

February 23, 2021

The regular meeting of the City Council of the City of Fairmont was held virtual at 7:00 p.m. on the 23rd day of February, 2021 due to the COVID-19 Pandemic.

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	(was not present or could not be heard for roll call)
Fourth District	Richard (Rick) Garcia	
Fifth District	Barry H. Bledsoe	
Sixth District	Gia Deasy	
Seventh District	Blair Montgomery	
Eighth District	Thomas (Tom) Mainella	
Ninth District	Donna M. Blood	

Also present were:

City Manager	Valerie A. Means
City Attorney	Kevin Sansalone
City Clerk	Janet L. Keller
Fire Chief	Ed Simmons

IN RE: OPENING CEREMONIES

Rev. Jim Norton gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Bolyard.

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 9, 2021. He asked if there were any corrections, deletions, or amendments.

Councilmember Blood 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.

IN RE: BLACK HISTORY MONTH

The Mayor re-read a statement 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

which was first read at the February 9, 2021 Council meeting. He said that on behalf of the City of Fairmont he wanted to remind all citizens that February 2021 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.

PUBLIC HEARINGS

IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT ADOPTED PURSUANT TO THE PROVISIONS OF WEST VIRGINIA CODE §8-1-5a AUTHORIZING THE CITY OF FAIRMONT TO SUBMIT TO THE WEST VIRGINIA MUNICIPAL HOME RULE BOARD AN AMENDMENT TO ITS APPROVED HOME RULE PLAN, A COPY OF WHICH AMENDMENT IS ATTACHED HERETO AND MADE A PART HEREOF

Pursuant to a notice duly published in the Times-West Virginian on January 15, 2021 and January 22, 2021, a public hearing was convened to obtain citizen input on a proposed ordinance authorizing the City of Fairmont to submit to the WV Municipal Home Rule Board an amendment to its approved Home Rule Plan.

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

Ms. Means said that she wanted to make sure that the public understands what we are doing in this amendment, therefore, she spoke in favor of the proposed ordinance and on behalf of the amendment itself. She then gave a description of the plan amendment. Ms. Means said that the City of Fairmont desires via its proposed Home Rule plan amendment to expand its Business and Occupation Tax Credits to provide credits for which are unrelated to new and expanding businesses and which are not otherwise constrained by the provisions of WV Code 8-13-5(f) and WV Code 11-13(c)-1. The City of Fairmont created expanded B&O Tax Credits through our original approved Home Rule Plan in 2014 and we now desire via this proposed Home Rule amendment to offer additional credits against the construction B&O Taxes for residential development within the City of Fairmont. The City is very thankful for admission to the program and has had positive impacts through the use of the original ordinances, most especially by our expansion of B&O Tax Credits for re-occupancy of vacant and dilapidated structures, longevity of business operations and rehabilitation and preservation of contributing historic structures. The City of Fairmont desires to concentrate efforts in attraction of residential housing development. This goal was not an area of focus when making application for our original Home Rule plan in 2014 and the City did not include any proposals for expansion of these credits at that time. The City realizes that housing development is a very important piece of the overall goal of community revitalization, renewal and attraction of new residents. Like many WV towns, the City of Fairmont finds itself positioned with a stock of older homes being built in the past. With the average age of a home in the City being 69 years, Fairmont has been left with available homes needing considerable updates for the health and safety of the occupants as building codes have changed. Not every home owner is willing to take on a fixer-upper while 78.5% of homes were constructed prior to 1970. Less than 4% were constructed

since 2000. Though Fairmont's population remains fairly steady, the City continues to experience a decline in overall housing units further many residents complain about the condition of available housing stock. The proposed Home Rule Plan amendment provides for further expansion of the City of Fairmont's Business and Occupation Tax credits to provide a credit from the tax imposed by Section 761.07 Contracting from the City of Fairmont City Code. This will help to encourage the development of new owner-occupied residential dwelling units within the City in an effort to increase population, provide for new modern housing stock, and further diversify the City's economy in the continuing effort to avoid the boom/bust economy associated with the City's former manufacturing and industrial history. The proposed plan amendment includes the draft ordinance that details the new B&O Tax Credit. The Credit will be issued on a graduated scale depending on the number of dwelling units completed within a certain amount of time.

The City Manager further stated that tonight Council has two public hearings on the same topic. She stated that we wanted to make sure that the public was aware of what we were doing and the actual ordinance tonight, which she also asks for Council's support, the ordinance, if adopted, provides for the approval to make the application to the Home Rule Board for the plan amendment. If adopted, staff will submit the required information on the amendment to the State Home Rule Board and we will attend the April 14, 2021 meeting of the Board to present our planned amendment. If the Home Rule Board approves our amendment, we will bring the actual B&O Tax Credit ordinance legislation before Mayor and Council for introduction, public hearing, and consideration of adoption at a later time.

There being no one else to speak, the public hearing was called to a close at 7:18 p.m.

IN RE: A PROPOSED WRITTEN AMENDMENT TO THE CITY OF FAIRMONT'S APPROVED HOME RULE PLAN TO PROVIDE FOR THE FURTHER EXPANSION OF ITS BUSINESS AND OCCUPATION TAX CREDITS TO PROVIDE FOR CERTAIN CREDITS FROM THE TAX IMPOSED BY SECTION 761.07 CONTRACTING OF THE FAIRMONT CITY CODE TO ENCOURAGE THE DEVELOPMENT OF OWNER-OCCUPIED RESIDENTIAL DWELLING UNITS WITHIN THE CITY

Pursuant to a notice duly published in the Times-West Virginian on January 15, 2021 and again on January 22, 2021, a public hearing was convened to obtain input on the proposed amendment to the City of Fairmont's approved Home Rule Plan. As per the legal ad published, the City of Fairmont's Municipal Home Rule Plan approved by the West Virginia Municipal Home Rule Board, authorizes, in part, expanded business and occupational tax credits. The City of Fairmont now desires to amend its approved home rule plan to provide for the further expansion of its business and occupation tax credits and has prepared a written amendment to said plan to provide for a certain credit from the tax imposed by Section 761.07 Contracting of the Fairmont City Code to encourage the development of new owner-occupied residential dwelling units within the City. West Virginia Code §8-1-5a(g) requires that the City of Fairmont hold a public hearing on the

written amendment to its approved home rule plan prior to submitting the amendment to the Municipal Home Rule Board.

Mayor Mainella asked if anyone had comments about the plan, either in favor or against.

There being no one to speak, the public hearing was called to a close at 7:19 p.m.

ANNOUNCEMENTS

IN RE: LOCAL 15 BRICKLAYERS UNION THANKED

Councilmember Rice thanked Local 15 Bricklayers Union for laying the cornerstone in the new Ease Side Fire Station last week. He noted that it was a team effort with all of those involved and it finally got done.

IN RE: FIRE DEPARTMENT COMMENDED

Councilmember Rice stated that Deputy Tony Veltri called him because he wanted to give out appreciation to our Fire Department. He stated that his wife was in a car accident near Dairy Crème Corner on February 16th and the firefighters stayed with his wife, transferred the car seat from one car to the next and even one of the firefighters gave a stuffed animal to his son. He added that the firefighters could have left the scene but stayed there with his wife until Deputy Veltri could get there. He wanted to thank the firefighters, Chief Simmons and the whole department for assisting his wife and son. He then asked for the names of the firefighters that were at the scene so Deputy Veltri could send them a thank you note.

Chief Simmons replied that he would get the names of the firefighters that responded.

Councilmember Bledsoe also commended the Fire Department and all of their great efforts.

IN RE: PROPOSED CLOSING OF MANCHIN HEALTHCARE CENTER

Councilmember Bolyard encouraged everyone in Fairmont to approach our leaders in Charleston in opposition to the closing of the Manchin Healthcare Center.

Councilmember Deasy also encouraged everyone to step up and let their voices be heard about how important that facility is to our area.

Councilmember Blood read a statement about House Bill 2626 regarding the proposed closing of the Manchin Healthcare Facility. "I want thank Delegates Garcia, Ward, and Mallow for touring the John Manchin Long Term Care Facility and highlighting the current threat, once again, against this facility. House Bill 2626 seeks to close this much needed healthcare facility and leave the residents with nowhere to go and employees with the loss of their jobs. Not only does the John Manchin Clinic care for 30 disabled and elderly patients, but, according to the Times West Virginia, it served an additional

394 patients through Telehealth this last year. It also provides at least 36% of the meals to our community's shut-in disabled and elderly people through Meals on Wheels. It has been noted that the John Manchin Long Term Care facility is in good condition and not in the need of costly repairs, contrary to the language in the bill. Our City cannot afford to lose this valued and important Clinic and the services it provides to our community. I would urge the citizens of Fairmont to call or write WV state legislators and tell them to reject this bill once again".

The Mayor stated that Council will be voting on a formal resolution at the next Council meeting regarding the support of the John Manchin Clinic.

Councilmember Bledsoe asked if it is possible for Council to actually draft a letter that they can each individually sign and send it to whatever agencies it needs to be sent to. He said that it may make more of an impact if we actually had our signatures on it and sent it to every delegate, every senator and the Governor.

The Mayor said that we can explore that suggestion.

IN RE: CLEARING OF SIDEWALKS

Councilmember Garcia stated that over the years and when Joe Feltz was the Public Works Director, the City had an ATV with a blade that was used to clean the sidewalks. He asked if the City still had this vehicle to clear the sidewalks since there is a lot of foot traffic on the bridges.

IN RE: FY22 BUDGET WORK SESSION

Councilmember Bledsoe stated that the public does not know what goes into creating a budget and trying to provide all of the services that the City provides and to try to, hopefully, do that without taking any more money out of people's pockets. He commended the City Manager, Finance Director, and others who were involved in preparing the budget to still provide services without interruption and provide pay raises that are desperately needed and do so without raising any further taxes.

Councilmember Deasy also thanked the City Manager and Finance Director for taking the time to explain the budget especially to the new Councilmembers. She said that she appreciates all of the hard work that goes into that budget.

Councilmember Blood stated that she was asked by Main Street Fairmont to thank the City for including them in the budget. They are extremely grateful and looking forward to working with the City to improve the City of Fairmont and to bring businesses in and help the beautification process.

IN RE: DILAPIDATED STRUCTURES

Councilmember Bledsoe also mentioned that regarding the dilapidated structures, he wanted the public to know that there are several Councilmembers who are joined

together and desire to see us do more and we are doing now to be working toward that end.

Councilmember Deasy said that many of the Councilmembers are concerned about the buildings and houses that are in such disrepair and they are concerned about demolition and hope to work forward on helping that come to some kind of resolution so we can demolish some of the dangerous and dilapidated buildings.

Commissioner Montgomery echoed Councilmember Deasy's comments about the buildings that are in disrepair. He said that it seems to him that we can do more than we are currently doing. He then asked what does Clarksburg do to get so many of their houses torn down. He suggested that maybe we need to be in communication with them to see what they are doing that we could possibly emulate.

IN RE: HUMAN RIGHTS COMMISSION MEETING

Councilmember Deasy reminded everyone that the next Human Rights Commission meeting will be held Wednesday evening. She noted that they will be welcoming some of the new Commissioners that were recently appointed.

IN RE: PUBLIC WORKS COMMENDED

Councilmember Montgomery stated that he continued to appreciate the good work of the city maintenance folks on taking care of the roads. He said that they have done a remarkable job at keeping the roads clear as possible and he thanked them for that.

IN RE: ANNUAL MEETING OF SHALOM

Mayor Mainella reported that he was invited to attend the annual meeting of the Community of Shalom. He said that they have a wonderful mission and you can tell by who the members are that it is a good organization. He thanked them for their gracious invitation to attend their meeting and for their part in making this a better, more peaceful, community to live in.

IN RE: COUNCILMEMBER KENNEDY NOT YET JOINED THE MEETING

At this time, the Mayor asked Councilmember Kennedy if he ever joined the meeting. There was no response.

CITIZENS PETITIONS

IN RE: 2021 JUNETEENTH CELEBRATION

JOHN SHABAZZ, a resident of Morgantown, spoke in favor of June 19, 2021 being designated as Juneteenth Celebration Day in the City of Fairmont. He said that is he currently the Acting National Chairman of WV Black Unity Coalition which they started in 2007 and in 2011, they organized and hosted the first Juneteenth Celebration here in

Fairmont at Windmill Park. He said that Attorney Ron L. Tucker agreed to paid the \$75 pavilion fee for the June 19, 2021 Juneteenth celebration given the good work that they have put in on the celebration. Mr. Shabazz then asked Council to endorse and adopt the resolution that is on the agenda for this meeting.

CITY MANAGER 'S REPORT

IN RE: FY22 BUDGET

The City Manager thanked the Mayor and Council for the successful budget work session that was held on February 16th. She thanked them for their time, attention and support of the budget. She went on to say that the budget is finalized except for the official assessment number for the Ad Valorem Taxes in which these numbers will come in by March 3rd. They will be put through the calculation and the Ad Valorem Taxes will be added to the budget. The budget will then be advertised as required by State Code and then the public hearing and adoption of the resolution will be held at the March 23rd meeting.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT ADOPTED PURSUANT TO THE PROVISIONS OF WEST VIRGINIA CODE §8-1-5a AUTHORIZING THE CITY OF FAIRMONT TO SUBMIT TO THE WEST VIRGINIA MUNICIPAL HOME RULE BOARD AN AMENDMENT TO ITS APPROVED HOME RULE PLAN, A COPY OF WHICH AMENDMENT IS ATTACHED HERETO AND MADE A PART HEREOF

Mayor Mainella entertained a motion for the adoption of an ordinance authorizing the City of Fairmont to submit to the WV Municipal Home Rule Board an amendment to its approved Home Rule Plan.

Motion:

Councilmember Montgomery moved for the adoption of the proposed ordinance. Councilmember Rice 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. 1883 was duly adopted.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA DESIGNATING JUNE 19, 2021, AS JUNETEENTH CELEBRATION DAY IN THE CITY OF FAIRMONT, WEST VIRGINIA

Mayor Mainella entertained a motion for the adoption of a resolution designating June 19, 2021 as Juneteenth Celebration Day in the City of Fairmont.

Motion:

Councilmember Blood 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 Council.

IN RE: COUNCILMEMBER KENNEDY PRESENT AT MEETING

At this time, Councilmember Kennedy stated he was present and that he had voted yes on both agenda items. He said that he thought the mic is going out of his telephone but he has heard Council loud and clear and somehow now he can talk at the meeting.

IN RE: MARCH 9TH COUNCIL MEETING

Mayor Mainella announced that the March 9th meeting will be held virtually and if the Covid numbers continue to go down in Marion County, we are planning to meet again in person at the March 23rd meeting. He said that hopefully that will happen so we can all get together for that meeting.

ADJOURNMENT

The Mayor entertained a motion for adjournment.

Motion:

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

The Mayor declared the meeting adjourned by voice vote of Council at 7:46 p.m.