

February 22, 2022

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 22nd 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
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

Absent:

Third District	Karl (David) Kennedy
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Also present were:

City Manager	Valerie A. Means
City Clerk	Janet L. Keller
Director of Planning	Shae Strait
Marketing Director	Hanna Turner

IN RE: OPENING CEREMONIES

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

IN RE: EXCUSE COUNCILMEMBER KENNEDY

The Mayor stated that Councilmember Kennedy was out of town and asked to be excused.

Motion:

Councilmember Bledsoe moved to excuse Councilmember Kennedy from this meeting. The motion was seconded by Councilmember Bolyard.

The Mayor declared Councilmember Kennedy excused from this meeting by voice vote of Council.

APPROVAL OF MINUTES

Mayor Mainella noted that each member of Council had received a copy of the minutes from the Regular Meeting held on February 8, 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 Garcia.

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 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

Pursuant to a notice duly published in the Times-West Virginian on February 11, 2022, a public hearing was convened to obtain citizen input on a proposed ordinance amending Article 2.0 Definitions and Measurements of the Clearzoning Code.

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

SHAE STRAIT, Director of Planning, spoke in favor of the proposed ordinance. He explained that this ordinance is one of two that is paired together to modify the zoning code. These changes are some minor adjustments pertaining to the amendments we had made in the summer of 2021. He said the first thing we are doing is creating a definition for Manufactured Home Sales and Services. This is already a listed use within our zoning code but it has never formally had a definition previously to this. He went on to say that it was encompassed in a definition called Sales and Services/Automobile/Boat/Heavy Equipment/Manufactured Home which we are proposing in the same ordinance to remove as the other uses that wrap into that one definition are now covered under the couple other definitions throughout the ordinance. He said that they are also proposing a minor change to manufacturing and sales Artisan. He said this is a retail space when you make goods and sell them out of the same shop. We are proposing that they have to follow the same use standards and size limitations as any other retail and service business. He then said that the last change is a minor one, just for the sake of clarity, they are proposing to amend restaurant lounge to be restaurant with alcohol sales. The original definition was confusing for many business owners. He also mentioned that they were proposed to adjust some of the use

standards.

The Mayor asked Mr. Strait to explain the Clearzoning trademark and how he uses that as a service to keep things straight.

Mr. Strait replied that Clearzoning is a trademark of a company that we hired a number of years ago to create a graphic and interactive link-oriented zoning code that can be easily navigated by our citizens and city staff. He said he thought they assisted us with that when Katherine Wyrosdick was the Director of Planning at that point in time.

Councilmember Deasy asked if ordinance number one was just clarifying the definitions.

Mr. Strait replied yes. He said that they are making an adjustment to the manufacturing sales and artisan and that will actually change the regulations for them.

There being no one else to speak, the public hearing was called to a close at 7:08 p.m.

IN RE: 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

Pursuant to a notice duly published in the Times-West Virginian on February 11, 2022, a public hearing was convened to obtain citizen input on a proposed 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.

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

SHAE STRAIT, Director of Planning, spoke in favor of the proposed ordinance. He said this ordinance is making some minor adjustments to our Permitted Use Chart. We are proposing for some amendments to the Chart. What we had done last summer was essentially copy and paste the existing uses that were in our previous format of the zoning code and here we are proposing to adjust some of those uses to be a fair and just adjustment of where things are permitted. He said the first amendment being to Townhomes and since apartment units are permitted in the Highway Commercial District, we don’t see any reason why Townhouses being also a high-density housing option should not be permitted as well. He said the same with Dormitory for Neighborhood Residential just still conditional use permit option there, not out-right permitted so that adjacent property owners can have a public hearing and participate in that in the event that a proposal of a high-density dwelling unit could be detrimental to the adjacent uses, the same way we treat apartment buildings currently. He said regarding cemeteries, cemeteries in our cultural are pretty much permanent land use and once you have dedicated a cemetery, it is very unlikely that cemetery will go away. He added that those are important and usually even sacred to most, therefore, we thought it was pertinent to make sure those were conditionally permitted any where that they are allowed so that we could have that conversation about whether we want to dedicate that land permanently, for centuries, to such a land use and thought that would be a reasonable adjustment otherwise there runs the risk of somebody in a multi-family district that has decided to start a cemetery.

Mr. Strait went on to say that the one with the convenience store with fuel sales was a

typo on his part from last summer. He said that he is hoping to adjust that since it was not intended to be included as a conditionally permitted use in a neighborhood mixed use district. They are proposing to fix that typo.

Mr. Strait then talked about temporary uses. He said this would be like vendors who come and set up Christmas tree sales or other temporary sales on a property, it didn't seem to be just and fair that someone could conduct such commercial uses and places such as a single-family district where they couldn't do it next to anyone else's homes. To adjust that, they are proposing to eliminate temporary uses from all residential districts. He then said that all three proposed ordinances were passed favorably by the Planning Commission.

Councilmember Deasy stated that she was on the Board of Zoning Appeals and as she looks at all of the conditional use topics, she finds herself wanting to pass it or not pass it and she knows that is not the hat that she is wearing right now. Then then asked that if it says conditional use then it goes in front of the BZA and the commissioners there will have to make the determination based on the public that comes out to agree or disagree.

Mr. Strait stated yes, that is correct. He then said that staff will always prepare a report to hopefully give objective reasoning to whether precedent or research shows that it could be consequential as well.

Councilmember Deasy asked if all he was proposing to do is all of those ones that say conditional use will go in front of the BZA to make a determination.

Mr. Strait said, yes, that is correct.

Councilmember Deasy said that she didn't know that the animal grooming and boarding was allowed in neighborhood mixed.

Mr. Strait replied that it currently is not, however, we are proposing to make it a conditional use only. This is in caution and was not recommended to make it out-right permitted. We wanted to, if it was going to be allowed at all, be a conditional use permit only so that there could be a public hearing and we could gather more information about such a proposed used. We wanted to give the opportunity to accommodate a business such as that but limit that and allow the public who lives in that neighborhood, or anywhere in the city, to come out and participate in that to state whether they thought it would be a detriment or would be okay.

Councilmember Deasy asked that if she feels strongly that these should not, if I don't even want them and don't even want them to be a conditional use, she would want those striked from this list or what is it that she would want if that is how strongly she feels.

Ms. Means responded by saying that obviously the way our Charter is written all of the ordinances have to come before Council in final form at introduction. She said that

Council has the ability to make an amendment but Council would have to offer to make an amendment when the time comes for voting, it would have to get a second, it would have to be approved. If any amendments are approved to any of these, it can't go any further and Council cannot vote on it to adopt it, you will have to stop at that point. Then if the amendment passes, that's telling staff what you want in or out of the ordinance then we have to go back and fix it and make those amendments and start the process all over again. Then it comes back to Council as an introduced ordinance with those amendments in it and we have the public hearing and do all of the exact same things again.

Councilmember Deasy asked what is her verbiage amendment if she doesn't want it to be a conditional use but she doesn't want it to happen because she feels that if she says she doesn't want it to be a conditional use, people will get to do it without coming in front of the BZA. She said that if she feels strongly that she doesn't want that option there at all, what is the verbiage for her amendment.

Mr. Strait said he would always be happy to help out with that verbiage. He then said that he would propose to amend to table 3-A for permitted principle uses so that animal grooming and boarding was a prohibited use in a neighborhood mixed use district.

Councilmember Deasy asked if she can be strong enough to say prohibited on some of these. She said that what is complicated for her is that there are so many of these items in one ordinance.

Councilmember Bolyard stated that she also wears a BZA hat, however, she had specific questions regarding the chart. She asked for the cemeteries, those were permitted and now they are being changed to conditional.

Mr. Strait replied yes, that is correct.

Councilmember Bolyard asked about the dormitories, there was a subset for dormitories that they are only permitted within 1,320 feet of the institution with which it is affiliated. She asked if he was doing away with that as well and now permitting it in neighborhood residential district and doing away with that requirement.

Mr. Strait said no. He said that requirement will still stand and any other use standard that will apply but we would then say that if it is within that quarter mile district, it would still have to meet that requirement. He said it was interesting that we have neighborhood residential near the university but yet this is not listed as a permitted use in any fashion in that district. He said this will finally actually allow for it to be built in that district within that quarter mile radius of the university. Mr. Strait told Council that if there is ever a more restrictive element, and even if it's not in the zoning code, the more restrictive always applies not the more permissive.

Mayor Mainella asked if a dormitory is a residence where more than two unrelated people can live.

Mr. Strait said not exactly. He said that the way we define it is that it has a certain number of individuals unrelated that share a common dwelling unit and within that dwelling unit, although they may have independent bedrooms, they do not have independent rest rooms, kitchen, eating facilities, etc. so they have shared spaces within that. He went on to say that dormitories are tricky because zoning codes and fire codes and building codes all define them differently and in the State of West Virginia, the fire code actually has a special definition just for the State of West Virginia that pertain to these. He said the more restrictive that applies here is if it's four or more unrelated individuals that dwell within a unit then it's considered a dormitory.

The Mayor said that as far as his vote, he does not want to see animal boarding anywhere in the City, but that is just him. He said that he cannot think of a place to where dogs barking 24/7 365

Councilmember Bledsoe interrupted to say we have animal boarding now.

The Mayor said that he doesn't want to see any more of them.

The City Manager mentioned that veterinarian clinics has to board animals after surgeries and illnesses.

The Mayor noted that those animals are inside though.

The Manager said that we have to make sure of the definition.

Mr. Strait said, currently as it stands, animal care facilities and animal grooming and boarding facilities actually share a legal definition within the ordinance. He said they are called animal care establishments. He said that is always a tricky question about boarding especially because we have to make sure that we are considering the vet clinics and if they do have to keep an animal for 24 hours for observation or surgery or other type of medically necessary reason, that we are making sure that they are still permitted. He said that we could make a ruling that it is an incidental use and as an incidental use, it is not the primary reason why we are opening and operating, and it's just a necessary thing.

The Mayor said again that the vets keep those dogs inside so if they do bark, it's not going to be as objectionable as if someone creates a business that they have runs and those dogs get outside and start barking at each other, it will never end.

Councilmember Bledsoe said regardless of how this would turnout, if Council would vote not to allow that, are businesses that are already established grandfathered.

The Mayor replied yes.

Mr. Strait then said that he could say that if there is a request from Council to make some more substantial changes than what is proposed here tonight, he could include those on their March agenda for the Planning Commission and bring those back to

Council in April. He said that he did not think it was a bad idea to separate grooming and boarding out from one another. He added that grooming could just be another personal service.

The Mayor then said that for veterinarians, if someone wants to build a new vet office in the City, it would be nice if they were able to board dogs but board them inside so the sound is not as bad as if they were outside.

Councilmember Bledsoe asked if we had dog boarding in the city now.

The Mayor said that he could not think of any.

Mr. Strait said this is a great idea. He said as of right now, there is no use standards for boarding but he could get some use standards that state all boarding to be indoors and make sure that is clear to the public going forward.

Councilmember Bledsoe said that in order to get this moving, someone would have to make an amendment to get rid of that clause animal grooming just to give Mr. Strait an opportunity to redo it.

Mr. Strait said that Council could propose to strike or amend this in any way such as making it prohibitive and then we can adjust this later on in April to sort out grooming from boarding and also state that boarding is an incidental to a vet and that way it doesn't inhibit their operation of business. He said that sounds very reasonable and great.

Councilmember Deasy said that out of respect to the BZA members, she wanted to make sure everyone understands that her comments about concerns about conditional use is not because she does not trust them to run that commission and listen to the public views and make good decisions. She said she still thinks that in order to make their job a little easier, some of the conditional uses she wished we could take the liberty of just saying prohibited to make their job a little easier. She noted that she was still strapped on a few of these items that are conditional.

Mayor Mainella said that, in the future, would it make sense when you do this many changes, to break them up because it sounds to him like nobody has any problems with this thing other than maybe animal boarding.

Councilmember Rice asked Mr. Strait to explain child care facility.

Mr. Strait explained that the way we regulate child care within the City of Fairmont, there are three tiers based upon the number of children present in the building and then at a certain point you have to be licensed and certified as well within those three tiers. He said day care has a licensed staff, full facilities and that is what you do as your full-time job and we were proposing to adjust it from a conditionally permitted use to an outright permitted use in neighborhood mixed use district. This would allow for day cares in all commercial districts. He added that this would not put day cares in our residential

neighborhoods, this would keep them on the primary corridors.

Councilmember Deasy stated that is not what the ordinance says. It says neighborhood mixed use not commercial use.

Mr. Strait said day cares are outright allowed in city center, main corridor commercial, highway commercial, and industrial but they are conditionally permitted in neighborhood mixed use. So, this would make them more permitted in neighborhood mixed use.

Councilmember Deasy noted that is what she doesn't like.

The Mayor stated that he did not like that either. He would like it to stay conditionally.

Councilmember Rice said that he agreed with the Mayor about having so many topics. He asked if it would be okay to bring it up in a work session when there are so many items.

The City Manager said that we already said that last time that whenever these large ones come up, we couldn't do it with this, but she and Shae have already talked that anything is large or needs more explanation, a work session will be held before it's introduced to Council.

Councilmember Rice noted that this would have eliminated this problem because we could have talked it out and put all of our heads together first.

The Mayor then said or to eliminate the need for a work session, maybe do three or four items at a time in different ordinances so we can make this our work session and it is more likely to be vetted and passed if you do it that way.

The Manager said that the problem with that is that the ordinances have to be introduced in final form.

Councilmember Blood said that with so many items, obviously we have misunderstood some of it. She said that she was with the Mayor, to break it up a little bit so there are not so many items in one ordinance.

There being no one else to speak, the public hearing was called to a close at 7:41 p.m.

IN RE: 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

Pursuant to a notice duly published in the Times-West Virginian on February 11, 2022, a public hearing was convened to obtain citizen input on a proposed ordinance amending Article 4.0 Use Standards of the Clearzoning Code.

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

SHAE STRAIT, Director of Planning, spoke in favor of the proposed ordinance. He said this is our use standard section and pertains to various uses across the city. He said the proposal is to eliminate 4.25 which is all multi-family and duplex regulations that were use standards. The reason being is that all of these standards are duplicated already in Article 3.0 which were the substantial changes made in summer of 2021. Therefore, these are no longer necessary to apply to those standards. He went on to say that he is proposing adjustments to 4.31 which is restaurant/lounge to rename it restaurant with alcohol sales. We are consolidating it with 4.32 and also titled each paragraph which makes it quicker and easier to get to the information you find pertinent in the code. He added that he is not proposing any changes to the actual regulations of restaurants with alcohol sales. Mr. Strait then stated that with the elimination of 4.32, he is replacing it with manufactured homes sales and services use standards. He said that he was talking about the sale of manufactured homes and often times these are usually not very large lots, typically they are graveled and with that they can become nuisance issues so to minimize that impact, we are proposing to require buffer yards around the manufactured home sales and they will have a standard to meet. He mentioned that currently we do not have manufactured home sales business in the city but we do have a service provider that sells parts and helps move these units but there are no sales and service business.

There being no one else to speak, the public hearing was called to a close at 7:46 p.m.

ANNOUNCEMENTS

IN RE: TOURED DAC FACILITY

Councilmember Rice reported that he and the Mayor took a tour of the new DAC facility. He said it is a wonderful place and have done great things. He encouraged all Councilmembers to take a tour of their new facility.

Mayor Mainella mentioned that Councilmember Rice invited him to take the tour and now he encourages everyone to go up and visit the facility and take a tour. He noted that it was really something to see and that facility worked out really good for them.

IN RE: DONATION TO MCPARC

Councilmember Rice announced that Marley Washenitz received an award for basketball player of the year last year and Gatorade gave her \$1,000.00 pay it forward initiative check to where she could donate it to any sports initiative program. She donated the \$1,000.00 to MCPARC. He thanked her for the donation.

IN RE: STUDENTS ON HONOR ROLL AND DEANS LIST

Councilmember Blood congratulated all of the area students who made the Honor Roll and Deans List in Marion County.

IN RE: MAIN STREET DIRECTOR APPOINTED

Councilmember Blood announced that Dan Swiger has been hired as the new Main Street Executive Director.

IN RE: MAIN STREET EVENTS

Councilmember Blood reported the upcoming Main Street events:

- April 16 - Community Garage Sale in downtown Fairmont
- May 21 - Hometown Market with dancing in the street.

IN RE: STREET SWEEPER

Councilmember Cinalli asked when the street sweeper will be put into service. He said that he would love to find a way to be able to clean the streets sooner than they usually are done.

IN RE: MARION COUNTY STEAM ROOM DEDICATION

Councilmember Deasy reminded Council that Friday at 11:00 a.m. is the ribbon cutting for the Marion County Steam Room, the new room that went in under the old East Fairmont High School Gym. She said you will be amazed at the beautiful work that went into that and the opportunity that is going to be there for our Marion County students.

IN RE: GROUPS ACKNOWLEDGED

Councilmember Deasy said that the United Way and Rotary of South Fairmont worked really hard this past week getting the lights down at Morris Park. She acknowledged members of the FSHS Interact Club and the guys at Stepping Stone for helping to put the lights away.

CITIZENS PETITIONS

There were no citizens petitions for this meeting.

CITY MANAGER 'S REPORT

The City Manager had nothing to report at this meeting.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, 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 for the adoption of an ordinance amending Article 2.0 Definitions and Measurements of the Clearzoning Code.

Motion:

Councilmember Deasy 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 those Councilmembers present and the ordinance designated as Ordinance No. 1930 was duly adopted.

IN RE: AMENDED ORDINANCE PROPOSED, 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

The City Manager said that there needs to be a motion and second first to get the discussion started and then if someone wants to amend it, they have to say that they make a motion to amend and say what their amendment is going to be, then you need a second for that amendment and then have any discussion and vote on the amendment. You do not go any further.

Mayor Mainella entertained a motion for the adoption 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 adoption of the proposed ordinance. Councilmember Blood seconded the motion.

Discussion:

Mayor Mainella said that Council had a problem with animal grooming and boarding and child care facilities.

Motion:

The Mayor made a motion to amend the ordinance to eliminate the animal grooming and boarding provision until it’s re-worked and to eliminate child care facilities as a

permitted use, it will stay the same as a conditional use. The motion was seconded by Councilmember Blood.

Roll call was taken by the Clerk on the amendment.

The Mayor declared the amendment to the ordinance adopted by unanimous vote of Council. He said the ordinance will be amended and brought back to Council.

IN RE: ADOPTION, 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 for the adoption of an ordinance amending Article 4.0 Use Standards of the Clearzoning Code.

Motion:

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

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of those Councilmembers present and the ordinance designated as Ordinance No. 1931 was duly adopted.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE FAIRMONT CITY CODE

Mayor Mainella entertained a motion and second for the introduction of an ordinance to approve and adopt replacement pages to the Fairmont City Code.

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 March 8, 2022.

Councilmember Bolyard asked for a list of the ordinances that are being replaced.

The City Clerk said that all ordinances that are adopted, not all of them are codified but she will send out a list in the next agenda packet.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT AUTHORIZING, APPROVING AND PROVIDING FOR THE ACQUISITION, ESTABLISHMENT AND CONSTRUCTION OF A CERTAIN PUBLIC IMPROVEMENT PROJECT, NAMELY THAT PORTION OF THE LOCUST AVENUE SIDEWALK PROJECT, BEING TIF PROJECT NO. 1, TO BE LOCATED ALONG LOCUST AVENUE, U.S. ROUTE 19 BETWEEN FLEMING AVENUE AND MCCLANE DRIVE, IN FAIRMONT CITY, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, AND AUTHORIZING AND PROVIDING THE CITY MANAGER WITH AUTHORITY TO EXECUTE AND DELIVER THAT CERTAIN AGREEMENT WITH THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION (STATE PROJECT: U-325-FAI/RM-7.00; FEDERAL PROJECT: TAP-2017(156) D) AND TO DO ALL THINGS REASONABLE AND NECESSARY IN CONNECTION THEREWITH; RATIFICATION

Mayor Mainella entertained a motion and second for the introduction of an ordinance providing for the acquisition and construction of the Locust Avenue Sidewalk Project.

Motion:

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

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

The Mayor declared the public hearing set for March 8, 2022.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT AUTHORIZING, APPROVING THE ACQUISITION, ESTABLISHMENT AND CONSTRUCTION OF A CERTAIN PUBLIC IMPROVEMENT PROJECT, NAMELY THE WEST FAIRMONT RAIL-TRAIL SYSTEM, IN FAIRMONT CITY, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, THE COST OF WHICH PROJECT IS NOT EXPECTED TO EXCEED \$2,500,000.00, AND WHICH PROJECT IS PART OF THE PARKERSBURG TO PITTSBURGH (P2P) RAIL-TRAIL CORRIDOR, AUTHORIZING THE PURCHASE OF TWO PARCELS OF REAL ESTATE IN THE TOTAL AGGREGATE OF 14.61 ACRES, MORE OR LESS, FROM CSX TRANSPORTATION, INC., APPROVING THE FORM OF THE PURCHASE SALE AGREEMENT AND AUTHORIZING AND EMPOWERING THE CITY MANAGER TO EXECUTE AND DELIVER SAID AGREEMENT ON BEHALF OF THE CITY OF FAIRMONT, AND TO DO ALL THINGS REASONABLE AND NECESSARY IN CONNECTION THEREWITH; RESERVATION OF RIGHTS; RATIFICATION

Mayor Mainella entertained a motion and second for the introduction of an ordinance approving the acquisition and construction of the West Fairmont Rail-Trail Project.

Motion:

Councilmember Garcia 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 March 8, 2022. Councilmember Bledsoe abstained from setting the public hearing.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL FOR THE CITY OF FAIRMONT APPROVING THE FORM OF THAT CERTAIN "PROFESSIONAL SERVICES AGREEMENT - MEDICAL DIRECTOR SERVICES" BY AND BETWEEN THE CITY OF FAIRMONT AND WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS ON BEHALF OF WEST VIRGINIA UNIVERSITY, AND AUTHORIZING AND EMPOWERING THE CITY MANAGER TO EXECUTE AND DELIVER THE AGREEMENT ON BEHALF OF THE CITY OF FAIRMONT

Mayor Mainella entertained a motion for the adoption of a resolution approving the agreement for Medical Director Services by and between the City of Fairmont and the WV University Board of Governors.

Motion:

Councilmember Blood moved for the adoption of the proposed resolution. 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.

IN RE: ADJOURN TO EXECUTIVE SESSION

Mayor Mainella 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 Rice.

The Mayor declared the meeting adjourned to Executive Session by voice vote of Council at 8:12 p.m.

IN RE: MEETING RECONVENED

The Mayor declared the meeting reconvened at 8:15 p.m.

IN RE: ONE APPOINTMENT, MARION COUNTY RESCUE SQUAD, THREE-YEAR TERM TO END DECEMBER 31, 2024

Mayor Mainella entertained a motion for an appointment to the Marion County Rescue Squad for a three-year term ending December 31, 2024.

Motion:

The Mayor moved to appoint Anne Bolyard to the Marion County Rescue Squad for a term ending December 31, 2024. The motion was seconded by Councilmember Rice.

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

Councilmember Blood	Yes	Councilmember Cinalli	Yes
Councilmember Garcia	Yes	Councilmember Rice	Yes
Councilmember Deasy	Yes	Councilmember Bolyard	Yes
Councilmember Bledsoe	Abstain	Mayor Mainella	Yes

The Mayor declared Anne Bolyard appointed to the Marion County Rescue Squad for a term ending December 31, 2024 by majority vote of those Councilmembers present.

IN RE: ONE APPOINTMENT, FAIRMONT AIRPORT AUTHORITY, UNEXPIRED TERM TO END OCTOBER 1, 2022

Mayor Mainella entertained a motion for an appointment to the Fairmont Airport Authority for an unexpired term ending October 1, 2022.

Motion:

Mayor Mainella moved to appoint Kevin Blaney to the Fairmont Airport Authority for an unexpired term ending October 1, 2022. The motion was seconded by Councilmember Bledsoe.

Roll call was taken by the Clerk.

The Mayor declared Kevin Blaney appointed to the Fairmont Airport Authority for an unexpired term ending October 31, 2022 by unanimous vote of those Councilmembers present.

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 8:20 p.m.