

July 14, 2020

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 14th day of July, 2020, 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	(by phone)
Third District	Karl (David) Kennedy	(by phone)
Fourth District	Kenneth (Brad) Merrifield	
Fifth District	Barry H. Bledsoe	(by phone)
Sixth District	Dora Kay Grubb	
Eighth District	Thomas (Tom) Mainella	
Ninth District	Donna M. Blood	

Absent:

Seventh District	Philip R. (Phil) Mason
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Also present were:

City Manager	Valerie Means
City Attorney	Kevin Sansalone
City Clerk	Janet L. Keller
Fire Chief	Ed Simmons
Marketing Director	Hanna Turner

IN RE: COUNCILMEMBER MASON EXCUSED

The Mayor entertained a motion to excuse Councilmember Mason from tonight’s meeting. He noted that he was out of town due to a death in the family.

Motion:

Councilmember Blood moved to excuse Councilmember Mason. The motion was seconded by Councilmember Rice.

The Mayor declared Councilmember Mason 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 Blood.

APPROVAL OF MINUTES

Mayor Merrifield noted that each member of Council had received a copy of the minutes from the Regular Meeting held on June 23, 2020.

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

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 AN AMENDMENT TO CITY OF FAIRMONT REDEVELOPMENT DISTRICT NO. 1 (APPROVED OCTOBER 23, 2015) TO PROVIDE FOR AN AMENDMENT TO THE APPROVED PROJECTS TO PERMIT A MULTI-PHASE PUBLIC RECREATIONAL PROJECT WITHIN THE DISTRICT TO BE LOCATED AT NORWOOD PARK, AND APPROVING AND PROVIDING FOR THE ACQUISITION, ESTABLISHMENT AND CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS, RELATING THERETO

Pursuant to a notice duly published in the Times-West Virginian on June 24, 2020 and on July 1, 2020, a public hearing was convened to obtain citizen input on a proposed ordinance providing for an amendment to the TIF District for a multi-phase recreational project at Norwood Park.

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

HANNA TURNER, Marketing and Communications Director for the City of Fairmont, spoke in favor of the proposed ordinance. She said this has been several years in the making. The City of Fairmont was blessed with a generous donation from Novelis in the amount of \$75,000 and we also have \$5,000 coming to us from the Disability Action Center from their sub sale last fall. This is a project that will be a great improvement to the City and is a much underserved area as far as the parks go. She went on to say that our hopes are to have this be a destination for everyone in the county and in

the city. It is very important to have an all-inclusive play spaces which we currently do not have any that are handicapped accessible specific and this will also provide areas of play for children that are on the spectrum and for people of all abilities. She explained that they have wonderful plans to work on this project in phases and this will not interfere with any other projects that the City has planned with the TIF fund. She then asked Council to support the proposed ordinance.

Mayor Merrifield stated that unless you had or been related to a special needs child and go through the period, especially when they are younger, when they have so many challenges and when you go to a regular playground, you just add to that. To have this type of facility, you really can't comprehend how special it is and he said that he remembered looking for playgrounds 30 years ago when he went through this. He noted that we talk about things that make a good statement for the City, and there are a lot of them and a lot of important ones, but this is certainly on the list of important things to make a statement about our City.

Ms. Turner noted this was a fun one. She said that it is something for all of us to be really excited about and it is a place for everybody to play and for everyone to feel like they have a place to go.

The Mayor noted that it was for special needs and non-special needs children.

Councilmember Rice stated that he is glad to be part of it. He said that the team at Novelis are also excited about being a part of it and they are willing to help out any way they can.

Ms. Turner mentioned that Novelis has been a wonderful partner and not only have they given us a financial contribution but they are also chopping at the bit for volunteer opportunities when we get started and the same with the Disability Action Center, they have been wonderful.

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

IN RE: AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2020-2021 ANNUAL BUDGET: COAL SEVERANCE

Pursuant to a notice duly published in the Times-West Virginian on June 26, 2020, 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.

Ms. Means spoke in favor of this proposed ordinance. She mentioned that this is a requirement from the State that we need to address the Coal Severance and the General Fund within the month of July for the new fiscal year that begins.

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

ANNOUNCEMENTS

IN RE: PAINTING OF MURAL

Councilmember Mainella reported that the painting of the mural has been completed and he thought it was an absolutely beautiful, positive thing for the citizens of Fairmont and Marion County. He commended Joel Dugan and his students for working in the hottest part of the summer to complete this project. He noted this project was a good example of cooperation between the City, the County, and FSU.

IN RE: FAIRMONT MEDICAL CENTER

Councilmember Mainella mentioned that he toured the new Fairmont Medical Center and it is a wonderful facility. He said it was all new even though it was an older building. He noted that we all should be very happy about it being here.

The Mayor stated he also took the tour and the one thing that really stood out with him was that all of these years there has been a stigma that Morgantown was always different, some say better, some say not. He said the truth is that we have always had pretty good health care there. He mentioned that we were pretty good on our own but now it has raised the level of play to where you will get the same doctors, the same equipment, the same services in Fairmont now that you would get in Morgantown. He said there is no reason for you to drive 20 miles unless you just want to. He noted that they will have more extended service and they are going to build that hospital to fit the needs of Marion County. They are going to monitor the services, there will be some services that they add as we show that we need them and there is nothing that they won't do that the County needs in there. He mentioned that it looks like a brand new place.

Councilmember Grubb asked if they were planning on staying there or are they still going to build a new complex out at White Hall.

The Mayor replied this has to do with the one along the Connector is what they are going to be building. He said that it is going to be here until the new one is built which will be at least a couple years. In the meantime, they will run the emergency department, have x-ray, CT scans and the lab. They had mentioned possible plans for using that facility down the road or even in the meantime if something happens with the Covid to where they would need more.

IN RE: COVID-19

Councilmember Blood stated that she hopes everybody in Fairmont is now taking this Covid-19 very seriously. She noted that our numbers are going up like crazy and it is very scary. She then mentioned that there has been so much misinformation out there that people are confused and for those that don't feel they can't breathe well in a mask, just think what it would be like not to be able to breathe. She then wished Councilmember Bledsoe a speedy recovery and hope he gets well soon.

IN RE: FLAGS FROM ROTARY CLUB

Councilmember Grubb stated that she really appreciated the flags that were put up by the Rotary Club. She said this was a great fundraiser.

IN RE: CVB WORKBOOK

Councilmember Grubb presented each Councilmember with a workbook designed for children. She explained that this was a new project by the CVB and the workbooks are designed for children, however, they will be making a book for adults soon. The CVB is still looking for ways to attract people to this town.

IN RE: WINDMILL PARK

Councilmember Rice commended Randy Hines for doing a wonderful job with the fields at Windmill Park.

IN RE: PALATINE PARK

Councilmember Rice also talked about the event at Palatine Park. He said that he attended the 4th of July celebration. He said that they take good care of the grass, the restrooms and the entire area around Palatine Park.

He then thanked Kris Cinalli, the County Administrator, for making all of this possible.

IN RE: HOME TOWN SATURDAYS

The Mayor reported that Home Town Saturdays is an event that Main Street Fairmont is starting to put on. He said that the goal was to just show some forms of life downtown and to show people doing a few things noting that we still have to maintain social distancing. He said that each Saturday, through August, food trucks will be located throughout downtown Fairmont and everyone is welcome.

IN RE: TOURING ROBOTICS FACILITY

Councilmember Yann noted that there was an article in the newspaper last week that said Senator Manchin was touring the robotics place on Gaston Avenue. He said that he was on the Planning Commission and there was long session that we had to go through to get them here and we thought everything was through and at the last minute after we closed voted it in, we found out there was a time limit and it almost was going to stop the whole thing, however, the next morning Kevin Sansalone did the work and got it taken care of and without his assistance on getting that through, that place would not have been there. He then thanked Kevin for his efforts.

IN RE: CONDOLENCES TO COUNCILMEMBER MASON'S FAMILY

Councilmember Bledsoe offered his condolences to Councilmember Mason's family in the loss of his father-in-law.

CITIZENS PETITIONS

IN RE: CANDIDATE FOR WV SENATE

REBECCA POLIS, 818 Coleman Avenue, introduced herself to Council and stated that she was a candidate for the WV Senate in the general election to be held on November 3rd. She gave information about her background and why she was running for office and asked everyone for their support on November 3rd.

CITY MANAGER'S REPORT

IN RE: RECEIVED FUNDING FROM CARES ACT

The City Manager reported that the City received the \$1 million grant from the State as part of the CARES Act money. We will continue to make application and we are now putting in the application for the month of May and then there will be June, as long as the funds last.

IN RE: PAINTING OF MURAL

Ms. Means said that she absolutely loves the mural. She mentioned that she wants a lot more of those to happen in the community and staff is currently talking to Mr. Dugan about the possibility of another one in the downtown area.

IN RE: EAST SIDE FIRE STATION CONSTRUCTION CONTRACT

Ms. Means reported that she and staff have been working on the construction contract and they are very close to finalizing that for the new East Side Fire Station.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT PROVIDING FOR AN AMENDMENT TO CITY OF FAIRMONT REDEVELOPMENT DISTRICT NO. 1 (APPROVED OCTOBER 23, 2015) TO PROVIDE FOR AN AMENDMENT TO THE APPROVED PROJECTS TO PERMIT A MULTI-PHASE PUBLIC RECREATIONAL PROJECT WITHIN THE DISTRICT TO BE LOCATED AT NORWOOD PARK, AND APPROVING AND PROVIDING FOR THE ACQUISITION, ESTABLISHMENT AND CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS, RELATING THERETO

Mayor Merrifield entertained a motion for the adoption of an ordinance providing for an amendment to the TIF District for a multi-phase recreational project at Norwood Park.

Motion:

Councilmember Rice 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 by phone) and the ordinance designated as Ordinance No. 1855 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2019-2020 ANNUAL BUDGET: COAL SEVERANCE

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

Motion:

Councilmember Blood 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 by phone) and the ordinance designated as Ordinance No. 1856 was duly adopted.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2020-2021 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 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 July 28, 2020.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE PROVIDING FOR THE VACATION AND ABANDONMENT OF THE FOLLOWING UNOPENED PORTIONS OF THE RIGHT OF WAY OF FLEMING AVENUE IN THE CITY OF FAIRMONT, FAIRMONT CITY DISTRICT, MARION COUNTY, WEST VIRGINIA, AND BEING THOSE TWO CERTAIN PORTIONS OF THE UNOPENED RIGHT OF WAY OF FLEMING AVENUE AS FOLLOWS:

- 1) THAT CERTAIN PORTION OF FLEMING AVENUE FROM THE

INTERSECTION OF FLEMING AVENUE AND BISON STREET WITH FLEMING AVENUE TO THE RIGHT OF WAY OF A 15' UNNAMED ALLEY AND MORE PARTICULARLY DESCRIBED AS .19 ACRES OR 8,250 SQUARE FEET AS SHOWN ON THE ATTACHED PLAT (EXHIBIT A) AND SITUATE ADJACENT TO PARCELS 46 AND 47 OF MARION COUNTY TAX MAP 03-12, WHICH PARCELS ARE OWNED BY RICHARD OLDAKER AND DIANE OLDAKER; AND

2) THAT CERTAIN PORTION OF FLEMING AVENUE FROM THE INTERSECTION OF FLEMING AVENUE AND A 15 'UNNAMED ALLEY WITH FLEMING AVENUE TO THE INTERSECTION OF FLEMING AVENUE AND WORTHINGTON STREET AS SHOWN ON THE ATTACHED PLAT (EXHIBIT B) AND SITUATE ADJACENT TO PARCEL 4 OF MARION COUNTY TAX MAP 03-12 WHICH PARCEL IS OWNED BY DANIEL SERGE AND CECELIA SERGE, AND PARCELS 5 AND 5.1, OF SAID TAX MAP, WHICH PARCELS ARE OWNED BY KENNETH C. SABO

EXCLUDING THE RIGHT OF WAY OF A 15' UNNAMED ALLEY AND RESERVING ALL UTILITY RIGHTS.

Mayor Merrifield entertained a motion and second for the introduction of an ordinance providing for the abandonment of an unopened right-of-way on Fleming Avenue requested by Richard and Diane Oldaker.

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 July 28, 2020.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE PROVIDING FOR THE VACATION AND ABANDONMENT OF THE FOLLOWING UNOPENED PORTION OF THE RIGHT OF WAY OF AN UNNAMED ALLEY LYING AND BEING IN THE CITY OF FAIRMONT, WINFIELD CITY DISTRICT, MARION COUNTY, WEST VIRGINIA, AND BEING THAT CERTAIN UNOPENED PORTION OF SAID UNNAMED ALLEY PERPENDICULAR TO MOUND AVENUE AND BETWEEN PARCELS NOS. 61, 62, AND 63 OF MARION COUNTY TAX MAP 06-06, AS SHOWN ON THE ATTACHED PLAT, WHICH SAID PARCELS ARE OWNED BY VICTORY BAPTIST CHURCH; RESERVING

ALL UTILITY RIGHTS

Mayor Merrifield entertained a motion and second for the introduction of an ordinance providing for an abandonment of an unopened right-of-way perpendicular to Mound Avenue which said parcels are owned by Victory Baptist Church

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 July 28, 2020.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE PROVIDING FOR THE VACATION AND ABANDONMENT OF THE FOLLOWING UNOPENED PORTION OF THE RIGHT OF WAY OF EDMORE LANE LYING AND BEING IN THE CITY OF FAIRMONT, GRANT ANNEX DISTRICT, MARION COUNTY, WEST VIRGINIA, AND BEING THAT CERTAIN PORTION OF EDMORE LANE PERPENDICULAR TO MAPLEWOOD DRIVE AND PARALLEL TO FAIRMONT AVENUE AND SITUATE BETWEEN PARCELS NOS. 112, 113, 125, 126, AND 127 OF MARION COUNTY TAX MAP 04-07, AS SHOWN ON THE ATTACHED PLAT, WHICH SAID PARCELS ARE OWNED BY RANDALL NEWLON; RESERVING ALL UTILITY RIGHTS

Mayor Merrifield entertained a motion and second for the introduction of an ordinance providing for an abandonment of an unopened right-of-way of Edgemore Lane perpendicular to Maplewood Drive and parallel to Fairmont Avenue which said parcels are owned by Randall Newlon.

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 July 28, 2020.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING,

AN ORDINANCE PROVIDING FOR THE VACATION AND ABANDONMENT OF THE UNOPENED RIGHT OF WAY OF AN UNNAMED ALLEY IN THE CITY OF FAIRMONT, FAIRMONT CITY DISTRICT, MARION COUNTY, WEST VIRGINIA, AND BEING THAT CERTAIN UNNAMED ALLEY LYING BETWEEN STERLING ROAD AND COLBURN STREET (UNOPENED) AND SITUATE BETWEEN PARCELS NOS. 163, 164, AND 165 OF MARION COUNTY TAX MAP 03-30, AS SHOWN ON THE ATTACHED PLAT, WHICH SAID PARCELS ARE OWNED BY BRANDON HAUN AND ALI HAUN; RESERVING ALL UTILITY RIGHTS.

Mayor Merrifield entertained a motion and second for the introduction of an ordinance providing for an abandonment of an unnamed alley lying between Sterling Road and Colburn Street which said parcels are owned by Brandon and Ali Haun.

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 July 28, 2020.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING AN ORDINANCE APPROVING THAT CERTAIN USER AGENCY AGREEMENT FOR CRIMINAL JUSTICE INFORMATION BY AND BETWEEN THE CITY OF FAIRMONT POLICE DEPARTMENT AND MARION COUNTY CENTRAL COMMUNICATIONS DATED JULY 1, 2020

Mayor Merrifield entertained a motion and second for the introduction of an ordinance approving the User Agency Agreement between the City of Fairmont Police Department and Marion County Central Communications.

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 July 28, 2020.

IN RE: ADOPTION, A RESOLUTION BY THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA, CERTIFYING ITS APPROVAL OF SHELTER ACTIVITIES OF NORTH CENTRAL WEST VIRGINIA COMMUNITY ACTION AGENCY – SCOTT PLACE SHELTER AND AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER THE LOCAL GOVERNMENT CERTIFICATION

Mayor Merrifield entertained a motion for the adoption of a resolution certifying approval of shelter activities for Scott Place Shelter.

Motion:

Councilmember Blood moved for the adoption of the proposed ordinance. Councilmember Rice seconded the motion.

The Clerk read the proposed resolution by synopsis.

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of those Councilmembers present (and by phone).

IN RE: ONE APPOINTMENT, MARION COUNTY PUBLIC LIBRARY BOARD, FIVE-YEAR TERM TO END JUNE 30, 2025

Mayor Merrifield entertained a motion for one appointment to the Marion County Public Library Trustee Board for a five-year term to end June 30, 2025.

Councilmember Blood moved to appoint Marianne Moran to the Marion County Public Library Trustee Board for a five-year term ending June 30, 2025. The motion was seconded by Councilmember Yann.

Discussion:

Councilmember Blood noted that Dixie Yann had served on that board for the past 35 years. She then commended her for everything that she does for our community.

Roll call was taken by the Clerk and the following votes were recorded:

Councilmember Rice	Yes	Councilmember Mainella	Yes
Councilmember Blood	Yes	Councilmember Bledsoe	Yes

Councilmember Grubb	Yes	Councilmember Kennedy	Abstain
Councilmember Yann	Yes	Mayor Merrifield	Yes

The Mayor declared Marianne Moran appointed to the Marion County Public Library Trustee Board for a five-year term ending June 30, 2025 by majority vote of those Councilmember present (and by phone).

IN RE: ADJOURN TO EXECUTIVE SESSION

Mayor Merrifield moved that Council 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. The motion was seconded by Councilmember Mainella.

The Mayor declared the meeting adjourned to Executive Session by voice vote of Council at 7:50 p.m.

IN RE: MEETING RECONVENED

The Mayor declared the meeting reconvened at 8:17 p.m.

ADJOURNMENT

The Mayor entertained a motion for adjournment.

Motion:

Councilmember Mainella moved to adjourn the meeting. The motion was seconded by Councilmember Rice.

The Mayor declared the meeting adjourned by voice vote of Council at 8:18 p.m.