

February 8, 2022

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 8th day of February, 2022, at the Public Safety Building located at 500 Quincy Street in Fairmont, West Virginia.

Mayor Mainella called the meeting to order.

Councilmembers present were:

First District	Joshua D. (Josh) Rice
Second District	Anne E. Bolyard
Third District	Karl (David) Kennedy
Fourth District	Richard (Rick) Garcia
Fifth District	Barry H. Bledsoe
Sixth District	Gia Deasy
Seventh District	Nicholas (Nicky) Cinalli
Eighth District	Thomas (Tom) Mainella
Ninth District	Donna M. Blood

Also present were:

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

IN RE: OPENING CEREMONIES

Rev. Jaqueline Chambers gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Deasy.

IN RE: BLACK HISTORY MONTH

The Mayor read a narrative on behalf of Fairmont City Council, the employees of the City of Fairmont and all of the citizens of Fairmont pertaining to Black History Month. He said that on behalf of the City of Fairmont he wanted to remind all citizens that February 2022 is Black History Month and he encouraged all citizens to celebrate with us in our Nation's diverse heritage and culture and continue in the movement to create a world that is more just, peaceful and inclusive and prosperous for all.

APPROVAL OF MINUTES

Mayor Mainella noted that each member of Council had received a copy of the minutes from the Regular Meeting held on January 25, 2022. He asked if there were any

corrections, deletions, or amendments.

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.

PUBLIC HEARINGS

IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR AND AUTHORIZING THE TRANSFER AND CONVEYANCE OF THE FOLLOWING PARCEL OF REAL ESTATE TO PAULETTE DOBBS PURSUANT TO THE CITY OF FAIRMONT'S APPROVED HOME RULE PLAN AND THE ORDINANCES AND RESOLUTIONS ADOPTED THEREUNDER; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER A DEED OF CONVEYANCE AND ANY OTHER NECESSARY TRANSACTIONAL DOCUMENTS ON BEHALF OF THE CITY OF FAIRMONT:

<u>Description</u>	<u>Map / Parcel</u>	<u>Address</u>
LT 7 HAMILTON STREET	03-28 / 0022	216 Hamilton Street

Pursuant to a notice duly published in the Times-West Virginian on January 28, 2022, a public hearing was convened to obtain citizen input on a proposed ordinance providing for the transfer and conveyance of 216 Hamilton Street to Paulette Dobbs.

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

The City Manager spoke in favor of the proposed ordinance. She asked Council to support this ordinance.

There being no one else to speak, the public hearing was called to a close at 7:07 p.m.

ANNOUNCEMENTS

IN RE: POSTCARD FROM FAIRMONT REGIONAL HOSPITAL

Councilmember Kennedy stated that the community had received a postcard from Fairmont Regional Hospital and it was dynamic. He said that it gives us direction and understanding where that tremendous facility is going go.

IN RE: MAIN STREET DIRECTOR RESIGNATION

Councilmember Blood reported that Tim Liebrecht has left his position as Main Street Director. She noted that he will start a new position at the Alumni Center as Director of Development for Fairmont State University. She then reported that the position is now

open for a new Main Street Director.

The Mayor said that he talked to Tim Liebrecht after he left and thanked him for everything he did for Main Street. He said that he was a pretty dynamic director.

IN RE: WVU MEDICINE

Councilmember Deasy announced that she had an opportunity to tour and visit WVU Medicine located in our old Fairmont General Hospital facility. She said they took her through the facility and showed her what the plan was and emphasized that this is truly West Virginia WVU Medicine here locally. She said the long-term plan and renovations they are doing is going to look nice and provide a service. She then mentioned the employment opportunities in the very near future. It is nice to have the hospital back in Fairmont.

IN RE: CITY OF FAIRMONT FLAG

The Mayor showed the City of Fairmont flag and said that it was designed by a lady named Janice Watts in 1984 by winning a contest for her design. He then mentioned that Mrs. Watts passed away a few days ago and he saw in her obituary that she designed the City's flag. He said that thanks to her, we have this beautiful flag for the City of Fairmont.

CITIZENS PETITIONS

IN RE: PERSONAL ELECTRIC VEHICLES

KEVIN BLANEY, 413 Guffey Street, addressed Council regarding his personal electric vehicle (one-wheeled motorcycle), which is his mode of transportation. He said that he was pulled over by the Police and was told that he could not ride his vehicle on the city streets. He mentioned that currently there is no regulation regarding this device which travels at a speed of 31 mph. After his presentation, he asked Council for clarification on the regulation of this device and asked that it be allowed to be ridden in the city and be recognized as a vehicle.

CITY MANAGER 'S REPORT

IN RE: PRESENTATION OF FY23 ANNUAL BUDGET

Ms. Means said that she was very happy to report that she has given Council a copy of their balanced FY23 budget book. She said that a work session will be held on Tuesday, February 15th at 4:00 p.m. in the Fire Training Room. She noted that the budget has to be adopted in March and presented to the State.

IN RE: LAY LEVY RATES

The City Manager reported that Council will lay the Levy Rates at the third Tuesday in

April which will be April 19, so that will be a special Council meeting at 4:30 p.m.

IN RE: CLOSED ON DISABILITY ACTION CENTER (DAC)

The Manager reported that the Sanitary Sewer Board did close on the purchase of the old DAC building so the Sanitary Sewer Board now owns the building.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR AND AUTHORIZING THE TRANSFER AND CONVEYANCE OF THE FOLLOWING PARCEL OF REAL ESTATE TO PAULETTE DOBBS PURSUANT TO THE CITY OF FAIRMONT'S APPROVED HOME RULE PLAN AND THE ORDINANCES AND RESOLUTIONS ADOPTED THEREUNDER; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER A DEED OF CONVEYANCE AND ANY OTHER NECESSARY TRANSACTIONAL DOCUMENTS ON BEHALF OF THE CITY OF FAIRMONT:

<u>Description</u>	<u>Map / Parcel</u>	<u>Address</u>
LT 7 HAMILTON STREET	03-28 / 0022	216 Hamilton Street

Mayor Mainella entertained a motion for the adoption of an ordinance providing for the transfer and conveyance of 216 Hamilton Street to Paulette Dobbs.

Motion:

Councilmember Rice moved for the adoption of the proposed ordinance. Councilmember Bledsoe 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. 1929 was duly adopted.

IN RE: 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 CLEARZONING®, THE CITY'S CODIFIED PLANNING AND ZONING CODE TO ADD A DEFINITION FOR MANUFACTURED HOME SALES AND SERVICE; TO MODIFY THE DEFINITION FOR MANUFACTURING AND SALES, ARTISAN; TO CHANGE THE DEFINITION OF RESTAURANT/LOUNGE TO RESTAURANT WITH ALCOHOL SALES; AND TO DELETE THE DEFINITION OF SALES AND SERVICE AUTOMOBILE/BOAT/HEAVY EQUIPMENT/ MANUFACTURED HOME; SAVINGS CLAUSE.

Mayor Mainella entertained a motion and second for the introduction of an ordinance

amending Article 2.0 Definitions and Measurements of the Clearzoning Code.

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 February 22, 2022 with Councilmember Rice voting no to set the public hearing.

IN RE: 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 CLEARZONING®, THE CITY'S CODIFIED PLANNING AND ZONING CODE TO AMEND AND SUPPLEMENT THE USE CHART, TABLE 3-A PERMITTED PRINCIPAL USES, AND THUS THE PERMITTED USES AND CONDITIONAL USES RELATING TO CERTAIN ZONING DISTRICTS AS FOLLOWS:

To permit "Dwelling, Townhouses (Attached Single-Family)" as a permitted use in Highway Commercial Districts;

To permit "Dormitory" as a conditional use in Neighborhood Residential Districts;

To permit "Cemetery" as a conditional use in Neighborhood Residential Districts, Neighborhood Mixed Use Districts and Recreation Districts

To permit "Institutional Uses " as conditional use in Technology Districts;

To permit "Animal Grooming and Boarding" as a conditional use in Neighborhood Mixed Use Districts and as a permitted use in City Center and Main Corridor Commercial Districts;

To permit "Bars and Nightclubs" as a conditional use in Main Corridor Commercial Districts;

To permit "Child Care Facility" as a permitted use in Neighborhood Mixed Use Districts;

To eliminate "Convenience Store (with Fuel Sales)" as a conditional use in Neighborhood Mixed Use Districts;

To permit "Recreational Facilities " as a permitted use in Recreation Districts;

To accommodate the change of name from “Restaurant/Lounge ” to “Restaurant with Alcohol Sales” and to permit “Restaurant with Alcohol Sales” as a conditional use in Technology Districts;

To permit “Restaurant ” as a permitted use in Technology Districts;

To renumber the Use Standards for “Manufactured Home Sales and Service”;
and

To eliminate “Temporary Uses” as a use, whether permitted or conditional, in Manufactured Home Neighborhood Districts and Manufactured Home Park Districts

Mayor Mainella entertained a motion and second for the introduction of an ordinance amending Article 3.0 Zoning Districts of the Clearzoning Code to amend and supplement the Use Chart and the permitted uses and conditional uses relating to certain zoning districts.

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.

Discussion:

Councilmember Blood asked if we were going to have time to discuss this ordinance.

Ms. Means said if the public hearing is set, there will be given more detail given to Council. She noted that Shae Strait, Director of Planning, will make a presentation during the public hearing.

The Mayor declared the public hearing set for February 22, 2022 with Councilmember Rice voting no to set the public hearing. The Mayor mentioned that we will discuss this further at the public hearing.

The Mayor then asked about having a work session prior to the public hearing.

Kevin Sansalone, City Attorney, said that at this juncture, you can have the discussion at the public hearing and there wouldn't be any need for a work session. The information that would be presented at the work session, Shae will present it at the public hearing.

Councilmember Bledsoe said that he would like a work session prior to the public hearing.

The City Manager said the information would have to be presented twice, once at the work session and again at the public hearing.

Mr. Sansalone said the procedure is that once you schedule the public hearing, the time for a work session is gone. The work session should have preceded the public hearing. If a work session was what was required, the appropriate thing to have done would have been to table the ordinance. Now, the vote is 8-1 to schedule the public hearing.

The Mayor noted that the public hearing will serve as the work session.

IN RE: 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 CLEARZONING®, THE CITY'S CODIFIED PLANNING AND ZONING CODE TO REPEAL THE USE STANDARDS FOR MULTI-FAMILY RESIDENCES; TOWNHOUSES AND DUPLEXES, WHICH ARE NOW COVERED UNDER ARTICLE 3 ZONING DISTRICTS; AMEND AND SUPPLEMENT THE USE STANDARDS RELATING TO RESTAURANT WITH ALCOHOL SALES FORMERLY IDENTIFIED AS RESTAURANT/LOUNGE, AND TO CREATE BUFFER YARDS FOR MANUFACTURED HOMES SALES AND SERVICE

Mayor Mainella entertained a motion and second for the introduction of an ordinance amending Article 4.0 Use Standards of the Clearzoning Code.

Motion:

Councilmember Kennedy 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 February 22, 2022 with Councilmember Rice voting no to set the public hearing.

ADJOURNMENT

The Mayor entertained a motion for adjournment.

Motion:

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

The Mayor declared the meeting adjourned by voice vote of Council at 7:39 p.m.