

**August 11, 2020**

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 11<sup>th</sup> day of August, 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	
Third District	Karl (David) Kennedy	(by phone)
Fourth District	Kenneth (Brad) Merrifield	
Fifth District	Barry H. Bledsoe	(by phone)
Sixth District	Dora Kay Grubb	(by phone)
Seventh District	Philip R. (Phil) Mason	
Eighth District	Thomas (Tom) Mainella	
Ninth District	Donna M. Blood	

Also present were:

City Attorney	Kevin Sansalone
City Clerk	Janet L. Keller
Fire Chief	Ed Simmons
Utility Manager	David Sago
Utility Controller	Mark Moore

Absent:

City Manager	Valerie Means
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**IN RE: OPENING CEREMONIES**

Rev. Dr. Mark Staples gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Mainella.

**IN RE: REV. DR. MARK STAPLES COMMENDED**

Mayor Merrifield stated that recently, in the last month or so, Rev. Dr. Staples was the one person that reached out to him, Chief Shine, and the City Manager to begin a sequence of discussions and sharing of ideas that was so valuable at the time he did that. The Mayor said that we were proud to have Rev. Dr. Staples in the community and he then thanked him for initiating the meetings.

**IN RE: POLICE AND FIRE ANNUAL PENSION REPORTS PRESENTED**

The Mayor mentioned that each Councilmember had received a copy of the Annual Report of the Police and Fire Pension Funds as required by State Code.

### **APPROVAL OF MINUTES**

Mayor Merrifield noted that each member of Council had received a copy of the minutes from the Regular Meeting held on July 28, 2020.

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 AMENDING AND SUPPLEMENTING THAT PORTION OF CITY ORDINANCE NO. 1809, WHICH IS CODIFIED AS SECTION 1709.01 OF THE CITY CODE TO PROVIDE FOR A CERTAIN REVISION TO THE STATE BUILDING CODE PROMULGATED BY THE WEST VIRGINIA STATE FIRE COMMISSION AND ESTABLISHED BY LEGISLATIVE RULE, TITLE 87, SERIES 4, TO BE EFFECTIVE AUGUST 1, 2020**

Pursuant to a notice duly published in the Times-West Virginian on July 31, 2020, a public hearing was convened to obtain citizen input on a proposed ordinance amending the State Building Code as requested by the WV State Fire Commission.

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

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

**IN RE: AN ORDINANCE AMENDING AND SUPPLEMENTING THAT PORTION OF CITY ORDINANCE NO. 1810, WHICH IS CODIFIED AS PART 17 BUILDING AND HOUSING CODE, ARTICLE 1709 WEST VIRGINIA STATE BUILDING CODE, OF THE CITY CODE, AND PARTICULARLY, SECTION 1709.02 SCHEDULE FOR PERMIT FEES AND PENALTIES AND SECTION 1709.03 DISCRETIONARY PROVISIONS THEREOF, TO PROVIDE FOR CERTAIN REVISIONS TO THE STATE BUILDING CODE PROMULGATED BY THE WEST VIRGINIA STATE FIRE COMMISSION AND ESTABLISHED BY LEGISLATIVE RULE, TITLE 87, SERIES 4, TO BE EFFECTIVE AUGUST 1, 2020**

Pursuant to a notice duly published in the Times-West Virginian on July 31, 2020, a public hearing was convened to obtain citizen input on a proposed ordinance to provide for certain revisions to the State Building Code for the discretionary provisions.

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

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

## **ANNOUNCEMENTS**

### **IN RE: COVID-19 TESTING**

Councilmember Yann thanked all of the volunteers that worked at Windmill Park a couple Saturdays ago for the Covid-19 testing. He mentioned that they were so considerate and did a great job. He then said that he went to a couple stores afterwards with people just refusing to wear masks and being rude. He said that the Governor is begging you to wear the mask and it is sad the clerks and associates have to take that abuse.

The Mayor mentioned that Council will be passing a resolution at tonight's meeting about the face masks. He said that even though it is not a mandatory resolution, don't underestimate that for the seriousness of our support for it. It looks like the numbers are starting to flatten and head back our way again, so we are really hoping that everybody, young people and all, think about some of us older folks and please just bare with it.

### **IN RE: PALATINE PARK EVENT**

Councilmember Rice invited everyone to Palatine Park this Saturday at 12:00 p.m. for the book bag drive. He encouraged everyone to come over a get a free book bag.

### **IN RE: GET WELL WISHES TO CITY MANAGER**

Councilmember Blood extended get well wishes to the City Manager after her recent surgery. She wished her a swift recovery.

## **CITIZENS PETITIONS**

There were no citizen's petitions for this meeting.

## **CITY MANAGER 'S REPORT**

No City Manager's Report was given.

## **CONSIDERATION OF COUNCIL BUSINESS**

**IN RE: ADOPTION, AN ORDINANCE AMENDING AND SUPPLEMENTING THAT PORTION OF CITY ORDINANCE NO. 1809, WHICH IS CODIFIED AS SECTION 1709.01 OF THE CITY CODE TO PROVIDE FOR A CERTAIN REVISION TO THE STATE BUILDING CODE PROMULGATED BY THE WEST VIRGINIA STATE FIRE COMMISSION AND ESTABLISHED BY LEGISLATIVE RULE, TITLE 87, SERIES 4, TO BE EFFECTIVE AUGUST 1, 2020**

Mayor Merrifield entertained a motion for the adoption of an ordinance amending the

State Building Code as requested by the WV State Fire Commission.

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. 1863 was duly adopted.

**IN RE: ADOPTION, AN ORDINANCE AMENDING AND SUPPLEMENTING THAT PORTION OF CITY ORDINANCE NO. 1810, WHICH IS CODIFIED AS PART 17 BUILDING AND HOUSING CODE, ARTICLE 1709 WEST VIRGINIA STATE BUILDING CODE, OF THE CITY CODE, AND PARTICULARLY, SECTION 1709.02 SCHEDULE FOR PERMIT FEES AND PENALTIES AND SECTION 1709.03 DISCRETIONARY PROVISIONS THEREOF, TO PROVIDE FOR CERTAIN REVISIONS TO THE STATE BUILDING CODE PROMULGATED BY THE WEST VIRGINIA STATE FIRE COMMISSION AND ESTABLISHED BY LEGISLATIVE RULE, TITLE 87, SERIES 4, TO BE EFFECTIVE AUGUST 1, 2020**

Mayor Merrifield entertained a motion for the adoption of an ordinance to provide for certain revisions to the State Building Code for the discretionary provisions.

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. 1864 was duly adopted.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE AUTHORIZING THE REFUNDING OF THE ISSUER'S OUTSTANDING WATER REFUNDING REVENUE BONDS, SERIES 2012 D AND THE FINANCING OF THE COST THEREOF, NOT OTHERWISE PROVIDED, AND PAYING COSTS OF ISSUANCE AND RELATED COSTS, THROUGH THE ISSUANCE OF WATER REFUNDING REVENUE BONDS, SERIES 2020 A OF THE CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT MORE THAN \$14,000,000; PROVIDING FOR THE RIGHTS AND REMEDIES OF, AND THE SECURITY FOR, THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A TAX CERTIFICATE, AN OFFICIAL**

**STATEMENT, A BOND PURCHASE AGREEMENT, A CONTINUING DISCLOSURE AGREEMENT AND OTHER DOCUMENTS; AUTHORIZING THE SALE AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH BONDS AND ADOPTING OTHER PROVISIONS RELATING THERETO**

Mayor Merrifield entertained a motion and second for the introduction of an ordinance authorizing the refunding of the 2012 D Water Refunding Revenue Bonds.

Motion:

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

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

The Mayor declared the public hearing set for September 8, 2020.

Councilmember Mason mentioned that this is a great financial decision. He then complimented Mr. Sago who is running the Water Department and said this will be saving significant amounts of money for the City of Fairmont by re-issuing the water bonds.

**IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT REINFORCING EXECUTIVE ORDER NO. 50-20 WHICH WAS ISSUED JULY 6, 2020, IN RESPONSE TO THE NOVEL CORONAVIRUS AND COVID 19 PANDEMIC, WHICH EXECUTIVE ORDER MANDATES THE WEARING OF ADEQUATE FACE COVERINGS UNDER CERTAIN CIRCUMSTANCES**

Mayor Merrifield entertained a motion for the adoption of a resolution reinforcing the State's Executive Order No. 50-20 which mandates the wearing of face coverings under certain circumstances.

Motion:

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

The Clerk read the proposed resolution by synopsis.

Discussion:

The Mayor stated that recently he was at a gym and the gym had everything set up with the paper towels, signage, hand sanitizer, wipes, took your temperature and about 90% of the people wiped the equipment down before and after each use, however, a couple younger folks did not do it. He said it only takes one person who doesn't take the time or energy to go by these rules. He said more than a mask, it's an awareness. If we can just pay attention to this for a while, and hopefully we won't have anybody else get sick.

He noted that we just don't have any citizens to spare. He then asked everyone to bare with the whole deal for a while. It's not nearly as uncomfortable as what Councilmember Bledsoe went through.

Councilmember Mason said that we are all social beings and we like to touch, we like to shake hands and some of us like to hug and it's against our nature to be distant but we need to work on it and it is proven from the Federal, State, and local level that wearing masks does help and helps to get rid of this nasty virus that is causing this pandemic. There is a word social distancing that he would recommend we change to social cooperation. Social cooperation is a lot more comfortable than saying you're required to keep a distance from other people.

Councilmember Yann then asked how many people are going to know that Council even made this resolution. He suggested making some signage for businesses. He noted that it's not political, it's intelligence, and this is the only defense we have right now. He then suggested that the City make the signs and hand them out to the businesses

Roll call was taken by the Clerk.

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

### **ADJOURNMENT**

The Mayor entertained a motion for adjournment.

Motion:

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

The Mayor declared the meeting adjourned by voice vote of Council at 7:30 p.m.