

October 9, 2018

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 9th day of October, 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
City Planner	Sandra Scaffidi

IN RE: EXCUSE COUNCILMEMBER WARNER

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

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

IN RE: OPENING CEREMONIES

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

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 25, 2018.

Councilmember Harger 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 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

Pursuant to a notice duly published in the Times-West Virginian on October 1, 2018, a public hearing was convened to obtain citizen input on a proposed 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.

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 ordinance formally turns the streets over to the City for their future maintenance.

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

IN RE: 2018 CITY OF FAIRMONT COMPREHENSIVE PLAN

Pursuant to a notice duly published in the Times-West Virginian on September 17, 2018 and September 24, 2018, a public hearing was convened to obtain citizen input the proposed 2018 City of Fairmont Comprehensive Plan.

SANDRA SCAFFIDI, Planning and Development Director, spoke during the hearing. She said that on behalf of the Planning Commission and the Planning Department, she asked that Council accept the Comprehensive Plan. She said that efforts were made to incorporate public input on the plan through public meetings, as well as through online and in-person commentary. She said that it is her hope that this plan will provide direction and guidance for the next 10 years and that it has been a privilege to play a small part in determining our City's future.

The Mayor asked if Council has received the final copy of the Comprehensive Plan.

Ms. Scaffidi replied only a draft, not the final version.

Mr. Gomez noted that the draft was available online.

The Mayor then asked that Council receive a hard copy of the final version.

The City Manager explained that we have had several meetings and the Planning Commission has had several meetings. We've had several presentations to Council on the plan and had the opportunities for input. He then stated that this is the public hearing part that is required by WV Code for eventually the plan to be adopted by Council.

Councilmember Straight stated that he serves on the Planning Commission and said it has been a work in progress. He stated that the professor at WVU said that Fairmont, in the State of West Virginia, has one of the best plans he has ever seen. He went on to say that you can always add, delete, and do whatever you want. He told Councilmembers to take a look at it and ask questions if they had them.

Councilmember Mason asked how much had been spent on consultants in preparing the plan.

Ms. Scaffidi said the cost was roughly \$50,000.

Councilmember Mason said, \$50,000, plus a lot of time, he thought it would be good to have some time to look at it and consider before we take the action.

Mr. Gomez said it is the future of Fairmont. He explained that it's had quite a bit of input from residents, from businesses, from city staff, the Council, our Planning Commission, and it's got a lot of potential, a lot of opportunity to continue to grow our economy, provide for more quality of life, enhance

our parts, continue to improve our infrastructure, everything from roads and streets to water and sewer lines.

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

ANNOUNCEMENTS

IN RE: BENONI AVENUE/COAL RUN HOLLOW

Councilmember Merrifield said that now we have the paving done in Coal Run Hollow, it seems that the 5% that don't abide by the speed requirements, are going a little faster on the new pavement and we made that promise to the DAC that we would deal with that. He then suggested that the City take care of that issue before something terrible happens.

Mayor Mainella stated that Council talked about the feasibility of a stop sign at the foot of the hill. He mentioned that now is the time to look into it.

Councilmember Merrifield noted that you will need three stop signs. He said you will need one before you come into the clearing that says "stop sign ahead" and then a blinking stop sign when you barely come out because that is the most dangerous place especially if you are dealing with a population that may not be able to move as quickly, that would be tragic.

Mr. Gomez said that he has discussed streets lights with Mon Power about adding lights on Benoni between the park and the DAC.

Councilmember Mason asked why we are still counting traffic on Benoni Avenue.

Mr. Gomez replied that we just placed it there yesterday morning and it will be there for two weeks. He said we will then move it to other streets throughout the City.

IN RE: PARADE ROUTE – NOT ENOUGH DIRECTION

Councilmember Grubb said that someone wanted her to bring this up that, during a parade, there is not enough direction if someone is going to the hospital.

IN RE: 1ST EXCHANGE BANK GROUND BREAKING

The Mayor reported that he attended the ground breaking ceremony today for 1st Exchange Bank's new building which will be out on Route 250. He said technically it's in White Hall but just a few hundred yards from Fairmont.

IN RE: HISTORY OF FAIRMONT

The Mayor stated that he was reading about Fairmont and learned that, according to the U.S. Army Corp of Engineers, Fairmont is the port city farthest from the ocean by an inland waterway.

CITIZENS PETITIONS

IN RE: DRAINAGE COMPLAINT

ROBERT DEFAZIO, 810 East Park Avenue, addressed Council regarding a drainage problem in an alley behind his house. He explained that in August of 2017, the alley between Morgantown Avenue and Fairfax Street was paved and now his garage gets flooded when it rains. He said that the alley was not milled before it was paved and the paving elevated the height of the alley to where it floods his garage. He stated that his garage has suffered damage with cracks in the garage and has water accumulating in the garage. He noted that it gets worse every time it rains and he is asking that something be done to prevent the water from going into the garage.

The Mayor asked if he has been in touch with someone from the City about the problem.

Mr. DeFazio said that in June of 2018, his wife spoke to someone and at that time the City made a curb in front of his garage for the water to stay on the road. He then said that in September of 2018, his wife complained again but was told to find old photos to prove the height of the street had elevated. He mentioned that he found some pretty good photos to show where his garage was above the alley at one point. He said there is no place for the water to go except in his garage.

The Mayor asked Mr. DeFazio if he thought there was a fix for it.

Mr. DeFazio replied that he is not an engineer, but with common sense, he thinks the alley needs to be milled and brought down because there is no place for the water to go. He said that he did not have a problem before August of 2017 before it was paved and he would like to have the alley below his garage again.

Councilmember Yann said that it was definitely lower before being paved. He said it is now higher than before it was paved.

Mr. DeFazio showed the Mayor pictures of the alley before and after it was paved.

The Mayor asked the City Manager to look into it and said that hopefully there is a solution for this problem. He said that maybe something can be worked out. He then said that he hates to mill up a freshly paved alley but . . .

Mr. Gomez said that was the only solution.

Mr. DeFazio said that with the freeze and thaw, he thought the garage might be a loss. He then stated that he would like to get his garage fixed since it is pretty messed up.

Councilmember Mason asked if it was feasible to install drains. He suggested a drain to collect and take away.

Mr. DeFazio said that you would have to take it all the way down the alley. He said that he was not the only one affected so if it takes it out of his garage and out of his property, it's going to go to the neighbors. He noted that it was just collecting where he is at.

The Mayor said that maybe just taking up the pavement and putting it back like it was, which is lower, might be the only fix.

Mr. DeFazio said that there are others that are having a problem, however, he was having the worse problem with damage. He said that he did not know he would need evidence to show the alley before the pavement. He said the next time it rains, the City workers want to come out and take photos of how the water is moving.

The City Manager said that in order for the City to respond adequately, it would be helpful to have images of anything that may have been damaged from the water either going into the garage and any of the contents inside the garage.

Mr. DeFazio said that he has pictures. He said the floor is all busted up and the center wall is being destroyed.

The Mayor said that it sounds like the pavement is going to have to be removed. He noted it was a shame to do that but if it caused water problems, it may have to be done.

Mr. Gomez told Mr. DeFazio to provide whatever images he could and that would be very helpful. He said that we will end up removing the pavement and lowering the street.

Mr. DeFazio asked if it could be done before it freezes and thaws again.

Mr. Gomez said, to be clear, this alley was paved more than a year ago and this is the first that we are hearing about it.

The Mayor said that we know what is going on now and hopefully we can fix the problem before much longer.

CITY MANAGER'S REPORT

IN RE: PAINTING LINES ON ROAD

Mr. Gomez reported that contractors will be painting lines on the roads that were recently paved in the next couple of weeks.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, 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 for the adoption 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 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 those Councilmembers present and the ordinance designated as Ordinance No. 1789 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 Harger moved for the introduction of the proposed ordinance. The motion was seconded by Councilmember Moran.

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

The Mayor declared the public hearing set for October 23, 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 PURCHASE OF THOSE CERTAIN PARCELS OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, MARION COUNTY, WEST VIRGINIA, NAMELY:

CERTIFICATION #	DESCRIPTION	MAP	PARCEL #
245868	BLK 10 PT LT 10 (30X60)	03-40	177
246430	BLK 6 LT SECOND ST	03-02	02
246568	BLK 44 LT VA AVE	03-05	129
246570	LT 7 HAMILTON ST	03-28	22
246574	PT LT 2 SECOND ST & ALBERT CT	03-02	03
246577	LOT ALBERT COURT	03-02	07

FROM THE STATE OF WEST VIRGINIA DEPUTY COMMISSIONER OF DELINQUENT AND NON-ENTERED LANDS AS A RESULT OF THE NON-PAYMENT OF THE REAL ESTATE TAXES

Mayor Mainella entertained a motion and second for the introduction of an

ordinance providing for the purchase of real estate from the State of WV.

Motion:

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

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

The Mayor declared the public hearing set for October 23, 2018 by voice vote of Council.

IN RE: ADOPTION, A RESOLUTION TO RESCHEDULE THE REGULAR CITY COUNCIL MEETING OF DECEMBER 25, 2018 TO DECEMBER 18, 2018

Mayor Mainella entertained a motion for the adoption of a resolution to reschedule the Council meeting of December 25, 2018 to December 18, 2018.

Motion:

Councilmember Straight 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 Merrifield.

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 OF THE CITY OF FAIRMONT SUPPORTING HOME RULE AS A PERMANENT PROGRAM

Mayor Mainella entertained a motion for the adoption of a resolution supporting Home Rule as a permanent program.

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 Straight.

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 RE-APPOINTMENT, FAIRMONT BUILDING COMMISSION, FIVE-YEAR TERM TO END OCTOBER 31, 2022

Mayor Mainella entertained a motion for one re-appointment to the Fairmont Building Commission for a five-year term to end October 31, 2022.

Motion:

Councilmember Straight moved to re-appoint Jeff Wise to the Fairmont Building Commission for a five-year term to end October 31, 2022. The motion was seconded by Councilmember Moran.

Roll call was taken by the Clerk.

The Mayor declared Jeff Wise re-appointed to the Fairmont Building Commission for a five-year term to end October 31, 2022 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 7:48 p.m.