

February 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 February, 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
Second District	Frank G. Yann
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

Also present were:

Interim City Manager	Bruce McDaniel
City Attorney	Kevin Sansalone
City Clerk	Janet L. Keller
Police Chief	Steve Shine
Fire Chief	Edward Simmons

Rev. Rebecca Minh gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Kennedy.

APPROVAL OF MINUTES

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

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

The Mayor declared the minutes approved as submitted by voice vote of Council.

PUBLIC HEARINGS

IN RE: AN ORDINANCE TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE FAIRMONT CITY CODE

Pursuant to a notice duly published in the Times-West Virginian on January 28, 2019, a public hearing was convened to obtain citizen input on a proposed ordinance to approve and adopt replacement pages to the City Code Book.

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

Mr. McDaniel spoke in favor of the proposed ordinance. He said this item is a housekeeping matter that we have to codify ordinances that have been passed by Council and they need to be codified and approved and put into the City Code as replacement pages.

There being no one else to speak, the public hearing was called to a close at 7:30 p.m.

ANNOUNCEMENTS

IN RE: NEW COUNCILMEMBERS

Councilmember Rice said he was happy to be at the meeting.

Councilmember Yann said welcome to the two new members.

Councilmember Mainella also extended a welcome to Councilmember Rice and Councilmember Bledsoe.

Councilmember Bledsoe said that he hopes to be a significant part of making Fairmont an even better place to live and work.

Councilmember Mason congratulated Councilmember Rice and Councilmember Bledsoe on taking their seat on Council.

Councilmember Blood also extended congratulations to Councilmember Rice and Councilmember Bledsoe.

IN RE: WVML CONFERENCE – CITY CLERK COMMENDED

Councilmember Yann stated that Mayor Mainella and several Councilmembers attended the WV Municipal League Conference in Charleston and met with the

delegates. He then called out City Clerk Janet Keller who discussed the problem of police officer hiring and recruitment with the Delegates and with her discussion she was able to call that issue to the attention of the Delegates and hopefully will be made into law. He said at least she has the movements going and Council should give her credit for bringing that to their attention in Charleston.

He also mentioned that there is going to be some votes on pollution. He said that the EPA wants re-evaluation of the water. The manufacturer's association is working against this and one of their arguments is that West Virginians don't drink enough water to be poisoned by the pollution.

IN RE: STREET SWEEPER

Councilmember Kennedy asked if the street sweeper could begin work while the weather is mild to keep the cinders out of the storm drains.

Mr. McDaniel replied that it isn't normally put into service at this time of year, with all of the freezing and thawing taking place.

IN RE: CONGRATULATIONS TO MAYOR MERRIFIELD

Councilmember Mainella congratulated Mayor Merrifield on becoming Mayor. He said that he enjoyed the two years that he served as Mayor and wanted to do it for another two years but that didn't happen.

IN RE: HISTORICAL SOCIETY

Councilmember Grubb reported that the Historical Society is going to have a table at the Legislative session for History Day to represent Marion County and Fairmont.

IN RE: CONGRATULATIONS TO SIMON ROHALY

Councilmember Blood extended congratulations to "Super" Simon Rohaly who became an honorary member of the FSU swim team. She said how wonderful it was to bring neuroblastoma to the attention of all of us. The signing was to promote awareness of neuroblastoma which is a form of childhood cancer that affects a lot of children.

IN RE: NIGHT TO SHINE – SOUTHRIDGE CHURCH

Mayor Merrifield mentioned the "Night to Shine" that was at the Southridge Church last Friday night. He noted that his son attended the event and unless

you have seen the event, you have no idea because it is something to behold. He was impressed by the magnitude and detail of the event, along with the enthusiasm of the volunteers. He said that hopefully some of the folks that put it on can come to a meeting in the future to be recognized because it was a spectacular event.

CITIZENS PETITIONS

IN RE: POLICE DEPARTMENT UPDATE

Police Chief Steve Shine addressed Council about the police department state of affairs and the challenges in recruiting members. He reported the following:

- The department has 34 officers with 5 in training with one Lieutenant (which is half of the command staff) on military leave until 2020. He noted that they are hurting on people that are working the road.
- The Department is looking to hire five people off this next test that is going to be held on March 9th.
- In 2018, they had 23,443 calls for service with 29 working officers, include himself.
- They had over 36,000 police responses which is 36,000 times they had officers handling calls going back and forth taking care of business.
- In 2018, they had 1,900 arrests; 1,648 misdemeanors; 242 felonies. He said that when you start to process those numbers, Fairmont is not quite the small town that some people think it is. The last few years with social media people have been able to realize that there is a lot more going on. People are getting a more realistic picture the more they see the reports in the paper, the arrests, and activities. He said they try to stay pro-active and try to stay out there and try to be seen by the public. He said it was hard whenever our numbers are that high handling business and making arrests.
- The last 4 years the Police Department has received \$500,000 in grant awards. We were able to get 2 school resource officers in the schools. He said they have \$250,000 in funds they have not been able to get released because they can't hire people. We need to get a full staff before we can get those funds released and we have not been at full staff except for one month in 2017.
- We have a problem with recruitment and a problem with retention. In 2012, the staffing level was 35 officers. Since 2012 we have hired 34 officers and 24 of them are still here. He said they have lost 34 officers in that timeframe and only 9 of them retired so we have people leaving.
- He said he has wondered if it was the state of affairs with police work, a generational change, he has asked every officer that has left and has asked people that has come to apply what can he do different or better to recruit and retain and usually it is pay, benefits, they realize this job

is not for them and a whole list of reasons. He has tried to be proactive and showing them what the department has to offer and how we try to be of service and responsive.

- Surrounding jurisdictions are making more than our department and there needs to be more emphasis on retaining officers that are trained. He said right now it costs them \$18,500 to put an officer through 4 months of training at the police academy. He noted that was for their salary, benefits, tuition, and academy uniforms.

The Chief then asked Council to introduce the ordinance that is on the agenda to give \$5,000.00 to certified officers when it's costing us over \$18,500 to train an officer, it's a good trade-off. He noted that we have got some great officers from WVU, from Mannington, and from FSU so it is paying off.

Councilmember Bledsoe asked the Chief if the number of calls for 2018 has changed from 10 to 20 years ago.

The Chief replied that he can use the data that they have for the calls, arrests, and citations that have been written, however, they rely on the 911 Center for the calls of service. The ability to go back over the call volume is difficult.

Councilmember Bledsoe asked if the call volume is going up.

The Chief replied yes, it is going up but he said that he pushes people to call and let us know what is going on and he wants them to have the officers go to calls and wants people to let us know what is going on. With the numbers, we are getting out there and it shows how spread thin we are.

Councilmember Bledsoe said all of the way up to today getting to his first meeting, he interacts with the Police Department and Fire Department all of the time as a paramedic and he sees what the officers go through and it is incredible. He said those guys need everything that is proposed in the next budget and more and he is going to try to get them everything they can get. He noted that we have to find the money to make it happen and for all of the other city workers that need a raise as well but the first responders need something.

The Chief said we need numbers and it is easy to say that an officer with overtime can do this or send an officer out here to look at that but when you realize there is only 3 to 4 officers working a shift and he is mandating a person to come in to take care of that detail or what we have going on or make a jail transport, they don't want it. They want some time off, we are getting run to death. He said they spent \$204,000 in overtime last year.

Mayor Merrifield said that the first order of business now that we have a full Council is to get a City Manager and to review the compensation for all first responders and see what we can do to try to make it competitive, at least, in this area.

The Chief replied we need some help. He mentioned that March 9th will be the 7th civil service test within a 16-month period. He said they are set to expire in 3 years and we haven't gotten 3 months out of one.

CITY MANAGER'S REPORT

IN RE: FY20 BUDGET PRESENTED TO COUNCIL

Mr. McDaniel presented each Councilmember with the FY20 Budget. The budget that was presented is the proposed budget that he and staff has put together. He went on to say that much of what Chief Shine has said, this budget proposes increases for the Police and Fire departments trying to get them close to an average of our neighboring jurisdictions. He reported that a budget work session will be held on Tuesday, February 26th at 5:00 p.m. in the Fire Training Room.

IN RE: MINE SUBSIDENCE ISSUE

The Interim Manager said that he had reported a mine subsidence issue last week in the 11th Street area. He said our staff responded very well and Chief Simmons took the lead on this thing and called in the correct agencies to take care of the situation.

IN RE: REV. WESLEY DOBBS – 80TH BIRTHDAY CELEBRATION

Mr. McDaniel stated that this Saturday will be Rev. Dobb's 80th birthday celebration at Morning Star Baptist Church. He asked Council to RSVP to his office if any Councilmembers are planning to attend.

IN RE: ANNEXATION HEARING – NORWAY LOOP

The Manager reported that the City of Fairmont will have an annexation hearing tomorrow with the Marion County Commission regarding the housing development subdivision that is being constructed by the Fairmont Marion Housing Authority. He mentioned that it will include 30 new homes of which will be high quality homes. He noted that this will be the first new subdivision

in the city for many years.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, AN TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE FAIRMONT CITY CODE

Mayor Merrifield entertained a motion for the adoption of an ordinance to adopt replacement pages to the City Code Book.

Motion:

Councilmember Mason moved for the adoption of the proposed ordinance. Councilmember Mainella 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. 1801 was duly adopted.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1771, DULY ADOPTED MAY 22, 2018, WHICH PROVIDES FOR THE CITY OF FAIRMONT'S CURRENT PAY PLAN AND LIST OF OCCUPATIONAL CLASSES FOR ALL CLASS TITLES AND EMPLOYEES AND IN PARTICULAR THAT CERTAIN PART OF SAID ORDINANCE ENTITLED *FRATERNAL ORDER OF POLICE PAY PLAN* TO PROVIDE FOR AN INCREASE IN THE ONE-TIME MONETARY INCENTIVE FOR RECRUITMENT OF NEWLY HIRED PROBATIONARY POLICE OFFICERS WITH AN ACTIVE VALID LAW ENFORCEMENT CERTIFICATION

Mayor Merrifield entertained a motion and second for the introduction of an ordinance to provide for an increase in the one-time monetary incentive for recruitment of newly hired probationary police officers with an active valid law enforcement certification.

Motion:

Councilmember Yann 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 February 26, 2019.

IN RE: ADJOURN TO EXECUTIVE SESSION

Mayor Merrifield entertained a motion to adjourn to Executive Session as per WV Code §6-9A-4(b)(2)(A) and City Charter 2.11 (a)(1)A – to consider matters arising from the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal or compensation of a City Officer. Councilmember Mason seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the meeting adjourned to Executive Session at 7:57 p.m. by unanimous vote of Council.

IN RE: MEETING RECONVENED

The Mayor declared the meeting reconvened at 8:25 p.m.

IN RE: ONE COUNCILMEMBER APPOINTMENT, MARION COUNTY RESCUE SQUAD, TERM TO END JANUARY 26, 2021

Mayor Merrifield entertained a motion for one Councilmember appointment to the Marion County Rescue Squad for a term to end January 26, 2021.

Councilmember Bledsoe moved to appoint Tom Mainella to the Marion County Rescue Squad for a term ending January 26, 2021. The motion was seconded by Councilmember Yann.

Roll call was taken by the Clerk.

The Mayor declared Tom Mainella appointed to the Marion County Rescue Squad for a term ending January 26, 2021 by unanimous vote of Council.

IN RE: ONE COUNCILMEMBER APPOINTMENT, FAIRMONT AUDIT COMMITTEE, TWO YEAR TERM TO END SEPTEMBER 23, 2020

Mayor Merrifield entertained a motion for one Councilmember appointment to the Fairmont Audit Committee for a term to end September 23, 2020.

Councilmember Mason moved to appoint Barry Bledsoe to the Fairmont Audit Committee for a term ending September 23, 2020. The motion was seconded by Councilmember Yann.

Roll call was taken by the Clerk.

The Mayor declared Barry Bledsoe appointed to the Fairmont Audit Committee for a term ending September 23, 2020 by unanimous vote of those Councilmembers present.

IN RE: ONE COUNCILMEMBER APPOINTMENT, CONVENTION AND VISITORS BUREAU OF MARION COUNTY, TERM TO END WHEN COUNCIL TERM EXPIRES

Mayor Merrifield entertained a motion for one Councilmember appointment to the Convention and Visitors Bureau of Marion County for a term to end when their Council term expires.

Councilmember Mason moved to appoint Dora Grubb to the CVB for a term ending when her Council term expires. The motion was seconded by Councilmember Bledsoe.

Roll call was taken by the Clerk.

The Mayor declared Dora Grubb appointed to the CVB for a term ending when her Council term expires by unanimous vote of Council.

IN RE: ONE APPOINTMENT, FAIRMONT PLANNING COMMISSION, UNEXPIRED TERM TO END SEPTEMBER 17, 2021

Mayor Merrifield entertained a motion for one appointment to the Fairmont Planning Commission for an unexpired term to end September 17, 2021.

Mr. McDaniel noted that this is an appointment of the City Manager that is to be confirmed by Council. He stated that he recommends that Mike Jura be appointment to this Commission for the unexpired term ending September 17, 2021.

Councilmember Yann moved to accept the City Manager's recommendation and appoint Mike Jura to the Fairmont Planning Commission for an unexpired terms ending September 17, 2021. The motion was seconded by Councilmember Rice.

Roll call was taken by the Clerk.

The Mayor declared Mike Jura appointed to the Fairmont Planning Commission for an unexpired term ending September 17, 2021 by unanimous vote of Council.

IN RE: TWO APPOINTMENTS, FAIRMONT BUILDING COMMISSION, ONE APPOINTMENT IS FOR AN UNEXPIRED TERM TO END OCTOBER 31, 2023 AND THE OTHER APPOINTMENT IS FOR AN UNEXPIRED TERM TO END OCTOBER 31, 2020

Mayor Merrifield entertained a motion for two appointments to the Fairmont Building Commission.

Mr. McDaniel explained that we have had two resignations on the Fairmont Building Commission and he recommends to fill these positions with Paul Cross and Ray Logue. Mr. Cross would be for the unexpired term ending October 31, 2023 and Mr. Logue would be for the unexpired term ending October 31, 2020.

Councilmember Mason moved to appoint Paul Cross to the Fairmont Building Commission for an unexpired terms ending October 31, 2023 and Ray Logue for the unexpired term ending October 31, 2020. The motion was seconded by Councilmember Blood.

Roll call was taken by the Clerk.

The Mayor declared Paul Cross appointed to the Fairmont Building Commission for an unexpired term ending October 31, 2023 and Ray Logue to the unexpired term ending October 31, 2020 by unanimous 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 Grubb.

The Mayor declared the meeting adjourned by voice vote of Council at 8:30 p.m.