

FAIRMONT CITY COUNCIL
REGULAR MEETING
TUESDAY, NOVEMBER 14, 2023
7:00 P.M.
COUNCIL CHAMBERS
PUBLIC SAFETY BUILDING
500 QUINCY STREET
FAIRMONT, WEST VIRGINIA

- I. CALL TO ORDER – Mayor Bolyard
- II. ROLL CALL OF MEMBERS – David A. Kirk, Interim City Clerk
- III. OPENING CEREMONIES
 - A. Prayer/Meditation – Bishop Galen Hansen
 - B. Pledge Of Allegiance – Councilmember Garcia
 - C. Proclamation – Small Business Saturday
- IV. APPROVAL OF MINUTES
 - Regular Meeting – October 24, 2023
 - Special Meeting – November 1, 2023
- V. PUBLIC HEARINGS AND ANNOUNCEMENTS
 - A. PUBLIC HEARINGS
 1. An Ordinance Of The Council For The City Of Fairmont Authorizing The Acquisition Of Certain Real Estate Pursuant To The Provisions Of Chapter 54 Of The West Virginia Code For Public Parks And Recreational Facilities, Being A Part Of The West Fairmont Rail-Trail System, Which Real Estate Is Described As 2.41 Ac 12th St Extension, Being Parcel 0074 0005 Of Marion County Tax Map 03-07, And Being The Same Real Estate Acquired By Naternicola's Masonry, LLC, By Deed From G. Russell Rollyson, Jr., Deputy Commissioner Of Delinquent And Nonentered Lands Of Marion County, West Virginia, Which Deed Is Dated April 17, 2011, And Of Record In The Office Of The Clerk Of The County Commission Of Marion County, West Virginia, In Deed Book 1086, At Page 136, And Authorizing And Empowering The City Manager To

Do All Things Reasonable And Necessary In Connection Therewith.

2. An Ordinance Of The Council For The City Of Fairmont Authorizing The Acquisition Of Certain Real Estate Pursuant To The Provisions Of Chapter 54 Of The West Virginia Code For Use In The Operation Of The City's Sanitary Sewer Utility, Which Real Estate Is Described As Follows:

Ls 8-9 Blk A Jackson Add,
Fairmont City District, Map/ Parcel 36 / 0225; And

Ls 6-7 Blk A Buffalo St, Jackson Add,
Fairmont City District, Map/ Parcel 36 / 0224

And Being The Same Real Estate Acquired By Albert B. Eddy, Jr., By Deeds From G. Russell Rollyson, Jr., Deputy Commissioner Of Delinquent And Nonentered Lands Of Marion County, West Virginia, Which Deeds Are Dated June 15, 2022, And Of Record In The Office Of The Clerk Of The County Commission Of Marion County, West Virginia, In Deed Book 1304, At Pages 580 And 559, Respectively, And Authorizing And Empowering The City Manager To Do All Things Reasonable And Necessary In Connection Therewith.

3. An Ordinance Of The Council Of The City Of Fairmont Providing For And Authorizing The Transfer And Conveyance, By Donation, Of Certain Parcels Of Real Estate Situate In The City Of Fairmont, Fairmont District, Marion County, West Virginia, Described As Follows:

Legal Description	District-Tax Map	Parcel
3.26 Ac 9 th St Ext	03-05	0137 0000 0000
Pcl F-5 Strip Of 9 th St Ext00	03-05	0138 0000 0000
Pcl F-1/F-2 Tenth 4.27 Ac (Less Parcel To Be Designated As Part Of Parcel 03-06-0147 0001 0000)	03-06	0147 0000 0000

From Robert J. Williams, III, His Successors And/Or Assigns To The City Of Fairmont For A Public Purpose To Include The

Development Of Public Recreational Facilities, Among Others; Approving The Form Of The Transactional Documents; And Authorizing The City Manager To Execute And Deliver Them On Behalf Of The City Of Fairmont; Reservation Of Rights.

B. ANNOUNCEMENTS

VI. CITIZENS PETITIONS

VII. CITY MANAGER'S REPORT

VIII. CONSIDERATION OF COUNCIL BUSINESS

A. PENDING BUSINESS

1. Adoption, An Ordinance Of The Council For The City Of Fairmont Authorizing The Acquisition Of Certain Real Estate Pursuant To The Provisions Of Chapter 54 Of The West Virginia Code For Public Parks And Recreational Facilities, Being A Part Of The West Fairmont Rail-Trail System, Which Real Estate Is Described As 2.41 Ac 12th St Extension, Being Parcel 0074 0005 Of Marion County Tax Map 03-07, And Being The Same Real Estate Acquired By Naternicola's Masonry, LLC, By Deed From G. Russell Rollyson, Jr., Deputy Commissioner Of Delinquent And Nonentered Lands Of Marion County, West Virginia, Which Deed Is Dated April 17, 2011, And Of Record In The Office Of The Clerk Of The County Commission Of Marion County, West Virginia, In Deed Book 1086, At Page 136, And Authorizing And Empowering The City Manager To Do All Things Reasonable And Necessary In Connection Therewith.

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Commissioner Of Delinquent And Nonentered Lands Of Marion County, West Virginia, Which Deeds Are Dated June 15, 2022, And Of Record In The Office Of The Clerk Of The County Commission Of Marion County, West Virginia, In Deed Book 1304, At Pages 580 And 559, Respectively, And Authorizing And Empowering The City Manager To Do All Things Reasonable And Necessary In Connection Therewith.

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From Robert J. Williams, III, His Successors And/Or Assigns To The City Of Fairmont For A Public Purpose To Include The Development Of Public Recreational Facilities, Among Others; Approving The Form Of The Transactional Documents; And Authorizing The City Manager To Execute And Deliver Them On Behalf Of The City Of Fairmont; Reservation Of Rights.

B. NEW BUSINESS

4. Introduction, First Reading, Set Public Hearing, An Ordinance Of The Council Of The City Of Fairmont Amending And Supplementing Article 2.0 Definitions And Measurements Of The Provisions Of The City Of Fairmont's Codified Planning And Zoning Code And More Particularly 2.2 Intent To Add Definitions For Agricultural Tourism, Edible Landscaping, Greenhouse Commercial & Non-Commercial, Private Garden; To Amend The Definitions Of Agriculture, Urban Farm And Market Farm; And To Remove The Definition Of Farm; Savings Clause.

5. Introduction, First Reading, Set Public Hearing, An Ordinance Of The Council Of The City Of Fairmont Amending And Supplementing Article 3.0 Zoning Districts Of The Provisions Of The City's Codified Planning And Zoning Code To Amend And Supplement The Use Chart, Table 3-A Permitted Principal Uses, To Accommodate The Following Uses As Set Forth: Agricultural Tourism, Commercial Greenhouse, Market Farm, Private Garden And Urban Farm.
6. Introduction, First Reading, Set Public Hearing, An Ordinance Of The Council Of The City Of Fairmont Amending And Supplementing Article 4.0 Use Standards Of The Provisions Of The City's Codified Planning And Zoning Code To Create Use Standards For Commercial Greenhouse, Market Farm, Private Garden, And Urban Farm.
7. Introduction, First Reading, Set Public Hearing, An Ordinance Of The Council Of The City Of Fairmont Amending And Supplementing Section 5.4 Parking Of Article 5.0 Site Standards Of The Provisions Of The City Of Fairmont's Codified Planning And Zoning Code And More Particularly Table 5.4.E To Create, Establish And/Or Amend Minimum Parking Requirements For Commercial Greenhouse And Market Farm.
8. Introduction, First Reading, Set Public Hearing, An Ordinance Of The Council Of The City Of Fairmont Amending Section 7.3 Procedure For Plat Approval And Section 7.4 Plat And Plan Content Of Article 7.0 Subdivision Regulations, The City's Subdivision And Land Development Ordinance (SALDO), To Provide For Modifications And Changes Wrought By Amendments To West Virginia Code §8a-5-1 Et Seq., Adopted By The West Virginia Legislature During The Regular 2023 Legislative Session; To Make Stylistic Changes To Provide Clarity; And To Amend Certain Filing Requirements.
9. 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.
10. Adoption, A Resolution By The Council Of The City Of Fairmont, West Virginia, Authorizing The Submission Of An Application To The West Virginia Department Of Environmental Protection (WVDEP) For A 2024 Dilapidated Properties Program And Rehabilitation Environmental Action

Program Grant In The Amount Of \$1,266,740.00, And If Such Grant Is Awarded, Further Authorizing The Acceptance Thereof, And Providing The City Manager Or Designee With Authority To Do All Things Reasonable And Necessary In Connection Therewith.

11. One Appointment, Historic Landmarks Commission, Three-Year Unexpired Term Ending January 1, 2025.
12. One Appointment, Historic Landmarks Commission, Three-Year Unexpired Term Ending January 1, 2024.
13. One Appointment, Historic Landmarks Commission, Three-Year Unexpired Term Ending January 1, 2026.
14. One Appointment, Historic Landmarks Commission, Three-Year Unexpired Term Ending January 1, 2025.
15. One Appointment, Historic Landmarks Commission, Three-Year Unexpired Term Ending January 1, 2025.

IX. ADJOURNMENT