

**December 11, 2018**

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 December, 2018, at the Public Safety Building located at 500 Quincy Street in Fairmont, West Virginia.

Mayor Mainella called the meeting to order.

Councilmembers present were:

First District	Marianne Moran
Second District	Frank G. Yann
Third District	Karl (David) Kennedy
Fourth District	Kenneth (Brad) Merrifield
Seventh District	Philip R. (Phil) Mason
Eighth District	Thomas (Tom) Mainella
Ninth District	Ronald J. (Ron) Straight, Sr.

Absent:

Fifth District	Fran Warner
Sixth District	Dora Kay Grubb

Also present were:

City Manager	Robin I. Gomez
City Attorney	Kevin Sansalone
City Clerk	Janet L. Keller
Police Chief	Steve Shine
Fire Chief	Edward Simmons
City Planner	Sandra Scaffidi

**IN RE: EXCUSE COUNCILMEMBERS WARNER AND GRUBB**

Councilmember Straight moved to excuse Councilmembers Warner and Grubb from the meeting due to illness. The motion was seconded by Council Mason.

The Mayor declared Councilmembers Warner and Grubb excused from tonight's meeting by voice vote of Council.

**IN RE: OPENING CEREMONIES**

Rabbi Joe Hamble of Morgantown Tree of Life Congregation gave the invocation followed by the Pledge of Allegiance to the Flag led by

Councilmember Warner.

### APPROVAL OF MINUTES

Mayor Mainella noted that each member of Council had received a copy of the minutes from the Regular Meeting held on November 27, 2018.

Councilmember Moran moved to approve the minutes as submitted. The motion was seconded by Councilmember Straight.

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

#### **IN RE: PROCLAMATION PRESENTED TO FSHS FOOTBALL TEAM**

Mayor Mainella presented a proclamation to the Fairmont Senior High School football team for winning the high school State Championship this season. He noted this was the sixth football state championship in the school's history and the first win since 1946. The team was recognized for their incredible and unprecedented achievement.

### PUBLIC HEARINGS

**IN RE: AN ORDINANCE OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1534, ENACTED OCTOBER 11, 2011, AS AMENDED, AND CODIFIED AS ARTICLE 920 OF CHAPTER ONE OF PART NINE OF THE FAIRMONT CITY CODE, AND MORE PARTICULARLY SECTION 920.03 SPECIAL CHARGES ESTABLISHED AND IMPOSED SUB-SECTION (c) NON-RESIDENT EMPLOYEE STREET MAINTENANCE AND IMPROVEMENT CHARGE, PART 2 THEREOF EXEMPTIONS FROM NON-RESIDENT EMPLOYEE STREET MAINTENANCE AND IMPROVEMENT CHARGE TO ELIMINATE SUB-PART (B) THE EXEMPTION FOR PERSONS WHO PAY A USER FEE OR MAKE REMUNERATION TO ANOTHER MUNICIPALITY FOR SERVICES BASED UPON EMPLOYMENT WITHIN THE OTHER MUNICIPALITY**

Pursuant to a notice duly published in the Times-West Virginian on December 3, 2018, a public hearing was convened to obtain citizen input on a proposed ordinance to amend the Street Maintenance Charge to eliminate the exemption for persons who pay a user fee to another municipality.

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

**WARREN HARGER**, 200 Jefferson Street, spoke in favor of the proposed

ordinance. He said if you are using the area and contributing to its wear and tear, then you should be assessed that fee.

Mr. Gomez also spoke in favor of the proposed ordinance.

There being no one else to speak, the public hearing was called to a close at 7:15 p.m.

### **ANNOUNCEMENTS**

#### **IN RE: SPECIAL EVENTS IN THE AREA**

Councilmember Moran stated that it was a great weekend. She was pleased to help work with the Feast of the Seven Fishes Festival, the Woman's Club Tea, and the Breakfast with Santa. She said all events were very well attended.

#### **IN RE: CELEBRATION OF LIGHTS**

Councilmember Yann stated that he worked the celebration of lights in taking the tickets. He said there was a delay because some lights were not coming on and cars were all backed up. He said that one lady that was ahead of the line and very patient came to him and handed him \$20 and he started to hand her \$10 in change and she said no, she was going to pay for the car behind her and that she was paying this forward. The next car came up and he told them that they did not owe anything because the lady in the other car paid for them. That lady, in turn, paid for the one behind her. He said this kept up and went on for about 25 cars and finally stopped when one of the cars did not have any money, so it worked out great. He noted that this should have been the sentiment in Fairmont through the entire year.

#### **IN RE: PATCHING OF POTHOLE**

Councilmember Kennedy thank the Governor and the entire State of West Virginia for patching the bottomless pothole at the end of the Third Street Bridge.

#### **IN RE: CLOSING OF COAL RUN FOR DAC EVENT**

Councilmember Merrifield thanked the City Manager for helping the DAC for their annual Christmas party by closing Coal Run temporarily so it was safer coming out at night.

**IN RE: FEAST OF SEVEN FISHES FESTIVAL**

Councilmember Straight stated he enjoyed the Feast of the Seven Fishes Festival.

**IN RE: UGLY WALL ON MERCHANT STREET**

Councilmember Mason stated that he was happy to learn that the cost of tearing down the ugly wall, also known as the abutment at Palatine Park, would cost 1/5 of what was predicted.

**CITIZENS PETITIONS**

There were no citizen's petitions for this meeting.

**CITY MANAGER'S REPORT**

**IN RE: FEAST OF SEVEN FISHES FESTIVAL**

Mr. Gomez thanked everyone who participated and volunteered with the Feast of the Seven Fishes Festival.

**IN RE: CITY OF FAIRMONT AWARDED GRANT**

The Manager reported that the City of Fairmont was awarded a grant for under \$43,000, of which we will match 25%, to address school safety by enhancing the school flashers in the school zones.

**IN RE: PROPOSED FY20 BUDGET**

Mr. Gomez stated that staff continues to work on the budget for FY20. He said that he will provide, before his departure, some potential action items and proposals for the budget but it will be administered after his departure.

**CONSIDERATION OF COUNCIL BUSINESS**

**IN RE: ADOPTION, AN ORDINANCE OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1534, ENACTED OCTOBER 11, 2011, AS AMENDED, AND CODIFIED AS ARTICLE 920 OF CHAPTER ONE OF PART NINE OF THE FAIRMONT CITY CODE, AND MORE PARTICULARLY SECTION 920.03 SPECIAL CHARGES ESTABLISHED AND IMPOSED SUBSECTION (c) NON-RESIDENT EMPLOYEE STREET MAINTENANCE AND IMPROVEMENT CHARGE, PART 2 THEREOF EXEMPTIONS FROM NON-**

**RESIDENT EMPLOYEE STREET MAINTENANCE AND IMPROVEMENT CHARGE TO ELIMINATE SUB-PART (B) THE EXEMPTION FOR PERSONS WHO PAY A USER FEE OR MAKE REMUNERATION TO ANOTHER MUNICIPALITY FOR SERVICES BASED UPON EMPLOYMENT WITHIN THE OTHER MUNICIPALITY**

Mayor Mainella entertained a motion for the adoption of an ordinance to amend the Street Maintenance Charge to eliminate the exemption for persons who pay a user fee to another municipality.

Motion:

Councilmember Merrifield moved for the adoption of the proposed ordinance. Councilmember Straight 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. 1795 was duly adopted.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE AMENDING ORDINANCE NO. 1369, WHICH NAMED THE 40 FOOT STREETS OR RIGHTS OF WAY SITUATE IN BEVERLY ESTATES SUBDIVISION IN THE CITY OF FAIRMONT, GRANT ANNEX DISTRICT, MARION COUNTY, WEST VIRGINIA TO CORRECTLY IDENTIFY THE STREETS AS LUCINDA LANE, FRIEND DRIVE AND DANIELLE DRIVE**

Mayor Mainella entertained a motion and second for the introduction of an ordinance to amend Ordinance No. 1369 to correctly identify the streets in Beverly Estates as Lucinda Land, Friend Drive and Danielle Drive.

Motion:

Councilmember Straight moved for the introduction of the proposed ordinance. The motion was seconded by Councilmember Merrifield.

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

The Mayor declared the public hearing set for January 8, 2019.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT AMENDING ORDINANCE NO. 1789, WHICH PROVIDED FOR THE DEDICATION TO THE PUBLIC USE OF THOSE CERTAIN STREETS OR ROADWAYS SITUATE IN**

**BEVERLY ESTATES SUBDIVISION, GRANT ANNEX DISTRICT, FAIRMONT, MARION COUNTY, WEST VIRGINIA, TO CORRECTLY IDENTIFY THE STREETS AS LUCINDA LANE, FRIEND DRIVE AND DANIELLE DRIVE**

Mayor Mainella entertained a motion and second for the introduction of an ordinance to amend Ordinance No. 1789 to correctly identify the streets in Beverly Estates as Lucinda Land, Friend Drive and Danielle Drive.

Motion:

Councilmember Moran moved for the introduction of the proposed ordinance. The motion was seconded by Councilmember Straight.

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

The Mayor declared the public hearing set for January 8, 2019.

**IN RE: ADOPTION, A RESOLUTION AUTHORIZING THE APPLICATION TO THE COUNTY COMMISSION OF MARION COUNTY, WEST VIRGINIA, REQUESTING AN EXTENSION AND INCREASE OF THE CORPORATE LIMITS OF THE CITY OF FAIRMONT BY MINOR BOUNDARY ADJUSTMENT PURSUANT TO WEST VIRGINIA CODE §8-6-5 TO PROVIDE FOR THE ANNEXATION OF A CERTAIN 5.95 ACRE TRACT OF LAND, SITUATE NEAR NORWAY LOOP ROAD, IN GRANT DISTRICT, MARION COUNTY, WEST VIRGINIA, OWNED BY THE FAIRMONT-MORGANTOWN HOUSING AUTHORITY**

Mayor Mainella entertained a motion for the adoption of a resolution requesting a minor boundary adjustment for the annexation of property near Norway Loop.

Motion:

Councilmember Straight 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 Moran.

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: ONE RE-APPOINTMENT, FAIRMONT-MARION COUNTY TRANSIT AUTHORITY, THREE-YEAR TERM TO END DECEMBER 31, 2021**

Mayor Mainella entertained a motion for one re-appointment to the Fairmont-Marion County Transit Authority for a three-year term to end December 31, 2021.

Motion:

Councilmember Straight moved to re-appoint Carrol Hatfield to the Fairmont-Marion County Transit Authority for a three-year term to end December 31, 2021. The motion was seconded by Councilmember Mason.

Roll call was taken by the Clerk.

The Mayor declared Carrol Hatfield re-appointed to the Fairmont-Marion County Transit Authority for a three-year term to end December 31, 2021 by unanimous vote of those Councilmembers present.

**IN RE: ADJOURN TO EXECUTIVE SESSION**

Mayor Mainella moved that Council adjourn to Executive Session under WV Code Section §6-9A-4 under Item #2 under 2.11 of the City Charter. The motion was seconded by Councilmember Straight.

The Mayor declared the meeting adjourned to Executive Session by voice vote of Council at 7:28 p.m.

**IN RE: MEETING RECONVENED**

Mayor Mainella declared the meeting reconvened at 8:03 p.m.

**IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL FOR THE CITY OF FAIRMONT APPROVING AND APPOINTING AN INTERIM CITY MANAGER**

Mayor Mainella entertained a motion for the adoption of a resolution appointing an Interim City Manager.

Motion:

Councilmember Moran 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 Straight.

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. He said that Bruce McDaniel will serve as the Interim City Manager effective December 21, 2018 at 4:30 p.m.

### **ADJOURNMENT**

The Mayor entertained a motion for adjournment.

Motion:

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

The Mayor declared the meeting adjourned by voice vote of Council at 8:05 p.m.