

**April 24, 2018**

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 24<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
Third District	Warren G. Harger, Jr.
Fourth District	Kenneth (Brad) Merrifield
Fifth District	Fran Warner
Sixth District	Dora Kay Grubb (arrived late)
Seventh District	Philip R. (Phil) Mason
Eighth District	Thomas (Tom) Mainella
Ninth District	Ronald J. (Ron) Straight, Sr.

Absent:

Second District	Frank G. Yann
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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
City Planner	Sandra Scaffidi

**IN RE: EXCUSE COUNCILMEMBER YANN**

Councilmember Moran moved to excuse Councilmember Yann from this meeting. The motion was seconded by Councilmember Straight.

The Mayor declared Councilmember Yann excused by voice vote of Council.

**IN RE: OPENING CEREMONIES**

Bob Pirner 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 April 10, 2018 and from the Levy Meeting held on April 17, 2018.

Councilmember Mason moved to approve the minutes from the April 10, 2018 meeting as submitted. The motion was seconded by Councilmember Warner. Councilmember Harger moved to approve the minutes from the April 17, 2018 Levy Meeting as submitted. The motion was seconded by Councilmember Mason.

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

### **IN RE: FSHS BOYS BASKETBALL TEAM RECOGNIZED**

The Fairmont Senior High School boys basketball team was recognized at the Council meeting for competing for the State championship. Councilmember Mason said it was a pleasure to introduce Dave Retton, Coach of the FSHS boys basketball team. Coach Retton introduced Coach Pepper Reasnover and Coach Brian Cole and the players on the team.

## PUBLIC HEARINGS

### **IN RE: 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**

Pursuant to a notice duly published in the Times-West Virginian on April 16, 2018, a public hearing was convened to obtain citizen input on a proposed ordinance providing the City Manager with a \$5,000.00 increase in base pay.

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

Mr. Gomez thanked Council for this item and acknowledged the 200 employees that are underneath him. He said that he is happy to be in

Fairmont and to continue to be the City Manager as long as Council desires to have him.

Mayor Mainella re-read the results of the evaluation of the City Manager, which he shared at a previous Council meeting. He said the results of the evaluation show that Council is pleased with the City Manager's overall job performance, and think he is passionate about his job and Council thinks he is enthusiastic about making Fairmont a better place to live, work and do business. Council also appreciates him being so much in the public eye by his constant presence at gatherings of people. He said aside from a couple areas of minor concern, Council is very pleased that he is the City Manager. Mayor Mainella noted that he is a hands-on City Manager and he seems to always be around.

There being no one else to speak, the public hearing was called to a close at 7:13 p.m.

### **ANNOUNCEMENTS**

#### **IN RE: FAMILY RESOURCE APPRECIATION DINNER**

Councilmember Mainella stated that several Councilmembers attended the Family Resource Hero's Recognition Dinner and one of the hero's that was recognized was Police Chief Steve Shine. He said in his speech he said two things: (1) he recognized everybody that works in the Police Department, the administrative staff, and named all of the officers and he accepted the award on their behalf and (2) the Chief said that he thought that most people are behind him. The Mayor re-iterated that by saying that most people are behind him. The Mayor then presented Chief Shine with a picture that he took of Chief Shine giving his speech.

Councilmember Warner extended congratulations to Chief Shine.

#### **IN RE: FAIRMONT 101**

The Mayor said that he attended the Fairmont 101 class last week as an observer. He said it pertained to Planning and Zoning and the session had a lot of good information. He noted it was nicely done.

#### **IN RE: WOMEN'S CLUB**

Councilmember Moran reported that on Sunday, May 6<sup>th</sup>, from 2:00-4:00 p.m., the Women's Club will be hosting a tea with cookies and candy and

then tour the clubhouse to show off the beautiful mansion.

**IN RE: DAC FUNDRAISER**

Councilmember Merrifield thanked the City Manager and the City for participating in the sub sale as a fundraiser for the Disability Action Center.

**IN RE: PASSING OF DEBBIE SEIFRIT, FORMER COUNCILMEMBER**

Councilmember Straight announced the passing of former Councilmember Debbie Seifrit.

**IN RE: MARION COUNTY MAKE IT SHINE**

Councilmember Straight reported that he participated in Make Marion County Shine and picked up trash the biggest part of the day.

**IN RE: SPEEDING IN LOCAL NEIGHBORHOODS**

Councilmember Mason stated the he received a few emails and phone calls from constituents on Peacock Lane concerning speedway. He asked about the possibility of putting speed bumps on city streets as a remedy. He thought perhaps Peacock Lane might be a good candidate.

The Mayor noted that there would be probably have more people against them than we would for them.

**IN RE: THREE RIVERS FESTIVAL**

Councilmember Grubb reminded everyone of the Three Rivers Festival will be held the end of next month and that we will be having Julia Pierpont Day.

**CITIZENS PETITIONS**

There were no citizen's petitions for this meeting.

**CITY MANAGER'S REPORT**

**IN RE: SPEED BUMPS ON CITY STREETS**

City Manager Gomez said the City staff has discussed how to incorporate or develop a speed bump program. He said that they have looked at several of the primary streets that are used as "cut-throughs" by motorists. He

explained that there are positives and drawbacks to putting them in. One example is that we have to deal with the plowing in the winter and the public safety with the fire apparatuses that will tend to get damaged. He noted that we will continue to review that and make the corrections that we can. He said that the City will look into speed bumps.

**IN RE: MAKE MARION COUNTY SHINE**

The City Manager reported that tons of trash was collected during the Make Marion County Shine event. He thanked everyone for participating in that event.

**IN RE: CITY HALL CARPET**

The Manager stated that the carpet installation at City Hall is completed. He said that he is planning to schedule an open house in May.

**IN RE: PUBLIC WORKS COMMENDED**

Mr. Gomez thanked Public Works for continuing to clean up various parts of the city and noted that one location was extremely dirty and disgusting.

**IN RE: DEMOLITION UPDATE**

The City Manager reported that our demolition contractor demolished the structure at 225 Kelly Place. He said that on Monday they will begin the demolition of the former Butcher School.

**IN RE: SALES TAX COLLECTION**

Mr. Gomez said that the City received the third distribution of our quarterly 1% sales tax in the amount of \$470,625.08 bringing our FY18 total to \$1.4 million.

**IN RE: STREET MAINTENANCE FEE**

Mr. Gomez reported that we are planning on paving a little over 15 miles this year which is about \$1.6 million for the paving. He said that, so far, this year we have collected \$1,020,476.24. He also mentioned that the City will publish the paving list, hopefully at least a month in advance of the streets that will be milled and paved. He noted that we will be milling and paving all

of Morgantown Avenue which will be scheduled at night and will be looking at part of Mary Lou Retton from Watson School down to the Pizza Hut.

### CONSIDERATION OF COUNCIL BUSINESS

**IN RE: ADOPTION, 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 for the adoption of an ordinance providing the City Manager with a \$5,000.00 increase in base pay.

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 those Councilmembers present and the ordinance designated as Ordinance No. 1768 was duly adopted.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, 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 6-7 SHORT AVE  
MAP 03-25 PARCEL 97  
FAIRMONT CITY DISTRICT, MARION COUNTY, WV  
907 SHORT AVENUE**

**FROM APPALACHIAN ASSETS, LLC, TO THE CITY OF FAIRMONT; PROVIDING FOR AND AUTHORIZING THE CONVEYANCE OR TRANSFER OF RESPONSIBILITY FOR SAID PARCEL OF REAL ESTATE FROM THE CITY OF FAIRMONT TO 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**

Mayor Mainella entertained a motion and second for the introduction of an ordinance authorizing the transfer and conveyance of 907 Short Avenue.

Motion:

Councilmember Warner 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 May 9, 2018 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 TRANSFER AND CONVEYANCE OF A CERTAIN PARCEL OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT:**

**BLK 9 LOT 11 VIEW STREET  
MAP 03-27 PARCEL 173.1  
FAIRMONT CITY DISTRICT, MARION COUNTY, WV  
275 VIEW AVENUE**

**FROM MR FAIRMONT 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 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**

Mayor Mainella entertained a motion and second for the introduction of an ordinance authorizing the transfer and conveyance of 275 View 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 Moran seconded the motion.

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

The Mayor declared the public hearing set for May 9, 2018 by voice vote of Council.

**IN RE: ADOPTION, A RESOLUTION BY THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE WEST VIRGINIA DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT FOR A HOMELAND SECURITY GRANT IN THE AMOUNT OF \$141,712.00 TO ENHANCE OPERATIONAL COMMUNICATIONS; ENVIRONMENTAL RESPONSE/HEALTH AND SAFETY; AND FIRE MANAGEMENT AND SUPPRESSION IN THE FAIRMONT FIRE DEPARTMENT, AND IF SUCH GRANT IS AWARDED, FURTHER AUTHORIZING THE ACCEPTANCE THEREOF, AND PROVIDING THE CITY MANAGER WITH AUTHORITY TO DO ALL THINGS REASONABLE AND NECESSARY IN CONNECTION THEREWITH**

Mayor Mainella entertained a motion for the adoption of a resolution authorizing the submission of a grant for the Fairmont Fire Department to enhance operational communications.

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 Straight.

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: ADJOURN TO EXECUTIVE SESSION**

Mayor Mainella moved to adjourn to Executive Session as per WV Code §6-

9A-4(2)(9) and City Charter Section 2.11(a)(1)(A) – To consider matters arising from the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal or compensation of a public officer. Councilmember Mason seconded the motion.

Roll call was taken by the Clerk for the Executive Session.

The Mayor declared the meeting adjourned to Executive Session at 7:43 p.m. by unanimous vote of those Councilmembers present.

**IN RE: MEETING RECONVENED**

The Mayor declared the meeting reconvened at 7:49 p.m.

**IN RE: ONE APPOINTMENT, PLANNING AND ZONING COMMISSION, UNEXPIRED TERM TO END SEPTEMBER 17, 2019**

Mayor Mainella entertained a motion for one appointment to the Planning and Zoning Commission for an unexpired term to end September 17, 2019.

Motion:

Councilmember Harger moved to appoint Pamela Wean to the Planning and Zoning Commission for an unexpired term to end September 17, 2019. The motion was seconded by Councilmember Moran.

Roll call was taken by the Clerk.

The Mayor declared Pamela Wean appointed to the Planning and Zoning Commission for an unexpired term to end September 17, 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 Straight.

The Mayor declared the meeting adjourned by voice vote of Council at 7:50

p.m.