

August 27, 2019

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 27th day of August, 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

Absent:

Ninth District	Donna M. Blood
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Also present were:

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

Father Joe from St. Peter's Church gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Rice.

IN RE: COUNCILMEMBER BLOOD EXCUSED

The Mayor entertained a motion to excuse Councilmember Blood from tonight's meeting.

Motion:

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

The Mayor declared Councilmember Blood 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 August 13, 2019.

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

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 August 19, 2019, a public hearing was convened to obtain citizen input on a proposed ordinance to approve and adopt replacement pages to the Fairmont City Code.

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

Ms. Means spoke in favor of the proposed ordinance. She said that it is important for us to update our Codes so that whenever anyone is doing any research, everything is up to speed and the most current code.

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

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

Pursuant to a notice duly published in the Times-West Virginian on August 19, 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.

There being no one 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 TRANSFER AND CONVEYANCE OF A CERTAIN PARCEL OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT:

**BLK 3 LT 8 RHEA TERR
(PLAT 104-144/145)
MAP 27 PARCEL 0023; AND**

**BLK 3 LT 9 RHEA TERRACE
MAP 27 PARCEL 0022**

**FROM ANDREW C. BALLARD TO THE CITY OF FAIRMONT;
APPROVING THE FORM OF THE TRANSACTIONAL DOCUMENTS;
AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER
THEM ON BEHALF OF THE CITY OF FAIRMONT; RATIFICATION**

Pursuant to a notice duly published in the Times-West Virginian on August 19, 2019, a public hearing was convened to obtain citizen input on a proposed ordinance providing for the transfer of real estate located a 8 Rhea Terrance to the City of Fairmont from Andrew C. Ballard.

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

Ms. Means spoke in favor of the proposed ordinance. She said this was an important part of the continuation of our demolition program to clean up any blighted structures.

There being no one else to speak, the public hearing was called to a close at 7:08 p.m.

ANNOUNCEMENTS

IN RE: FAIRMONT FIRE DEPARTMENT

Councilmember Mainella stated that he was on his way back from Colasessano's last week with his two grandsons and they stopped by the Fire Department. He said that Firefighter Ash was very accommodating and showed the kids the fire trucks. He said it was a nice public relations visit.

CITIZENS PETITIONS

IN RE: SPRING INTO ACTION FAIR

BUDD SAPP, 119 Warren Road, addressed Council regarding Leadership Marion's Spring Into Action Fair which was held on May 4th in downtown Fairmont. He said that each year participants in Leadership Marion plan an annual project to benefit the community. He said that this year's class decided to plan and host an event in the spring to bring the Marion County community together with a goal of raising awareness and funds for Marion County's non-profit community organizations. The "Spring Into Action Fair" is a street fair, complete with food and business vendors and entertainment to draw community members to participate in the fun-filled event. He said that next year's Fair will be held on May 2, 2020. He then thanked Council for their support over the years and said he just wanted to give Council an overview and thank them for their support.

CITY MANAGER'S REPORT

IN RE: LABOR DAY WEEKEND

Ms. Means stated that she did not have anything to report but wished everyone a safe, long Labor Day Weekend that is coming up.

IN RE: PRESENTATION BY MARION COUNTY HUMANE SOCIETY

CHRISTINA MICKEY, a representative of the Marion County Humane Society, addressed Council regarding community cats. She went over the following items:

- Understanding how a comprehensive Community Cats Program (CCP) is effective in reducing populations and reducing complaints.
- What are community cats?
 - Term used to describe outdoor; unowned, free-roaming cats.
 - Outdoor cats live in family groups called colonies.
 - They may or may not have a caregiver.
- Benefits of community cats
- Community cat overpopulation
- Neglect and overpopulation equals animal suffering
- Overpopulation leads to complaints
- What is a community cat program (CCP)
- Why community cat programs

- Trap-Neuter Return
- Benefits of TNR
- Cost savings and funding
- Why not just trap and euthanize
- What the City of Fairmont has going for it.
 - The Marion County Humane Society and other rescuers are addressing community cat overpopulation
 - Low cost and free spay and neutering voucher system
 - Foster organizations and programs in place
 - TNR initiatives taking place
 - Pet food banks and assistance for income eligible citizens and those feeding colonies
 - Marion County Animal Control does not pick up free roaming or community cats.
 - Other municipalities have contributed to TNR Community Cat Program.
- What they are asking from Fairmont City Council.
 - Make a pledge and endorse a CCP, including TNR to address community cat over population.
 - Help educate the public on CCP.
 - Allocate \$10,000 to Community Cat Spay and Neuter Fund.

Debbie Swisher and Cathy Tarley also addressed Council regarding the spay and neuter program.

Mayor Merrifield asked that since there are a lot of pet lovers in the area, have they ever considered a "Go Fund Me" page or anything like that.

Ms. Mickey stated that was a great idea. She noted that they have other fundraisers throughout the year and do get people that will donate that want their money to go straight to the spay/neuter account. She mentioned that they are making their rounds and have other municipalities involved as contributors.

Councilmember Mason said not too long ago, we had a terrific feral cat problem in Fairmont and it was a problem that the City kind of threw its hands up and we didn't know what to do. He then said that we asked the Marion County Humane Society to step forward, they did it, came forward and solved the problem and if we can help, he thought we should do that and he would support their request.

CONSIDERATION OF COUNCIL BUSINESS

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

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

Motion:

Councilmember Bledsoe 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. 1827 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 a Coal Severance Budget Revision.

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. 1828 was duly adopted.

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

**BLK 3 LT 8 RHEA TERR
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**FROM ANDREW C. BALLARD TO THE CITY OF FAIRMONT;
APPROVING THE FORM OF THE TRANSACTIONAL DOCUMENTS;
AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER
THEM ON BEHALF OF THE CITY OF FAIRMONT; RATIFICATION**

Mayor Merrifield entertained a motion for the adoption of an ordinance providing for the transfer of 8 Rhea Terrace to the City of Fairmont from Andrew C. Ballard.

Motion:

Councilmember Mason moved for the adoption of the proposed ordinance. Councilmember Bledsoe 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. 1829 was duly adopted.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING,
AN ORDINANCE PROVIDING FOR THE PUBLIC AUCTION OF
SURPLUS PERSONAL PROPERTY OF THE CITY OF FAIRMONT;
RESERVATION OF RIGHTS**

Mayor Merrifield entertained a motion and second for the introduction of an ordinance providing for the public auction of surplus personal property of the City of Fairmont.

Motion:

Councilmember Kennedy 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 10, 2019.

Councilmember Mason asked if we are allowed to include real estate in this process, real estate that we own but don't really need.

Ms. Means stated that real estate is usually not auctioned in that manner.

The City Attorney said that if the value of the real estate is not within our Home Rule provisions, it would require an auction. This statute only relates to personal property.

Councilmember Mason stated that the surplus material or items are to be auctioned so can we include real estate in the auction.

Mr. Sansalone said that we can provide an ordinance to provide for the sale of real estate that the City owns by auction, yes.

Councilmember Mason said that the question is can it be included in this ordinance.

Mr. Sanslone replied by saying no, not in this particular ordinance. He noted that we would have to start the process over again.

The Mayor stated that it would have to be a separate ordinance.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA, APPROVING THE TERMS AND CONDITIONS OF THAT CERTAIN COLLECTIVE BARGAINING AGREEMENT BY AND BETWEEN THE UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION, LOCAL NO. 1-02, AND THE CITY OF FAIRMONT EFFECTIVE OCTOBER 10, 2019, AND ENDING OCTOBER 9, 2022, AND FURTHER AUTHORIZING AND EMPOWERING THE CITY MANAGER TO EXECUTE AND DELIVER SAID AGREEMENT ON BEHALF OF THE CITY OF FAIRMONT; RATIFICATION

Mayor Merrifield entertained a motion and second for the introduction of an ordinance approving the terms and conditions of the agreement between the United Steelworkers and the City of Fairmont.

Motion:

Councilmember Bledsoe 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 September 10, 2019.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1818 DULY ADOPTED MAY 28, 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 PROVIDE FOR BASE PAY INCREASES FOR CERTAIN CLASS PAY GRADES/CLASS PAY TITLES AND CHANGES TO THE STEELWORKER'S PAY PLAN CONSISTENT WITH THE RECENTLY NEGOTIATED COLLECTIVE BARGAINING AGREEMENT

Mayor Merrifield entertained a motion and second for the introduction of an ordinance amending the Pay Plan to provide for base pay increases for certain class titles and changes to the United Steelworkers Pay Plan.

Motion:

Councilmember Rice 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 10, 2019.

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 Rice.

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

The Mayor declared the public hearing set for September 10, 2019.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL FOR THE CITY OF FAIRMONT ENDORSING THE 14TH ANNUAL FEAST OF THE SEVEN FISHES FESTIVAL SPONSORED BY MAIN STREET FAIRMONT, INC., TO BE HELD IN THE CITY OF FAIRMONT'S DOWNTOWN HISTORIC DISTRICT ON FRIDAY, DECEMBER 13, 2019 AND SATURDAY, DECEMBER 14, 2019

Mayor Merrifield entertained a motion for the adoption of a resolution endorsing the 14th Annual Feast of the Seven Fishes Festival held in the City of Fairmont's downtown historic district on Friday, December 13, 2019 and Saturday, December 14, 2019.

Motion:

Councilmember Mason moved for the adoption of the proposed resolution and the reading of a synopsis in lieu of the entire resolution. The motion was seconded by Councilmember Rice.

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

Roll call was taken by the Clerk.

The Mayor declared the resolution adopted by unanimous vote of those Councilmembers present.

IN RE: TWO RE-APPOINTMENTS, FAIRMONT PLANNING COMMISSION, THREE YEAR TERMS TO END SEPTEMBER 17, 2022

Mayor Merrifield entertained a motion for two re-appointments to the Fairmont Planning Commission for a term to end September 17, 2022.

Councilmember Mainella moved to confirm the appointment of Houston Richardson and Pamela Wean to the Fairmont Planning Commission for terms ending September 17, 2022. The motion was seconded by Councilmember Yann.

Discussion:

Councilmember Yann stated that he has served on this Commission with these two members and they are very active. He noted that they were very good in their work. He added that Ms. Wean is very new to it and we try to get new people on these Commissions and she has volunteered to do that and he thought she should be continued.

The Mayor said that he has also worked with both of these folks and they do a good job and we appreciate their volunteerism and working on this Commission.

Roll call was taken by the Clerk.

The Mayor declared Houston Richardson and Pamela Wean appointed to the Fairmont Planning Commission for terms ending September 17, 2022 by unanimous vote of those Councilmembers present.

IN RE: ADJOURN TO EXECUTIVE SESSION

Mayor Merrifield moved that Council adjourn to Executive Session pursuant to 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 7:53 p.m.

IN RE: MEETING RECONVENED

The Mayor declared the meeting reconvened at 8:22 p.m.

ADJOURNMENT

The Mayor entertained a motion for adjournment.

Motion:

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

The Mayor declared the meeting adjourned by voice vote of Council at 8:23 p.m.

