

September 11, 2018

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 11th day of September, 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
Sixth District	Dora Kay Grubb
Seventh District	Philip R. (Phil) Mason
Eighth District	Thomas (Tom) Mainella
Ninth District	Ronald J. (Ron) Straight, Sr.

Absent:

Fifth District	Fran Warner
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Also present were:

City Manager	Robin I. Gomez
City Attorney	Kevin Sansalone
City Clerk	Janet L. Keller
Police Chief	Steve Shine
Fire Chief	Edward Simmons

IN RE: EXCUSE COUNCILMEMBER WARNER

Councilmember Straight moved to excuse Councilmember Warner from tonight's meeting due to illness. The motion was seconded by Councilmember Yann.

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

IN RE: OPENING CEREMONIES

Rev. Larry Buckland gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Straight.

APPROVAL OF MINUTES

Mayor Mainella noted that each member of Council had received a copy of the minutes from the Regular Meeting held on August 28, 2018.

Councilmember Straight 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 AMENDING AND SUPPLEMENTING THE PROVISIONS OF PART ONE-ADMINISTRATIVE CODE, CHAPTER SEVEN-BOARDS, COMMISSIONS AND AUTHORITIES, ARTICLE 171 PARKING AUTHORITY, SECTION .08 RATES, THEREOF, TO PROVIDE FOR AND ESTABLISH A TWENTY-FIVE DOLLAR DEPOSIT TO SECURE THE RETURN OF EQUIPMENT

Pursuant to a notice duly published in the Times-West Virginian on September 3, 2018, a public hearing was convened to obtain citizen input on a proposed ordinance to establish a \$25.00 deposit to secure the return of equipment.

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

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

ANNOUNCEMENTS

IN RE: 911 MEMORY

Councilmember Mason commended the Marion County school teachers for keeping the memory alive about 911 and what had happened on that day in 2001.

IN RE: CANDIDATE FORUM

Councilmember Grubb encourage everyone to watch the candidate forum that was held on September 4th and 5th.

IN RE: 125TH ANNIVERSARY OF FIRST BAPTIST CHURCH

Councilmember Moran reported that she attended the 125th anniversary celebration on Sunday at First Baptist Church. She stated that she appreciates Pastor Val Gittings and her congregation for being such a welcoming and all-inclusive church that anyone can go to. She noted that we are lucky to have them in Fairmont.

CITIZENS PETITIONS

IN RE: CVB ANNUAL REPORT

LEISHA ELLIOTT, Executive Director of the Convention and Visitors Bureau of Marion County have her annual report to City Council. She explained that by Code, she has to present an annual report talking about their income and expenses to their taxing authorities. She noted that she sent this out on the 14th of August so Council would have it before she addressed Council.

IN RE: OPPOSITION TO A MEDICAL TREATMENT FACILITY

SUSIE HINERMAN, 1484 Lawrence Street, addressed Council regarding the opposition to the opening of a medical treatment facility on Country Club Road. Ms. Hinerman explained that her residence is in the back yard of the old State Police building on Country Club Road which she was told today has been leased for a suboxone clinic. She stated that she was not happy about that. Her fence separates that property from her property. She mentioned that if she would decide to sell her property and she and her husband would move, it is definitely going to devalue her property. There are a lot of single, elderly women in the neighborhood and they are extremely upset. She went on to say that she worked at a job that came in contact with those that had opioid problems and she certainly does not want to stereotype anybody but if you drive downtown, you see them standing on the corners and you see the trash they leave. She does not relish that in her back yard. She said that she is very much against this going in her neighborhood.

STEPHEN GUENDART, 1112 Fleming Avenue, also spoke in opposition to this facility. He said he only found out about this clinic treatment center a few hours ago. He said that he is a fifth generation Fairmont native and his family is very involved in the Fairmont community and his neighborhood. He said that his neighborhood is very family oriented with a lot of children in the neighborhood. He still has two minor children at home that walk their dog

down the street and when he heard that this facility was going in, he had serious concerns because he understands that these treatments provide suboxone and opioid based treatments to people who need them. They get the treatments and then they walk out the door and they are under the influence of those drugs in his neighborhood. He said that he is aware of the level of drug use in Fairmont and has already had contact with people in his yard asking him for rides and they are clearly on drugs. He only sees this increasing and getting worse. He said if this clinic goes in, it will no longer be a neighborhood for his family. He added that the website for the proposed business that is going in, the very first thing they list is addiction management and opioid treatment and then they will be letting them walk out the door. He stated it is not the appropriate place for that business.

JOHN MURDOCK, 1209 Fleming Avenue, stated that he has two great-grandchildren going to pre-school right across the street from this place. He noted that is not why we are having pre-school. He mentioned that he has already had problems with stuff coming up missing and the drugs in our area is getting rampant. He said that you call the police and the police do nothing about them. He then asked Council if they would want this facility in their front yard. Mr. Murdock said that he was on prescription drugs for a while and took himself off of them and that he did not need a rehab place. He said that people can get off the drugs if they want to.

JAMES GREEN, 1096 Country Club Road, stated that he lives directly across the street from the old State Police barracks and he also lives next to the Headstart School. He said that he was notified of this possibility of this business on Friday and he spent the weekend doing research about the facility. He noted that he plans on going to the other office that is in Morgantown already owned by this doctor. To call it a doctor's office, it sounds very clean and it definitely says that they provide weight loss management and acute care, however, he is not interested in having an acute care facility across from his house either. It is too busy and it creates traffic issues that already exists on County Club Road and the businesses there already have a lot of traffic. He understands that it is the right of the property owner, under zoning, to make decisions for their property but he thinks the zoning for that piece of property is probably outdated and was based on the need for the State Police barracks to be there and we have already had this conversation last year when the zoning came into question regarding the use of a hot spot to go in that location. He said he came to that meeting last year and it wasn't on the agenda because it wasn't part of the zoning that was available because it was zoned for offices, mixed use residential. He said, either way, doctors office, acute care management, or drug treatment facility, he is not interested in having it across the street from his four children or across the street from a school, Headstart, next

door. He said no matter how you dress it up and no matter how well you paint the place, you are still going to end up with a lot of traffic. Those that are addicted to opioids and are seeking treatment through that facility, he was not particularly interested in having them in his front yard. That area is already busy enough and they already have a lot of traffic and a lot of people walking along that street as they go towards County Club Motor Inn intersection. He closed by saying that as a parent, someone who works in the schools, someone who deals with children who already are exposed to enough, he is not interested in having it across the street from his house. As far as zoning, we are talking about a zoning that was done years ago and he hopes to hear more about this before it becomes a done deal.

IN RE: COMPREHENSIVE PLAN

NEIL STALNAKER, 211 Cochran Street, stated that he was wanting to discuss the 2018 Comprehensive Plan that is going to be presented later in the meeting. He has been following this plan since the 2016 Comprehensive Plan. He said it was a lot of work and a lot of effort and we cannot let it go to waste. Since the adoption of the 2005 Plan, the City has had three City Planners, two City Managers, and numerous Councilmembers. He said, in fact, by the time the new Plan goes into effect, some of the current Councilmembers may not be sitting at the table now. He said his challenge is how can be ensure this Plan over the next ten years and don't let it die because of the ever changing personnel. He then suggested to take the six parts of the Plan and break them down and assign them to a district and whoever is elected from that district is responsible for tracking and making a quarterly presentation with the status of that particular thing. He said that he knows some people aren't doing anything but it could be broken down.

Mr. Stalnaker then said that Section 3 of the Plan states that Fairmont is a thriving downtown business district and that is a tough nut to crack. He said at one time they talked about the green space on Adams Street. He said that several years ago he met with the former City Planner Kathy Wyrosdick and she expressed the desire back then to have an open farmer's market type of building put in there much like the one in Clarksburg. He went on to say that in Clarksburg, they took the farmer's market out of it and don't use it anymore and is now a parking lot. It did not happen on what they planned on having. Here we are, years later, we are still visualizing using that plan to build an open air farmer's market. He said that he would like Council to consider a Marion County Center for Historic Preservation and have a two-story building sitting against the back of the lot to future a block-long main building and the under part could be an open-air market place and the upper level could be used as a museum to be used by various organizations. He said to fill up the building with historical items from these

various organizations.

Mr. Stalnaker said that due to time limits, he did not have enough time to finish his presentation. He said that he would come back during the public hearing on the Comprehensive Plan in October.

CITY MANAGER'S REPORT

IN RE: COMPREHENSIVE PLAN PRESENTED

Jamie Greene gave a presentation on the Comprehensive Plan update. He explained that the Plan is to be updated by Code every ten years and the Planning Commission has finished with it and approved its final draft. He noted that it was a very comprehensive document that talks about attractions, the neighborhoods, different issues regarding connectivity and sustainability and future land use. He then presented City Council with the 2018 Comprehensive Plan.

Council had no questions for Mr. Greene.

Mr. Gomez thanked Mr. Greene on behalf of City staff and the Planning and Development Department. He also thanked the Commission for all of the work and reviews and time spent at the meetings. He noted that it was a lot of work and was greatly appreciated.

IN RE: PAVING PROJECT

The Mayor mentioned that the paving project is still underway. He noted that the paving truck was broke down today so the crews were out doing some minor patching. He hopes that the paving will resume tomorrow in the Bellview Avenue and will then move into the downtown area and conclude in the Watson area.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, AN ORDINANCE AMENDING AND SUPPLEMENTING THE PROVISIONS OF PART ONE-ADMINISTRATIVE CODE, CHAPTER SEVEN-BOARDS, COMMISSIONS AND AUTHORITIES, ARTICLE 171 PARKING AUTHORITY, SECTION .08 RATES, THEREOF, TO PROVIDE FOR

AND ESTABLISH A TWENTY-FIVE DOLLAR DEPOSIT TO SECURE THE RETURN OF EQUIPMENT

Mayor Mainella entertained a motion for the adoption of an ordinance to establish a \$25.00 deposit to secure the return of equipment.

Motion:

Councilmember Mason 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. 1785 was duly adopted.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT APPROVING THE FORM OF THAT CERTAIN PARKING LEASE TO COMMENCE APRIL 1, 2018, BY AND BETWEEN THE CITY OF FAIRMONT AND THE STATE OF WEST VIRGINIA BY THE DEPARTMENT OF ADMINISTRATION, REAL ESTATE DIVISION, FOR 158 PARKING SPACES WITHIN THE ADAMS STREET PARKING GARAGE LOCATED AT 405 ADAMS STREET, FAIRMONT, MARION COUNTY, WEST VIRGINIA; AUTHORIZING THE EXECUTION AND DELIVERY OF SAID LEASE ON BEHALF OF THE CITY OF FAIRMONT; AND RATIFYING ALL PRIOR ACTS TAKEN IN FURTHERANCE OF THE TRANSACTION

Mayor Mainella entertained a motion and second for the introduction of an ordinance to renew the lease for 158 parking spaces in the Adams Street Parking Garage to the State of West Virginia.

Motion:

Councilmember Straight moved for the introduction of the proposed ordinance. The motion was seconded by Councilmember Harger.

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

The Mayor declared the public hearing set for September 25, 2018 by voice vote of Council.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1763, WHICH AUTHORIZED THE PURCHASE OF CERTAIN REAL ESTATE FOR THE CONSTRUCTION OF A NEW EAST SIDE FIRE STATION, TO PROVIDE FOR AND AUTHORIZE INCREASES RELATING TO THE PURCHASE PRICES FOR SAID REAL ESTATE; RETROSPECTIVE APPLICATION OF AMENDMENT; RATIFICATION

Mayor Mainella entertained a motion and second for the introduction of an ordinance to provide for and authorize increases relating to the purchase prices for the property already purchased for the new East Side Fire Station.

Motion:

Councilmember Mason moved for the introduction of the proposed ordinance. The motion was seconded by Councilmember Merrifield.

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

The Mayor declared the public hearing set for September 25, 2018 by voice vote of Council.

IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT GRANTING A NON-EXCLUSIVE FRANCHISE TO SHENTEL COMMUNICATIONS, LLC, FOR PURPOSES OF CONSTRUCTING, INSTALLING AND MAINTAINING NETWORK FACILITIES FOR TELECOMMUNICATIONS SERVICES WITHIN THE CITY OF FAIRMONT USING THE PUBLIC RIGHT OF WAY OF 10TH STREET, APPROVING THE FORM AND CONTENT OF THE NON-EXCLUSIVE FRANCHISE AGREEMENT BETWEEN THE CITY AND SHENTEL COMMUNICATIONS, LLC, AND AUTHORIZING THE EXECUTION AND DELIVERY THEREOF

Mayor Mainella entertained a motion and second for the introduction of an ordinance granting a franchise to Shentel Communications for telecommunications services.

Motion:

Councilmember Straight moved for the introduction of the proposed ordinance. The motion was seconded by Councilmember Harger.

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

The Mayor declared the public hearing set for September 25, 2018 by voice vote of Council.

IN RE: ADJOURN TO EXECUTIVE SESSION

Mayor Mainella moved that Council adjourn to Executive Session under WV Code Section §6-9A-4 under Item #2 under 2.11 of the City Charter. The motion was seconded by Councilmember Yann.

The Mayor declared the meeting adjourned to Executive Session by voice vote of Council at 7:45 p.m. He noted that board appointments will be made when the meeting is reconvened.

IN RE: MEETING RECONVENED

Mayor Mainella declared the meeting reconvened at 8:01 p.m.

IN RE: ONE RE-APPOINTMENT, FAIRMONT PARKING AUTHORITY, THREE-YEAR TERM TO END SEPTEMBER 30, 2021

Mayor Mainella entertained a motion for one re-appointment to the Fairmont Parking Authority for a three-year term to end September 30, 2021.

Motion:

Councilmember Moran moved to re-appoint Michael Ragen to the Fairmont Parking Authority for a three-year term to end September 30, 2021. The motion was seconded by Councilmember Yann.

Roll call was taken by the Clerk.

The Mayor declared Michael Ragen re-appointed to the Fairmont Parking Authority for a three-year term to end September 30, 2021 by unanimous vote of those Councilmembers present.

IN RE: ONE RE-APPOINTMENT, FAIRMONT PLANNING COMMISSION, THREE-YEAR TERM TO END SEPTEMBER 17, 2021

Mayor Mainella entertained a motion for one re-appointment to the Fairmont Planning Commission for a three-year term to end September 17, 2021.

Motion:

Councilmember Mason moved to re-appoint Ryan Majic to the Fairmont Planning Commission for a three-year term to end September 17, 2021. The motion was seconded by Councilmember Moran.

Roll call was taken by the Clerk.

The Mayor declared Ryan Majic re-appointed to the Fairmont Planning Commission for a three-year term to end September 17, 2021 by unanimous vote of those Councilmembers present.

IN RE: ONE APPOINTMENT, FAIRMONT PLANNING COMMISSION, THREE-YEAR TERM TO END SEPTEMBER 17, 2021

Mayor Mainella entertained a motion for one appointment to the Fairmont Planning Commission for a three-year term to end September 17, 2021.

Motion:

Councilmember Harger moved to appoint Ned Luthy to the Fairmont Planning Commission for a three-year term to end September 17, 2021. The motion was seconded by Councilmember Straight.

Roll call was taken by the Clerk.

The Mayor declared Ned Luthy appointed to the Fairmont Planning Commission for a three-year term to end September 17, 2021 by unanimous vote of those Councilmembers present.

IN RE: THREE APPOINTMENTS, FAIRMONT AUDIT COMMITTEE, TWO-YEAR TERMS TO END SEPTEMBER 23, 2020

Mayor Mainella entertained a motion for three appointments to the Fairmont Audit Committee for two-year terms to end September 23, 2020.

Motion:

Councilmember Mason moved to appoint Priscilla Hamilton, Jamie Greene, and Councilmember Warren Harger to the Fairmont Audit Committee for a two-year term to end September 23, 2020. The motion was seconded by Councilmember Grubb.

Roll call was taken by the Clerk.

The Mayor declared Priscilla Hamilton, Jamie Greene, and Councilmember Warren Harger appointed to the Fairmont Audit Committee for a two-year term to end September 23, 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 Straight.

The Mayor declared the meeting adjourned by voice vote of Council at 8:07 p.m.