

June 26, 2018

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 26th 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
Seventh District	Philip R. (Phil) Mason
Eighth District	Thomas (Tom) Mainella

Absent:

Sixth District	Dora Kay Grubb
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
Program Manager	Martha Richards

IN RE: EXCUSE COUNCILMEMBERS GRUBB AND STRAIGHT

The Mayor noted that Councilmember Straight is out of town on a work obligation and Councilmember Grubb is injured.

Motion:

Councilmember Merrifield made a motion to excuse Councilmembers Grubb and Straight from tonight's meeting. Councilmember Yann seconded the motion.

The Mayor declared Councilmembers Grubb and Straight excused by voice vote of Council.

IN RE: OPENING CEREMONIES

Father Joe of St. Peter the Fisherman Church 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 June 12, 2018.

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

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 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.

Pursuant to a notice duly published in the Times-West Virginian on June 18, 2018, a public hearing was convened to obtain citizen input on a proposed ordinance providing for the transfer of 312 Robinson Street to the City of Fairmont from Hylton Holdings LLC.

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

Mr. Gomez stated this item is for the City to acquire the said parcel in continuance of our process to alleviate blight throughout the City.

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

ANNOUNCEMENTS

Council had no announcements for this meeting.

CITIZENS PETITIONS

There were no Citizens Petitions.

CITY MANAGER'S REPORT

IN RE: SPECTRUM CABLE MAKING CHANGES

Mr. Gomez stated that residents are receiving letters from Spectrum Cable Company stating that they are making changes to their entire system and going 100% digital which means that in addition to enhancing channels and making some changes, those of you that directly connect your cable to the back of your television will now need, as of July 24th, to acquire a cable box to be able to view your channels.

IN RE: PAVING UPDATE

The City Manager stated that we are close to finalizing our street paving list for this season. He said that we will be paving approximately 13 miles. He added that some of the repairs will include a couple main thoroughfares. He said that all of Morgantown Avenue from East Park Avenue to Suncrest Boulevard will be milled and paved, Haymond Street from the Connector to Morgantown Avenue will be milled and paved, and Mary Lou Retton Drive from Maplewood Avenue to Fairmont Avenue will also be milled and paved.

He added that the City will be advertising the list far enough ahead so residents can take alternate routes. Mr. Gomez then stated that if the State will not pave Coal Run Hollow from 5th Street down to Kirkway, then the City of Fairmont will pave that street as well.

IN RE: COUNTERFEIT MONEY

Mr. Gomez reported that counterfeit money is being circulated throughout the City and he advised residents to go online to the website "Know Your Money" to learn more about the security features on bills.

CONSIDERATION OF COUNCIL BUSINESS

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:

**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 for the adoption of an ordinance providing for the transfer of 312 Robinson Street to the City of Fairmont from Hylton Holdings LLC.

Motion:

Councilmember Moran moved for the adoption of the proposed ordinance. Councilmember Harger 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. 1775 was duly adopted.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2018-2019 ANNUAL BUDGET: GENERAL FUND

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

Motion:

Councilmember Mason 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 July 10, 2018 by voice vote of Council.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2018-2019 ANNUAL BUDGET: COAL SEVERANCE

Mayor Mainella entertained a motion and second for the introduction of an ordinance providing for a Coal Severance Budget Revision.

Motion:

Councilmember Warner moved for the introduction of the proposed ordinance and the reading of a synopsis in lieu of the entire ordinance. Councilmember Harger seconded the motion.

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

The Mayor declared the public hearing set for July 10, 2018 by voice vote of Council.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE AMENDING AND SUPPLEMENTING PART FIVE-GENERAL OFFENSES CODE OF THE FAIRMONT CITY CODE, BY ADDING ARTICLE 547 TO PROSCRIBE DRUG AND GANG HOUSES, HOUSES OF PROSTITUTION, AND OTHER DISORDERLY HOUSES; TO REQUIRE A NIGHT WATCHMAN FOR CERTAIN VACANT OR OPEN STRUCTURES; AND TO PROHIBIT RECKLESSLY PERMITTING THE PHYSICAL CONDITION OR FACILITIES OF RESIDENTIAL REAL ESTATE FROM BECOMING OR REMAINING IN ANY CONDITION WHICH ENDANGERS THE HEALTH OR SAFETY OF ANY PERSON; PENALTIES

Mayor Mainella entertained a motion and second for the introduction of an ordinance amending Article 547 to prohibit Drug and Gang Houses.

Motion:

Councilmember Merrifield 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 July 10, 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 THOSE CERTAIN PARCELS OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT:

**LOT 52 HIGHLAND PLAZA
MAP 03-42 PARCEL 117
FAIRMONT CITY DISTRICT, MARION COUNTY, WV
100 DOVER STREET; AND**

**LOT 5 ROBINSON STREET
(PLAT 169-1)
MAP 03-33 PARCEL 211
407 ROBINSON STREET,**

FROM JACINTHA NWOKO TO THE CITY OF FAIRMONT; PROVIDING FOR AND AUTHORIZING THE POSSIBILITY OF THE CONVEYANCE AND TRANSFER OF SAID PARCELS OF REAL ESTATE FROM THE CITY OF FAIRMONT TO UNIDENTIFIED ADJOINING PROPERTY OWNERS 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 100 Dover Street and 407 Robinson Street to the City of Fairmont from Jacintha Nwoko.

Motion:

Councilmember Mason 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 July 10, 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, UNION DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT:

**BLK 12 PT LOT 20 E PARK AVE
MAP 05-5 PARCEL 224
UNION CITY DISTRICT, MARION COUNTY, WV
307 EAST PARK AVENUE**

FROM JULIAN COMPUTERS 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 307 East Park Avenue to the City of Fairmont from Julian Computers LLC.

Motion:

Councilmember Merrifield moved for the introduction of the proposed ordinance and the reading of a synopsis in lieu of the entire ordinance. Councilmember Mason seconded the motion.

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

The Mayor declared the public hearing set for July 10, 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 THOSE CERTAIN PARCELS OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT:

**BLK 2 LT 7 HAMILTON ST
MAP 03-29 PARCEL 21
FAIRMONT CITY DISTRICT, MARION COUNTY, WV
350 HAMILTON STREET; AND**

**LT 2 MONROE ST
MAP 03-28 PARCEL 72
FAIRMONT CITY DISTRICT, MARION COUNTY, WV
634 MONROE STREET**

FROM COLUMBA NWOKO TO THE CITY OF FAIRMONT; PROVIDING FOR AND AUTHORIZING THE POSSIBILITY OF THE CONVEYANCE AND TRANSFER OF SAID PARCELS OF REAL ESTATE FROM THE CITY OF FAIRMONT TO UNIDENTIFIED ADJOINING PROPERTY

OWNERS 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 350 Hamilton Street and 634 Monroe Street to the City of Fairmont from Columba Nwoko.

Motion:

Councilmember Warner moved for the introduction of the proposed ordinance and the reading of a synopsis in lieu of the entire ordinance. Councilmember Mason seconded the motion.

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

The Mayor declared the public hearing set for July 10, 2018 by voice vote of Council.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT PROVIDING FOR THE DESIGNATION AND NAMING OF THOSE CERTAIN STREETS OR ROADWAYS SITUATE IN THE SPEEDWAY BUSINESS PARK (FORMERLY OWENS-ILLINOIS BOTTLE WORKS) SITUATE IN THE CITY OF FAIRMONT, UNION/WINFIELD DISTRICTS, MARION COUNTY, WEST VIRGINIA, AND IDENTIFIED AS BOTTLE WORKS AVENUE, PROGRESS STREET, AND GLASS AVENUE AS DEPICTED ON THE PLAT PREPARED BY THRASHER ENGINEERING, ENTITLED "PROPOSED ROAD DEDICATION FROM THE SPEEDWAY BUSINESS PARK TO THE CITY OF FAIRMONT" DATED JUNE 2018; DEDICATION

Mayor Mainella entertained a motion and second for the introduction of an ordinance naming the streets in the Speedway Business Park.

Motion:

Councilmember Merrifield 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 July 10, 2018 by voice vote of Council.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT, MARION COUNTY, WEST VIRGINIA, ADOPTING THE REGION VI PLANNING AND DEVELOPMENT COUNCIL'S MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN UPDATE FOR CITY OF FAIRMONT

Mayor Mainella entertained a motion for the adoption of a resolution to adopt the Region VI Planning and Development Council's Multi-Jurisdictional Hazard Mitigation Plan.

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 Moran.

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 ENDORSING THE FIRST FRIDAY CELEBRATION FOR JULY 6, 2018, SPONSORED BY MAIN STREET FAIRMONT, INC., TO BE HELD IN CONJUNCTION WITH THE RAMBLING ROOT, 101 FAIRMONT AVENUE, FAIRMONT, WEST VIRGINIA

Mayor Mainella entertained a motion for the adoption of a resolution endorsing the July 6, 2018 event sponsored by Main Street Fairmont to be held in conjunction with the Rambling Root.

Motion:

Councilmember Moran 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 Mason.

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 BY THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR AN ABANDONED MINE LAND GRANT IN THE AMOUNT OF \$2,500,000.00 TO FUND IN PART THE FURTHER DEVELOPMENT AND REHABILITATION OF WINDMILL PARK, 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 application to the WV DEP for the rehabilitation of Windmill Park.

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 those Councilmembers present.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR AN ABANDONED MINE LAND GRANT IN THE AMOUNT OF \$2,500,000.00 TO FUND IN PART THE CONSTRUCTION OF A PEDESTRIAN BRIDGE OVER THE MONONGAHELA RIVER UTILIZING THE HISTORICAL ABUTMENTS AND PIERS OF THE 1853 FAIRMONT SUSPENSION BRIDGE TO LINK THE PITTSBURGH AND PARKERSBURG (P2P) RAIL TRAIL, 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 application to the WV DEP to fund in part the construction of a Pedestrian Bridge over the Monongahela River.

Motion:

Councilmember Merrifield 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 those Councilmembers present.

IN RE: ONE COUNCIL APPOINTMENT, CONVENTION AND VISITORS BUREAU OF MARION COUNTY, TWO-YEAR TERM TO END JUNE 30, 2020

Mayor Mainella entertained a motion for one Councilmember appointment to the CVB for a two-year term to end June 30, 2020.

Motion:

Councilmember Yann moved to appoint Councilmember Marianne Moran to the CVB for a two-year term to end June 30, 2020. The motion was seconded by Councilmember Mason.

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

Councilmember Merrifield	Yes	Councilmember Yann	Yes
Councilmember Mason	Yes	Councilmember Warner	Yes
Councilmember Harger	Yes	Councilmember Moran	Abstain
Mayor Mainella	Yes		

The Mayor declared Councilmember Marianne Moran appointed to the CVB for a two-year term to end June 30, 2020 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 Yann.

The Mayor declared the meeting adjourned by voice vote of Council at 7:40 p.m.