

**June 12, 2018**

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 12<sup>th</sup> day of June, 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	Steven Shine
Fire Chief	Ed Simmons
Director of Planning	Sandra Scaffidi

**IN RE:        OPENING CEREMONIES**

Rev. D.D. Meighen gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Harger.

**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 22, 2018.

Councilmember Straight moved to approve the minutes as submitted. The motion was seconded by Councilmember Warner.

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

## PUBLIC HEARINGS

**IN RE: AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2017-2018 ANNUAL BUDGET: GENERAL FUND**

Pursuant to a notice duly published in the Times-West Virginian on May 28, 2018, 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.

Mr. Gomez stated this is the final revision for the FY18 budget. He said that it includes the accounting adjustment entries at year-end as we close out our FY18 budget.

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. 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**

Pursuant to a notice duly published in the Times-West Virginian on May 28, 2018, a public hearing was convened to obtain citizen input on a proposed ordinance authorizing the transfer and conveyance of property at 402 Robinson Street from Columba Nwoko.

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

The City Manager explained that this ordinance is part of our continuing efforts to alleviate blight, promote stimulated economic development and redevelopment throughout the City by acquiring a property with a rather poor structure that the City will subsequently have demolished and removed from the property. It is then the City's desire to convey or sell the property to an adjoining neighbor.

There being no one else to speak, the public hearing was called to a close at 7:08 p.m.

### **ANNOUNCEMENTS**

#### **IN RE: BOARD AND COMMISSION DINNER**

Councilmember Straight mentioned that he enjoyed the Board and Commission Appreciation Dinner last night for those that serve on the City's boards and commissions. He noted it was a nice event.

#### **IN RE: JULIA PIERPONT DAY**

Councilmember Grubb thanked the City Manager and Mayor for attending the Julia Pierpont Day celebration.

#### **IN RE: GERALD SWICK PUBLISHED BOOKS**

Councilmember Grubb mentioned that Gerald Swick just had two new books published on part of his series about Historical Human Interest Stories of WV. She noted that he will be in Fairmont on Thursday, June 21<sup>st</sup>, from 10:30 a.m. to 1:30 p.m., at the Museum, for an author reading and signing.

#### **IN RE: COMMEMORATION FOR COAL MINERS**

Councilmember Grubb reported that on June 23<sup>rd</sup>, at Palatine Park, a commemoration will be held for the coal miners of this area. She noted they have gotten a hand-carved wooden statue of a miner to be placed at the Park.

### **CITIZENS PETITIONS**

**IN RE: SPRING INTO ACTION FAIR**

Dr. Budd Sapp, representing Leadership Marion, addressed Council regarding the "Spring Into Action" Fair. He explained this was an annual program sponsored by Fairmont State University in which they raise funds to help support several non-profit organizations within our community.

**IN RE: ALLEY ABANDONMENT REQUESTED FOR BARNES STREET**

JARROD DEVAULT, Attorney At Law with the firm Tharp, Liotta and Yokum, addressed Council regarding a proposed alley abandonment for Barnes Street. He said that he is representing Douglas Cline who owns real property at 419 Barnes Street. He said that Mr. Cline has applied for the abandonment of a portion of a 16' unopened wide alleyway along the southwestern line of his property. He said that he is presenting a petition to City Council along with a proposed ordinance to have this alley abandoned. He went on to say that Mr. Cline received a building permit for the construction of a 10x14 storage shed and when he applied for the permit he did not specify what size of a building that he was looking at because he had not decided yet. However, the building was constructed and completed and the resulting structure is actually 20x24 somewhat bigger than what was actually permitted. He said that a criminal complaint was filed in Magistrate Court against Mr. Cline for violation of the City Code pertaining to required setbacks based on the fact that the building that was constructed was larger than what was permitted and it actually encroaches into the 16' right-of-way. The criminal proceeding have been delayed depending on the outcome of these proceedings here in the hopes that the City will approve Mr. Cline's request for abandonment. Mr. Cline appeared before the Planning Commission, as required by the Code, and the public hearing ensued at which time members of the public appeared to state their opinion. He noted that Council had the Planning Commission's recommendations in front of them. At this time, Mr. Cline is petitioning City Council for an ordinance that would abandon the portion of that unused and unopened 16' alleyway on the grounds that it would bring his building into compliance with City Code requirements and that the abandonment of such a small portion of the alleyway would not interfere with the use of the alley by any of the adjoining property owners or anyone else in the community that would need to use the alleyway for passage. It would be in the best interest of the City and the community to grant this abandonment of that portion of the right-of-way to limit the liability of the City and the citizens on the bases of the fact that his garage is actually within the public roadway.

LOUIS YELICH, 413 Barnes Street, also addressed Council regarding the alley abandonment. He said that his concern is with his access to the parking lot in the back of his house. He said that he put a 30' parking lot in the back of his house so he can keep off the city street. He stated that in 2007 when they were putting in the Gateway Connector, they cut access off to his parking in which he contacted the City and the State and they came up and surveyed the area. They said that they would find him ingress to his property and they had this alleyway that is in question now, however, they said that it was too cost effective to lay down gravel so Charles Street was being abandoned at that time so they put 200 plus tons of gravel on Charles Street and built him a place so he could access his property. His question now is that he thought this property was abandoned and not usable since it was too cost effective and now he gets this petition and it shows him being able to go through this alley but it would be impracticable because he would tear it up since they don't have any gravel down or has not fixed it up. He also mentioned that there is a tree there that is 12' at the base and it encroaches into the alley 13' out of the 16' alley which he would have to go around then he would be encroaching on the church property.

### CITY MANAGER'S REPORT

**IN RE: BOARD AND COMMISSION DINNER**

Mr. Gomez thanked those that attended the City's Board and Commission Appreciation Dinner. He noted it was very nice to recognize those that serve on the boards and volunteer their time. He said that we will look to have this dinner as an annual event.

**IN RE: CITY OF FAIRMONT RECOGNIZED**

The City Manager said that the City had the great opportunity to participate in and be recognized by the US EPA and the WV DEP for the Sharon Steel and Fairmont Coke Works site for the years that it was remediated and cleaned up.

### CONSIDERATION OF COUNCIL BUSINESS

**IN RE: ADOPTION, AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2017-2018 ANNUAL BUDGET: GENERAL FUND**

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

Motion:

Councilmember Merrifield 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 Council and the ordinance designated as Ordinance No. 1773 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. 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 for the adoption of an ordinance providing for the conveyance of property from Columba Nwoko to the City of Fairmont.

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 Council and the ordinance designated as Ordinance No. 1774 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:**

**PT LS 27-28 & PCL ROBINSON ST  
MAP 03-33 PARCEL 0139  
FAIRMONT CITY DISTRICT, MARION COUNTY, WV  
312 ROBINSON STREET**

**FROM HYLTON HOLDINGS, LLC, 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 providing for the conveyance of property from Hylton Holdings, LLC to the City of Fairmont.

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 26, 2018 by voice vote of Council.

**IN RE: FAILED, AN ORDINANCE PROVIDING FOR THE VACATION AND ABANDONMENT OF A PORTION OF A PLATTED UN-NAMED UN-OPENED ALLEY SITUATE IN UNION CITY DISTRICT (05), MARION COUNTY, WEST VIRGINIA, BETWEEN BARNES STREET AND HALL STREET, AND BEING THAT**

CERTAIN PORTION OF SAID RIGHT OF WAY RUNNING IN A NORTHEASTERLY DIRECTION APPROXIMATELY 120.6 FEET BETWEEN THOSE CERTAIN PARCELS OF REAL ESTATE IDENTIFIED AS PARCELS 39, AND 40 OF MARION COUNTY TAX MAP 05-09 AND PARCELS 50.1, 50 AND PART PARCEL 49 OF SAID TAX MAP; RESERVING ALL UTILITY RIGHTS, WHICH PARCELS ARE OWNED AS FOLLOWS:

<u>TAX MAP</u>	<u>PARCEL NUMBER</u>	<u>OWNERS</u>
05-09	39	Cinda Yanero
05-09	40	Douglas Cline
05-09	50.1	Junior Brady & Lillian Brady
05-09	50	Junior Brady & Lillian Brady
05-09	49	Trustees Church of God

Mayor Mainella entertained a motion and second for the introduction of an ordinance providing for the abandonment of an un-named un-opened alley between Barnes Street and Hall Street as requested by Douglas Cline.

No motion was made on this item.

The Mayor noted this item died (failed) for the lack of a motion to set the public hearing.

### 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 7:31 p.m.