

March 14, 2017

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 14th day of March, 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

IN RE: OPENING CEREMONIES

Pastor Roger Thrower gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Merrifield.

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 28, 2017.

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

The Mayor declared the minutes approved as submitted by voice vote of Council.

PUBLIC HEARINGS

IN RE: FISCAL YEAR 2017-2018 CITY BUDGETS: GENERAL FUND, PARKING FUND, COAL SEVERANCE AND OUTSIDE AGENCIES

Pursuant to a notice duly published in the Times-West Virginian on February 27, 2017 and March 6, 2017, a public hearing was convened to obtain citizen input on the FY 2017-2018 City Budgets: General Fund, Parking Fund, Coal Severance and Outside Agencies.

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

Mr. Gomez presented a PowerPoint presentation showing the highlights of the FY 2017-2018 budget.

Ed Simmons, Fire Chief, also spoke in favor of the proposed budget. Chief Simmons stated that the Councilmembers had visited the East Side Fire Station and got an eye opening experience of the deplorable conditions of that station. He noted that he was glad that Mr. Gomez decided to put before Council a proposal that would look well into the future to replace the East Side Fire Station. The Chief then said that he is recommending to replace a 22 year old fire apparatus that is in need of replacement. He then thanked Council for considering a 1% pay increase for the employees and for the reclassification of the firefighters.

There being no one else to speak, the public hearing was called to a close at 7:18 p.m.

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 6, 2017, a public hearing was convened to obtain citizen input on a proposed ordinance approving the current replacement pages to the Fairmont City Code.

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

Mr. Gomez mentioned that this ordinance is to allow for the codification of the various ordinances that Council adopts throughout the year.

The City Clerk noted that we are doing the codification every six months rather than on an annual basis.

There being no one else to speak, the public hearing was called to a close at 7:20 p.m.

IN RE: 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

Pursuant to a notice duly published in the Times-West Virginian on March 6, 2017, a public hearing was convened to obtain citizen input on a proposed ordinance providing for the purchase of parcels on Howard Street.

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

The City Manager noted that these are the parcels going toward the Wastewater Treatment Plant.

There being no one else to speak, the public hearing was called to a close at 7:21 p.m.

IN RE: 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

Pursuant to a notice duly published in the Times-West Virginian on March 6, 2017, a public hearing was convened to obtain citizen input on a proposed ordinance providing for the purchase of parcels on Walnut Avenue.

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

THELMA TOOTHMAN, a resident of Walnut Avenue, spoke in favor of the proposed ordinance. She said that she lives next door to 422 Walnut Avenue which is one of the structures to be demolished. She said that both 420 and 422 Walnut Avenue are a total mess and it will be a good day when these two structures are torn down.

Councilmember Yann asked if we knew a time frame for getting these houses torn down.

Mr. Gomez said that we will move as quickly as we can.

Mr. Sansalone said that he has prepared the contracts of sale and have forwarded them to the property owners for their signatures and he has not received them back yet. He said that once we do that and the 30 days pass within which the ordinance will become effective, we can then bid them out.

There being no one else to speak, the public hearing was called to a close at 7:29 p.m.

ANNOUNCEMENTS

IN RE: CODE COMPLAINTS

Councilmember Grubb reported two places around the Walnut Avenue area that needs code enforcement attention. She had given the address to the City Manager two weeks ago.

IN RE: HISTORY DAY AT THE STATE CAPITOL

Councilmember Grubb stated that she attended History Day at the State Capitol representing Marion County and the City of Fairmont.

IN RE: CITY MANAGER COMMENDED

Councilmember Moran commended the City Manager for taking care of a handicapped recycling issue that happened this past week.

IN RE: SKILLS USA

Councilmember Linger reported that on March 31st and April 1st Skills USA is going to be hosting an event at the Fairmont State Pierpont Campus. He said this is a big event where high school students and tech center students come in and take part in competition to display skills that they have been learning. He noted that it was a great opportunity to come out and see the tech things that the students are learning as they come up through the system.

IN RE: FSHS GIRLS BASKETBALL TEAM STATE CHAMPIONS

Mayor Mainella mentioned that the FSHS girls basketball team won the State Championship last week.

CITIZENS PETITIONS

There were no citizen's petitions for this meeting.

CITY MANAGER'S REPORT

IN RE: TRASH COMPLAINTS

The City Manager stated that it was a daily challenge to stay on top of a lot of property owners and residents regarding the trash issue. He said that we have several trash dumps throughout the City and we are trying to address

them and some are easier and faster than others along with houses that are full of trash and waste that have been abandoned.

CONSIDERATION OF COUNCIL BUSINESS

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

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

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. 1722 was duly adopted.

IN RE: ADOPTION, 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:

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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 for the adoption of an ordinance providing for the purchase of parcels on Howard Street.

Motion:

Councilmember Merrifield 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. 1723 was duly adopted.

IN RE: ADOPTION, 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**
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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 for the adoption of an ordinance providing for the purchase of parcels on Walnut Avenue.

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 Council and the ordinance designated as Ordinance No. 1724 was duly adopted.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE AUTHORIZING THE RENEWAL OF THAT CERTAIN LETTER OF CREDIT, NO 2001-525, ISSUED BY WESBANCO BANK TO THE CITY OF FAIRMONT FOR PURPOSES OF SATISFYING A PORTION OF THE SELF-

INSURED SECURITY AND INSURANCE REQUIREMENTS OF THE WEST VIRGINIA WORKERS' COMPENSATION ACT

Mayor Mainella entertained a motion and a second for the introduction of an ordinance authorizing the renewal of the Letter of Credit issued by Wesbanco Bank to the City of Fairmont for West Virginia Workers' Compensation.

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 28, 2017 by voice vote of Council.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 1307, AS AMENDED, PERSONNEL RULES AND REGULATIONS, RULE 17 APPROVED LEAVE AND WORKERS' COMPENSATION, AND MORE PARTICULARLY SECTION 17.2 SICK LEAVE, THEREOF, TO PROVIDE FOR AN INCREASE IN THE ACCRUAL OF SICK LEAVE FOR NON-UNION AND UNREPRESENTED EMPLOYEES

Mayor Mainella entertained a motion and a second for the introduction of an ordinance amending the Personnel Rules to provide for an increase in the accrual of sick leave for non-union and unrepresented 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 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 28, 2017 by voice vote of Council.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2016-2017 ANNUAL BUDGET: GENERAL FUND

Mayor Mainella entertained a motion and a second for the introduction of an ordinance providing for a General Fund Budget Revision.

Motion:

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

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

The Mayor declared the public hearing set for March 28, 2017 by voice vote of Council.

IN RE: ADOPTION, A RESOLUTION APPROVING THE CITY OF FAIRMONT'S FISCAL YEAR 2017-2018 CITY BUDGETS: GENERAL FUND, PARKING FUND, COAL SEVERANCE AND OUTSIDE AGENCIES

Mayor Mainella entertained a motion for the adoption of a resolution approving the City of Fairmont's Fiscal Year 2017-2018 City Budgets.

Motion:

Councilmember Straight 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 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.

IN RE: ADOPTION, A RESOLUTION PROCLAIMING APRIL 2017 AS FAIR HOUSING MONTH IN THE CITY OF FAIRMONT

Mayor Mainella entertained a motion for the adoption of a resolution proclaiming April 2017 as Fair Housing Month.

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 Yann.

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 Straight moved at 7:52 p.m. to adjourn this meeting to Tuesday, April 18, 2017 at 4:30 p.m. in order to approve the Levy Rates. The motion was seconded by Councilmember Mason.

The Mayor declared the meeting adjourned until 4:30 p.m., Tuesday, April 18, 2017 by unanimous vote of Council.