

June 25, 2019

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 25th day of June, 2019, at the Public Safety Building located at 500 Quincy Street in Fairmont, West Virginia.

Mayor Merrifield called the meeting to order.

Councilmembers present were:

Second District	Frank G. Yann
Third District	Karl (David) Kennedy
Fourth District	Kenneth (Brad) Merrifield
Fifth District	Barry H. Bledsoe
Sixth District	Dora Kay Grubb
Seventh District	Philip R. (Phil) Mason
Eighth District	Thomas (Tom) Mainella
Ninth District	Donna M. Blood

Absent:

First District	Joshua D. (Josh) Rice
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Also present were:

City Manager	Valerie Means
City Attorney	Kevin Sansalone
City Clerk	Janet L. Keller
Fire Chief	Edward Simmons

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

IN RE: EXCUSE COUNCILMEMBER RICE

The Mayor entertained a motion to excuse Councilmember Rice from this meeting due to a work obligation.

Motion:

Councilmember Mainella moved to excuse Councilmember Rice. Councilmember Yann seconded the motion.

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

APPROVAL OF MINUTES

Mayor Merrifield noted that each member of Council had received a copy of the minutes from the Regular Meeting June 11, 2019.

Councilmember Mainella moved to approve the minutes as submitted. The motion was seconded by Councilmember Grubb.

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

PUBLIC HEARINGS

IN RE: AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT AUTHORIZING, APPROVING AND PROVIDING FOR THE ACQUISITION, ESTABLISHMENT AND CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS, NAMELY WORKS OF INTERNAL IMPROVEMENT FOR THE PUBLIC USE, INCLUDING SIDEWALKS, TRANSPORTATION FACILITIES, AND STORM WATER MANAGEMENT FACILITIES, AMONG OTHERS, TO BE LOCATED ADJACENT TO LOCUST AVENUE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA

Pursuant to a notice duly published in the Times-West Virginian on June 3, 2019 and June 10, 2019, a public hearing was convened to obtain citizen input on a proposed ordinance providing for the acquisition, establishment and construction of certain public improvements to be located adjacent to Locust Avenue.

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

Ms. Means spoke in favor of the proposed ordinance. She said this is a continuation of what we did last meeting with the properties and now this is asking for approval for the actual project itself which is going to be a public improvement project that is going to give us a sidewalk, transportation and even a rain garden. She noted it was a very worthwhile project.

There being no one else to speak, the public hearing was called to a close at 7:06 p.m.

ANNOUNCEMENTS

IN RE: MEETING WITH MARION COUNTY COMMISSION

Councilmember Mason reported that last Wednesday there was a very productive meeting between the Mayor, City Manager, himself, the County Commissioners, staff people from the County and staff people from the City and he is encouraged that there will be good working relationship between the City and the County.

The Mayor went on to say that the relationship with the County Commissioners is excelling as is the relationship with Fairmont State and Dr. Martin and Bob Adcock from Fairmont Regional Medical Center. He noted that there is going to be an announcement in the next couple of weeks for Fairmont and Dr. Martin really helped us on that project. He said a lot of things are going on, we have a good Council and have good bones in the City and good people and we are just starting to jell together and it is an exciting time.

IN RE: CITY MANAGER COMMENDED

Councilmember Bledsoe stated that there is an old saying that you can't fight City Hall but he thought in the last couple of weeks we have shown that to not be the case. He explained that a gentleman was here at the last meeting with the food truck in Bellview and had some issues and it was only a very short couple of days, if that, that our City Manager jumped on it with both feet with some of the department heads and, as he understands it, he had his issues worked out and will be able to keep doing business as he has been and he is glad to see it worked.

IN RE: COAL SHOW AT PALATINE PARK

Councilmember Kennedy reported that he was able to attend the Coal Show at Palatine Park and there were people attending from all over West Virginia. He noted it was a beautiful day to have that kind of venue here in this town and people are seeing the quality and coming to this town.

IN RE: ANOTHER BUSINESS ASSISTED

The Mayor stated that there was another person having some difficulties that is trying to open a restaurant on Mary Lou Retton Drive. He said that they were able to get a hold of the Code Enforcement Department and the City Manager and they worked out the issues and fortunately the re-evaluation of the existing ordinance ended up helping her tremendously. She was glad that the City was able to help her and he looks forward to that opening as another business in the City.

CITIZENS PETITIONS

IN RE: DIAMOND STREET PROJECT UPDATE

NICK FANTASIA, Director of Marion Regional Development Corporation, 110 Adams Street, Suite 2, addressed Council regarding an update on the Diamond Street project. He explained that the initial dirt work began two weeks ago and then ran into a week's worth of rain that slowed them down. He said that footers and excavation work started on Monday for house number one and footers are going into the ground tomorrow for house number two. He went on to say that they are anticipating a May Brothers truck delivering blocks at some point on Thursday and laying blocks on Friday and Saturday. He said they have successfully finished an agreement with Cook Brothers to do the stick work on the two homes and they think they will be under roof at some point before the end of July and, if everything goes okay, sometime after Labor Day they are anticipating some substantial completion.

In addition to the update, Mr. Fantasia commended Building Inspector Ken Fletcher for his remarkable work in assisting them when called. He also commended the Water Department for solving a problem that they ran into and said over all city staff has shown their professionalism.

Ms. Means said that she greatly appreciates those comments and will certainly pass them along.

Mr. Fantasia then stated that hopefully in early August the ten houses will be demolished and there will be a ten acre opening off the Third Street Bridge which will definitely catch people's eye.

Councilmember Yann noted that it sounds like they are using everything local.

Mr. Fantasia said that they are doing the best they can to use all local companies and they are doing everything they can to generate B&O Tax for the City.

IN RE: GARBAGE COMPLAINT ON BROOKSIDE DRIVE

JACK FRAZIER, 1044 Brookside Drive, addressed Council regarding a garbage issue on Brookside Drive. He said they have a garbage issue with the apartments at the lower end of Brookside near the intersection of Bell

Run Road. He explained that he started complaining about the apartments in 2011 and it is still ongoing. It's a weekly thing. The issue is that the garbage is not in the containers. It is usually laying on the ground in bags or the garbage is scattered. The pick-up is scheduled for Friday and the garbage cans are scattered by the road 24/7. He did not understand how they are allowed to be kept right by the road. He said this is a re-occurring problem that keeps coming back. He went on to say that the way the ordinance is written, it says that any of the containers that if they are not able to put them on the side or back of the house where they are not visible from the road and they have to be in an area where they are visible, they are supposed to be put in some type of an enclosure. Another part of the ordinance says that the garbage has to be in the garbage cans. The pickup is Friday and by Monday there is already garbage laying on the ground. Mr. Frazier then said that he did not know how many apartments are there, however, at one time he knew there were eight apartments, but he did not know what the ordinance says that if there are over four apartments or dwellings that they are mandated to have a dumpster. He said that he appreciated the city employees that have helped in the past, however, something permanent needs to be done. It is an ongoing problem for a number of years now.

Councilmember Mainella stated that if the code does, in fact, say that a number over four apartments are required to have a dumpster then he would think that we could require to give them a code notice and make them have a dumpster. He agreed that it has been an ongoing problem for years and garbage is all over the place and is very unsightly. He noted that they will clean it up for a week or two and then it is right back the same way.

Councilmember Mason mentioned that he drove by there today and he counted one through eight so apparently there are eight boxes related to, he presumes, eight units. He did not know what the code is based upon minimum number of apartments requiring a dumpster but he would suspect that they probably hit it. He then asked the City Manager to follow up on this.

Ms. Means noted that she most certainly will follow up.

The Mayor said that it is unfortunate but they will get it cleaned up and then go right back to it. He stated that he feels very confident that the City Manager will check the code and get done whatever needs done. He then mentioned that if they go back to their old habits, we will need to know that.

CITY MANAGER'S REPORT

IN RE: MEETING COMMUNITY LEADERS

Ms. Means mentioned that it is almost four weeks here and she has been having some good meetings with the leaders of the community and citizens. She said that everyone that she has met just clearly has the best interest of Fairmont in mind and with that spirit of collaboration we are going to be able to do a lot of good things. She said the relation with the County is key and we have to be able to work together with the County. The County is Fairmont and Fairmont is the County so we need to be able to work together and continue to do good things.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: AN ORDINANCE AMENDING AND REVISING ARTICLE III, "THE MANAGER" OF THE FAIRMONT CITY CHARTER, AND MORE PARTICULARLY SECTION 3.01 *APPOINTMENT; QUALIFICATIONS; COMPENSATION* THEREOF, TO PROVIDE THE CITY MANAGER WITH THE OPPORTUNITY TO LIVE IN CERTAIN DESIGNATED UNINCORPORATED AREAS OF MARION COUNTY, WEST VIRGINIA WHICH EXIST OUTSIDE THE CORPORATE LIMITS OF THE CITY OF FAIRMONT

Mayor Merrifield entertained a motion for the adoption of an ordinance providing for a Charter amendment to provide the City Manager with the opportunity to live in certain designated unincorporated areas which exist outside the corporate limits of Fairmont.

Motion:

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

Roll call was taken by the Clerk and the following votes were recorded:

Councilmember Mason	Yes	Councilmember Blood	No
Councilmember Grubb	Yes	Councilmember Bledsoe	No
Councilmember Mainella	No	Councilmember Kennedy	Yes
Councilmember Yann	No	Mayor Merrifield	Yes

The Mayor declared the ordinance a tie vote.

The City Attorney explained that the ordinance has to pass by five votes regardless of the number of Councilmembers that are seated. Under our

Charter, nothing passes Council without a minimum of five votes so the ordinance fails.

The Mayor declared the ordinance failed by not receiving enough yes votes.

IN RE: ADOPTION, AN ORDINANCE AMENDING AND REVISING ARTICLE II, "THE COUNCIL" OF THE FAIRMONT CITY CHARTER, AND MORE PARTICULARLY SECTION 2.08 CITY CLERK THEREOF, TO ELIMINATE THE REQUIREMENT THAT THE CITY CLERK MUST BE A RESIDENT OF THE CITY OF FAIRMONT

Mayor Merrifield entertained a motion for the adoption of an ordinance providing for a Charter amendment to eliminate the requirement that the City Clerk must be a resident of the City of Fairmont.

Motion:

Councilmember Mainella moved for the adoption of the proposed ordinance. Councilmember Yann 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. 1823 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT AUTHORIZING, APPROVING AND PROVIDING FOR THE ACQUISITION, ESTABLISHMENT AND CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS, NAMELY WORKS OF INTERNAL IMPROVEMENT FOR THE PUBLIC USE, INCLUDING SIDEWALKS, TRANSPORTATION FACILITIES, AND STORM WATER MANAGEMENT FACILITIES, AMONG OTHERS, TO BE LOCATED ADJACENT TO LOCUST AVENUE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA

Mayor Merrifield entertained a motion for the adoption of an ordinance providing for the acquisition, establishment and construction of certain public improvements to be located adjacent to Locust Avenue.

Motion:

Councilmember Mason moved for the adoption of the proposed ordinance. Councilmember Blood 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. 1824 was duly adopted.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL FOR THE CITY OF FAIRMONT AUTHORIZING AND EMPOWERING VALERIE A. MEANS, PRISCILLA A. HAMILTON AND JANET L. KELLER TO ACT ON BEHALF OF THE CITY OF FAIRMONT FOR PURPOSES OF CERTAIN ACCOUNTS HELD AT EDWARD JONES

Mayor Merrifield entertained a motion for the adoption of a resolution authorizing Valerie A. Means, Priscilla A. Hamilton and Janet L. Keller to act on behalf of the City for purposes of certain accounts held at Edward Jones.

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 Blood.

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 OF THE COUNCIL FOR THE CITY OF FAIRMONT AUTHORIZING AND EMPOWERING VALERIE A. MEANS, PRISCILLA A. HAMILTON AND JANET L. KELLER TO ACT ON BEHALF OF THE CITY OF FAIRMONT FOR PURPOSES OF CERTAIN OPERATING AND INVESTMENT ACCOUNTS AT HUNTINGTON NATIONAL BANK INC., FAIRMONT, WEST VIRGINIA

Mayor Merrifield entertained a motion for the adoption of a resolution authorizing Valerie A. Means, Priscilla A. Hamilton and Janet L. Keller to act on behalf of the City for purposes of certain operating and investment accounts at Huntington National Bank.

Motion:

Councilmember Bledsoe 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 Mainella.

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 OF THE COUNCIL FOR THE CITY OF FAIRMONT AUTHORIZING AND EMPOWERING VALERIE A. MEANS, PRISCILLA A. HAMILTON AND JANET L. KELLER TO ACT ON BEHALF OF THE CITY OF FAIRMONT FOR PURPOSES OF CERTAIN OPERATING ACCOUNTS AT MVB BANK INC., FAIRMONT, WEST VIRGINIA

Mayor Merrifield entertained a motion for the adoption of a resolution authorizing Valerie A. Means, Priscilla A. Hamilton and Janet L. Keller to act on behalf of the City for purposes of certain operating accounts at MVB Bank.

Motion:

Councilmember Bledsoe 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 Blood.

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 OF THE COUNCIL FOR THE CITY OF FAIRMONT AUTHORIZING AND EMPOWERING VALERIE A. MEANS, PRISCILLA A. HAMILTON AND JANET L. KELLER TO ACT ON BEHALF OF THE CITY OF FAIRMONT FOR PURPOSES OF CERTAIN ACCOUNTS HELD AT WESBANCO BANK, INC.

Mayor Merrifield entertained a motion for the adoption of a resolution authorizing Valerie A. Means, Priscilla A. Hamilton and Janet L. Keller to act on behalf of the City for purposes of certain accounts at Wesbanco Bank.

Motion:

Councilmember Blood 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 Bledsoe.

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 Merrifield moved that Council adjourn to Executive Session as per WV Code §6-9A-4(b)(2)(A) and City Charter 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 City Officer. The motion was seconded by Councilmember Mason.

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

IN RE: MEETING RECONVENED

The Mayor declared the meeting reconvened at 8:11 p.m.

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 8:12 p.m.

