

July 10, 2018

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 10th day of July, 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:

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| 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:

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| 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

Bob Pirner gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Merrifield.

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 26, 2018.

Councilmember Yann moved to approve the minutes as submitted. The motion was seconded by Councilmember Moran.

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 2018-2019 ANNUAL BUDGET: GENERAL FUND

Pursuant to a notice duly published in the Times-West Virginian on July 2, 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 spoke in favor of the proposed ordinance. He said this is the first revision for this current fiscal year and it is making adjustments for some of the carryovers.

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

IN RE: AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2018-2019 ANNUAL BUDGET: COAL SEVERANCE

Pursuant to a notice duly published in the Times-West Virginian on July 2, 2018, a public hearing was convened to obtain citizen input on a proposed ordinance providing for a Coal Severance Budget Revision.

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

The City Manager stated this is also the first revision for this fiscal year for the Coal Severance Fund. He said this is an annual revision for the Coal Severance which is used for our snow treatment removal.

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

IN RE: 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

Pursuant to a notice duly published in the Times-West Virginian on July 2, 2018, a public hearing was convened to obtain citizen input on a proposed ordinance to amend the General Offenses Code to prohibit Drug and Gang Houses in the city limits of Fairmont.

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

Police Chief Shine spoke in favor of the proposed ordinance. He said that after the last discussion, there was a little bit of confusion amongst the general public, particularly the property owners, about how we are going to use this to hold them responsible for all the tenants' actions. It is not that, it's just what we have certain particular houses where we have had known problems and we can't get ahold of the landlord or they have been unresponsive. There's been no measures taken to safeguard the property, to safeguard the safety and security of the neighbors. The vacant building part basically means that they have to take responsibility for what they leave open and the people caught inside the buildings will then be held accountable. He added that we are going after the known nuisances, the constant problems. We are hoping to be successful as other cities have been in the past.

Mayor Mainella replied that, hopefully, this will help the police department.

Councilmember Merrifield said that he was satisfied with the fact that this ordinance has just given the police another level of being able to get the attention of owners that won't respond in trying to get these neighborhoods back to the people. He did not think it was going to be unfair to the property owners. It is not an effort to put everything on the property owners and if you read the ordinance, it says that they have to have at least two occurrences in a 12-month period.

The Chief said that all of the charges that are outlined, the prostitution, the gambling, and the drug offenses have some type of jail time attached to them one way or another. He then stated that one item is based on evictions but it's just adding another level of what could you do and the Judge giving

suggestions. We want to use the order of abatement more than we want to hold landlords criminally responsible. We don't have the time or the resources for it but we want them to understand that their rentals and their properties are having an impact on the entire community around them and the neighborhoods.

ANDREW ZICAFOOSE, 429 Walnut Avenue, spoke in support of the proposed ordinance. He said that he was in support of this ordinance for a couple of reasons. He said that he had a landlord that had property beside him and had some trouble tenants and couldn't get rid of them. He said the Police had been called numerous times and the landlord could not even get them evicted. The problem continued for almost a year and thank goodness they eventually moved since their lease was not renewed. He said in November or December someone tried to break into his house at 2:00 in the morning and she weighed about 90 lbs. and the force that she was hitting his front door knocked stuff off his wall and woke up his children. The Police was called and did what they could but they are still selling drugs out of that house. He said that any tool that the police can have that does not infringe on the civil liberties of property owners and the tenants, he is in 100% agreement with. He said as long as it makes it where the landlords and the police have an extra tool in their bag to say that we have horrible tenants that are causing a problem for this neighborhood and we have horrible property owners who have a dilapidated house in this neighborhood and they will not do any work to it whatsoever. As long as these are just tools to motivate those landowner, property owners and home owners and tenants, he is 100% behind this ordinance. He said that he really hopes that this helps and he hopes that this makes his neighborhood and other neighborhoods around him better.

MICHAEL BOBIC, Hollen Circle, had a few questions about the ordinance more specifically about the way the ordinance was written more so than the content of the ordinance. He asked the City Attorney about Section 507.04 regarding the investigating officer writing a summons and what is a warrant vs. summons.

Mr. Sansalone answered Mr. Bobic's specific questions.

PHIL MALLOW, 101 Rosewood Avenue, asked about the vetting process. He said that he didn't think everybody was concerned about the wrong doers but the folks that are concerned are the folks that own the property.

The Mayor replied that the vetting process is up to the landlord.

Mr. Mallow asked if the landlord says that someone is a drug user so I am

not going to let him rent my property, is that a valid point.

The Mayor replied that is what the landlord is supposed to do.

Mr. Mallow asked if that was a valid point and can I keep that person from coming into my place because I think they have a bad history.

Mr. Gomez replied that does not have anything to do with it.

Chief Shine explained that as far as the Fair Housing Standards, he was not sure what they require.

Mr. Gomez stated that was the property's owner's decision. They just have to be fair and equitable. He said that is not what this ordinance is addressing and does not even mention that whatsoever and has nothing to do with it.

Mr. Mallow said that his point is that if the police makes two attempts, that property owner has to have some

Mr. Gomez said hopefully, they have that before this happens. The property owner has to have some responsibility.

Mr. Mallow said that is the issue from people that are hearing the illegal activity, drugs, two police visits and my responsibility. They are concerned that they are going to be called in to evict people, court costs, and while that eviction is taking place, do they suffer damages and if they go to court to evict the folks, is the Police department in their corner.

Mr. Gomez said again that is not the issue. He said that Mr. Mallow was bringing in something else into it.

Mr. Mallow said that these folks don't know what this thing is saying. He said people are afraid of what might happen down the road if they go through with this and try to evict someone that maybe is not a drug user.

Councilmember Mason asked if a background check satisfies the vetting process.

The Chief said that he was not even saying that vetting is something that the Judge would order. He was saying that if someone was renting apartments without asking for references, places of employment, any sort of background checks, from here on out this is what you should do for the tenants. That will be a change that the landlord could make to the process.

The Judge cannot order someone to be evicted and cannot supersede State Code but what he can do is have an order of abatement and hear the evidence. The Chief said that he was fine with being used in Court and if the landlord would use him as part of the eviction process, that would be fine, use him, use their records, use their arrests.

Mr. Mallow asked where their limitation is.

The Mayor said that no one can answer that question.

The Chief then said that he was not sure what Mr. Mallow was asking. If someone is committing a misdemeanor crime from inside that house, two of them, two crimes, say we do a search warrant on a house and we find that there is a meth lab inside and the people have to go to the hospital because of exposure, we take the crime federally and that indictment may not come for three months but the fact that we had an offense occur is not negated. The fact that there is a drug lab in that house is not negated because we did not arrest someone immediately for a crime. If there is an offense and there is an order of abatement issued and you have to go in front of the Judge, then we are going to have evidence there to support that and he will be part of that. He will be more than happy to use that information to support any action that landlord takes.

The Mayor said that the ordinance would be part of that. He said the way the ordinance is written would be part of that whether he (pointing to the Police Chief) shows up or not. If there are arrests there, that's it. The Judge will handle it.

There being no one else to speak, the public hearing was called to a close at 7:26 p.m.

IN RE: 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

Pursuant to a notice duly published in the Times-West Virginian on July 2, 2018, a public hearing was convened to obtain citizen input on a proposed ordinance providing for the transfer of 100 Dover Street and 407 Robinson Street to the City of Fairmont from Jacintha Nwoko.

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

Mr. Gomez noted that this item is another abandoned dilapidated structure that we are acquiring with the intent to demolish the structure and it is our intent to eventually have the area redeveloped by an unidentified developer or neighbor.

There being no one else to speak, the public hearing was called to a close at 7:29 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, 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

Pursuant to a notice duly published in the Times-West Virginian on July 2, 2018, a public hearing was convened to obtain citizen input on a proposed ordinance providing for the transfer of 307 East Park Avenue to the City of Fairmont from Julian Computers LLC.

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

Mr. Gomez noted that this item is to alleviate another abandoned dilapidated structure that we are acquiring with the intent to demolish the structure.

There being no one else to speak, the public hearing was called to a close at 7:31 p.m.

IN RE: 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

Pursuant to a notice duly published in the Times-West Virginian on July 2, 2018, a public hearing was convened to obtain citizen input on a proposed ordinance providing for the transfer of 350 Hamilton Street and 634 Monroe Street to the City of Fairmont from Columba Nwoko.

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

Mr. Gomez noted that this item is to alleviate two more abandoned dilapidated structure that we are acquiring with the intent to demolish the structure.

There being no one else to speak, the public hearing was called to a close at 7:32 p.m.

IN RE: 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

Pursuant to a notice duly published in the Times-West Virginian on July 2, 2018, a public hearing was convened to obtain citizen input on a proposed ordinance providing for the naming of certain streets in the Speedway Business Park.

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

RUSSELL BOLYARD, spoke in favor of the proposed ordinance. He said

that he is here on behalf of the developer of the Speedway Business Park. He said that the streets that are being proposed will assist them in the future development of the Speedway Business Park from a technical standpoint. It now provides them a street in order to assign addresses for the new structures that are being built.

There being no one else to speak, the public hearing was called to a close at 7:35 p.m.

ANNOUNCEMENTS

IN RE: 4TH OF JULY CELEBRATION

Councilmember Straight reported that he enjoyed the 4th of July festivities at Palatine Park.

Councilmember Mason also mentioned that Palatine Park has really turned in to a place for great times.

Councilmember Yann reported that he enjoyed the 4th of July celebration. He noted that the fireworks were wonderful.

Councilmember Harger noted that he also attended the 4th of July celebration.

IN RE: JOHNNY JOHNSON FESTIVAL

Councilmember Moran reported that she attended the Johnny Johnson Festival held at Palatine Park. She mentioned it was a very nice time.

Councilmember Harger noted that the Johnny Johnson Festival was wonderful.

The Mayor mentioned that he, Councilmember Straight and Councilmember Warner were on Council long enough ago that when they went to the Johnny Johnson Festival, Johnny Johnson was there. He noted that he came to Fairmont several years before he passed away.

IN RE: DAC 60TH ANNIVERSARY CELEBRATION

Councilmember Merrifield reported that on August 4th, the DAC will be celebrating their 60th anniversary with a celebration from 9:00 a.m. to 1:00 p.m. He said that we are very blessed to have a facility like that in Fairmont. He encourage everyone to attend the celebration.

CITIZENS PETITIONS

IN RE: OPEN BURNING ORDINANCE

JIM DECKER, 214 ½ Maplewood Drive, addressed Council regarding the open burning ordinance. He said that his neighbor at 220 Maplewood Drive has a tree trimming and lawn service business and hauls in tree branches, etc. and burning them in the neighborhood. He said that on March 24th, he had his first fire. Neighbors called 911 and the Fire Department came out and looked at the fire and left and left the fire burning. He went to the fire department to ask why they did not put the fire out. The fire department came back out and sprayed around the fire leaving the fire to smolder all night long and then the next day another neighbor called 911 and the fire department came back for the third time and put the fire out when no one else was around. Mr. Decker said that since that time, they have had a number of fires since the owner hauls in trees and brush from wherever he is doing his work. This time the Police Department was called out but not the Fire Department. The Officer saw the ash on the vehicles and said there was nothing that they could do. The Officer then talked to the guy burning but he continued to burn and after the officer left, the neighbor said the guy poured gasoline on the fire and called 911 again. This time three officers showed up and again the Fire Department was not called out and the officers said there was nothing they could do. Mr. Decker then called Chief Shine on Monday and was told that if ash is falling on vehicles, the Fire department should have been called out and the fire should have been put out. Mr. Decker then called the Zoning Department to ask why this guy is allowed to operate a business in a residential district. He also called the Building Inspector to ask why is guy is doing improvements to his house without a building permit. He also mentioned that he did not believe the property was registered with the Rental Registration Department which is an illegal rental. He then asked Council what he can do to get this situation corrected.

Mr. Gomez said that he will drive by and if he sees burning in the next few days, he will call the Fire Department and order them to extinguish the fire. We do have an ordinance, as the Chief explained, if someone is burning, they can be directed to extinguish the fire. He added that they do not have a business license and may not be allowed in the district so corrective action will be taken. He said that the City will be reaching out to them and the illegal rental is not registered so that will be addressed.

CHUCK WARNER, 307 First Street, addressed Council regarding the recent fireworks. He stated that "salutes" is the term used for the single shell fireworks that goes up and goes bang and that is all that it does. He noted

that he has an issue with the "salutes" in the fireworks displays and it is an unnecessary item in any firework display. They serve no purpose other than the loudest bang possible. He went on to say that they are detrimental to the mentally handicapped, service animals trained to sense danger, people with PTSD and are downright irritating. He then suggested that Council adopt an ordinance against what is called the "salutes", the single shell that goes up and has no color to it and just goes bang. He closed by saying that no one goes to the park to listen to the fireworks.

CITY MANAGER'S REPORT

IN RE: SPECTRUM CABLE

Mr. Gomez reminded everyone that Spectrum Cable Company is making changes to their entire system and going 100% digital which means that residents will now need to acquire a cable box to be able to view your channels by July 24th.

IN RE: NATIONAL NIGHT OUT

The City Manager reported that on Tuesday, August 7th from 6:00 p.m. to 9:00 p.m. the Fairmont Police Department will be holding a National Night Out event at Veterans Plaza. He encouraged everyone to come out and learn about the Police Department.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2018-2019 ANNUAL BUDGET: GENERAL FUND

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

Motion:

Councilmember Warner 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. 1776 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2018-2019 ANNUAL BUDGET: COAL SEVERANCE

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

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. 1777 was duly adopted.

IN RE: ADOPTION, 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 for the adoption of an ordinance to amend the General Offenses Code to prohibit Drug and Gang Houses in the city limits of Fairmont.

Motion:

Councilmember Merrifield 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 Council and the ordinance designated as Ordinance No. 1778 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 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 for the adoption of an ordinance providing for the transfer of 100 Dover Street and 407 Robinson Street to the City of Fairmont from Jacintha Nwoko.

Motion:

Councilmember Merrifield moved for the adoption of the proposed ordinance. Councilmember Moran 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. 1779 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, 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 for the adoption of an ordinance providing for the transfer of 307 East Park Avenue to the City of Fairmont from Julian Computers LLC.

Motion:

Councilmember Merrifield 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 Council and the ordinance designated as Ordinance No. 1780 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 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 for the adoption of an ordinance providing for the transfer of 350 Hamilton Street and 634 Monroe Street to the City of Fairmont from Columba Nwoko.

Motion:

Councilmember Warner 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 Council and the ordinance designated as Ordinance No. 1781 was duly adopted.

IN RE: ADOPTION, 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 for the adoption of an ordinance naming certain streets in the Speedway Business Park.

Motion:

Councilmember Straight moved for the adoption of the proposed ordinance. Councilmember Merrifield 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. 1782 was duly adopted.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE AMENDING AND SUPPLEMENTING THE PROVISIONS OF PART ONE-ADMINISTRATIVE CODE, CHAPTER FIVE - OFFICERS AND DEPARTMENTS, ARTICLE, 131 POLICE DEPARTMENT, SECTION .06 RULES AND REGULATIONS, OF THE FAIRMONT CITY CODE TO ELIMINATE THE REQUIREMENT THAT THE RULES AND REGULATIONS GOVERNING THE POLICE DEPARTMENT AND ITS MEMBERS MUST BE APPROVED BY COUNCIL

Mayor Mainella entertained a motion and second for the introduction of an ordinance amending Article 131 to eliminate the requirement that the Rules and Regulations governing the Police Department must be approved by Council.

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 24, 2018 by voice vote of Council.

ADJOURNMENT

The Mayor entertained a motion for adjournment.

Motion:

Councilmember Straight moved to adjourn the meeting. The motion was seconded by Councilmember Merrifield.

The Mayor declared the meeting adjourned by voice vote of Council at 8:06 p.m.