

January 28 , 2020

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 28th day of January, 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
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
Ninth District	Donna M. Blood

Also present were:

City Manager	Valerie Means
City Attorney	Kevin Sansalone
City Clerk	Janet L. Keller
Fire Chief	Ed Simmons
Police Chief	Steve Shine
City Planner	Mark Miller
Marketing Director	Hanna Turner
Program Manager	Alex Petry

IN RE: OPENING CEREMONIES

Rev. Dr. Allan Copenhaver gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Blood.

IN RE: BUSINESS AWARD - ADAMS OFFICE SUPPLY

Mayor Merrifield said that for each month of the year 2020, the City of Fairmont will be declaring a different local business as “Local Business of the Month.” The purpose of this award will be to recognize businesses who have exemplified longstanding, high-quality service and excellence to our City. Our local businesses reflect the heart and soul of Fairmont and will forever be a part of our story. For the month of January 2020, we have selected Adams Office Supply as the Local Business of the Month.

The Mayor read the following: Adams Office Supply, one of Fairmont’s oldest businesses, has been located on Adams Street since February of 1932. The business

opened as Adams Office Supply on 101 Adams Street and moved to its current location at 210 Adams Street, the former City National Bank, in 1971. Adams specializes in supplying its customers with office furniture, office supplies, home **décor**, and greeting cards. Although, among these tangible items, quality service is the primary goal for the business. They deliver goods to the tri-city area and into Pennsylvania and to this date have not charged a delivery fee to anyone. If it needs delivered, it gets delivered. Service is what keeps the doors open. Adams Office Supply's goal for 2020 is to get more people in the area to consider buying locally. Not one penny that you send to the big box stores comes into Fairmont, Marion County, or West Virginia. Adams can match their prices or even lower on most of their products.

The Mayor then said that we encourage all citizens to check out Adams Office Supply throughout the year. They can be found at 210 Adams Street and are open Monday through Friday from 8 am to 5 pm. He thanked them for their service to the City of Fairmont.

IN RE: FRIENDLY CITY SPOTLIGHT AWARD - NATALIE SUMMERS

Mayor Merrifield said "The Friendly City Spotlight Award" was inspired by Councilmember Rice's request to recognize two young boys who were cleaning up litter on their street just because they didn't have anything to do and felt like it was the best way to spend their time. The purpose of this award is to recognize City residents who are doing amazing things in our City that would otherwise go unseen. Our hope is to do this as often as we can as long as we have your help to nominate someone you believe needs to be recognized for their efforts in our community. You can find the nomination form on our website.

The Mayor said our recipient this evening is a resident of District 2. Councilmember Yann will read information about the recipient.

Councilmember Yann read: "Our first official Friendly City Spotlight Award goes to Natalie Summers. Natalie is a Spanish teacher at Fairmont Senior High School where she is active in the Polar Bear community both in and out of the classroom. She is always there to help her students, community members, and anyone that needs it. Food drives, the Polar Bear Angel Tree, any time a fundraiser is needed, Natalie is there. She, herself, admits that she has a hard time saying the word "no."

Her nomination for this award was sparked by all the amazing things she does with the Marion County Special Olympics to fundraise for the organization while building and fostering relationships with her students and the participants through Polar Bear Buddies. Her students sign up to be "buddies" with a Special Olympics participant, pay for a shirt, and help fundraise for the organization. These students are their shadows all through the Olympic Games and serve as a Big Brother or Big Sister to help, encourage, and guide them through the games. Even some of Natalie's students who have since graduated high school still meet up with their buddy to go to the movies, have lunch, or just keep in contact with them on a regular basis long after their Buddy Duties are over. Natalie's efforts have created lasting relationships that teach acceptance,

understanding, but most importantly love for one another, a lesson that runs deeper than the one-day event. She hopes to be able to turn Polar Bear Buddies into an official Big Brothers, Big Sisters program in the future. This is just one shining example of the kind of person Natalie is, the kind of person she teaches her students to be, and the kind of person that is working to make Fairmont and Marion County a better place to live, work, and play. Thank you, Natalie, for your light, love, and lessons that you bring to your students and for helping make Fairmont “The Friendly City”.

Councilmember Rice also said kind words about Natalie Summers and thanked her for her service.

APPROVAL OF MINUTES

Mayor Merrifield noted that each member of Council had received a copy of the minutes from the Regular Meeting held on January 14, 2020.

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

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

PUBLIC HEARINGS

There were no public hearings scheduled for this meeting.

ANNOUNCEMENTS

IN RE: PLANNING COMMISSION MEMBER RESIGATION

Councilmember Yann reported that Planning Commission member, Paul “Eddie” Parker, resigned from the Planning Commission at the last meeting. He noted that he will be truly missed after serving the past 15 years.

IN RE: COUNCILMEMBER MAINELLA PRESENTED PROCLAMATION

Councilmember Yann reported that while attending the Municipal Day at the Capitol during the WVML Conference, Councilmember Mainella was presented a proclamation by the House of Delegates for serving on the Marion County Rescue Squad for the past 22 years. He is the longest standing member serving on that board.

IN RE: WOODLAWN CEMETERY

Councilmember Kennedy mentioned the efforts going on at Woodlawn Cemetery and that Nancy Bickerstaff is making that beautiful park shine. He noted that she needs to be recognized for what she is doing for the City and the area in making that park beautiful again.

IN RE: PREPARED STATEMENT READ

Councilmember Kennedy read the prepared statement: “There has been a lot of negative emotion in the media lately. It is my hope that this episode will end and the work of this City will move forward. If you’ve been following those media venues, on the positive side, you know that we have announced our candidacy for the Marion County Commission. I expect to be elected to that office and be sworn-in next January. For that reason, it would not be prudent to resign my Fairmont City Council seat for a minor semantic faux pas, or any other reason. The demands of our government are great and those demands dictate that we, the duly elected officials, give our very best efforts to that common work of City and County. Staying on Council will determine that the workings of those common goals and projects stay intact and remain strong. I love this City and County and I am totally committed to bringing jobs to our area. That is my sole objective. As I said before, I am running as a candidate for Marion County Commission and my contact information is: Kennedy’s The One, P. O. Box 1776, Fairmont, WV. Contributions and donations will be accepted and I, David Kennedy, approve this message. God Bless our President, and may God continue to protect and bless our Country. Thank you.”

IN RE: PIERPONT SIGNS INSTALLED

Councilmember Blood mentioned that there are two signs recognizing the Pierpont’s at the green space and Councilmember Grubb worked really hard to bring that to everybody’s attention and how important they are to our area.

IN RE: WVML CONFERENCE

Mayor Merrifield reported that he, the City Manager, City Clerk, and several Councilmembers attended the WV Municipal League Mid-Winter Conference in Charleston on Sunday and Monday. He noted that former City Manager Jay Rogers was one of the presenters and hopefully we all learned some things that will advance the City in some way.

IN RE: MOTION TO REDUCE THE MINUTES TO SPEAK FOR CITIZENS PETITIONS

The Mayor said that since there are so many people to speak tonight, he made a motion to suspend the rules and to limit the time in order to give everyone a chance to speak that wants to speak and adjust the time under Rule 6.2 from five minutes to three minutes. The motion was seconded by Councilmember Rice.

The Mayor declared the motion passed by unanimous vote of Council.

CITIZENS PETITIONS

IN RE: FUNDING REQUESTED FOR MARION COUNTY HUMANE SOCIETY

CHRISTINA MICKEY, addressed Council on behalf of the Marion County Humane Society and followed-up on her presentation from the fall. She asked the City Council to consider her funding request that has been submitted.

IN RE: CANDIDATE FOR PROSECUTING ATTORNEY

STEVIE MCDONALD, 1132 Clover Hill Road, introduced herself as a candidate for Marion County Prosecuting Attorney. She said her name will be on the ballot in the May Primary and she wants to serve the people of Marion County and the people of the City of Fairmont.

IN RE: COUNCILMEMBER DAVID KENNEDY

DAVID KNAPP, 1107 Delaware Avenue, stated the following: “I come to you, this evening, with two intentions. First, appreciation and second, a thought. I would like to express my appreciation to the Council for bringing forth for consideration the resolution to censure and request the resignation of Councilmember Kennedy. It is my sincere hope that the Council will see fit to pass the resolution and that Mr. Kennedy will either be recalled and resign his position effective immediately. Mr. Kennedy has the ability to display those moral characteristics of leadership and compassion by allowing the human process this City so desperately needs to begin.”

JARRYD POWELL, 952 Coleman Avenue, stated the following: “Councilmembers and my fellow citizens, we find ourselves at a crossroads, one will be a defining moment for our community but we choose to be the Friendly City that we claim to be and we continue to perpetuate and the division we see around us. How can we claim to be the Friendly City when we use slurs toward people who they are. How can we claim to be the Friendly City but we judge those who look different than what we see in the mirror. How can we claim to be the Friendly City when we refuse to love our neighbors who are part of the Fairmont family. Council, these questions and many more are a paramount concern to many in our City and I applaud you and personally thank you for your resolution to counter for what was on full display, hatred and bigotry. Members of this community who I am humbled to aid in their efforts has started the necessary paperwork for a recall petition and we will continue to move forward on that but it is our hope that there will be a resignation so that our community can truly begin the process to heal and return to a City Council that we can focus on bettering downtown Fairmont and all parts of Fairmont. A City Council that truly lives up to the name of the Friendly City of Almost Heaven West Virginia, a place that truly feels like the middle of anywhere, a city that we are excited, exuberant to hand down not only to our children but all future generations of those that are lucky enough to call Fairmont home. I hope, Council, that you will choose the principle path, one where we are friendly and continue to truly be worthy of the title of the Friendly City of Almost Heaven West Virginia. Council, I wish to leave you with a quote “history has its eyes on you.”

KATHY ISLAM, 1116 Wilson Lane, stated the following: “I felt compelled to speak after the comments that she heard from Mr. Kennedy at the previous meeting. What I heard is not okay. I have lived in Fairmont all of my life and have raised children here and still

raising children here and my grandson is here. I want to see our City welcoming to all people no matter what religion, race or sexual orientation. After reading the hateful comments online and hearing them in person from someone who is supposed to be representative of our City, my jaw hit the floor. I was both shocked and saddened. If you are in a public office, you should serve all people period, end of story. I am here to say that behavior like this is and will never be acceptable in our City. I want our City to make national news for something positive not for this. Mr. Kennedy, if you are unable or unwilling to do your job, you need to resign immediately. At the last meeting I attended, you also said that you will not resign because you were voted in. Now, imagine you invited a friend over to your house and they rob your house. Will you not press charges simply because you invited them in? Wrong is wrong regardless if you invited them in or just like people voted you in. A final thought, think before you speak or post and how words are hurtful to the people in your community that you serve.”

NANCY HILSBOS, 225 ½ Liberty Avenue, stated the following: “I am saddened to be here but felt like I was somebody who knew something about all sides of the issues around Mr. Kennedy’s current status with the Council. So I had better open my mouth once again. Remember when I met you, David, this was still Heck’s, it was a good while ago, and you were someone that I could respect as independent minded, very important to me, willing to speak your mind to anyone who was willing to listen, loyal to your values, again, very important to me, but not necessarily to any particular organization on any particular day and that was something that I had learned from my parents too, how to be a political citizen. You helped us out a lot of ways when we were new in Fairmont, when we wanted the City to be friendly and we had heard that it had that slogan for a long time. You did some remodeling work for us and you entertained every goofy idea I had for decorating my house. I appreciated it and we even talked about politics because we were interested in some of the same candidates. When we talked the other day on the phone, you sketched out for me an alternative theory of what really happened here, how did this commotion develop and what I thought, as I thought about it later, is that if you had talked about that stuff that you were explaining to me about your alternative theory about the real conflict here, if that is what you have been talking about online all of this time, we really may not have ever gotten here. I know that a lot of people of gotten pulled into a current by the internet and the ability to get attention suddenly that you might not have gotten before and I certainly understand the frustration of not always getting attention when you think you have something that people need to think about but I think this one went off the rails. I am very sorry that it happened but even if you want to think of it as shop talk or something that didn’t really mean anything at the time you said it, there was too much repetition for people who don’t know you to know what that meant in the context of what you were saying publicly about what you were interested in and why you ran for office and why you are continuing to run for office. Even if your alternative theory is correct or some part of it, you still need to step aside at this point from this particular problem and just admit that there was a path that you took at a certain point in terms of speech and that it just did not work out. I am going to ask that you understand that people who see you as a Christian-man would not understand how that whole speech thing meant that.”

REBECCA MORAN, 306 Maryland Avenue, stated the following: “The comments that

Mr. Kennedy made earlier this month were not the first of their kind. They were only the most recent. This was not a one-time error in semantics. It's a pattern of negative behavior. For years, I have read the comments that Mr. Kennedy has made, disparaging people of color, of their nationality, against women, against members of the LGBT community. As a woman and as a resident of District 3, the district that Mr. Kennedy was elected to represent, I am not comfortable contacting my Councilperson with any problems that I see in my neighborhood. When I confront that discomfort and do reach out as I did to Mr. Kennedy last week, I am ignored. As a business owner, I am also aware of how Mr. Kennedy's comments looked to new businesses who are looking to relocate to our area and to the new employees of expanding businesses who are looking for a place to call home. We need to show that we are a community that will not tolerate hate and we really and truly are the Friendly City, a welcoming place for anyone to make their home, a fair and forward environment to host any business. I ask that Council vote to adopt the resolution to censure Councilmember Kennedy. Mr. Kennedy, as a resident of your district, I ask you to resign. If you cannot put aside your personal bias against me in order to respond to my concerns, you are no longer upholding the oath when you took office."

ZACHARY FANCHER, 20 Squibb Wilson Boulevard, stated the following: "Members of Council, friends, I am a student at Fairmont State University and I spoke at the last Council meeting. I wanted to extend my appreciation to the Council for the consideration of the resolution calling for a denouncing Councilmember Kennedy for his hateful remarks. This sends a message loud and clear that hate and bigotry is unacceptable especially among public officials in the Friendly City. This resolution is just one step in the right direction, a moment that will define our community. Unfortunately, I do not believe that this resolution will affect Councilmember Kennedy's decision on resignation. Councilmember Kennedy, do not be mistaken, this is not just a moment but a movement, a movement to loudly and clearly state that hate has no home in our beautiful city."

BRETT WHITE, 94 Fairmont Avenue, Chair of the Fairmont Human Rights Commission provided Council with the following statement adopted by the Fairmont Human Rights Commission:

"We, the members of the Fairmont Human Rights Commission, wish to officially convey and support of the resolution appearing on the agenda this evening rebuking Councilman Karl David Kennedy for his recent derogatory remarks and language on social media, as well as asking for his resignation from Council. We also would like to take this opportunity to formally denounce the remarks made by Councilman Kennedy. It is our recommendation that not only Councilman Kennedy, but all City Council members, participate in additional training so that this type of situation does not present itself again. The Fairmont Human Rights Commission would be happy to offer options and to facilitate such a training. We would also recommend that the training be offered to not only City Council members, but any officials within the city, as well as other elected officials at both the City and County levels that would like to participate. The Human Right Commission was put in place by the voters of this City. The first sentence of Ordinance 1751 is this: "It is the public policy of the City to safeguard the rights and

opportunity of all persons to be free from all forms of discrimination, whether as a result of race, religion, color, national origin, ancestry, sex, age, sexual orientation, gender identity, blindness, or handicap, and to provide for an inclusive community for all residents, businesses and visitors. At the very least, Councilman Kennedy has not followed the public policy set forth in this Ordinance. Please accept this as our official recommendation to Council on this matter that was approved at their meeting on January 22, 2020.”

IN RE: WILL GRAHAM CELEBRATION

JOHN POLIS, 818 Coleman Avenue, spoke to Council about the upcoming Will Graham celebration. He said that he was speaking from the heart about the Mountain State Celebration. He urged Council to get behind this effort and support it. He said that in 1980 he came to Fairmont and been as a pastor here for 40 years and his church has been very involved in the community. He said that he got out of the Marine Corp in 1970 and when he came back home as a combat Veteran, he spent seven months in the hospital recovering from his wounds and got on drugs. For four years, he was a captive to drugs and alcohol and right now in WV the statistics are really bad. From 2001 to 2016, 396% increase in the opioid. Sex trafficking is becoming larger than drug trafficking and is estimated to overtake drug trafficking in WV as well as in the Country. These are the problems that cannot be solved just by man, we need God’s help. In 1974, Christ came into his life and changed him, he was born again and delivered from drugs, alcohol, and smoking cigarettes. He got delivered from all of it by the power of God. He said that, in Fairmont, we have an opportunity in mass to reach hundreds and maybe even thousands of people that are hopeless, that are addicted and are beyond the help of man. He then encouraged Council to realize that there is something that goes beyond our political agenda and people’s hurt feelings about their position. We now have an opportunity, in Fairmont, to have the most prestigious ministry in the world. He said that we have a great opportunity here in Fairmont to see mass help and hope for many people that don’t have other answers. He then encouraged Council to get behind the Will Graham Crusade because we care about the people in Fairmont, we love the people in Fairmont and many of them need the power of God.

LONNIE FAST, 8 Fast Lane, addressed Council regarding the upcoming Will Graham celebration. He said that he reads the newspaper, The Times West Virginian, and very seldom does the paper not have arrests or sexual abuse, drug charges and then the next column you see the obituaries and a lot of these obituaries are people what have abused drugs and have passed on in this life. You look at another column and you see arrests made by the Police Department, and then you drive down the road and see signs that foster parents are needed. Why? Why do we need so many foster parents? Why is WV number one per capita in foster care for children? We have a problem. He wonders how long a society can exist when we have all of this stuff going on. Is there an answer. We have an opportunity, a celebration event of Will Graham coming and the message he brings is the message that will help us. He has heard Will Graham preach personally and he preaches a simple message that Jesus Christ is the answer and is the help we need. He went on to say that he hopes that we can open arms and welcome this event. We may never see something like this again in our lifetime and what a

privilege it is. He said to have 150 churches uniting together in this event, something big is happening here and he is really excited about it. He closed by saying that Will Graham is bringing a message of healing, restoration, help, hope because the scripture says "I have plans for you, says the Lord, not to hurt you." This is the message that Will Graham is bringing in.

IN RE: COMMUNITY UNITY

GALEN HANSEN, 1237 Peacock Lane, addressed Council regarding community unity. He said that he appreciates the remarks made by fellow citizens with the recent events here and we are all reflecting what's going on the national scene and the division and contention and the drifting apart of human beings. It is sickening and to see it come here is terrible. He noted that he has lost friends because of disagreements or sentiments and the sense that we must be loyal toward one side or another and it is causing such a rift in the division. He noted that Councilmembers can sense this also and they have a desire about helping Fairmont love each other and have faith in each other, no one is perfect. He said to be a Friendly City, we can't say things like we won't tolerate, this is absolutely detestable and we must eliminate from our leadership or from our community individuals that do things that are wrong and this type of thing divides us and makes things worse. He said that with the celebration coming, with the event and so many things going on, being unified and loving each other and helping each other through our weaknesses rather than condemning each other and jumping on each other and thinking that is the way to solve the problems. He leaves it to Council and his prayers are with Council that your hearts will soften and you will reflect on what will truly make our City friendly.

GENE KISNER, Clifton Road, stated the following: "I live on Clifton Road in the Village of Minersville and I doubt if there is enough or hardly anyone, if anyone at all, in this town knows enough about this history to even know where Minersville is. I will leave that to you to find out. Looking around I am assuming there is a news media here so please understand that this is recorded and I believe is still transcribed into written page, therefore, if any of the news media quotes me, make sure it is a full quote and not just part of a sentence or part of a thought. If you misquote me, or take comments out of context, expect to hear from a lawyer. For over 50 of my 74 years, the standard comment about me has been if Kisner has not insulted you, you're not paying close enough attention, therefore, sit up and pay real close attention. Remember, free speech is allowed for all and not just one side. Also, anyone is allowed to have an opinion, that is their right and it does not have to match anyone else's opinion. All of the following items are my opinions. Guess what? I don't care if they don't match yours. However, you do not get to ram your opinions down my throat especially if you are a minority. This Country is a republic and most of you cannot describe the difference between a republic and a democracy. Mr. Mainella displayed that ignorance between the two as reported in the Fairmont newspaper when he pointed to Mr. Kennedy and asked him to resign. Mr. Mainella is still harboring sour grapes over being voted out as Mayor. In my opinion and in the opinion of many others, suggest that Mr. Mainella is a crybaby and has always displayed the tendencies of a bully. If anyone needs censured, it is Mr. Mainella. From what I gather on the one side of the newspaper articles, if those

newspaper articles are accurate, what I gather is the majority of persons offended by our members of the LGBTQ community. Let's clarify that. That stands for Lesbian, Gay, Bi-Sexual, Transgender and Queer. However, that very group is offended if you call any of them those names. When I was a kid on the playground, we had a chant, it was 100 years ago I realize, but it is still just as appropriate today.

The Mayor told Mr. Kisner that his time was up for speaking.

Mr. Kisner said no, he was going to finish his statement. He said the next one will yield to him.

Councilmember Mainella replied, he can't. You have three minutes to speak and that's it.

Mr. Kisner said he was going to finish his statement.

The Mayor told Mr. Kisner that he was out of line. He said that each speaker has three minutes.

Councilmember Mainella stated that if you want to talk about sour grapes, Gene, you are sour grapes. I ran four elections and won all four of them and you ran once and lost your ass. You are the one that is sour grapes.

Councilmember Mainella told Mr. Kisner that he had three minutes to speak, like everybody else.

Mr. Kisner said it is supposed to be five minutes.

The Mayor said no, three minutes, and we have to move on to the next person.

KEN WADSWORTH, a resident of Clifton Road, stated the following: "When Gene ran, he told people not to vote for him. I served in Vietnam so what Mr. Kennedy said has been said over and over and over and he will never stop saying it. I have been told that I can't say a lot of words since I grew up and I am tired of it. I will say what I want to say because I am an American and I got that right. I am tired of people saying that hurt my feelings, get over it. When I got back from Vietnam, I was nothing but a murderer, a baby killer, a rapist, and a drug addict. That is according to everybody I asked for a job for. Did the people that spat on me coming off the plane ever think that was going to hurt my feelings, oh no. No, they are running Congress right now. Making this man quit or resign over his freedom of speech that is going backwards in the chain of evolution. Grow up."

CITY MANAGER 'S REPORT

Ms. Means had nothing to report at this time.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL FOR THE CITY OF FAIRMONT ENDORSING THE UPPER MON VALLEY SHRINE ELIMINATION DINNER SPONSORED BY THE MASONIC FRATERNITY OR SHRINERS TO BE HELD AT THE ROBERT H. MOLLOHAN RESEARCH CENTER ON SATURDAY, APRIL 4, 2020

Mayor Merrifield entertained a motion for the adoption of a resolution endorsing the Upper Mon Valley Shrine elimination dinner to be held on Saturday, April 4, 2020.

Motion:

Councilmember Mason moved for the adoption of the proposed ordinance. Councilmember Mainella 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 Council.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT APPROVING A MARKETING TOOL OR LOGO PREPARED BY DIGITAL RELATIVITY WITH NO DATE IN THE FORM ATTACHED HERETO

Mayor Merrifield entertained a motion for the adoption of a resolution approving a logo prepared by Digital Relativity with no date on the logo.

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 and the following votes were recorded:

Councilmember Mainella	Yes	Councilmember Yann	Yes
Councilmember Blood	Yes	Councilmember Bledsoe	Yes
Councilmember Rice	Yes	Councilmember Mason	No
Councilmember Kennedy	Yes	Councilmember Grubb	No
Mayor Merrifield	No		

The Mayor declared the ordinance adopted by majority vote of Council.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT AFFIRMING THE CITY OF FAIRMONT'S ADHERENCE TO THE CONSTITUTIONAL GUARANTEES OF RELIGIOUS FREEDOM

Mayor Merrifield entertained a motion for the adoption of a resolution affirming the City of Fairmont adherence to the Constitutional Guarantees of Religious Freedom.

Motion:

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

The Clerk read the proposed resolution by synopsis.

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

Councilmember Mason	Yes	Councilmember Bledsoe	No
Councilmember Rice	Yes	Councilmember Yann	Yes
Councilmember Blood	Yes	Councilmember Grubb	Yes
Councilmember Kennedy	No	Councilmember Mainella	Yes
Mayor Merrifield	Yes		

The Mayor declared the ordinance adopted by majority vote of Council.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA REBUKING COUNCILMEMBER KARL DAVID KENNEDY, REPRESENTATIVE OF COUNCIL DISTRICT THREE; CONDEMNING AND DENOUNCING HIS ACTIONS; AND REQUESTING HIS RESIGNATION FORTHWITH FROM THE COUNCIL

Mayor Merrifield entertained a motion for the adoption of a resolution rebuking Councilmember Karl David Kennedy, denouncing his actions, and requesting his resignation from the Council.

Motion:

Councilmember Mainella moved for the adoption of the proposed ordinance by reading the title of the resolution. Councilmember Rice seconded the motion.

The Clerk read the proposed resolution by synopsis.

Discussion:

Councilmember Grubb stated that she feels that he was voted in by the voters and was not elected by the Council. He was not set in seat by Council. This is not the place to take the action. She feels that Council does not have the right to do any of this and that it needs to go through the proper channels.

Councilmember Bledsoe said that he didn't condone what David Kennedy put on Facebook. He and I have had several conversations about it. At the same time, I don't condone it, I don't believe what he said rises to the fire that has risen from the other side. Agreeing with what Councilmember Grubb said, again, I don't agree with what he said, I think he should use, for lack of a better way to put it, some more common sense when he posts on Facebook, but I don't believe we have the right to ask him to resign. There are methods to do it and I understand there are ways to take place to do that and that is well within the right of what is prescribed.

Councilmember Blood stated that she believes this is the right thing to do. There are many of our citizens who talked this evening and at our last meeting who were hurt by these remarks. It became a national issue and it's up to us to show the world that we are not bigots.

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

Councilmember Mason	Yes	Councilmember Mainella	Yes
Councilmember Rice	Yes	Councilmember Bledsoe	No
Councilmember Yann	Yes	Councilmember Grubb	No
Councilmember Blood	Yes	Mayor Merrifield	Yes
Councilmember Kennedy	No		

Before voting, Councilmember Kennedy said: "My vote is for truth, justice and the American way."

The Mayor asked if that would be a yes or a no vote.

That is when Councilmember Kennedy voted no.

The Mayor declared the ordinance adopted by majority vote of Council.

Councilmember Mainella asked the City Attorney to get Council an opinion on whether or not Councilmembers can take part in the petition and the signing of the petition that these guys are going to do to try to get enough people to put it on a referendum.

The City Attorney replied that he would give an opinion.

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 Rice.

The Mayor declared the meeting adjourned to Executive Session by voice vote of

Council at 8:10 p.m. He noted that no business will be taken after coming out of Executive Session.

IN RE: MEETING RECONVENED

The Mayor declared the meeting reconvened at 8:18 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 8:19 p.m.