

June 11, 2019

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 11th day of June, 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
Seventh District	Philip R. (Phil) Mason
Eighth District	Thomas (Tom) Mainella
Ninth District	Donna M. Blood

Absent:

Sixth District	Dora Kay Grubb
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Also present were:

City Manager	Valerie Means
City Attorney	Kevin Sansalone
City Clerk	Janet L. Keller
Police Chief	Steve Shine
Fire Chief	Edward Simmons
Asst. Finance Director	Priscilla Hamilton

Father Jojan Joseph gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Mason

IN RE: EXCUSE COUNCILMEMBER GRUBB

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

Motion:

Councilmember Mason moved to excuse Councilmember Grubb. Councilmember Bledsoe seconded the motion.

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

APPROVAL OF MINUTES

Mayor Merrifield noted that each member of Council had received a copy of the minutes from the Regular Meeting May 28, 2019.

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

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

PUBLIC HEARINGS

IN RE: AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2018-2019 ANNUAL BUDGET: GENERAL FUND

Pursuant to a notice duly published in the Times-West Virginian on June 3, 2019, a public hearing was convened to obtain citizen input on a proposed ordinance providing for a General Fund Budget Revision.

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

Ms. Means spoke in favor of the proposed ordinance. She noted that she supports this ordinance and it is a general year-end regulated budget revision that needs to be done for both the General Fund and the Coal Severance Fund.

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

IN RE: AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2018-2019 ANNUAL BUDGET: COAL SEVERANCE

Pursuant to a notice duly published in the Times-West Virginian on June 3, 2019, a public hearing was convened to obtain citizen input on a proposed ordinance providing for a Coal Severance Budget Revision.

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

ordinance.

The City Manager noted that she and staff are in support of this ordinance. She stated that it is done in conjunction with State law requirements for the year-end adjustments.

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

IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR AND AUTHORIZING THE ACQUISITION, TRANSFER AND CONVEYANCE OF THOSE CERTAIN PARCELS OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT:

**PCL LOCUST AVE
MAP 03-18 PARCEL 189
FAIRMONT CITY DISTRICT, MARION COUNTY, WV
1359 LOCUST AVENUE, FAIRMONT, WV 26554**

**PT PCL C WELTY PLAT
MAP 03-18 PARCEL 190
FAIRMONT CITY DISTRICT, MARION COUNTY, WV
1355 LOCUST AVENUE, FAIRMONT, WV 26554**

FROM MARY CALAME TO THE CITY OF FAIRMONT; APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER ALL NECESSARY DOCUMENTS ON BEHALF OF THE CITY OF FAIRMONT; RATIFICATION

Pursuant to a notice duly published in the Times-West Virginian on June 3, 2019, a public hearing was convened to obtain citizen input on a proposed ordinance providing for the acquisition of 1355 and 1359 Locust Avenue.

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

Ms. Means stated that she and staff support this ordinance. This is a project that staff has been working on along with Mayor and Council for quite a while and will alleviate a blighted area and be replaced with new sidewalks, a bus stop and some other improvements.

There being no one else to speak, the public hearing was called to a close at 7:07 p.m.

IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR AND AUTHORIZING THE ACQUISITION, TRANSFER AND CONVEYANCE OF THOSE CERTAIN PARCELS OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT:

**LOT 50 X 165 LOCUST AVE
MAP 03-18 PARCEL 0187
FAIRMONT CITY DISTRICT, MARION COUNTY, WV
1361 LOCUST AVENUE, FAIRMONT, WV 26554**

**LT 0.313 AC LOCUST AVE
MAP 03-18 PARCEL 0186
FAIRMONT CITY DISTRICT, MARION COUNTY, WV
1363 LOCUST AVENUE, FAIRMONT, WV 26554**

FROM 1ST KEY LLC AND BLACK BEAR REAL ESTATE HOLDINGS LLC, RESPECTIVELY, TO THE CITY OF FAIRMONT; APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER ALL NECESSARY DOCUMENTS ON BEHALF OF THE CITY OF FAIRMONT; RATIFICATION

Pursuant to a notice duly published in the Times-West Virginian on June 3, 2019, a public hearing was convened to obtain citizen input on a proposed ordinance providing for the acquisition of 1361 and 1363 Locust Avenue.

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

Ms. Means also spoke in favor of this ordinance. She said this is part of the same project that the prior ordinance just had a public hearing on.

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

IN RE: AN ORDINANCE AMENDING AND REVISING ARTICLE III, "THE MANAGER" OF THE FAIRMONT CITY CHARTER, AND MORE PARTICULARLY SECTION 3.01 *APPOINTMENT; QUALIFICATIONS; COMPENSATION* THEREOF, TO PROVIDE THE CITY MANAGER WITH THE OPPORTUNITY TO LIVE IN CERTAIN DESIGNATED UNINCORPORATED AREAS OF MARION COUNTY, WEST VIRGINIA WHICH EXIST OUTSIDE THE CORPORATE LIMITS OF THE CITY OF FAIRMONT

Pursuant to a notice duly published in the Times-West Virginian on May 20, 2019 and May 27, 2019, a public hearing was convened to obtain citizen input on a proposed ordinance amending the City Charter to provide the City Manager with the opportunity to live in certain designated unincorporated area of Marion County which exist outside the corporate limits of the City of Fairmont.

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

The City Manager spoke in favor of this ordinance. She said that it was an important part of looking at our Charter and seeing that some of the items in the City Charter could use some possible review and this is one of those items that are somewhat archaic but you want to make sure that your City Manager is local and are within a distance that would not interfere with their work but yet there are areas just outside the city limits that are not part of another incorporated city and that should be opened up to bring in qualified candidates when you are in need of a City Manager. She noted that she does support this ordinance.

Councilmember Yann asked the Mayor how he derived where you wanted the exceptions made for them to live. He noted that if he was in one of the areas that was not chosen, he thought he would be insulted.

Mayor Merrifield explained that he and the City Attorney tried to come up with how to do it and they first started out looking at mileage and when they looked at the mileage option it ended up going places and into areas that were not consistent with what they were trying to do. He then asked the City Attorney to explain the situation.

Mr. Sansalone said that they began using the Court House as the center point similar to the ordinance for Fire employees. Then they talked about an air mile radius from the Court House and it was requested that other restrictions be imposed such that they did not be in other incorporated territories of Marion County. If you go within one mile of the Marion County Court House, you are going to bump into several incorporated territories such as White Hall, Barrackville, and possibly Rivesville. He went on to say that they had the discussion of tax maps and the Mayor talked with the Assessor and provided him with the identity of the tax maps that were to be included in the ordinance which basically provided for the Country Club Estates, Rolling Hills area, and Mt. Vernon Heights. In order to make the ordinance understandable to a common person, he identified those two areas as part of the area. If you look at the tax maps, you will see Rolling

Hills, Country Club Estates, Diana Drive, the area beyond the Field Club and that general vicinity and also Mt. Vernon Heights which is in Grant District. He noted those were the maps that the Mayor provided to him and those are the ones that he included in the ordinance.

The Mayor said that it became cumbersome to identify to put it on the document so we just took an easier and clearer, not certainly an intent to offend anyone, attempt to make some changes that would get the most houses available for the next City Manager to choose from and he was sure there were a few neighborhoods that could have been but in an effort to not drag it out to that extent, he thought it was just done because in the last 40 years that most of the new structures have been built just outside the city limits.

Councilmember Yann mentioned that there are two structures going up right now on East Side. He said that Council passed some annexations to get more in different areas of town and along the corridor. He stated that this is part of the Charter and the Charter was elected by the people and now the Council is going to change the Charter. He said that for something like this maybe it should be put to the people of Fairmont if they want their City Manager living outside the city limits.

Councilmember Mason said that we entered into that reading because we were in the process of hiring a new City Manager and when we saw the perimeters of hiring a City Manager we realized how archaic many of the things in the City Charter are. That was just the first one. So what we needed to do is, not for this City Manager, our City Manager is a Fairmont resident and lives and is a homeowner in Fairmont city limits so this is not for the new City Manager, it's for the one down the road. He noted that someone should have done this years ago to help us and now we are in the situation where we have to fix it. He said that he did not understand why there would be anyone insulted.

Councilmember Yann said that he made several points and he just wanted direction on why it was just certain areas that were being chosen.

Councilmember Mainella asked why it was so arbitrary.

Councilmember Bledsoe said this is currently not a time sensitive issue now that our current City Manager is a resident of the City of Fairmont. He said that he absolutely agrees that it needs to be changed but that is only one of many things that needs to be looked at in our Charter and as soon as our City Manager has had time to get settled, one of the things that he is going to ask her for is a subcommittee to look at our Charter to make a lot of

changes that need to be made. He noted that is one thing to look at as we look at the whole Charter. He added that maybe Council needs to back off of it a little bit and not rush into it.

The Mayor state that his idea was that if you see something that needs cleaned up, you do it, whereas if someone in the past would have done it, it would have already been cleaned up and we would not even be having this conversation. The Mayor then asked if the Charter, at one time, said that all city employees had to live in the corporate limits of Fairmont.

Mr. Sansalone replied it was in the Personnel Rules.

The Mayor mentioned that we have changed it for everybody but two people.

Councilmember Mason asked again if has been changed for everyone except two people, the City Manager and the City Clerk.

Mayor Merrifield said that was correct.

Councilmember Mason said that it adds to the argument that if it's not right and broke, then we ought to fix it.

Mr. Sansalone said that it was not accurate that it was changed for everyone else but the City Manager and the City Clerk. In the statutory provisions found in Chapter 8, it provides that the City Manager, because she is in the position of the Chief Executive Officer of the City, basically under our form of government she is identified as the Mayor and the City Clerk are obligated to reside in the City of Fairmont corporate limits unless otherwise provided in the Charter. So the Charter that we currently have is consistent with the current provisions of Chapter 8 of the WV Code. The other provision, the section that related to other regular old employees didn't have anything to do with the State Code and didn't have anything to do with the Charter, it was a provision in the Personnel Rules that had been adopted by Council by ordinance and was subsequently modified over the years to exclude employees first that weren't of the safety employees such as Police and Fire and then ultimately Police and Fire residency requirement was expanded to include 15 air-miles from the Court House. The fact that the Charter required regular employees to live in the city was not accurate. The State Code currently requires the City Manager and the City Clerk to live in the City unless the Charter provides otherwise. So what we are doing is we are modifying, if this ordinance is not objected to in writing or passes by majority vote of Council, then we are modifying our Charter to be inconsistent with the State law.

Councilmember Yann said that since that is the State Code, then say we pass it, could a resident challenge that in court.

Mr. Sansalone responded by saying that the time to challenge it, if you follow the statutory provisions for modifying the Charter by the alternate method, is this evening. This was the public hearing, we advertised it by a Class-II legal ad consistent with Chapter 8 which said that Council may modify the Charter by the alternate method which is by adopting an ordinance and they have to object tonight in writing to the provisions of the ordinance that modify the Charter and, at that point in time, if a freeholder or a citizen would object then it would go to a vote of the people at the next regular municipal election whether they wanted their City Manager to reside in the City or if they wanted to be inconsistent with the State Code and allow the City Manager to reside outside the city limits.

Councilmember Bledsoe asked if the State Code says one thing how can we pass an ordinance that goes against that and still be okay.

Councilmember Mason replied that it was not against the Code, it is our prerogative and the Code says unless the Charter states otherwise.

The City Attorney said for once he agrees with Councilmember Mason. He said unless otherwise provided by the Charter. He added that the vote will not be taken until the next meeting.

Councilmember Yann said that every person/resident in Fairmont, including himself, did not know that you had to come to the meeting and make that challenge.

Mr. Sansalone said that in the notice that Janet caused to be published as a Class-II legal ad, it clearly provided that any qualified freeholder may appear at the public hearing and file written objections to the proposed amendment in writing. He then read from the legal ad that was published.

Councilmember Mason stated that he agreed with Councilmember Bledsoe that the Charter needs to be reviewed and it has not been touch for 40 years and an appropriate committee needs to review it. In order to get that accomplished, it's probably going to take literally a couple years so if something that we identified as not being correct or perhaps could be better placed in the Charter then why not fix it now and then review the rest of the Charter.

Councilmember Yann replied that we are not listening to the people and the residents of Fairmont and we have not taken the input from them.

Councilmember Mainella noted that the City Manager bought a house in Fairmont and she is going to be here for a while so he did not see any reason why we just can't wait, if we are going to look at the Charter, which he didn't think we need to but apparently other people do, we are going to consider other changes to the Charter, the logical thing to do is do them all at the same time. He noted that he is in favor of the City Clerk being able to live where she wants to with that being a separate item.

There being no one else to speak, the public hearing was called to a close at 7:26 p.m.

IN RE: AN ORDINANCE AMENDING AND REVISING ARTICLE II, "THE COUNCIL" OF THE FAIRMONT CITY CHARTER, AND MORE PARTICULARLY SECTION 2.08 CITY CLERK THEREOF, TO ELIMINATE THE REQUIREMENT THAT THE CITY CLERK MUST BE A RESIDENT OF THE CITY OF FAIRMONT

Pursuant to a notice duly published in the Times-West Virginian on May 20, 2019 and May 27, 2019, a public hearing was convened to obtain citizen input on a proposed ordinance to eliminate the requirement that the City Clerk must be a resident of the City of Fairmont.

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

Councilmember Yann said, for the record, he is okay to eliminate the requirement that the City Clerk must be a city resident.

Ms. Means stated that she is also in support of this change for the City Clerk's residency.

There being no one else to speak, the public hearing was called to a close at 7:27 p.m.

ANNOUNCEMENTS

IN RE: WELCOME TO THE NEW CITY MANAGER

All Councilmembers welcomed Valerie Means to the City of Fairmont as the new City Manager.

Councilmember Mason stated that he was very pleased to welcome the first female City Manager to the City of Fairmont to her first meeting and it is a

pleasure to have Valerie Means here and he looks forward to working with Valerie well into the future. He stated that we will get a lot done.

IN RE: CODES TO BE AMENDED

Councilmember Bledsoe said that he is frustrated with some of the codes and rules for residents and businesses. He said that we have codes that are oppressive and we micro-manage businesses in particular. He went on to say that there is a mobile food truck in Bellview and he heard that he was told that he leases the property and has been told that in order to comply with city codes that he has to move the trailer every night and put it back the next morning. What in the world does that accomplish? It just makes it a nuisance for him.

Councilmember Bledsoe said another incident is that there is a business in Fairmont that wants to put up a LED sign and was told that it cannot be mounted on a pole, it has to be mounted on a concrete base. He said that where the sign was going to go, it would be difficult to put it on a concrete base and will make it difficult to see cars coming down the road. Why do we have these codes? He said that we need to put a subcommittee together to go through and make a code in Fairmont that works and is not harmful to the businesses in Fairmont. He closed by saying that the reason people don't locate to or stay in Fairmont is because of the regulations and he is going to be asking the Mayor and the City Manager to put a committee together to look at these codes.

IN RE: ACKNOWLEDGE RESIDENTS FOR GOOD DEEDS

Councilmember Rice stated that a few meetings back Council signed thank you cards for the couple of kids that cleaned up trash along the road in appreciation for their deed. He said that he has been thinking about giving out a monthly thing for a certain citizen going above and beyond for helping out the City. He said as he came to the meeting tonight, he saw another family picking up trash. He said that he would like to get with Council and have their support to start a monthly reward project for those that are doing something good for the City.

Council had no objections to Councilmember Rice's suggestion.

IN RE: PLACING OF FLAGS THROUGHOUT THE CITY

Councilmember Mainella complimented the Mayor on his effort to get flags out along with the Boy Scouts and Rotary. He noted that it has beautified the neighborhoods and is a very patriotic thing to see those flags on a windy

day.

IN RE: LOCUST AVENUE STRUCTURES ON AGENDA

Councilmember Mainella mentioned that he was happy to see agenda items #3 and #4 to be voted on tonight. Those Councilmembers that have been around for a while know what problems these areas have been and what an eyesore and embarrassment they are on the main thoroughfare to Fairmont General Hospital and the University and the nuisance that the neighbors have had to put up with from these structures for years and years. He then complimented city staff for getting these items on the agenda and to clean up the City.

IN RE: 100TH ANNIVERSARY CELEBRATION FOR NOVELIS

Mayor Merrifield congratulated Novelis on their 100th anniversary celebration on June 1st. He said that they had a first class event and he appreciated being invited to that event.

CITIZENS PETITIONS

IN RE: DRUG RECOVERY CENTER REQUESTED

BILL BRADLEY, 454 East Grafton Road, spoke to Council regarding the need for a drug recovery center in Fairmont. He is that he is representing a group called "Shadowproof" which is a national non-profit organization that is working with substance addiction disorder. He said that when people get out of treatment, they go to half-way houses or recovery centers and none are located in Fairmont. He said that people can go there during the day and have things to do like a community center and it is usually located in the center of town where people can get to easily. He went on to say that he has volunteers willing to donate time and items to this center. He then asked Council to support this facility and give him a list of available buildings that they may be interested in using for this facility.

IN RE: FOOD TRUCK

LYNN MICHAEL, 301 Spence Street, addressed Council regarding an issue that is affecting his food truck business in Bellview. He is the owner of Bruh's Backyard BBQ which has been located on private property in Bellview for the past two years. He said that now, all of sudden, he is being told that he will not be permitted after July 1st because he must move his trailer off the property each and every night. He said that he was informed by the Marion County Health Department that he has to move the food truck out of the city

limits every night to be in compliance with code. He went on to say that the Health Department wanted him to set up as a permanent unit, however, the City said he cannot be a permanent unit because he's on wheels so basically he has to move every night out of the city limits. Mr. Michael then asked the City of Fairmont to change the language in the regulations. He said that something has to be done to change that because the mobile food business is growing and moving the trailer every night would be burdensome. He said that the Health Department blames it on the City and the City blames it on the Health Department.

Councilmember Mason said that the case is just one example of several issues that need to be reviewed in the Code and in the Charter. He then asked if he can get a stay as to whatever his order is until we can get this fixed.

Mr. Sansalone said that he cannot provide any advice until he has the opportunity to determine the facts and read the code and apply the facts that he has received from the code officials.

The Mayor recommended that the City Manager look into getting Mr. Michael clarification and he feels confident that she will do that.

Councilmember Mason noted that he feels confident that common sense will prevail.

Councilmember Mainella asked if he had a business license with the City of Fairmont.

Mr. Michael replied that he has a business license with the City of Fairmont, the State of WV, and has all of his permits through the Health Department.

Councilmember Mainella said that food trucks are an up and growing business.

Mr. Michael mentioned that in some cities, they have a blocked off section where they have a parking lot where the City can actually make money off of the food vendors.

Councilmember Kennedy asked if it was possible to grant a temporary variance so he can continue his business.

The City Attorney responded by saying that there are certain circumstances in which the Board of Zoning Appeals could provide a variance. Under the laws that currently exists in WV, you cannot provide a use variance and you

cannot provide a variance for something that you are responsible for creating a situation with regard to. A variance in his particular situation would not be the appropriate mechanism. Perhaps the appropriate mechanism, if the Planning and Zoning Code in this particular circumstance is burdensome for all, you don't want to modify a code for one particular circumstance because it is going to create problems for somebody else and you have to be careful and make sure that it is something that would benefit the City as a whole before you make the change. In the zoning situation, it goes before the Planning and Zoning Commission first and the Planning Commission has to look at the ordinance and look at the proposed changes and then make a recommendation to Council for an amendment to the code to make sure it is consistent with our Comprehensive Plan.

Councilmember Mason mentioned that City Council could also make a recommendation to the Planning Commission.

Mr. Sansalone replied he believes Council has the opportunity to do that but every ordinance that relates to zoning must be reviewed by the Planning Commission before it is acted on by Council.

Councilmember Kennedy asked Mr. Sansalone how Mr. Michael goes to work in the morning and not be hassled.

Mr. Sansalone said he could not answer that question.

Mr. Michael stated that he does not always do business out of his trailer. He also serves as a caterer so if he is not there, his trailer is there but that does not mean he is not moving. His business is moving where he goes. It is just that his trailer is parked on private property.

The Mayor said that the place to start is with the City Manager and she is aware of the time crunch that we are under and he feels confident that Mr. Michael is going to hear from the City soon rather than later.

Mr. Michael thanked Council for their time.

IN RE: DRAINAGE COMPLAINT

ROBERT DEFAZIO, 810 East Park Avenue, addressed Council regarding a drainage problem, in an alley behind his house. He presented Council with a copy of the minutes from when he appeared before Council on October 9, 2018. He said the problem is that the City paved the alley behind his house in August of 2017 and now his garage gets flooded when it rains. He said the garage floor has cracked and now the garage has suffered other

damage. Mr. Gomez, former City Manager, had said that this would be taken care of and that the road would be milled in the spring so the road would be down below the garage so he would not have the flooding. He noted that did not happen but what did happen is that the City crew came out and had some kind of hand cart milling machine and milled a little lip off of it in front of his garage. He mentioned that it helped because he no longer has six inches of water now he only has one or two inches when it rains. It improved it but there is still flowing water going through the garage because of the alleyway being above the level of the garage floor. He went on to say that he had a licensed contractor come to the house but he wanted to wait until after the City fixed it before he had a contractor come and tell him how much damage has occurred but he is still waiting for that to happen. He then had the contractor come and his greatest fear was the structure would be unsound and couldn't fix it and that apparently is the case. He said that now he is looking at tearing down his garage and rebuilding a garage and he was told that he was not allowed to build on alleyways in the City of Fairmont anymore because it was an old grandfathered thing of the structures to begin with. He said that he was in a mess and the only way to know for sure the extent of how bad it is would be to cut out the concrete and look underneath but his guess is that there is a pretty big space where the water has been flowing through the garage and under the concrete and that is why it has dropped down so far. He stated that he did not know what to do other than to appeal to City Council and to please ask once again, eight months later, to do something.

Councilmember Bledsoe said that if it makes him feel any better, he is not the only one with these problems, it is all over the City. He mentioned that he has had two separate issues, one where he works and at his own home where it looks like rapids running down his sidewalk that has completely separated the garage.

Mr. DeFazio noted that the contractor suggested making a drain down the center of the alley so the alley would not have to be re-milled. He then suggested if he could afford it, if the City would be willing to help with the damage that the City has caused

Councilmember Bledsoe told Mr. DeFazio that he can actually submit a claim to our insurance company.

Mr. DeFazio said that would be great; he would appreciate the numbers and form and where to pick that up. He went on to say that the contractor did tell him what he could do once he tears down the structure is to raise it higher than the alley but he was sure the City would be doing this again in 10 or 20 years so maybe he had better raise it a little higher.

The Mayor said that the City Manager has the information and Mr. DeFazio will hear back from her once she talks to the department heads.

Mr. DeFazio said that he is not the only one in his alley, not the only one in the City, the next street over from the alley is Vermont and he knows that the neighbors on Vermont said the same thing has happened on Vermont in his garage. He then mentioned that neighbors on both sides of him has had damage but not as bad as his damage.

IN RE: SPEEDING ON PEACOCK LANE

NICK CINALLI, 1301 Peacock Lane, addressed Council regarding speeding on Peacock Lane. He then suggested that the City install speed bumps or speed humps on the street to slow people down. He said that last time he addressed Council, they were going to patrol a little more in the neighborhood. He said that one time there was a trailer parked across the street, which they hated, but liked because it did slow people down. The trailer is gone now and he is back again asking for the majority of people on Peacock Lane to look at speed humps being installed on the street.

Mr. Cinalli then asked if the street could be shut down on Halloween night due to the number of children trick-or-treating.

Councilmember Rice noted that he has the same thing on Indiana Avenue. He stated that speed humps on his road would be great too.

Mr. Cinalli said he knows it's an issue everywhere but he was just here representing the majority of people on his street.

KELLY RICHARDS, 1211 Peacock Lane, stated that she was against speed humps/bumps on Peacock Lane. She said that she has lived there for 20 years and lives on the incline coming from Sunset up Peacock and the streets are very crowded on Mr. Cinalli's end due to many people having multiple vehicles that are parked on the road. She mentioned that she did not know how anyone could speed through there because of the vehicles on the street that you are lucky if you can see the on-coming car. She went on to say that another problem on the street is unattended children. Many times she went through the street and there have been small children riding their bikes in the middle of the road and if they get frustrated, they drop their bike in the middle of the road in front of her vehicle. She has addressed this issue with the previous City Manager and spoke with Councilmember Mason about it and the previous City Manager told her that when you are walking on the street, a car does look like it is going faster

than what it actually is. She then said that before the City wastes money to put speed humps/bumps on the street, she thought a speed study needs to be done to see if the people are truly speeding on the street.

CITY MANAGER'S REPORT

IN RE: NEW CITY MANAGER – VALERIE MEANS

Valerie Means, new City Manager, stated that she is happy to be in Fairmont and officially a resident of Fairmont as they closed on their house this week. She said that she is looking forward to working with everyone and the citizens and businesses of Fairmont and making Fairmont a better place for all of us. Ms. Means then thanked department heads and staff in being very helpful in getting her up to speed as quickly as possible.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2018-2019 ANNUAL BUDGET: GENERAL FUND

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

Motion:

Councilmember Rice 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 those Councilmembers present and the ordinance designated as Ordinance No. 1819 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2018-2019 ANNUAL BUDGET: COAL SEVERANCE

Mayor Merrifield entertained a motion for the adoption of an ordinance providing for a Coal Severance Budget Revision.

Motion:

Councilmember Mainella moved for the adoption of the proposed ordinance. Councilmember Kennedy 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. 1820 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR AND AUTHORIZING THE ACQUISITION, TRANSFER AND CONVEYANCE OF THOSE CERTAIN PARCELS OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT:

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FAIRMONT CITY DISTRICT, MARION COUNTY, WV
1355 LOCUST AVENUE, FAIRMONT, WV 26554**

FROM MARY CALAME TO THE CITY OF FAIRMONT; APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER ALL NECESSARY DOCUMENTS ON BEHALF OF THE CITY OF FAIRMONT; RATIFICATION

Mayor Merrifield entertained a motion for the adoption of an ordinance providing for the acquisition of 1355 and 1359 Locust Avenue.

Motion:

Councilmember Mainella 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. 1821 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR AND AUTHORIZING THE ACQUISITION, TRANSFER AND CONVEYANCE OF THOSE CERTAIN PARCELS OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT:

**LOT 50 X 165 LOCUST AVE
MAP 03-18 PARCEL 0187
FAIRMONT CITY DISTRICT, MARION COUNTY, WV
1361 LOCUST AVENUE, FAIRMONT, WV 26554**

**LT 0.313 AC LOCUST AVE
MAP 03-18 PARCEL 0186
FAIRMONT CITY DISTRICT, MARION COUNTY, WV
1363 LOCUST AVENUE, FAIRMONT, WV 26554**

FROM 1ST KEY LLC AND BLACK BEAR REAL ESTATE HOLDINGS LLC, RESPECTIVELY, TO THE CITY OF FAIRMONT; APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER ALL NECESSARY DOCUMENTS ON BEHALF OF THE CITY OF FAIRMONT; RATIFICATION

Mayor Merrifield entertained a motion for the adoption of an ordinance providing for the acquisition of 1361 and 1363 Locust Avenue.

Motion:

Councilmember Bledsoe moved for the adoption of the proposed ordinance. Councilmember Blood 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. 1822 was duly adopted.

IN RE: AGENDA ITEM REMOVED, AN EMERGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AFFIRMING VALERIE MEANS AS ACTING CITY MANAGER UNTIL SUCH TIME AS SHE SATISFIES THE EXISTING PROVISIONS OF SECTION 3.01 OF THE CITY CHARTER

Mayor Merrifield stated that Council does not need to act on this agenda item since the City Manager closed on her house.

Mayor Merrifield entertained a motion to remove this item from the agenda.

Motion:

Councilmember Mainella moved to remove this item from the agenda. Councilmember Bledsoe seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the item removed from the agenda 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 Rice.

The Mayor declared the meeting adjourned by voice vote of Council at 8:22 p.m.