

March 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 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:

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| 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 |

Absent:

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| Ninth District | Ronald J. (Ron) Straight, Sr. |
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Also present were:

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| City Manager | Robin I. Gomez |
| City Clerk | Janet L. Keller |
| City Attorney | Kevin Sansalone |
| Police Chief | Steve Shine |
| Fire Chief | Edward Simmons |

IN RE: EXCUSE COUNCILMEMBER STRAIGHT

Councilmember Yann moved to excuse Councilmember Straight from this meeting. Councilmember Mason seconded the motion.

The Mayor declared Councilmember Straight excused from tonight's meeting by voice vote of Council.

IN RE: OPENING CEREMONIES

Rev. D.D. Meighen 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 March 14, 2017.

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 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

Pursuant to a notice duly published in the Times-West Virginian on March 20, 2017, a public hearing was convened to obtain citizen input on a proposed ordinance authorizing the renewal of the Workers Compensation Letter of Credit with Wesbanco Bank.

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.

IN RE: 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

Pursuant to a notice duly published in the Times-West Virginian on March 20, 2017, a public hearing was convened to obtain citizen input on a proposed ordinance amending the Personnel Rules to provide for an increase in the accrual of sick leave for non-union and unrepresented employees.

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

Mr. Gomez stated that this ordinance will increase the sick leave accruals for the non-union and non-represented employees. He noted that once they reach six years of service, the sick leave accrual increases from six days per year to nine days per year and when an employee reaches ten years of service, it increases to 12 sick days per year. He noted that this was the same benefit afforded to the USW, the Police, and Fire so all employees will have the same sick leave accrual.

There being no one else to speak, the public hearing was called to a close at 7:10 p.m.

IN RE: AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2016-2017 ANNUAL BUDGET: GENERAL FUND

Pursuant to a notice duly published in the Times-West Virginian on March 20, 2017, a public hearing was convened to obtain citizen input on a proposed ordinance providing for a General Fund budget revision.

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 7:11 p.m.

ANNOUNCEMENTS

IN RE: 1775 MORGANTOWN AVENUE

Councilmember Yann reported that he had an invitation from Mykron Development to attend an open house at 1775 Morgantown Avenue on the renovation of an old building. He noted that the gentlemen had done a wonderful job in renovating an old, big brick building and had turned it into two loft apartments.

IN RE: CONGRATULATIONS TO FAIRMONT STATE BASKETBALL TEAM

Councilmember Linger extended congratulations to Fairmont State's Basketball Team for getting to where they got to in the Championship games.

IN RE: SKILLS USA

Councilmember Linger reported that this weekend Skills USA will be held at the Fairmont State Pierpont Campus. He said a lot of student from all around the area will be attending to demonstrate their practical skills and he encouraged everyone to attend.

IN RE: FAIRMONT PARKS COMMISSION

Councilmember Merrifield reported that he has been working with the Fairmont Parks Commission and they are looking at doing some good work. He said that they are looking into the feasibility of having more recreational things for the residents to do and we have some good people on board and everyone should look forward to seeing some progress.

IN RE: MOUNTAINEER HISTORY EXPO

Councilmember Grubb invited everyone to attend the Mountaineer History Expo on Saturday, April 1st, at the Court House from 10:00 a.m. to 2:00 p.m. She noted this will be the 13th year for this event and is free and open to the public. She reported that they will have 30 exhibitors from over five counties attending the event.

IN RE: WV STATE POLICE HEADQUARTERS

Mayor Mainella stated that the WV State Police was established sometime around 1919 and the headquarters for northern West Virginia has always been located in Shinnston. He said that it is now located in Fairmont and he wanted to welcome the State Police here to Fairmont.

IN RE: PARKING APP ON PHONES

Mayor Mainella said that several months ago we talked about being able to feed the parking meters with an app on your cell phone and he thought it was sort of a wild idea and didn't think it was a good idea. He then said that he loaded the app on his cell phone and has been using it since it started and he would now encourage everyone to load the program on their cell phones to pay for parking. He noted that it was easier than remembering to carry change for the parking meters.

CITIZENS PETITIONS

IN RE: SHOOTINGS IN FAIRMONT

STEVE SHINE, Chief of Police, addressed Council regarding the recent shootings in Fairmont. He said that since the last Council meeting on March 14th, Fairmont has had three murders and in the last three weeks, we have had eight shootings that the Police has had to investigate. He noted that was all covered by the three to five patrolmen that we have in uniform everyday supplemented by the six investigators and that includes our entire Drug Task Force. The Chief said that the level of service and professionalism that they have shown in those investigations has been astonishing and the dedication that they have shown, especially the investigators working days on end to try to come up with a resolution within 18 hours where we identified the suspect and he took his own life and following that shooting in Clarksburg that we were there for. He noted that on the heels of that, we had a double homicide on Satterfield Street and for an investigations divisions the size that we have and for the police force for the size we have, the amount of personnel resources that goes into something like that is astonishing. The Chief went on to say that the employees have been so dedicated and put hours and hours and hours of work into this to come up with a resolution for out of state thugs coming into our area. He noted that the other shootings were either self-inflicted, suicide, or accidental and people carrying a firearm that should not be carrying a firearm. The Chief said that each one of those investigations has to be conducted and on top of that you have the regular crime that we usually do. He said that people want us to be the end all for any type of violence that happens and is thrown on their shoulders but he can assure everyone that it is not because of a lack of vigilance from the Fairmont Police Department. He can tell everyone that the department has been very pro-active in the community and trying to do what they can, however, they cannot control what the courts do as far as allowing people out on bond. He said that the department cannot determine sentencing; all we can do is arrest, identify the offenders and try to make the population and residents in Fairmont as safe as they can be. He then said that he wanted everyone to be aware of the dedication of the officers and the result that they have in not wanting this type of activity to occur here in Fairmont. The Chief closed by saying that he was very proud of each one of the officers in his department.

Mayor Mainella replied that the City Council was very proud of the Chief as well. He said that City Council, everyone in this room and the citizens of Fairmont thank Chief Shine and his department for what they do and put their lives on the line every day. He said that we all appreciate very much what the officers do and it is above and beyond. He then thanked the Chief for keeping everyone safe.

The Mayor also mentioned that if everyone could read the update that Council receives weekly about the details of what goes on in the Police Department and what they have to deal with, they would be very surprised how much of it there is and how bad it is. He noted that it was getting worse with all of the things that the Police Department has to deal with and some of it is unbelievable.

CTY MANAGER'S REPORT

IN RE: POLICE DEPARTMENT COMMENDED

Mr. Gomez said that police work is an extremely difficult work but they do it extremely professionally, very dedicated and it is truly very much appreciated. He said that it is very difficult for anyone that has been to a situation, the work that is done is extremely, extremely impressive and very much appreciated.

IN RE: PARKING APP

The City Manager noted that we do encourage people to use the new parking app. He said it was very easy, very customer friendly for the people who utilize a smart phone and very convenient.

IN RE: CELEBRATION PARADE FOR FSHS BASKETBALL TEAMS

Mr. Gomez reminded everyone that on Wednesday, March 29th, there will be a celebration parade for the FSHS Boys and Girls Basketball State Championship Teams. He noted the parade will begin at 6:00 p.m.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, 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 for the adoption of an ordinance authorizing the renewal of the Workers Compensation Letter of Credit with Wesbanco Bank.

Motion:

Councilmember Warner moved for the adoption of the proposed ordinance. Councilmember Mason seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of those Councilmembers present and the ordinance designated as Ordinance No. 1725 was duly adopted.

IN RE: ADOPTION, 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 for the adoption 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 Merrifield for the adoption of the proposed ordinance. Councilmember Moran seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of those Councilmembers present and the ordinance designated as Ordinance No. 1726 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2016-2017 ANNUAL BUDGET: GENERAL FUND

Mayor Mainella entertained a motion for the adoption of an ordinance providing for providing for a General Fund budget revision.

Motion:

Councilmember Warner moved for the adoption of the proposed ordinance. Councilmember Mason seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of those Councilmembers present and the ordinance designated as Ordinance No. 1727 was duly adopted.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR THE GRANTING OF A QUITCLAIM EASEMENT TO PROVIDE FOR A CERTAIN TEMPORARY CONSTRUCTION EASEMENT AND A PERMANENT EASEMENT OVER AND ALONG A CERTAIN PORTION OF THE RIGHT OF WAY OF GREENBRIER ROAD IN THE CITY OF FAIRMONT, FAIRMONT CITY DISTRICT, MARION COUNTY, WEST VIRGINIA, TO PROVIDE FOR THE INSTALLATION, RECONSTRUCTION, REPAIR AND MAINTENANCE OF WALL ANCHORS RELATING TO A STRUCTURE ON PARCEL 24, OF MARION COUNTY TAX MAP 03-24, OWNED BY RICHARD HILL AND ROBIN HILL, BEING 1233 HILLCREST ROAD; RESERVING UTILITY RIGHTS

Mayor Mainella entertained a motion and a second for the introduction of an ordinance granting a quitclaim easement relating to a structure at 1233 Hillcrest Road, owned by Richard Hill and Robin Hill.

Motion:

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

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

The Mayor declared the public hearing set for April 11, 2017 by voice vote of Council.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING *ARTICLE 3.0 ZONING DISTRICTS*, AND MORE PARTICULARLY *SECTION 3.1.10 TECHNOLOGY DISTRICT*, OF THE PROVISIONS OF *CLEARZONING@*, THE CITY'S CODIFIED PLANNING AND ZONING CODE, TO PROVIDE FOR CHURCHES AS A USE PERMITTED WITH CONDITIONS IN SAID DISTRICT; SAVINGS CLAUSE

Mayor Mainella entertained a motion and a second for the introduction of an ordinance amending the Clearzoning Code to provide for churches as a use permitted with conditions in a Technology District.

Motion:

Councilmember Linger 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 April 11, 2017 by voice vote of Council.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR AND AUTHORIZING A LIEN, TO BE SECURED BY A DEED OF TRUST AND NOTE IN AN AMOUNT NOT TO EXCEED \$55,000.00, FOR THE COST OF DEMOLITION AND REMOVAL OF CERTAIN DILAPIDATED AND VACANT STRUCTURES LOCATED AT THE FOLLOWING ADDRESSES:

**712 LOCUST AVENUE, FAIRMONT, WV 26554
914 HAWTHORNE STREET, FAIRMONT, WV 26554**

FROM GIDCO, INC., A WEST VIRGINIA CORPORATION, AND ROBERT GIDLEY, INDIVIDUALLY, APPROVING THE FORM OF THE TRANSACTIONAL DOCUMENTS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER ANY SUCH DOCUMENT AS MAY BE NECESSARY ON BEHALF OF THE CITY OF FAIRMONT

Mayor Mainella entertained a motion for the adoption of a resolution authorizing a lien not to exceed \$55,000.00 for the cost of demolition to structures located at 712 Locust Avenue and 914 Hawthorne Street.

Motion:

Councilmember Warner 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 those Councilmembers present.

IN RE: ADOPTION, A RESOLUTION BY THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA, AUTHORIZING THE FILING OF AN APPLICATION WITH THE WEST VIRGINIA STATE HISTORIC PRESERVATION OFFICE FOR A DEVELOPMENT GRANT TO FUND, IN PART, THE PRESERVATION OF THE TERRA COTTA MASONRY FAÇADE OF THE MASONIC TEMPLE

Mayor Mainella entertained a motion for the adoption of a resolution authorizing the filing of a grant application to fund the preservation of the Terra Cotta Masonry Façade of the Masonic Temple.

Motion:

Councilmember Moran 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 those Councilmembers present.

IN RE: ONE RE-APPOINTMENT, ARTS AND HUMANITIES COMMISSION, THREE-YEAR TERM TO END JUNE 30, 2019

Mayor Mainella entertained a motion for an appointment to the Arts and Humanities Commission for a three-year term ending June 30, 2019.

Councilmember Moran moved to re-appoint Peggy Edwards to the Arts and Humanities Commission for a three-year term ending June 30, 2019. The motion was seconded by Councilmember Mason.

Roll call was taken by the Clerk.

The Mayor declared Peggy Edwards re-appointed to the Arts and Humanities Commission for a three-year term ending June 30, 2019 by unanimous vote of those Councilmembers present.

ADJOURNMENT

The Mayor entertained a motion for adjournment.

Motion:

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

The Mayor declared the meeting adjourned by voice vote of Council at 7:40 p.m.