

**April 10, 2018**

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 10<sup>th</sup> day of April, 2018, 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	Warren G. Harger, Jr.
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 V. Sansalone
Police Chief	Steve Shine
Fire Chief	Edward Simmons

**IN RE:        OPENING CEREMONIES**

Rev. D.D. Meighen gave the prayer and the Pledge of Allegiance to the Flag was led by Councilmember Moran.

**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 27, 2018.

Councilmember Straight 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 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 April 2, 2018, a public hearing was convened to obtain citizen input on a proposed ordinance authorizing the renewal of the Letter of Credit with WesBanco Bank for Workers Compensation

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

Mr. Gomez spoke in favor of the proposed ordinance. He noted this was an annual ordinance as required by the State of West Virginia to insure that we are protected against all of the risks that may arise out of our employees being injured during the course of their workday.

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

**IN RE: AN ORDINANCE AMENDING AND SUPPLEMENTING PART SEVEN BUSINESS AND TAXATION CODE, ARTICLE 761 BUSINESS AND OCCUPATION TAX, SECTION 761.14 COMPUTATION OF TAX; PAYMENT AND MORE PARTICULARLY SUB-SECTION 761.14 (D) THEREOF TO AUTHORIZE THE DIRECTOR TO CALCULATE THE TAX UNDER SAID ARTICLE AND DEMAND PAYMENT OF SAME, TOGETHER WITH ANY SUCH TAXES, PENALTIES AND INTEREST DUE FOR PRIOR PERIODS, FROM ANY TAXPAYER WHO COMMENCES WORK FOR WHICH A BUILDING OR OTHER PERMIT IS REQUIRED WITHOUT FIRST HAVING OBTAINED SUCH PERMIT AT THE TIME OF APPLICATION FOR AND PRIOR TO OR UPON ISSUANCE OF THE BUILDING OR OTHER PERMIT**

Pursuant to a notice duly published in the Times-West Virginian on April 2, 2018, a public hearing was convened to obtain citizen input on a proposed ordinance amending the B&O Tax Code to authorize the Finance Director to calculate the B&O Tax from any taxpayer who commences work without a permit.

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 21 PENSION AND INSURANCE, AND MORE PARTICULARLY SECTION 21.1 PENSION THEREOF, RESULTING FROM THE CLOSURE OF THE CITY OF FAIRMONT'S POLICE AND FIRE PENSION AND RELIEF FUND TO POLICE OFFICERS AND FIRE FIGHTERS HIRED AFTER JANUARY 1, 2018, AND THE ELECTION TO BECOME A PARTICIPATING EMPLOYER OF THE WEST VIRGINIA MUNICIPAL POLICE OFFICERS AND FIREFIGHTERS RETIREMENT SYSTEM PURSUANT TO THE PROVISIONS OF WEST VIRGINIA CODE SECTION §8-22A-28 THEREBY PLACING ALL SUCH POLICE OFFICERS AND FIRE FIGHTERS INTO THE WEST VIRGINIA POLICE OFFICERS AND FIRE FIGHTERS RETIREMENT SYSTEM**

Pursuant to a notice duly published in the Times-West Virginian on April 2, 2018, a public hearing was convened to obtain citizen input on a proposed ordinance amending the Personnel Rules resulting from the closure of the Police and Fire Pension Funds to those hired after January 1, 2018.

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 7:09 p.m.

**IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR AND AUTHORIZING THE TRANSFER AND CONVEYANCE OF A CERTAIN PARCEL OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT:**

**LS 34-35 ARNETT ADD ROBINSON ST  
MAP 03-33 PARCEL 0132**

**FAIRMONT CITY DISTRICT, MARION COUNTY, WV  
212 ROBINSON STREET**

FROM HYLTON HOLDINGS, LLC, TO THE CITY OF FAIRMONT; PROVIDING FOR AND AUTHORIZING THE CONVEYANCE AND TRANSFER OF SAID PARCEL OF REAL ESTATE FROM THE CITY OF FAIRMONT TO NORTH CENTRAL WEST VIRGINIA COMMUNITY ACTION ASSOCIATES, INC., AN ADJOINING PROPERTY OWNER, IN ACCORDANCE WITH THE CITY OF FAIRMONT'S APPROVED HOME RULE PLAN AND THE ORDINANCES ADOPTED THEREUNDER; APPROVING THE FORM OF THE TRANSACTIONAL DOCUMENTS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER THEM ON BEHALF OF THE CITY OF FAIRMONT; RATIFICATION

Pursuant to a notice duly published in the Times-West Virginian on April 2, 2018, a public hearing was convened to obtain citizen input on a proposed ordinance authorizing the transfer and conveyance of 212 Robinson Street.

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

Mr. Gomez spoke in favor of the proposed ordinance. He explained that this is a property with a dilapidated, falling down structure that we are acquiring from the property owner to demolish the structure and clear it and we will then sell the parcel to an adjoining neighbor, North Central WV Community Action.

There being no one else to speak, the public hearing was called to a close at 7:11 p.m.

### ANNOUNCEMENTS

#### **IN RE: STATE LEGISLATORS INTRODUCED**

The Mayor introduced Senator Bob Beach and Delegate Linda Longstreth that were in attendance.

#### **IN RE: MARION COUNTY RESCUE SQUAD ACKNOWLEDGED**

Councilmember Moran acknowledged the Marion County Rescue Squad and the Fairmont Fire Department. She said that two weeks ago she had the occasion to need the services of the Marion County Rescue Squad and they were there very quickly as well as the Fire Department. She said that both groups were great and very professional.

#### **IN RE: NEW MEMBER OF COUNCIL**

Councilmember Harger said that he was happy to be the newest member of the team.

**IN RE:       EVENT AT DISABILITY ACTION CENTER**

Councilmember Merrifield stated that he was privileged to go with the City Manager to an event at the DAC. He said that the City Manager spoke to the clients and the event was very well received. He thanked the City Manager for addressing the group and taking the time out of his day to attend.

**IN RE:       200<sup>TH</sup> BIRTHDAY CELEBRATION**

Councilmember Grubb said that it is a year and half until Fairmont's 200<sup>th</sup> Birthday. She suggested using this time to make it a year-long celebration.

**IN RE:       CITY CEMETERY**

Councilmember Grubb also mentioned that the City has one cemetery that actually belongs to the City and that is the Fairmont Cemetery that is out beside Windmill Park. She asked for volunteers to help the City in cleaning up this cemetery.

**IN RE:       CHAMBER EVENT**

Councilmember Straight reported that he attended a Chamber of Commerce event today, "Bridges without Boundaries". He said that it was well attended and they had a good presentation.

**CITIZENS PETITIONS**

There were no citizen's petitions for this meeting.

**CITY MANAGER'S REPORT**

**IN RE:       AUDIT REPORT**

**DAVID SHRIVER**, with Tetrick and Bartlett, gave an overview on the City's external financial audit that was completed a couple months ago. He reported that the audit report was a clean opinion, no findings whatsoever. He said that is what they are looking for, a clean opinion. The accounting records supported, in the fullest, the financial statements themselves. We had no adjustments to the records for this year. He noted that this speaks highly of our Finance Department. There were no questions for Mr. Shriver.

**IN RE: DEMOLITION OF STRUCTURES**

Mr. Gomez reported that two more demolitions have taken place, 139 Chestnut Street and a structure off of Sycamore. He also mentioned that three more structures will be coming down, including the old Butcher School. He noted that we are actively working on three structures that caught on fire within the last year.

**IN RE: RENOVATIONS AT CITY HALL**

The Manager reported that we are having new carpet installed at City Hall. The last time that happened was when the building opened in the early 1980's.

**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 Letter of Credit issued by WesBanco Bank for Worker's Compensation.

Motion:

Councilmember Mason 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. 1764 was duly adopted.

**IN RE: ADOPTION, AN ORDINANCE AMENDING AND SUPPLEMENTING PART SEVEN BUSINESS AND TAXATION CODE, ARTICLE 761 BUSINESS AND OCCUPATION TAX, SECTION 761.14 COMPUTATION OF TAX; PAYMENT AND MORE PARTICULARLY SUB-SECTION 761.14 (D) THEREOF TO AUTHORIZE THE DIRECTOR TO CALCULATE THE TAX UNDER SAID ARTICLE AND**

**DEMAND PAYMENT OF SAME, TOGETHER WITH ANY SUCH TAXES, PENALTIES AND INTEREST DUE FOR PRIOR PERIODS, FROM ANY TAXPAYER WHO COMMENCES WORK FOR WHICH A BUILDING OR OTHER PERMIT IS REQUIRED WITHOUT FIRST HAVING OBTAINED SUCH PERMIT AT THE TIME OF APPLICATION FOR AND PRIOR TO OR UPON ISSUANCE OF THE BUILDING OR OTHER PERMIT**

Mayor Mainella entertained a motion for the adoption of an ordinance authorizing the Finance Director to collect B&O Tax from any taxpayer who commences work for which a building permit is required without first having obtained such permit.

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. 1765 was duly adopted.

**IN RE: ADOPTION, AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 1307, AS AMENDED, PERSONNEL RULES AND REGULATIONS, RULE 21 PENSION AND INSURANCE, AND MORE PARTICULARLY SECTION 21.1 PENSION THEREOF, RESULTING FROM THE CLOSURE OF THE CITY OF FAIRMONT'S POLICE AND FIRE PENSION AND RELIEF FUND TO POLICE OFFICERS AND FIRE FIGHTERS HIRED AFTER JANUARY 1, 2018, AND THE ELECTION TO BECOME A PARTICIPATING EMPLOYER OF THE WEST VIRGINIA MUNICIPAL POLICE OFFICERS AND FIREFIGHTERS RETIREMENT SYSTEM PURSUANT TO THE PROVISIONS OF WEST VIRGINIA CODE SECTION §8-22A-28 THEREBY PLACING ALL SUCH POLICE OFFICERS AND FIRE FIGHTERS INTO THE WEST VIRGINIA POLICE OFFICERS AND FIRE FIGHTERS RETIREMENT SYSTEM**

Mayor Mainella entertained a motion for the adoption of an ordinance to amend the Personnel Rules resulting from the closure of the City's Police and Fire Pension Fund to police officers and firefighters hired after January 1, 2018.

Motion:

Councilmember Merrifield 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. 1766 was duly adopted.

**IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR AND AUTHORIZING THE TRANSFER AND CONVEYANCE OF A CERTAIN PARCEL OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT:**

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Mayor Mainella entertained a motion for the adoption of an ordinance providing for the transfer and conveyance of 212 Robinson Street.

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. 1767 was duly adopted.



**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING THAT CERTAIN SECTION OF ORDINANCE NO. 1738, DULY ADOPTED MAY 23, 2017, WHICH PROVIDES FOR THE CITY OF FAIRMONT'S CURRENT PAY PLAN AND LIST OF OCCUPATIONAL CLASSES AND CLASS TITLES FOR ALL EMPLOYEES NOT OTHERWISE PROVIDED FOR, TO PROVIDE FOR A \$5,000.00 INCREASE IN THE CITY MANAGER'S BASE PAY**

Mayor Mainella entertained a motion and second for the introduction of an ordinance to amend the pay plan to provide for a \$5,000.00 increase for the City Manager's base pay.

Motion:

Councilmember Yann 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 April 24, 2018 by voice 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 Straight.

The Mayor declared the meeting adjourned by voice vote of Council at 7:35 p.m.