

November 12, 2019

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 12th day of November, 2019, at the Public Safety Building located at 500 Quincy Street in Fairmont, West Virginia.

Mayor Merrifield called the meeting to order.

Councilmembers present were:

First District	Joshua D. (Josh) Rice
Third District	Karl (David) Kennedy
Fourth District	Kenneth (Brad) Merrifield
Fifth District	Barry H. Bledsoe
Sixth District	Dora Kay Grubb
Seventh District	Philip R. (Phil) Mason
Eighth District	Thomas (Tom) Mainella
Ninth District	Donna M. Blood

Absent:

Second District	Frank G. Yann
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Also present were:

City Manager	Valerie Means
City Attorney	Kevin Sansalone
City Clerk	Janet L. Keller

IN RE: COUNCILMEMBER YANN EXCUSED

The Mayor entertained a motion to excuse Councilmember Yann from this meeting.

Motion:

Councilmember Mainella moved to excuse Councilmember Yann. The motion was seconded by Councilmember Rice.

The Mayor declared Councilmember Yann excused from tonight's meeting by voice vote of Council.

IN RE: OPENING CEREMONIES

Bishop Galen Hansen gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Mainella.

APPROVAL OF MINUTES

Mayor Merrifield noted that each member of Council had received a copy of the minutes from the Regular Meeting held on October 22, 2019.

Councilmember Mason moved to approve the minutes as submitted. The motion was seconded by Councilmember Blood.

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 PURCHASE OF THOSE CERTAIN PARCELS OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, MARION COUNTY, WEST VIRGINIA, NAMELY:

<u>CERTIFICATION #</u>	<u>DESCRIPTION</u>	<u>MAP</u>	
<u>PARCEL #</u>			
246301	PT LT 11 MONROE ST	03-28	
115			
246427	BLK H LS 13-14-15 MOYER WAY	03-31	
10			
246761	LS 31-32 ODELL ST	03-30	174
246767	LOT 22 ROBINSON STREET	03-33	
145			
246769	BLK 6 LS 9-10 CLIFF AVE		
	(PLAT 171-362)	03-27	
208			

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; RATIFICATION

Pursuant to a notice duly published in the Times-West Virginian on October 28, 2019, a public hearing was convened to obtain citizen input on a proposed ordinance authorizing the purchase of certain parcels of real estate

from the State of WV Tax Sale.

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

Ms. Means spoke in favor of this ordinance. She said that she and staff supports this ordinance and it is a continuation of our reduction in blight throughout the community. She noted that we are purchasing these properties through the State of WV Tax Sale.

There being no one else to speak, the public hearing was called to a close at 7:12 p.m.

ANNOUNCEMENTS

IN RE: BAPTIST TEMPLE COMMENDED

Councilmember Kennedy commended the Baptist Temple for their display of the white crosses on their church yard. He noted that it was certainly a sign of the sacrifice of our local people to keep this country free.

IN RE: CONVENTION AND VISITORS BUREAU

Councilmember Grubb stated that the CVB will have a section that people can go directly to that will be announcing our activities and what is going to be happening with the 200th birthday of the City. She mentioned that they are going to be taking the lead in publicity and we may be able to get some assistance through them.

IN RE: BILLY GRAHAM CRUSADE

Councilmember Grubb said that she understands that it has been finalized that the Billy Graham Crusade will be here in April at FSU. She noted that there will be other places that will be having sessions for people to come to. She said this should be a really big draw for this city and should be something very positive.

IN RE: COMPLAINT ON MORGANTOWN AVENUE

Councilmember Mason reported that he received a couple phone calls from an individual who lives on the end of Morgantown Avenue complaining about potholes and that his street has never been paved. He went on to say that we found out that it is part of the State property and he shared that concern with the City Manager and she got a hold of the right people with the State

and they have filled the potholes. He then commended the City Manager on behalf of the gentleman who has been calling him persistently about getting the potholes patched. He expressed his appreciation to the City Manager.

IN RE: JAMES MARTIN FUNERAL

Councilmember Mason stated that he had the pleasure this morning to usher the funeral of Jim Martin. He said that Jim was very active in the community, in the Kiwanis, and was elected to the first City Council under this form of government. He said it was an honor for him to be there.

IN RE: NO SHAVE FOR THE BRAVE CAMPAIGN

Councilmember Blood said that our Police Department and the Sheriff's Department are both participating in "No Shave for the Brave". She said that this is their third annual campaign and it is a fundraiser that we have and have already surpassed last year. She then said that if you see a lot of hairy policemen, tell them thank you because it is a wonderful fundraiser and kind of fun too.

IN RE: PROGRAM AT HEAD START

Mayor Merrifield stated that he had the pleasure of being able to read to the kids at the Head Start at Edgemont and there is no question that he enjoyed it much more than they did. He said that it was a special time and was glad to take part.

IN RE: ROTARY CLUB FLAGS

The Mayor reported that the Rotary Club has all of the flags up, all 631 flags. He said they are placed around town and is always good to see.

CITIZENS PETITIONS

There were no citizen's petitions for this meeting.

CITY MANAGER'S REPORT

IN RE: PIERPONT SQUARE PRESENTATION

DAN WEBER, 1290 Hillcrest Road, addressed Council regarding the proposed "Pierpont Square" for the green spaced located in the 100 block of Adams Street in downtown Fairmont honoring Francis and Julia Pierpont. He

talked about what they intend for the green space on Adams Street. First, he read to Council what he had written regarding the history of Francis Pierpont. After reading the information, he said the vision of this park should show that anything is possible. You have to endlessly explore what options you can and consider everything. You have to have the passion for a project and you have to believe in the project and you have to believe in the benefits of this project and how it is going to benefit and affect the community we all live in as well. He went on to say that people are more educated in history today and he thinks the timing is right for this project and we have a wonderful group of people helping in this project and this project should bring people in from far and wide. He mentioned that this project has consumed a great deal of our time for the past several years so perhaps this is one of those reasons.

Alex Haill showed Council what is being planned. He and Mr. Weber had a rendering of the proposed park and Mr. Haill pointed out the following information:

- The park is just under one (1) acre of land if they look at the entire plot.
- Mr. Haill works for Alpha Associates and many of his colleagues that live in Fairmont came together with this plan, developed it and prepared the plans.
- This park becomes a learning tool due to the features that they are putting into it. It becomes a public park setting and creates a learning experience because of the different aspects that are going into it. It is a good all-around draw for people to come to. We want to be a city with a designation and not just a stop.
- Lighting will be included and will go around the park. It is non-night sky pollution lighting which means that all of the lighting comes down to the walking and paving services.
- The park will include an alarm system, walking paths, and no visual blockage.
- An amphitheater is included which is adjacent and backs up against the Huntington Bank. In front of that, they will have some seating.
- Flags will be placed at the street corners.
- A pavilion will be constructed with a clock in it.
- A dry pond or detention pond will be constructed for stormwater management and will be a minimal maintenance situation.
- A water feature will be included to create a sound and that movement that makes things a lot nicer.
- They have included a drinking fountain that will service the people and the guests as well as for their animals.
- They have included a memorial area and will have information about Mr. and Mrs. Pierpont as to what they were about and who they were

and where they came from.

- They included a public toilet area that would be used for events only and is intended to be a lock-down situation where if it is not being used, it's locked, unless Council wants to do something different and leave it open all of the time.
- Mr. Haill said that they were looking at security and making sure that everything works the way it is supposed to.

Councilmember Kennedy said that he is looking at this with anticipation and is really excited about it. This will be part of the signature of the new town. He then said that the angle of the pavilion did not seem to fit. He said that we do not have any recollection of the tremendous train station that existed here and to change that over to an 1890 English train canopy would fit and putting a clock on a black post roughly 10 or 12 feet in the air would fit.

Mr. Weber noted that the configuration can change. He noted that this was just a concept to show what is possible.

Mr. Haill said, again, that this is only a concept and we need to take these points that you are making and introduce them into this.

Councilmember Kennedy said let's move this ahead and get it rolling and get it done and get the money out there.

Mr. Weber said that another reason they came to this meeting is that they know there are grants available but the committee cannot apply for a grant unless they have confirmation from the City that the City is behind this 100%. He noted that they are an Ad Hoc Committee of the Marion County Historical Society so they are behind us 100% and from everybody whom he has talked to, they think it is a great idea to have something downtown like this to help bring in people. Mr. Weber also said that the Feast of the Seven Fishes is going to be downtown in December again and this would bring people in and if we are thinking about developing Monroe Street down to the old fire station and where the Francis Pierpont Church is, then this would tie in very much with that kind of idea.

Councilmember Kennedy said considering the difficulty with this potential project, it's time to kick it in the pants and get it on board.

The Mayor asked if the rendition assumes that we will acquire the parking lot.

Mr. Haill said this rendition does include the parking lot. If that were to not happen, there is basically a visual break on the property line where the

section would be developed at a later date if that parking lot was had. He noted that it could be done in a two-phase situation.

The Mayor asked if there was parking on the rendition at all.

Mr. Haill replied no.

The Mayor said that he was under the assumption previously that there was some parking. It noted it was his mistake.

Mr. Weber pointed out where the Library is located and said that you have children coming to the Library, there is no reason why they can't come to the Park and sit down and have conversations or whatever and then back and forth to the Library.

Mr. Haill said that he sees this working as a sculpture garden where we could have students from Fairmont bring in their sculptures and we could do shows and placements and it would be an exhibit that could last six months or a year and this brings in more public. He then mentioned that Huntington Bank possibly becoming an arts center so that overflow could work into this, if that develops.

Mr. Weber mentioned that he approached the County Commission two years ago that we need a sports museum here in Fairmont that goes back all the way to the 1890's. That is something in the future that we could have in downtown Fairmont.

Councilmember Mainella asked if the committee had an estimate on what the cost would be.

Mr. Haill replied about \$2.5 million and that does not include land acquisition. The property is not a good piece of land to build on. He then said that they would have soil remediation to do there as far as removing it and getting certain compaction which is driving a little bit of the cost. He said that was the best estimate he can come up with and as we develop this, we can nail that price down further as to what are we actually having here and what it is actually going to cost.

Councilmember Blood said that she thought it was a great idea. Since that green space has been there, she used to work across the street at the Chamber Building and they would look down on that empty space and just wish we could go sit there and have a picnic. She noted that she does worry about the parking situation.

Mr. Weber said that parking in that area of down is difficult anyway. It is difficult for mothers to go to the Library with the Sheriff's cars parked down the street. He then said that he doesn't understand why the Sheriff's Department cannot park in the parking garage.

Mayor Merrifield mentioned that with the gravel parking lot, they squeeze about 75 cars a day in there and if we take that and do something different, we have to ask the question where do those cars go.

Mr. Weber asked if that parking lot was a paid parking lot.

The Mayor replied that they just park there now but it used to be a paid lot. He noted that it is something that we are going to have to consider.

Councilmember Kennedy said the answer to that is angle parking. You will be able to pick up 30 to 40 more spaces and make that street look new.

Mr. Weber said those are things that could be incorporated along with this, changing the entire appearance of the downtown so people would want to come. He then mentioned that he does not think we should have paid parking in downtown because you only need to park for 25 minutes and if you want to go to another store, you have to feed the meter.

Ron Chrislip said that on Saturday, the Library had their library sale. He said that he has never seen a sale with that turnout. The parking lot was full but people were also parking on Main Street and walking in. If it's there, they will come to it and park. People love to walk and this will give them something to walk to.

The Mayor said there is going to be a lot of discussion around this and we definitely need to deal with the parking. He said that we are trying to get businesses and one that is waiting, they need some parking.

Councilmember Grubb said that the squares that are located in Clarksburg and Morgantown, they got them through grants. She said that she didn't know how long it will last but if we don't jump on it, we will lose it. There are grants out there and this is the day and this is the time for the project.

Councilmember Grubb then questioned the status of \$500,000 that she said was set aside in 2018 to start this project.

Ms. Means said there's money on hold in future years, but there's nothing in this current fiscal year. She said money can only be put in the budget by this body (Council) and the budget that was passed did not include the

\$500,000 in this fiscal year. She also said that no decision has been made by this body of what will go on that green space.

The Mayor said that he thinks we are making progress because we are getting close to either getting that lot or not and that is the next step. He said from there, the discussion about this has been put on our list so there is progress being made and he knows it takes forever but at least we have broken inertia here.

Mr. Weber said that the members of the committee are aware of that and they are available at any time for anybody to talk with them.

The Mayor noted that once we get that resolved there is going to be some hard core Council discussions to decide our direction.

Mr. Chrislip suggested having an all-day planning session on the project so everyone has input then Council can decide what they want. He noted that is strictly a basic concept.

The Mayor said that the concept is why it made the list. Council, as a whole, at least supported moving that forward for discussions. He said that it's not that it's not on the board.

Ms. Means noted that something will be done with that green space.

Mr. Weber noted that they are very patient and will continue to be patient.

Councilmember Grubb mentioned that much money has been spent in the past on projects and nothing goes with it. Here we have people that have donated their time and this is something from people, from this town, that know this town, know the people in this town and know what this town needs if we are actually going to move instead of having someone from Morgantown telling us what we need and where.

Mr. Haill stated that he was available at any time and so was his staff of engineers. He then suggested that a work session be held to sit down and hash through it, whatever needs to be done.

Councilmember Mainella asked the committee if they need a resolution from Council supporting this project before you can apply for any grants. He then asked them if they would be applying for the grants.

Mr. Haill and Mr. Chrislip replied yes, they would be happy to, with the City.

Mr. Weber noted that they are going through the Marion County Historical Society because of the 501C organization that they have. He said that rather than them applying as a group, we are going to work through the Historical Society and we have their approval. He also mentioned that they are going to write a letter so we can have a copy of the letter saying that the Historical Society supports the project and that is what we need from the City Council is a resolution that you support this so we can start making applications for grants.

Mr. Haill said that we need to move this forward but we cannot move this forward without Council's help.

Councilmember Mainella noted that it was a lot of money for Council to come up with for the next five or six years not knowing where we are going to get it.

Mr. Weber said the big cost will be the parking lot and if it's going to be incorporated in. That is a large cost he said. He then explained that when they tore down Hartley's, the Palace Restaurant and the other buildings, they dumped all of that in there and there is nothing but rubble underneath that ground.

Mr. Haill said that it will cost a whole lot more to remove the contaminated dirt that is in there.

Mr. Weber then asked Council to make the decision.

Councilmember Mainella noted that we have to talk about it.

Mr. Haill said right now they are putting everything on the surface and removing as little bit of dirt as they possibly can and trying to be economical in developing this.

Councilmember Mainella asked again if they thought it was really \$2.5 million.

Mr. Haill said yes, what they have right now. He said that it's a number, like the project is a concept so the concept has to move forward and we have to be able to nail it down closer then we can come up with a real number. He noted this is just an estimated number based upon what we are looking at.

Councilmember Kennedy said that another work meeting with Council is coming up here in the next 60 days or so. He then asked the committee to give Council a report at that meeting on if applications have been made and

if other ideas have been incorporated. He said that we are kicking this along and \$2.5 million is like coffee change he has in his pocket. He said this town is going to spend about \$150 million in the next ten years and that's going to be the rescue of this city. He said that when we bring back the quality we had, people are going to come here to live and spend their money and they are not going to do that until they come here and live and that cycle is perfect for that.

Mr. Weber noted that it was up to City Council to turn that around.

Ms. Means thanked the committee for all of their time on this project.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, 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:

<u>CERTIFICATION #</u>	<u>DESCRIPTION</u>	<u>MAP</u>	
<u>PARCEL #</u>			
246301 115	PT LT 11 MONROE ST	03-28	
246427 10	BLK H LS 13-14-15 MOYER WAY	03-31	
246761	LS 31-32 ODELL ST	03-30	174
246767 145	LOT 22 ROBINSON STREET	03-33	
246769	BLK 6 LS 9-10 CLIFF AVE (PLAT 171-362) 208	03-27	

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; RATIFICATION

Mayor Merrifield entertained a motion for the adoption of an ordinance authorizing the purchase of certain parcels of real estate from the State of WV Tax Sale.

Motion:

Councilmember Mason moved for the adoption of the proposed ordinance. Councilmember Rice 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. 1838 was duly adopted.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2019-2020 ANNUAL BUDGET: GENERAL FUND

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

Motion:

Councilmember Mainella moved for the introduction of the proposed ordinance. The motion was seconded by Councilmember Blood.

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

The Mayor declared the public hearing set for November 26, 2019.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1832 DULY ADOPTED SEPTEMBER 10, 2019, WHICH ORDINANCE PROVIDES FOR THE CITY OF FAIRMONT'S CURRENT PAY PLAN AND LIST OF OCCUPATIONAL CLASSES FOR ALL CLASS TITLES AND EMPLOYEES, TO ACCOMMODATE CHANGES TO THE RULES GOVERNING OVERTIME OBLIGATIONS UNDER THE FEDERAL FAIR LABOR STANDARDS ACT

Mayor Merrifield entertained a motion and second for the introduction of an ordinance amending the Pay Plan to accommodate changes to the rules governing overtime obligations under the Federal Fair Labor Standards Act.

Motion:

Councilmember Blood moved for the introduction of the proposed ordinance. The motion was seconded by Councilmember Rice.

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

The Mayor declared the public hearing set for November 26, 2019.

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 THAT CERTAIN PARCEL OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, NAMELY:

CERTIFICATION #	DESCRIPTION	MAP	
PARCEL #			
246595	LS 96-97 OGDEN AVE	03-34	296

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; RATIFICATION

Mayor Merrifield entertained a motion and second for the introduction of an ordinance providing for the purchase of two parcels of real estate on Ogden Avenue from the State of WV Tax Sale.

Motion:

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

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

The Mayor declared the public hearing set for November 26, 2019.

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 PLEASANT VIEW HOMES SUBDIVISION SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, AND IDENTIFIED AS WINDSOR DRIVE, PLEASANT LANE, WINDMILL STREET, AND CHAPLIN CIRCLE ON THE PLAT PREPARED BY CHADAN ENGINEERING, INC., ENTITLED "PLEASANT VIEW HOMES DATED OCTOBER 12, 2018"; DEDICATION

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

ordinance naming the streets in the Pleasant View Homes Subdivision near Garrett Avenue.

Motion:

Councilmember Blood moved for the introduction of the proposed ordinance. The motion was seconded by Councilmember Mainella.

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

The Mayor declared the public hearing set for November 26, 2019.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE AMENDING AND SUPPLEMENTING THE PROVISIONS OF ORDINANCE NO. 1696 CODIFIED AS PART ONE-ADMINISTRATIVE CODE, CHAPTER SEVEN-BOARDS, COMMISSIONS AND AUTHORITIES, ARTICLE 171 PARKING AUTHORITY, SECTION .08 RATES, OF THE FAIRMONT CITY CODE, TO INCREASE RATES FOR DAILY VEHICULAR PARKING FROM \$1.50 TO \$2.00 PER DAY, AND TO ESTABLISH RATES FOR VEHICULAR PARKING ON THAT CERTAIN PARKING LOT SITUATE ON PARCEL 24 OF MARION COUNTY TAX MAP 03-01 COMMONLY REFERRED TO AS THE OIC LOT

Mayor Merrifield entertained a motion and second for the introduction of an ordinance to increase rates for daily parking from \$1.50 to \$2.00 per day and to establish rates for parking at the OIC Lot.

Motion:

Councilmember Rice moved for the introduction of the proposed ordinance. The motion was seconded by Councilmember Blood.

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

The Mayor declared the public hearing set for November 26, 2019. In the voice vote to set the public hearing, Councilmember Bledsoe voted no to set the public hearing.

IN RE: ADJOURN TO EXECUTIVE SESSION

Mayor Merrifield moved that Council adjourn to Executive Session as per WV Code 6-9A-4(2)(9) and City Charter Section 2.11(a)(3) – To consider matters involving or affecting the purchase, sale, conveyance or lease of real

property. The motion was seconded by Councilmember Mainella.

The Mayor declared the meeting adjourned to Executive Session by voice vote of Council at 8:04 p.m.

IN RE: MEETING RECONVENED

The Mayor declared the meeting reconvened at 8:35 p.m.

ADJOURNMENT

The Mayor entertained a motion for adjournment.

Motion:

Councilmember Mason moved to adjourn the meeting. The motion was seconded by Councilmember Blood.

The Mayor declared the meeting adjourned by voice vote of Council at 8:36 p.m.