

May 22, 2018

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 22nd day of May, 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
Seventh District	Philip R. (Phil) Mason
Eighth District	Thomas (Tom) Mainella
Ninth District	Ronald J. (Ron) Straight, Sr.

Councilmembers absent were:

Sixth District	Dora Kay Grubb
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Also present were:

City Manager	Robin I. Gomez
Representing City Clerk	Paula Friend
City Attorney	Kevin V. Sansalone
Director of Planning	Sandra Scaffidi

IN RE: EXCUSE COUNCILMEMBER GRUBB

Councilmember Moran made a motion to excuse Councilmember Grubb from tonight's meeting. Councilmember Harger seconded the motion.

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

IN RE: OPENING CEREMONIES

Rev. Dr. Mark Staples gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Yann.

IN RE: IAN HOLBERT – BOY SCOUTS CITIZENSHIP BADGE

Mayor Mainella introduced Ian Holbert, Boy Scout Troop 100, who was attending tonight's meeting as part of a requirement for his Citizenship Merit Badge.

APPROVAL OF MINUTES

Mayor Mainella noted that each member of Council had received a copy of the minutes from the Regular Meeting held on May 9, 2018.

Councilmember Straight 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 OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1768, DULY ADOPTED APRIL 24, 2018, WHICH PROVIDES FOR THE CITY OF FAIRMONT'S CURRENT PAY PLAN AND LIST OF OCCUPATIONAL CLASSES FOR ALL CLASS TITLES AND EMPLOYEES, TO PROVIDE FOR THE FOLLOWING: INCREASES IN SHIFT DIFFERENTIAL AND CERTIFICATION PAY; INCREASE IN COMPENSATION FOR A BACHELOR'S DEGREE; \$750.00 BASE PAY INCREASE IN THE SALARY FOR FIREFIGHTER; \$1,500.00 BASE PAY INCREASE IN THE SALARY OF PROGRAM MANAGER; \$1,000.00 BASE PAY INCREASE IN THE SALARY OF ASSISTANT FIELD SERVICES SUPERVISOR; \$1,000.00 BASE PAY INCREASE IN THE SALARY OF ASSISTANT SUPERVISOR/METER CSR; \$1,000.00 BASE PAY INCREASE IN THE SALARY OF ASSISTANT SUPERVISOR/STORMWATER; \$4,600.00 BASE PAY INCREASE IN THE SALARY OF INFORMATION TECHNOLOGY TECHNICIAN; \$1,500.00 BASE PAY INCREASE IN THE SALARY OF PUBLIC WORKS OPERATIONS SUPERVISOR; \$2,000.00 BASE PAY INCREASE IN THE SALARY OF CITY CLERK; AND 1% BASE PAY INCREASE FOR ALL EMPLOYEES EXCEPT INFORMATION TECHNOLOGY TECHNICIAN

Pursuant to a notice duly published in the Times-West Virginian on May 14, 2018, a public hearing was convened to obtain citizen input on a proposed ordinance authorizing increases in the City of Fairmont's current pay plan.

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

City Manager Robin Gomez stated that this was included as part of our budget that was adopted in March for FY19.

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

**LOT NO. 24 ROBINSON ST
MAP 03-33 PARCEL 0143
FAIRMONT CITY DISTRICT, MARION COUNTY, WV
404 ROBINSON STREET**

FROM JESSE LEE LAWSON, JR., TO THE CITY OF FAIRMONT; PROVIDING FOR AND AUTHORIZING THE POSSIBILITY OF THE CONVEYANCE AND TRANSFER OF SAID PARCEL OF REAL ESTATE FROM THE CITY OF FAIRMONT TO AN UNIDENTIFIED 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 May 14, 2018, a public hearing was convened to obtain citizen input on a proposed ordinance authorizing the transfer and conveyance of property at 404 Robinson St from Jesse Lee Lawson, Jr.

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

City Manager Robin Gomez stated that this was part of our ongoing process to alleviate blight throughout the City. The structure will be demolished and then we will look to determine if one of the adjoining property owners will eventually acquire the parcel.

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

ANNOUNCEMENTS

IN RE: SPEEDING ON PEACOCK LANE

Councilmember Mason said he continues to receive comments and concerns about speeding on Peacock Lane.

IN RE: THREE RIVERS FESTIVAL

Councilmember Moran said that it is Three Rivers Festival time and a lot of the rides are already up at Palatine Park and she hopes to see everyone there.

IN RE: LUCKY DUCK FESTIVAL

Councilmember Harger said that he would be participating in the Lucky Duck Festival on June 9th and there were still ducks available through the United Way.

IN RE: US FLAGS

Councilmember Merrifield said that the US Flags are going up throughout the City as part of a fundraiser between the Boy Scouts and the Rotary Club. They will be putting up between 550 – 600 flags.

IN RE: JULIA PIERPONT CELEBRATION

Mayor Mainella reminded everyone of the Julia Pierpont Celebration this Saturday at 10:00 a.m. A wreath laying ceremony will follow at Pierpont's grave at Woodlawn Cemetery.

CITIZENS PETITIONS

IN RE: PEACOCK LANE SPEEDING

Nick Cinalli of Peacock Lane spoke to Council regarding concerns with speeding on Peacock Lane. He said that it was his understanding that there had been discussions on street humps, street signs, etc. He is just asking that something be done on Peacock Lane.

Councilmember Mason asked if it was possible to put up a "Children at Play" sign. City Manager Gomez said that unfortunately, they are not as effective as people think and there is some liability involved in putting those signs up. He also said that he has spoken to the Police Chief and they have put out

extra patrols and will do everything that we can. He said that the majority of time it is the residents that live on those particular streets that are actually speeding. He also stated that 25 miles per hour, when you are walking on the street, seems fast but 25 miles per hour is the legal speed limit. He then said we could look into the possibility of lowering the speed limit or sending out letters to the residents to ask them to drive attentively.

Councilmember Mason said if we could get some neighbors on Peacock Lane to get citations that may be a good message.

Mayor Mainella asked if it was kids or older people. Mr. Cinalli said it is a mix. He also stated that on his way home he noticed that Avalon is 15 MPH. City Attorney Kevin Sansalone said that 25 MPH is the speed limit unless otherwise posted. Mayor Mainella asked if we could lower it to below 25 MPH. City Manager Gomez said we could do that but we will probably receive a lot of other requests so we will just make the effort to purchase the signs and put them up as we receive requests. Mayor Mainella said that we aren't receiving a whole lot of requests but City Manager Gomez stated that he has 15-17 streets with the same complaints. He said we can look at traffic calming devices such as speed humps but that can also get a little expensive so we will look at every option.

Councilmember Yann said that the City Manager made a point in that it is not unique to that area. He said it happens in his neighborhood as well.

Councilmember Harger asked about the speed monitoring trailers. Mayor Mainella said that we had one but it is broken. City Manager Gomez said that we are hoping to acquire one. Mayor Mainella said they can cost about \$15,000.

CITY MANAGER'S REPORT

IN RE: THREE RIVERS FESTIVAL

City Manager Gomez reminded everyone that the festival begins tomorrow with rides opening at 6:00 p.m.

IN RE: PALATINE PARK EVENTS

City Manager Gomez stated that MCPARC and the county put on events almost every week at Palatine Park through September and their calendar is available through MCPARC online or on their Facebook page.

IN RE: WAVE POOL AT EAST MARION PARK TO OPEN THIS WEEKEND

Mr. Gomez said the pool will reopen this weekend but thanks to an investment by Marion County and MCPARC, there is a new concession stand and some cabanas.

IN RE: CONGRATULATIONS TO FAIRMONT SENIOR BOYS LACROSSE

Mr. Gomez congratulated the FSHS Boys Lacrosse team for winning the state championship.

IN RE: THANKS TO PRIVATE PROPERTY OWNERS

City Manager Gomez thanked private property owners for maintaining their properties, including those that were tearing down dilapidated structures. He said as an example, a structure on Walnut Avenue was just demolished that was next to the new \$8M road and bridge. He encouraged residents to continue maintaining their yards, cut their grass, etc. He said that our Code Department will be out posting notices to residents for violations.

IN RE: GATEWAY CONNECTOR GRASS

Mr. Gomez said that the City's contractor continues to maintain and mow the sides of the Connector. The State of WV is responsible for the median of the Connector. He said the City has spoken to the State and said we could cut the median as well but they said they would continue to maintain that portion.

IN RE: GATEWAY CONNECTOR LIGHTING

City Manager Gomez stated that almost every light is now on after the lights were replaced with the new white LED lights.

IN RE: CITY EMPLOYEES EARNING THEIR DEGREES

Mr. Gomez congratulated City employees including Matt Mike (Utilities), Priscilla Hamilton (Finance), Alex Petry (Planning) and Sean Tracy (Police) on graduating from Fairmont State University last week.

IN RE: GREEN SPACE ON ADAMS ST. DOWNTOWN

City Manager Gomez said he has been meeting with representatives from the Marion County Historical Society about our parcel in downtown, the "green space", regarding an idea that they have regarding a memorial to honor Francis and Julia Pierpont. He said that we have included in our capital budget the ability to finance that area over multiple fiscal years but we do not have any set ideas at this time other than it being a public gathering area with kiosks, walkways and benches so he feels that a memorial would be a great benefit to that project. He then invited Dan Weber and Alex Haill to make their presentation to Council for their ideas on how to develop that space.

Mr. Weber said that over a year ago, a group of Fairmont residents got together to discuss and visualize what could be done with the green space in the 100 block of Adams St. He said the City of Fairmont traded this space with the County Commission several years ago for Palatine Park.

Mr. Weber said that the members of this volunteer group are: Dora Grubb, Ron Chrislip, JoAnn Lough, Rev. Richard Bowyer, Carol Mainella, Dr. Judy Byers, Alex Haill, Rebecca Key and Dan Weber. He said that the group came up with a design that would benefit all of Fairmont and be very historical and educational for our youth. He said the group has called this project the "Francis and Julia Pierpont Memorial City Park"

Alex Haill and Chuck Branch with Alpha Associates spoke to Council. He said that Alpha has come up with a plan, in addition to the memorial, for walkways to the alleys, mounds with sensory plantings, a dry pond, public restrooms, a water fountain that is handicapped accessible, a water fountain for dogs, a stage area and a sitting area.

They then presented Council with a conceptual drawing of what the park could look like and discussed lighting, securing the restrooms, security overall and funding, which included the possibility of a grant from the Bowers Foundation as well as other fundraising opportunities.

As far as the cost for this 3/4 acre area, it is estimated to be \$1.5M based on the current concept. City Manager Gomez said that the City has budgeted \$500,000 for the green space area to develop it into a public gathering area starting in Fiscal Year 2020.

Mr. Haill said that they would have to talk to all of the stakeholders about the funding possibilities for this project since there are a lot of options. He

said that Alpha Associates has basically done their work pro bono and are very interested in seeing this move forward.

City Manager Gomez said that this is just an idea/concept through the generosity of Alpha Associates, the Marion County Historical Society and a group of dedicated citizens who want to enhance our community and he then thanked them for their time and interest in bettering the City.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1768, DULY ADOPTED APRIL 24, 2018, WHICH PROVIDES FOR THE CITY OF FAIRMONT'S CURRENT PAY PLAN AND LIST OF OCCUPATIONAL CLASSES FOR ALL CLASS TITLES AND EMPLOYEES, TO PROVIDE FOR THE FOLLOWING: INCREASES IN SHIFT DIFFERENTIAL AND CERTIFICATION PAY; INCREASE IN COMPENSATION FOR A BACHELOR'S DEGREE; \$750.00 BASE PAY INCREASE IN THE SALARY FOR FIREFIGHTER; \$1,500.00 BASE PAY INCREASE IN THE SALARY OF PROGRAM MANAGER; \$1,000.00 BASE PAY INCREASE IN THE SALARY OF ASSISTANT FIELD SERVICES SUPERVISOR; \$1,000.00 BASE PAY INCREASE IN THE SALARY OF ASSISTANT SUPERVISOR/METER CSR; \$1,000.00 BASE PAY INCREASE IN THE SALARY OF ASSISTANT SUPERVISOR/STORMWATER; \$4,600.00 BASE PAY INCREASE IN THE SALARY OF INFORMATION TECHNOLOGY TECHNICIAN; \$1,500.00 BASE PAY INCREASE IN THE SALARY OF PUBLIC WORKS OPERATIONS SUPERVISOR; \$2,000.00 BASE PAY INCREASE IN THE SALARY OF CITY CLERK; AND 1% BASE PAY INCREASE FOR ALL EMPLOYEES EXCEPT INFORMATION TECHNOLOGY TECHNICIAN

Mayor Mainella entertained a motion for the adoption of an ordinance providing for increases in the City's current pay plan.

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. 1771 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:

**LOT NO. 24 ROBINSON ST
MAP 03-33 PARCEL 0143
FAIRMONT CITY DISTRICT, MARION COUNTY, WV
404 ROBINSON STREET**

FROM JESSE LEE LAWSON, JR., TO THE CITY OF FAIRMONT; PROVIDING FOR AND AUTHORIZING THE POSSIBILITY OF THE CONVEYANCE AND TRANSFER OF SAID PARCEL OF REAL ESTATE FROM THE CITY OF FAIRMONT TO AN UNIDENTIFIED 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 for the adoption of an ordinance providing for the conveyance of property from Jesse Lee Lawson, Jr. to the City of Fairmont.

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. 1772 was duly adopted.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2017-2018 ANNUAL BUDGET: GENERAL FUND

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

Motion:

Councilmember Harger 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 June 12, 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:

**LOT NO. 25 ROBINSON ST
MAP 03-33 PARCEL 0142
FAIRMONT CITY DISTRICT, MARION COUNTY, WV
402 ROBINSON STREET**

FROM COLUMBA NWOKO, TO THE CITY OF FAIRMONT; PROVIDING FOR AND AUTHORIZING THE POSSIBILITY OF THE CONVEYANCE AND TRANSFER OF SAID PARCEL OF REAL ESTATE FROM THE CITY OF FAIRMONT TO AN UNIDENTIFIED 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 amending the General Fund Annual Budget.

Motion:

Councilmember Harger 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 June 12, 2018 by voice vote of Council.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA, AUTHORIZING THE SUBMISSION OF AN APPLICATION WITH THE GEORGE W. BOWERS FAMILY CHARITABLE TRUST FOR A GRANT TO FUND, IN PART, THE PURCHASE OF SIGNS, MARKERS AND OTHER WAYFARING LOCATORS TO IDENTIFY PUBLIC PARKS AND RECREATION FACILITIES IN THE CITY OF FAIRMONT, 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 an application for a grant.

Motion:

Councilmember Harger 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.

IN RE: ADOPTION, A RESOLUTION BY THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA, AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR A GRANT TO FUND, IN PART, LITTER CONTROL; 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 RATIFICATION.

Mayor Mainella entertained a motion for the adoption of a resolution authorizing the submission of an application for a grant.

Motion:

Councilmember Yann 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 Warner.

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 BY THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA, AUTHORIZING THE FILING OF AN APPLICATION WITH THE GEORGE W. BOWERS FAMILY CHARITABLE TRUST ON BEHALF OF THE DUNBAR SCHOOL FOUNDATION, FOR A GRANT TO FUND, IN PART, THE REHABILITATION OF DUNBAR SCHOOL AND IF SUCH GRANT IS AWARDED, AUTHORIZING THE ACCEPTANCE THEREOF, AND FURTHER PROVIDING THE CITY MANAGER WITH THE AUTHORITY TO DO ALL THINGS REASONABLE AND NECESSARY IN CONNECTION THEREWITH; RATIFICATION

Mayor Mainella entertained a motion for the adoption of a resolution authorizing the submission of an application for a grant.

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 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 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 7:51 p.m.