

**January 10, 2023**

The regular meeting of the City Council of the City of Fairmont was held at 7:22 p.m. on the 10<sup>th</sup> day of January, 2023, at the Public Safety Building located at 500 Quincy Street in Fairmont, West Virginia.

Mayor Bolyard called the meeting to order.

Councilmembers present were:

First District	Joshua D. (Josh) Rice
Second District	Anne E. Bolyard
Third District	Rebecca Moran
Fourth District	Richard (Rick) Garcia
Fifth District	Charles (Chuck) Warner
Sixth District	Gia Deasy
Seventh District	Nicholas (Nicky) Cinalli
Eighth District	Bruce McDaniel
Ninth District	Kandice (Kandi) Nuzum

Also present were:

City Manager	Valerie A. Means
City Attorney	Kevin S. Sansalone
City Clerk	Janet L. Keller
Fire Chief	Ed Simmons
Director of Marketing	Hanna Turner
Director of Planning	Shae Strait

**IN RE: OPENING CEREMONIES**

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

**IN RE: PROCLAMATION PRESENTED TO MEMBERS OF THE POLICE DEPARTMENT**

Mayor Bolyard read and presented a proclamation to Sgt. Hayhurst, Officer Wheeler, and Officer Martin in honor of Monday, January 9, 2023 being proclaimed as National Law Enforcement Appreciation Day.

**APPROVAL OF MINUTES**

Mayor Bolyard noted that each member of Council had received a copy of the minutes from the Regular Meeting held on December 20, 2022. She asked if there were any corrections, deletions, or amendments.

Councilmember McDaniel 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**

No public hearings were scheduled for this meeting.

### **ANNOUNCEMENTS**

#### **IN RE: CONGRATULATIONS TO MAYOR BOLYARD AND DEPUTY MAYOR RICE**

All Councilmembers extended congratulations to Mayor Bolyard and Deputy Mayor Rice.

Councilmember Rice stated that Mayor Bolyard is the first female Mayor in the history of Fairmont.

Councilmember McDaniel stated that he will do his best to help make this town better.

Councilmember Nuzum stated that she really desires to serve the City well.

Mayor Bolyard stated that she looks forward to all nine Councilmembers working together even though we might have a difference of opinion or perspective but collaboratively coming together to serve the people of Fairmont in partnership with the leadership of our City Manager, our Department Heads, and all the amazing City employees that we have here in Fairmont.

#### **IN RE: CONDOLENCES TO GREG BAKER**

Councilmember Rice extended condolences to the family of Greg Baker, a City of Fairmont employee, who passed away on Saturday.

#### **IN RE: CITY MANAGER AND STAFF THANKED**

Councilmember Moran thanked the City Manager and employees for putting up with her many, many emails over the past couple of weeks and their responses.

#### **IN RE: DISTRICT MEETINGS SUGGESTED**

Councilmember Moran stated that in looking over Codes from other cities in West Virginia, she said that she noticed Wheeling had a line in their Charter that required annual board meetings for districts and wards. She explained that once a year they must have a town hall with the voters. She then suggested that the City of Fairmont think about doing the same because this is something that she would really love to see

happen here in Fairmont.

**IN RE: WATER DEPARTMENT COMMENDED**

Councilmember Garcia commended the Water Department that took care of a main line break in the Bellview area.

**IN RE: THANK YOU EXTENDED TO THE VOTERS**

Councilmember Warner said thank you to those who elected him to this position once again. He said that he will do the best he can to the best of his ability.

**IN RE: MISCELLANEOUS ITEMS**

Councilmember Deasy reported the following:

- She welcomed all the new Councilmembers. She is looking forward to working with each one of them collaboratively and looking forward to maintaining a culture of mutual respect regardless of our position.
- She said that the Disability Action Center has been removed and that whole area has been cleaned up. She said that we are fortunate that the DAC moved on to higher ground.
- Our school superintendent, Dr. Heston, was named WV News Educator of the Year.
- She mentioned that she attended the East-West game with the cross-county rival basketball game this past week and stated that the students and the fans were recognized by the SSAC for their good sportsmanship, which is sometimes challenging.
- She thanked the Police staff for all that they did to make our Christmas season peaceful and happy.
- The lights at Morris Park certainly brought a lot of joy, not just to our locals, but to many people that came in to see the lights. She added that money went to a very good cause.

**CITIZENS PETITIONS**

**IN RE: 500 OGDEN AVENUE**

**TERRY BURTON**, a Fairmont resident, addressed Council concerning the structure located at 500 Ogden Avenue. After a lengthy presentation, he said that he cannot do anything about this structure because someone else owns it and they are from out of state, however, he thought the City Council should do something about the property. Mr. Burton said that he purchased this home in 1992 and then sold it to the man who currently lives out of state. He said the City is suffering because of that house since it has turned into a drug house. He closed by saying that the City has lost a piece of history here in Fairmont and he thought the City should do something about it. He noted that there is not much history left in Fairmont.

**CITY MANAGER 'S REPORT**

**IN RE: CONGRATULATIONS TO MAYOR BOLYARD AND DEPUTY MAYOR RICE**

Ms. Means extended congratulations to Mayor Bolyard and Deputy Mayor Rice and stated that she looks forward to working with everyone.

**IN RE: CITY OFFICES CLOSED**

The City Manager reported that City offices will be closed on Monday, January 16<sup>th</sup> in recognition of Martin Luther King, Jr. Day.

**CONSIDERATION OF COUNCIL BUSINESS**

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT PROVIDING FOR THE DEDICATION TO THE PUBLIC USE OF THOSE CERTAIN STREETS OR ROADWAYS SITUATE IN THE SPEEDWAY BUSINESS PARK, IN THE CITY OF FAIRMONT, UNION CITY DISTRICT, MARION COUNTY, WEST VIRGINIA, AS DEPICTED ON THE PLATS PREPARED BY THE THRASHER GROUP, INC., AND ENTITLED "PLAT OF SURVEY FOR SPEEDWAY BUSINESS PARK SHOWING GLASS AVENUE DEDICATION, DATE JULY 29, 2022", AND "PLAT OF SURVEY FOR SPEEDWAY BUSINESS PARK SHOWING BOTTLEWORKS AVENUE & LOTS 15 & 16, DATE APRIL 20, 2022. "**

Mayor Bolyard entertained a motion for the introduction of an ordinance providing for the dedication to the certain streets in the Speedway Business Park.

Motion:

Councilmember Rice moved for the introduction of the proposed ordinance. Councilmember McDaniel seconded the motion.

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

The Mayor declared the public hearing set for January 24, 2023.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR AND AUTHORIZING THE PURCHASE OF THOSE CERTAIN PARCELS OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, MARION COUNTY, WEST VIRGINIA, NAMELY:**

**CERTIFICATION #   DESCRIPTION                      MAP / PARCEL #**

246283 LOT 8 MONROE STREET	03-28 0078
246284 PT LOT 8 MONROE STREET	03-28 0079
246285 LT 7 LAWLER PLAT MONROE ST	03-28 0077
246600 BLK 10 LT 11 QUARRY AVE	03-27 0221
246601 BLK 10 LT 10 QUARRY AVE	03-27 0222
246602 BLK 10 LT 9 QUARRY AVE	03-27 0223
246611 PT LT 32 PIKE ST & ROBINSON ST	03-33 0161
246612 LT 33 PIKE ST & ROBINSON ST	03-33 0162
246739 3550 SQ FT BALTIMORE ST	03-34 0047
246866 LS 39-40 PIKE ST	03-33 0158
246876 LT 10 FIELD ST	03-270199
246877 LS 11-12 AMOS SUBDIV FIELD ST	03-27 0200
246881 LT 94 HAMILTON ST	03-290032
246882 BLK 0 LS 15-16 SHADYSIDE ADD	03-320126
247106 LOT 31 ROBINSON ST	03-33 0160
247119 LT 1 PIKE ST PENNA AVE	03-330207
247678 PT LT WILSON ST	05-07 0280

**BY THE CITY OF FAIRMONT FROM THE STATE OF WEST VIRGINIA DEPUTY COMMISSIONER OF DELINQUENT AND NON-ENTERED LANDS AS A RESULT OF THE NON-PAYMENT OF THE REAL ESTATE TAXES, AND PROVIDING FOR AND AUTHORIZING THE CONVEYANCE AND TRANSFER OF SAID PARCELS OF REAL ESTATE FROM THE CITY OF FAIRMONT TO UNIDENTIFIED SUBSEQUENT PURCHASERS IN ACCORDANCE WITH THE CITY OF FAIRMONT'S APPROVED HOME RULE PLAN AND THE ORDINANCES AND RESOLUTIONS ADOPTED THEREUNDER**

Mayor Bolyard entertained a motion for the introduction of an ordinance authorizing the purchase of certain parcels from the State of WV as the result of the non-payment of real estate taxes.

Motion:

Councilmember Warner moved for the introduction of the proposed ordinance. Councilmember Rice seconded the motion.

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

The Mayor declared the public hearing set for January 24, 2023.

**IN RE: ADJOURN TO EXECUTIVE SESSION**

Mayor Bolyard 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 Deasy.

The Mayor declared the meeting adjourned to Executive Session by voice vote of Council at 7:52 p.m.

**IN RE: MEETING RECONVENED**

The Mayor declared the meeting reconvened at 8:01 p.m.

**IN RE: ONE COUNCILMEMBER APPOINTMENT, CONVENTION AND VISITORS BUREAU OF MARION COUNTY, TERM TO END WHEN COUNCIL TERM EXPIRES**

Mayor Bolyard entertained a motion for a Councilmember appointment to the Convention and Visitors Bureau of Marion County for a term to end when their Council term expires.

Motion:

Mayor Bolyard moved to appoint Councilmember Kandi Nuzum to the Convention and Visitors Bureau of Marion County for a term to end when her Council term expires. The motion was seconded by Councilmember McDaniel.

Roll call was taken by the Clerk.

The Mayor declared Councilmember Nuzum appointed to the Convention and Visitors Bureau of Marion County for a term to end when her Council term expires by unanimous vote of Council.

**IN RE: ONE COUNCILMEMBER APPOINTMENT, PLANNING AND ZONING COMMISSION, TERM TO END WHEN COUNCIL TERM EXPIRES**

Mayor Bolyard entertained a motion for a Councilmember appointment to the Planning and Zoning Commission for a term to end when their Council term expires.

Motion:

Mayor Bolyard moved to appoint Councilmember Gia Deasy to the Planning and Zoning Commission for a term ending when her Council term expires. The motion was seconded by Councilmember Rice.

Roll call was taken by the Clerk.

The Mayor declared Councilmember Deasy appointed to the Planning and Zoning Commission for a term ending when her Council term ends by unanimous vote of Council.

**IN RE: ONE COUNCILMEMBER APPOINTMENT, FAIRMONT AUDIT COMMITTEE, TWO -YEAR TERM ENDING JANUARY 10, 2025**

Mayor Bolyard entertained a motion for a Councilmember appointment to the Fairmont Audit Committee for a two-year term to end January 10, 2025.

Motion:

Mayor Bolyard moved to appoint Councilmember Bruce McDaniel to the Fairmont Audit Committee for a two-year term to end January 10, 2025. The motion was seconded by Councilmember Warner.

Roll call was taken by the Clerk.

The Mayor declared Councilmember McDaniel appointed to the Fairmont Audit Committee for a two-year term to end January 10, 2025 by unanimous vote of Council.

**IN RE: ONE RESIDENT APPOINTMENT, FAIRMONT AUDIT COMMITTEE, TWO-YEAR TERM TO END JANUARY 10, 2025**

Mayor Bolyard entertained a motion for a resident appointment to the Fairmont Audit Committee for a two-year term to end January 10, 2025.

Motion:

Mayor Bolyard moved to re-appoint Jamie Greene to the Fairmont Audit Committee for a two-year term to end January 10, 2025. The motion was seconded by Councilmember Deasy.

Roll call was taken by the Clerk.

The Mayor declared Jamie Greene re-appointed to the Fairmont Audit Committee for a two-year term to end January 10, 2025 by unanimous vote of Council.

**ADJOURNMENT**

The Mayor entertained a motion for adjournment.

Motion:

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

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