

September 25, 2018

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 25th 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.
Sixth District	Dora Kay Grubb
Seventh District	Philip R. (Phil) Mason
Eighth District	Thomas (Tom) Mainella
Ninth District	Ronald J. (Ron) Straight, Sr.

Absent:

Fourth District	Kenneth (Brad) Merrifield
Fifth District	Fran Warner

Also present were:

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

IN RE: EXCUSE COUNCILMEMBER MERRIFIELD AND WARNER

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

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

IN RE: OPENING CEREMONIES

Rev. Wayde Wilson of Trinity Assembly of God gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Grubb.

APPROVAL OF MINUTES

Mayor Mainella noted that each member of Council had received a copy of the minutes from the Regular Meeting held on September 11, 2018.

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

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 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

Pursuant to a notice duly published in the Times-West Virginian on September 17, 2018, a public hearing was convened to obtain citizen input on a proposed ordinance approving the lease agreement to lease 158 parking spaces in the Adams Street Parking Garage to the State of West Virginia.

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

Mr. Gomez spoke in favor of the proposed ordinance. He stated that this ordinance provides for the renewal of 158 parking spaces in the parking garage to the State of West Virginia. He noted that the rent will remain the same.

There being no one else to speak, the public hearing was called to a close at 7:09 p.m.

IN RE: 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

Pursuant to a notice duly published in the Times-West Virginian on September 17, 2018, a public hearing was convened to obtain citizen input on a proposed ordinance to provide for and authorize increases relating to the purchase prices for the property already purchased for the new East Side Fire Station.

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

Mr. Gomez spoke in favor of the proposed ordinance. He explained that in the process to acquire the properties which is the proposed location for the new East Side fire station, we ran into an issue with one of the properties regarding the amount that they owed, including several liens, and that is the reason for the increase in the purchase price.

There being no one else to speak, the public hearing was called to a close at 7:11 p.m.

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

Pursuant to a notice duly published in the Times-West Virginian on September 17, 2018, a public hearing was convened to obtain citizen input on a proposed ordinance granting a franchise agreement to Shentel Communications for telecommunications services.

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

Mr. Gomez spoke in favor of the proposed ordinance. The City Manager said

that he was approached by Shentel Communications, which is a subsidiary of Sprint, for the right-of-way access to further enhance their existing infrastructure. He noted that they are paying a one-time \$6,000.00 fee and there should be very minimal impact to the infrastructure in order to expand their system.

There being no one else to speak, the public hearing was called to a close at 7:13 p.m.

ANNOUNCEMENTS

IN RE: CONGRATULATIONS EXTENDED TO MARION COUNTY CVB

Councilmember Moran extended congratulations to the Marion County CVB who won two awards last week at the Governor's annual conference on tourism. She noted that they won the best overall marketing campaign and the best social media campaign.

IN RE: TWO NEW BUSINESSES IN THE AREA

Councilmember Yann mentioned that he visited the new Chick-Fil-A at the Fairmont State University campus and the new home surplus store will be opening soon.

IN RE: FAIRMONT IS THE FRIENDLY CITY

Councilmember Harger mentioned that often times you hear about making Fairmont Friendly again and to support that, in Fairmont News, they have been putting in articles about Fairmont's Friendly Face and year-to-date they have had 51 friendly faces in their paper. This supports the concept that we are already a Friendly place and we just need to get the word out.

IN RE: PAVING PROJECT

Councilmember Mason mentioned that he has receive a lot of very good comments about Morgantown Avenue and Benoni Avenue being paved. He then asked when the traffic counter will be placed back on Benoni Avenue.

Mr. Gomez stated that it will be there tomorrow. He noted that they removed it for the paving and have not put it back yet.

CITIZENS PETITIONS

IN RE: 2018 COMPREHENSIVE PLAN

NEIL STALNAKER, a resident of Cochran Street, addressed Council regarding the 2018 Comprehensive Plan. He mentioned the following items:

- He covered the plan review. It is very important and we need to find some way to keep it fresh and not let it sit there and die.
- Regarding downtown revitalization, he suggested a memorial park on Adams Street, maybe some sort of museum that we can pull in all areas of Marion County.
- Section 4 deals with Neighborhoods which provides for safe and attractive neighborhoods. He then suggested neighborhood parks.
- He is a member of the City Parks Board, however, he does not represent them tonight. He is at the meeting on his own.
- Parks and recreation must be important in the plan. Funding has improved over the last couple of years and we are still discussing projects that cannot be done. We need to have a long-term funding program and something dedicated to the projects.
- He suggested taking residential building fees and that can be applied to neighborhood parks. We need to get something into the neighborhoods for people to enjoy. We need dedicated funds.
- Regarding staffing for the parks, we have no full-time employees in the parks program, everyone shares another department.
- He then suggested to develop a Parks Internship Program where you take a student out of FSU or WVU and give them a summer internship and pay them a stipend and then take that money that they earn and match that at the end of the time to apply to a scholarship for them to go back to that school and continue their education in that degree of Parks and Recreation.
- Section 6 of the Plan talks about Connectivity. That is a plan to get people in and out and around the city. He said in 2014, \$25,000 was spent on a study to plan sidewalks and bike trails, etc. He said that the sidewalks are something that is being worked on, however, he did not know anything going on about the bike trails. He said that after four years there is not one new bike trail sign up and it is about time we get something going on this.
- He said his four-part plan for a successful city:
 1. Serve where the people in the community struggle
 2. Ask questions. What is the smallest thing we can do right now to address that struggle.
 3. Do it now.
 4. Repeat.
- We need to act more and debate less. We need to move faster.

CITY MANAGER'S REPORT

IN RE: PAVING PROJECT

Mr. Gomez reported that the contractor continues paving. We are approaching the end of the streets that will be paved. He said, hopefully, by next week, depending on the weather, they will conclude with Mary Lou Retton Drive being the last road to be paved. He will provide at the next meet a re-cap of the amount of miles, tonnage, expense, etc. regarding everything that was completed.

IN RE: BID TO DEMOLISH STRUCTURES

Mr. Gomez said by Monday, at the latest, we should be issuing our next bid for demolition of 12 structures including the two structures where we are planning to put the new East Side fire station plus the wall to the entrance of Palatine Park. He noted that he hopes to have the results by the end of October and have those structures removed by the first or second week in November.

IN RE: CITY STAFFING

The City Manager reported that the City has had a turn-over in a few departments throughout the City, in Utilities, Finance, and Building Inspection/Code Inspection. He said that we do have some new faces around.

IN RE: ONLINE RESIDENTIAL UTILITY BILL

Mr. Gomez reminded citizens that you can sign up to view and/or pay your utility bill online. You can see the water consumption online. He then encouraged everyone to sign up for that in order to keep a close eye on your residential utility bill.

IN RE: UPCOMING EVENTS

The City Manager encouraged everyone to attend various upcoming events that will be happening in the area. He said there are festivals coming up, homecomings, FSU football games, etc. He encouraged everyone to get out of the house and visit local businesses.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, 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 for the adoption of an ordinance approving the lease agreement to lease 158 parking spaces in the Adams Street Parking Garage to the State of West Virginia.

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. 1786 was duly adopted.

IN RE: ADOPTION, 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 for the adoption 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 Straight 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. 1787 was duly adopted.

IN RE: ADOPTION, 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 for the adoption of an ordinance granting a franchise agreement to Shentel Communications for telecommunications services.

Motion:

Councilmember Harger 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. 1788 was duly adopted.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT PROVIDING FOR THE DEDICATION TO THE PUBLIC USE OF THOSE CERTAIN STREETS OR ROADWAYS SITUATE IN BEVERLY ESTATES SUBDIVISION, GRANT ANNEX DISTRICT, FAIRMONT, MARION COUNTY, WEST VIRGINIA, AS DEPICTED ON THE PLAT OR PLATS OF BEVERLY ESTATES, PREPARED BY PAUL D. HARBERT, PS NO.

862, AND IDENTIFIED AS LUCINDA DRIVE, FRIEND DRIVE AND DANIELLE DRIVE

Mayor Mainella entertained a motion and second for the introduction of an ordinance providing for the dedication of the streets located in Beverly Estates Subdivision. These streets will be identified as Lucinda Drive, Friend Drive, and Danielle Drive.

Motion:

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

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

The Mayor declared the public hearing set for October 9, 2018 by voice vote of Council.

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 7:32 p.m.