

Councilmember Bledsoe 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. 1849 was duly adopted.

IN RE: ADJOURN TO EXECUTIVE SESSION

Mayor Merrifield moved that Council adjourn to Executive Session pursuant to WV Supreme Court Decision in Peters v. County Commission, 519 S.E.2d 179 (W. Va. 1999) to consider filing/pending opioid litigation. The motion was seconded by Councilmember Bledsoe.

The Mayor declared the meeting adjourned to Executive Session by voice vote of Council at 7:53 p.m.

IN RE: MEETING RECONVENED

The Mayor declared the meeting reconvened at 8:29 p.m.

ADJOURNMENT

The Mayor entertained a motion for adjournment.

Motion:

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

The Mayor declared the meeting adjourned by voice vote of Council at 8:30 p.m.