

September 22, 2020

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 22nd day of September, 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	(by phone)
Third District	Karl (David) Kennedy	(by phone)
Fourth District	Kenneth (Brad) Merrifield	
Fifth District	Barry H. Bledsoe	(by phone)
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 A. Means	(by phone)
City Attorney	Kevin Sansalone	
City Clerk	Janet L. Keller	
Fire Chief	Ed Simmons	
Utility Manager	David Sago	
Utility Controller	Mark Moore	

IN RE: OPENING CEREMONIES

Rev. Brad Bennett gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Blood.

APPROVAL OF MINUTES

Mayor Merrifield noted that each member of Council had received a copy of the minutes from the Regular Meeting held on September 8, 2020.

Councilmember Rice 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.

IN RE: PROCLAMATION PRESENTED TO CHARLES M. BUNNER

Mayor Merrifield presented a proclamation to Retired Master Sergeant Charles M. Bunner for his 20 years of military service.

PUBLIC HEARINGS

IN RE: 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

Pursuant to a notice duly published in the Times-West Virginian on September 4, 2020 and September 11, 2020, a public hearing was convened to obtain citizen input on a proposed ordinance authorizing the refunding of outstanding Water Refunding Revenue Bonds, Series 2012 D.

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

DAVID SAGO, Utility Manager, spoke in favor of the proposed ordinance. He said this ordinance is authorizing the refinancing of Water Bonds that is due to mature in 2029. To take advantage of what we have now with the interest rates and the way the market is, going from 3.15% or possibly 1.77% or possibly 1.5%, we could garner a savings of over \$2 million over the next nine years or roughly \$200,000 per year. We have to look at creative ways to fund our infrastructure and our capital projects moving forward and this gives us a perfect opportunity. He then said that he would hope that Council will see these savings are real and hopes that Council will validate what we are thinking and what we would do to be able to continue to enhance the innovation, the technology within the City of Fairmont Water Utility moving forward for many years to come.

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

ANNOUNCEMENTS

IN RE: WATER EMPLOYEE COMMENDED

Councilmember Rice commended a City of Fairmont Water employee, Chris Royce. He said that his neighbor had a water leak and when he came home from work that night, it was very nice to see a Fairmont truck sitting there repairing the leak. He noted that he went above and beyond getting the leak fixed.

IN RE: COUNCILMEMBER KENNEDY'S POST ON SOCIAL MEDIA

Councilmember Mainella stated that he had received a phone call from a very irate man from Grafton who identified himself as the President of the Taylor County Communist Party. He was very upset about one of our Councilmembers who said that his organization was involved in the recall petition and in our election. Councilmember Mainella then read a post made by Councilmember Kennedy on Facebook.

After the post was read, Councilmember Blood asked who the “subversives” are that he is talking about that are making decisions for the City.

The Mayor said that he did not think we wanted a discussion on that matter.

IN RE: FREE COVID TESTING

Councilmember Blood announced that the Marion County Health Department is having another free Covid testing on Thursday, September 24th, at Palatine Park from 9:00 a.m. to 3:00 p.m.

IN RE: CONGRATULATIONS TO CRAIG BRAY AT PRICKETTS FORT

Councilmember Yann extended congratulations to Craig Bray and his staff at Pricketts Fort for receiving the Preservation Alliance of WV Memorial Heritage Tourism Award for their free history programming and their historic arts workshop which is a very prestigious award given through the State.

IN RE: CELEBRATION OF LIGHTS

Councilmember Yann stated that he was talking with Brett White, with South Fairmont Rotary and Director of the United Way, and they are improving their website: www.celebrationoflightswv.com and it will have all of the information dates and programs that will be given at the Celebration of Lights this year.

IN RE: COUNCILMEMBER MASON 'S BROTHER-IN-LAW PASSED

Councilmember Mason reported that he is in northwest Ohio pending the funeral of his brother-in-law, Joseph Schwanzl. He noted that his brother-in-law was a firefighter and was commended more than two times for entering a flaming building and bringing out the residents who would have died, one included a child. He mentioned that he was a very good man and truly a hero.

IN RE: COUNCILMEMBER MASON 'S SON RECOGNIZED

Councilmember Mason recognized his 20 year old son who has a birthday today and whom he is very proud of for being a 4.0 student at WVU majoring in Finance.

IN RE: WARMING STATIONS

Mayor Merrifield mentioned that they are making solid progress on a warming station to add to what we already have at Scott's Place Shelter and other places. He said it will be up and running for this winter so the homeless will have another place to get in out of the cold.

CITIZENS PETITIONS

IN RE: MARION COUNTY QUICK RESPONSE TEAM

SANDRA HASSENPFLUG, RAVEN HILL AND ANTHONY OURS, representing the Marion County Health Department, addressed Council regarding the proposed resolution for the Marion County Quick Response Team. Ms. Hassenpflug said that they had the opportunity to apply for a grant to fight the opioid epidemic and drug epidemic that we have in Marion County. They were awarded the grant in the amount of \$225,000 for up to four awards. She then explained that the Marion County Quick Response Team (QRT) works in collaboration with local police agencies, Marion County Rescue Squad, the 911 dispatch call center, mental health counselors/peer recovery coaches, the Marion County Family Resource Network, the Marion County Health Department, and the Monongalia County Health Department. She went on to say that referrals are made to our Quick Response Team Peer Recovery Coaches via 911 or the Rescue Squad. After the referral is made, the QRT will engage sufferers of non-fatal overdoses via home visits, phone calls, text messages, and other alternative forms of communication. The initial engagement occurs within 24-72 hours of the overdose event in order to quickly examine and establish appropriate treatment and service options.

RAVEN HILL AND ANTHONY OURS, Recovery Coaches, introduced themselves and said their goal is to respond to overdoses. She said that since July, they have touch based and communicated with 52 individuals that had suffered from an overdose that was non-fatal. She said two overdoses were fatal, three individuals are currently incarcerated, connected 14 of those individuals to treatment facilities, and connected people to community resources. Ms. Hill said they are doing their best to reach these individuals and get them treatment and they are very successful in what they are doing so far. Mr. Ours said that he thought they were going to do really good things in the community and he thanked everyone for being partners with them. He said that if it wasn't for law enforcement, EMS and fire rescue, none of this would even be possible.

CITY MANAGER'S REPORT

IN RE: UPDATE ON NEW EAST SIDE FIRE STATION

FIRE CHIEF ED SIMMONS, updated Council on the progress of the new East Side Fire Station that is currently being constructed at the corner of Morgantown Avenue and Vermont Avenue. He presented Council with a copy of the construction schedule.

IN RE: MAIN STREET FAIRMONT UPDATE

TIM LIEBRECHT, Main Street Director, updated Council on several Main Street Fairmont projects. He mentioned the following:

- The Hometown Market scheduled for September 26th in downtown Fairmont. The purpose of the market is to provide access to fresh produce, food vendors and local artisans, crafters and merchandise to the community.
- Beautify the Friendly City - This is a City clean-up initiative. Mr. Liebrecht explained that they are working on a clean-up initiative for the downtown and kicking it off with a pre-launch on September 25th which will include a power wash of the sidewalks between Cleveland Avenue and Monroe Street on Adams Street. He added that the Main Street team will be washing windows of the business, sweeping and picking up trash.
- October 10th Beautify the Friendly City event - He said from 9:00 a.m. to 12:00 p.m. they will be having a public clean-up and will be doing another block of Adams Street and they are asking for as many volunteers as they can for this day.
- Tim asked if the City will be able to provide street sweeping in that area after the clean-up is held.
- He asked for tree trimming along Adams Street. He mentioned a lot of the trees are actually growing into the buildings and covering the marquees for the businesses. Some of the business owners are frustrated with the trees. He then said that some of the trees need to be removed completely.
- October 10th from 12:00 p.m. to 1:00 p.m. he invited Council to attend a walk-through of the downtown area to look at the dirt and blight and talk about how we can work together to continue to clean up the downtown and make the next phase even better.
- Discover the Friendly City Marketing Initiative - He said this program is being launched on October 5th in partnership with Fairmont State University, the Marion County Chamber of Commerce, the Marion County CVB, the United Way of Marion County, etc. He said with this program, they want to tell the stories of our businesses, our infrastructure and our history. He added that they will be doing weekly features on each one of those categories now through the end of 2021 at least. He noted that they just want to tell the story of the Friendly City.

Mayor Merrifield asked Mr. Liebrecht to email the City Manager with the requests he just stated since she will coordinate all of his requests.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: TABLED ITEM, AN ORDINANCE AMENDING AND SUPPLEMENTING PART ONE - ADMINISTRATIVE CODE, CHAPTER ONE - GENERAL PROVISIONS, ARTICLE 107 THEREOF, CODE OF ETHICS, OF THE FAIRMONT CITY CODE, AND MORE PARTICULARLY SECTION 107.07 POLITICAL ACTIVITY THEREOF TO PROSCRIBE CERTAIN POLITICAL ACTIVITY ON CITY-OWNED PROPERTY

Mayor Merrifield entertained a motion on this tabled ordinance.

No motion was made on this item.

The Mayor declared the ordinance died for the lack of a motion.

IN RE: FAILED, AN ORDINANCE AMENDING AND REVISING ARTICLE II, "THE COUNCIL" OF THE FAIRMONT CITY CHARTER, AND MORE PARTICULARLY SECTION 2.03 COMPENSATION; EXPENSES THEREOF, TO PROVIDE COMPENSATION TO THE MAYOR AND COUNCILMEMBERS FOR THOSE REGULAR COUNCIL MEETINGS WHICH ARE CANCELLED DUE TO A DECLARED STATE OF EMERGENCY

Mayor Merrifield entertained a motion for the adoption of an ordinance revising the City Charter to provide compensation to the Mayor and Councilmembers for those regular Council meetings which are cancelled due to a declared State of Emergency.

Motion:

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

Discussion:

Councilmember Yann said if there is something serious enough and the meeting is cancelled because of a declared state of emergency, he would think that is a pretty serious thing going on and he would be concerned about his family and neighbors and things like that. He said that he did not think he should be compensated for that. He did not see the reasoning Council would be compensated for something as serious as that when we cannot attend. He mentioned that he does not get compensated if he is sick at home, he's excused from the meeting, but not compensated so if there is a state of emergency, that is a lot more serious than just missing a meeting.

Councilmember Bledsoe asked where did this come from and who decided that Council needs to vote on being compensated if we are not having a meeting.

The Mayor replied that it was probably him asking a question that if the employer or the City actually cancelled a meeting to where we cannot go, and the ordinance was written that you only get compensated if you do attend that one function even though you will still get all of your calls and do all of your work just the same during that time but if we don't have a meeting that you can attend then it didn't make sense to him on paper.

Councilmember Bledsoe said that he is with Councilmember Yann on this. He said that all of us, or most of us, do get phone calls and emails but it just doesn't seem to him like we should be compensated if we don't attend the meeting or if it's called off for whatever reason.

The Mayor told Councilmember Bledsoe he can vote that way then.

Councilmember Yann said that if we are not meeting, we can't do business so if we can't do business, we are not providing any service, however, we may talk to somebody on the phone but we do that all of the time and we are not compensated for it. He said again that he did not see the reasoning to be compensated for that.

Councilmember Mainella said that does compensate Council for all of the phone calls, ribbon cuttings, etc. and that was the whole idea behind it.

The Mayor said that the attempt of the meeting was that it was a way to keep people that you had to attend the meeting, it forced attendance but if you don't have a meeting to attend because of no fault of your own.

Councilmember Mainella noted that he would be voting in favor of it.

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

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

The Mayor declared the ordinance failed by a majority vote of Council.

IN RE: ADOPTION, 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 for the adoption of an ordinance authorizing the refunding of outstanding Water Refunding Revenue Bonds, Series 2012 D.

Motion:

Councilmember Blood moved for the adoption of the proposed ordinance. Councilmember Yann 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. 1868 was duly adopted.

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 WAGE AND BENEFIT AGREEMENT BY AND BETWEEN THE CITY OF FAIRMONT AND LODGE 69 OF THE FRATERNAL ORDER OF POLICE EFFECTIVE FOR THE PERIOD FROM NOVEMBER 12, 2020, TO NOVEMBER 11, 2023, AND FURTHER AUTHORIZING AND EMPOWERING THE CITY MANAGER TO EXECUTE AND DELIVER SAID AGREEMENT ON BEHALF OF THE CITY OF FAIRMONT

Mayor Merrifield entertained a motion and second for the introduction of an ordinance approving the Agreement between the City of Fairmont and FOP Lodge 69 for the period from November 12, 2020 to November 11, 2023.

Motion:

Councilmember Bledsoe moved for the introduction of the proposed ordinance. The motion was seconded by Councilmember Blood.

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

The Mayor declared the public hearing set for October 13, 2020.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2020-2021 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 Blood.

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

The Mayor declared the public hearing set for October 13, 2020.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1851 DULY ADOPTED MAY 26, 2020, 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: AN INCREASE IN LONGEVITY PAY FOR FRATERNAL ORDER OF POLICE AND A BASE PAY INCREASE FOR BUILDING INSPECTOR

Mayor Merrifield entertained a motion and second for the introduction of an ordinance amending the Pay Plan for an increase in longevity pay for the FOP and an increase in the base pay for the Building Inspector.

Motion:

Councilmember Bledsoe moved for the introduction of the proposed ordinance. The motion was seconded by Councilmember Blood.

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

The Mayor declared the public hearing set for October 13, 2020.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE AMENDING AND SUPPLEMENTING PART ONE - ADMINISTRATIVE CODE, CHAPTER ONE - GENERAL PROVISIONS, ARTICLE 107 THEREOF, CODE OF ETHICS, OF THE FAIRMONT CITY CODE, AND MORE PARTICULARLY SECTION 107.07 POLITICAL ACTIVITY THEREOF TO PROSCRIBE CERTAIN POLITICAL ACTIVITY ON CITY-OWNED PROPERTY; EXEMPTION

Mayor Merrifield entertained a motion and second for the introduction of an ordinance amending Article 107 of the City Charter, Code of Ethics, to proscribe certain political activity on city-owned property.

Motion:

Councilmember Blood 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 October 13, 2020.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA, EXPRESSING ITS SUPPORT FOR AN APPLICATION BY THE WV COMMUNITY DEVELOPMENT HUB TO THE US ECONOMIC DEVELOPMENT AUTHORITY FOR A TECHNICAL ASSISTANCE GRANT TO FACILITATE THE RENOVATION OF THE BUILDING OWNED BY THE FAIRMONT COMMUNITY DEVELOPMENT PARTNERSHIP LOCATED AT 100 FAIRMONT AVENUE, FAIRMONT, COMMONLY KNOWN AS THE MOOSE OR YMCA BUILDING

Mayor Merrifield entertained a motion for the adoption of a resolution in support of an application for a Technical Assistance Grant to facilitate the renovation of the building located at 100 Fairmont Avenue, commonly known as the Moose or YMCA Building.

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.

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

IN RE: ADOPTION, A RESOLUTION APPROVING THAT CERTAIN CONSULTING AGREEMENT BETWEEN THE MARION COUNTY HEALTH DEPARTMENT AND THE CITY OF FAIRMONT POLICE DEPARTMENT RELATING TO THE MARION COUNTY QUICK RESPONSE TEAM, WHICH AGREEMENT IS DATED SEPTEMBER 1, 2020

Mayor Merrifield entertained a motion for the adoption of a resolution approving the consulting agreement between the Marion County Health Department and the City of Fairmont Police Department relating to the Marion County Quick Response Team.

Motion:

Councilmember Mainella 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.

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

IN RE: ONE RE-APPOINTMENT, FAIRMONT BUILDING COMMISSION, FIVE-YEAR TERM TO END OCTOBER 31, 2025

Mayor Merrifield entertained a motion for one re-appointment to the Fairmont Building Commission for a five-year term to end October 31, 2025.

Councilmember Mainella moved to re-appoint Raymond "Ray" Logue to the Fairmont Building Commission for a five-year term to end October 31, 2025. The motion was seconded by Councilmember Rice.

Roll call was taken by the Clerk.

The Mayor declared Raymond “Ray” Logue re-appointed to the Fairmont Building Commission for a five-year term ending October 31, 2025 by unanimous vote of those Councilmember present (and by phone).

ADJOURNMENT

The Mayor entertained a motion for adjournment.

Motion:

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

The Mayor declared the meeting adjourned by voice vote of Council at 8:11 p.m.