

May 26, 2020

The regular meeting of the City Council of the City of Fairmont was held remotely at 7:00 p.m. on the 26th day of May, 2020 due to the COVID-19 Virus.

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
Tom Aman	Steptoe and Johnson

IN RE: OPENING CEREMONIES

Mayor Merrifield gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Rice.

APPROVAL OF MINUTES

Mayor Merrifield noted that each member of Council had received a copy of the minutes from the Regular Meeting held on May 13, 2020.

Councilmember Bledsoe 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 OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1840 DULY ADOPTED NOVEMBER 26, 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 ACCOMMODATE CERTAIN CHANGES, NAMELY: A 1 ½ PERCENT BASE PAY INCREASE FOR ALL CLASS TITLES; AN INCREASE IN CERTAIN CERTIFICATION PAY FOR CERTAIN EMPLOYEES; AND AN INCREASE IN THE FIRE PREVENTION AND TRAINING OFFICER SPECIAL ASSIGNMENT PAY; AND PROVIDING FOR CERTIFICATION PAY FOR FIREFIGHTERS WITH A JOINT APPRENTICESHIP TRAINING COMMITTEE CERTIFICATION

Pursuant to a notice duly published in the Times-West Virginian on May 15, 2020, a public hearing was convened to obtain citizen input on a proposed ordinance to provide for a new Pay Plan to be effective the first pay period in July, 2020.

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

Ms. Means spoke in favor of this proposed ordinance. She asked Council to support this ordinance as written. She noted that this was the final step in the budget process and these items have already been committed when the budget was approved. She recommends that we keep these important commitments to our city employees and keep the commitments made to the Fire Department during union negotiations.

Ed Simmons, Fire Chief, also spoke in favor of the proposed ordinance. He said this ordinance is important to union negotiations and the guys deserve it. He noted that the department is finally getting to where they need to be and the certification pay will help with recruitment and retention and will give the firemen a comparable base pay with similar City of Fairmont employees. He then asked Council to vote on this item.

Councilmember Mason said he was very pleased to see the report from the City Manager and Finance Director regarding the revenues. He said that he was shocked about the revenues. He then stated that he has been worried and doesn't want us to be in a situation where we give a raise one month, then have to furlough employees the next month. However, he agreed that all city employees deserve more money. He then asked would it not be wiser to say we approve this ordinance but make it retro-active to July 1st.

The City Manager replied that there would be more of a problem if the pay was retro-active. There would be a higher taxing bracket for the employees on a lump sum retro pay and she did not recommend any sort of delay. She mentioned that the effective date will not be until the first full pay in July and commitments have already been made through negotiations. She said that with the revenues that are coming in, they are higher now than they have been. She mentioned that there are other forms of spending going on. She said that people are staying in Fairmont and not traveling to other states or municipalities to purchase items.

Councilmember Mason stated that back then, during the budget process, we never knew of COVID-19. He suggested to postpone it until October 1st in order to get past the second quarter, which will be the most painful quarter.

Councilmember Bledsoe said after seeing the numbers from the City Manager today and since we are ahead and not behind, we need to do our job and support the employees as they should be and as we promised. He noted that we have a really smart City Manager and intelligent staff to get us through this.

Mayor Merrifield noted that with the City Manager and Finance Director being strong finance people, it gives him a better feeling. The numbers have not gone south like they could have and we have the strength of our reserves. He noted that he feels confident and if we pull back in any way, the negative moral that we would stir would be worse than any financial difficulty we could go through. He went on to say that we are dealing with quality people and the employees plan on the additional revenue. He added that it would not be good for the City Manager's reputation since she negotiated the IAFF contract with Council's blessing.

There being no one else to speak, the public hearing was called to a close at 7:16 p.m.

IN RE: AN ORDINANCE AUTHORIZING THE RENEWAL OF THAT CERTAIN LETTER OF CREDIT, NO 2001-525, ISSUED BY WESBANCO BANK TO THE CITY OF FAIRMONT FOR PURPOSES OF SATISFYING A PORTION OF THE SELF-INSURED SECURITY AND INSURANCE REQUIREMENTS OF THE WEST VIRGINIA WORKERS' COMPENSATION ACT

Pursuant to a notice duly published in the Times-West Virginian on May 15, 2020, a public hearing was convened to obtain citizen input on a proposed ordinance authorizing the renewal of the Letter of Credit issued by WesBanco Bank for the Worker's Compensation Act.

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

Ms. Means spoke in favor of this proposed ordinance. She said this is an annual requirement for the State Workers Comp Act.

There being no one else to speak, the public hearing was called to a close at 7:18 p.m.

ANNOUNCEMENTS

IN RE: AMERICAN FLAG

Councilmember Rice thanked the Mayor for the flag placed in his yard.

IN RE: TEACHERS OF MARION COUNTY COMMENDED

Councilmember Yann commended the teachers of Marion County. He said they have done a wonderful job to get kids through this hard time.

IN RE: CITY STAFF COMMENDED

Councilmember Kennedy commended the Mayor, City Manager, and Department Heads with the control of money during COVID-19. He noted that they are doing their jobs in an exceptional way.

IN RE: PAY INCREASE FOR CITY EMPLOYEES

Councilmember Mainella stated that he was glad the City is in a financial position to give employees a raise. He noted it was a well-deserved increase.

IN RE: FSU ART AND MUSIC PROGRAMS

Councilmember Grubb announced that she was concerned about FSU doing away with the Arts and Music Programs. She said to see this disappear is detrimental to the community. She then suggested that City Council needs to look at this to see what the City can do to keep it going.

Councilmember Mainella noted that it will affect us culturally.

Councilmember Grubb mentioned that it will affect the plays and concerts at Pricketts Fort and the other summer concerts. She said first the loss of the hospital and now we are losing Fine Arts.

Councilmember Mainella stated that it was his understanding it was because they were losing money.

Councilmember Mason said that this is a terrible loss and the community needs to be careful about supporting things of value in our city.

Councilmember Blood mentioned that what concerns her is that when this went to the Board, the administration did not allow the departments to represent themselves in any way and be heard. She noted that this should not just be a money issue and she would hope that the Board would reconsider their decision.

IN RE: LAWN CARE ON GATEWAY CONNECTOR

Councilmember Bledsoe commended the lawn care company that takes care of the Gateway Connector. He said they are doing an amazing job and it looks great.

IN RE: MEDIAN STRIP ON EAST SIDE

Councilmember Bledsoe mentioned that the median strip to the right of McDonalds on East Side is completely overgrown. He noted that it needs to be cut from the East Side McDonalds out toward East Grafton Road. He added that some of this area could be owned by the State.

IN RE: TRASH RECEPTACLES ON FAIRMONT AVENUE

Mayor Merrifield reported that trash receptacles have been installed along Fairmont Avenue. He noted that it took a while to get approval from the State before they could be installed.

IN RE: MAIN STREET FAIRMONT CONTEST

Councilmember Blood reported a new contest for Main Street Fairmont, Drive for 25 Contest. She encouraged everyone to visit their website and come downtown to support businesses.

CITIZENS PETITIONS

IN RE: COMPLAINTS ON WALNUT AVENUE

ANDREW ZICAFOOSE, 429 Walnut Avenue, addressed Council regarding problems on his street. He reported the following:

- People trespassing on properties
- Trash in yards

- Shopping buggies on the street and in his neighbor's yard
- 25 people going in and out of one residence on a Saturday night

Mr. Zicafoose reported that he has called the Police multiple times since Easter but nothing has been done. He wants the City to care about his street. He then said that Code Enforcement knows who the landlord is, however, they are not doing anything about it either.

Councilmember Mason said that area is in Councilmember Grubb's district. He said that we need to get the Police out there to help.

Mr. Zicafoose said that the City needs to call the landlords and tell the people to get out of there.

Councilmember Bledsoe said that the Police does what they can. He said a lot has to do with the court system which is a large part of the issue. He noted that he has been trying to get tenants out of his building for two months but the court system has stopped all court hearings. He noted that the area needs to be cleaned up.

Councilmember Grubb noted that she has been working with a landlord to get that area cleaned up but can't get it done during the pandemic.

Mr. Zicafoose said that he knows he is supposed to call the Police but nothing gets done when he calls them and that why people look at them in a negative light.

Councilmember Rice said that he has a similar situation on East Side as well. He said that the Police has their hands tied and unless you have proof that these people have done something, there is nothing they can do. The Police are doing the best they can. He noted just calling the Police is all you can do.

The Mayor mentioned that is not the only neighborhood with problems but that does not help Mr. Zicafoose.

CITY MANAGER'S REPORT

IN RE: OPENING CITY HALL

Ms. Means reported that City Hall has opened on a modified schedule. She said that if all stays well, we will be open as usual on June 1st.

IN RE: OPENING OF CITY PARKS

The Manager announced that she sent out a press release regarding the opening of the City Parks. She said that parks will open on May 28th and the pavilion rentals will resume on May 28th with a maximum of 25 in a group and on June 8th group sports may resume at City Parks.

IN RE: SUPPLEMENTAL RESOLUTION FOR FINANCING FIRE STATION

The City Manager reported that the Fairmont Building Commission met today and approved the Supplemental Resolution approving the lease revenue bonds for the new East Side Fire Station.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1840 DULY ADOPTED NOVEMBER 26, 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 ACCOMMODATE CERTAIN CHANGES, NAMELY: A 1 ½ PERCENT BASE PAY INCREASE FOR ALL CLASS TITLES; AN INCREASE IN CERTAIN CERTIFICATION PAY FOR CERTAIN EMPLOYEES; AND AN INCREASE IN THE FIRE PREVENTION AND TRAINING OFFICER SPECIAL ASSIGNMENT PAY; AND PROVIDING FOR CERTIFICATION PAY FOR FIREFIGHTERS WITH A JOINT APPRENTICESHIP TRAINING COMMITTEE CERTIFICATION

Mayor Merrifield entertained a motion for the adoption of an ordinance to provide for a new Pay Plan to be effective the first pay period in July, 2020.

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 Council and the ordinance designated as Ordinance No. 1851 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE AUTHORIZING THE RENEWAL OF THAT CERTAIN LETTER OF CREDIT, NO 2001-525, ISSUED BY WESBANCO BANK TO THE CITY OF FAIRMONT FOR PURPOSES OF SATISFYING A PORTION OF THE SELF-INSURED

SECURITY AND INSURANCE REQUIREMENTS OF THE WEST VIRGINIA WORKERS' COMPENSATION ACT

Mayor Merrifield entertained a motion for the adoption of an ordinance authorizing the renewal of the Letter of Credit issued by WesBanco Bank for the Worker's Compensation Act.

Motion:

Councilmember Mason 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 Council and the ordinance designated as Ordinance No. 1852 was duly adopted.

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 Rice moved for the introduction of the proposed ordinance. The motion was seconded by Councilmember Mainella.

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

The Mayor declared the public hearing set for June 10, 2020.

IN RE: ADOPTION, SUPPLEMENTAL RESOLUTION APPROVING CERTAIN TERMS OF THE LEASE REVENUE BONDS, SERIES 2020 (EAST SIDE FIRE STATION), OF THE FAIRMONT BUILDING COMMISSION; APPROVING THE SALE AND DELIVERY OF SUCH BONDS BY THE FAIRMONT BUILDING COMMISSION TO TRUIST BANK, PURSUANT TO THE TERMS OF THE BANK'S COMMITMENT LETTER; AND APPROVING OTHER MATTERS WITH RESPECT TO SUCH BONDS.

Mayor Merrifield entertained a motion for the adoption of a supplemental resolution approving the lease revenue bonds for the financing of the new East Side Fire Station.

Councilmember Mainella moved for the adoption of the proposed resolution. Councilmember Yann seconded the motion.

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

Discussion:

Tom Aman, with Steptoe and Johnson, explained the terms of the financing for the supplement resolution. He said Council, in August of last year, approved the issuance of \$3,000,000.00 in bonds, not to exceed an interest rate of 4.5%, maturity not to exceed 25 years. The City opened the bids on April 29, 2020 and they are within the parameters of the financing. He then contacted Truist Bank (formerly BB&T) to ask for an extension of the terms on the original commitment letter dated June 5, 2019. Truist Bank agreed to extend the terms of the original commitment letter, but with a new offer. The original commitment letter had a 20-year term with a rate reset after 15 years from 2.94% to a market rate in effect at that time. In lieu of the complicated factors trying to figure out what the rate could potentially be in 15 years, Truist Bank offered a 20-year, 3.18% fixed rate loan. The remainder of the terms are the same as previously offered. Mr. Aman recommended Council approve the supplemental resolution with the updated commitment letter for a 20-year term, 3.18% fixed rate.

Councilmember Mainella asked what the difference is in the payments.

Mr. Aman said the new payment would be approximately \$16,909.54 or \$202,914.54 annually. The original estimated yearly payment was \$198,576, a \$4,338.54 difference annually. The difference in payment was presented to the Fairmont Building Commission today at 2:00 p.m., who approved the modified terms.

The Mayor stated that it was better to lock down the rate than leave a surprise for people down the road.

Mr. Aman said that they usually try to steer municipalities away from variable rate loans.

Councilmember Blood stated that she agreed with the fixed rates.

Roll call was taken by the Clerk.

The Mayor declared the resolution adopted by unanimous vote of Council.

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 8:03 p.m.