

February 25, 2025

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 25th day of February, 2025, at the Public Safety Building located at 500 Quincy Street in Fairmont, West Virginia.

Mayor Bolyard called the meeting to order.

Roll call of members was taken by the City Clerk.

Councilmembers present were:

Second District	Anne E. Bolyard
Third District	Rebecca Moran
Fourth District	Anthony T. Horton
Fifth District	Charles "Chuck" Warner
Sixth District	Daniel "Dan" Weber
Seventh District	Julia "Julie" Sole
Ninth District	Kandice "Kandi" Nuzum

Absent:

First District	Joshua D. Rice
Eighth District	Bruce McDaniel

Also present were:

City Manager	Travis L. Blosser
City Clerk	Janet L. Keller
City Attorney	Kevin V. Sansalone
Marketing Manager	David A. Kirk
Director of Planning	Shae Strait

IN RE: EXCUSE COUNCILMEMBER S RICE AND MCDANIEL

Mayor Bolyard moved to excuse Councilmembers Rice and McDaniel from this meeting. The motion was seconded by Councilmember Warner.

The Mayor declared Councilmembers Rice and McDaniel excused by voice vote of Council.

IN RE: OPENING CEREMONIES

A moment of silence and prayer mediation was held followed by the Pledge of Allegiance to the Flag led by Councilmember Moran.

APPROVAL OF MINUTES

Mayor Bolyard noted that each member of Council had received a copy of the minutes from the Regular Meeting held on February 11, 2025. She asked if there were any corrections, deletions, or amendments.

Councilmember Nuzum moved to approve the February 11, 2025 Regular Meeting minutes as submitted. The motion was seconded by Councilmember Sole.

The Mayor declared the minutes approved as submitted by voice vote of Council.

PUBLIC HEARING S

IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING CHAPTER NINE - JUDICIAL, ARTICLE 189 MUNICIPAL COURT OF THE FAIRMONT CITY CODE TO IMPLEMENT AND PROVIDE FOR THE ASSESSMENT OF ACTUAL COSTS TO REIMBURSE THE CITY OF FAIRMONT FOR CERTIFIED MAIL SERVICE RELATING TO THE ENFORCEMENT OF THE PROVISIONS OF THE CODIFIED ORDINANCES OF THE CITY OF FAIRMONT

Pursuant to a notice duly published in the Times-West Virginian on February 14, 2025, a public hearing was convened to obtain citizen input on an ordinance providing for the assessment of actual costs to reimburse the City of Fairmont for certified mail service.

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

There being no one to speak, the public hearing was called to a close at 7:04 p.m.

ANNOUNCEMENTS

IN RE: MARION COUNTY FOOD PANTRY

Councilmember Moran reported that Wednesday is the Marion County Food Pantry that will be held by the Union Mission from 8:30 a.m. to 11:30 a.m.

IN RE: FAMILY SELF -SUFFICIENCY WORKSHOP

Councilmember Moran announced that she received flyers for the Family Self-Sufficiency Workshops. She noted that they have different things they can help with if you are unemployed, under-employed, working on your resume, finding a new job, if you need help with housing assistance, etc. She said the workshops will be held on April 9th and 10th.

IN RE: NEIGHBORHOOD NURSE PROGRAM

Councilmember Moran reminded everyone of the Neighborhood Nurse Program that is the second and fourth Saturday from 11:00 a.m. to 2:00 p.m. at the Central Church of the Nazarene.

IN RE: THANK YOU TO THE CITY MANAGER

Councilmember Weber thanked the City Manager for having the Gateway Connector paved. He noted that it has been a rough ride over there and he is glad it is getting fixed.

IN RE: TYGART VALLEY UNITED WAY

Councilmember Sole congratulated the Tygart Valley United Way on meeting their campaign goal of raising over \$600,000 for many of the organizations not only in Marion County but also in Taylor, Barbour, and Randolph Counties.

IN RE: FAIRMONT STATE UNIVERSITY DAY OF GIVING

Councilmember Sole announced that Thursday, February 27th is the Fairmont State Day of Giving. There are activities planned all throughout the day at the University to bring attention to a variety of the school's programs and the funds needed to keep those amazing programs going.

IN RE: ROTARY CLUB

Councilmember Sole reported that an amazing thing happened at the Disability Action Center today. Several organizations came together, the Rotary Club of Fairmont along with the Rotary Club of South Fairmont, and they chartered the newest Rotaract Club in the world today, the Rotaract Club of the Disability Action Center and their 19 chartered members joined millions of Rotarians around the world and become part of a global network of people who put service above self.

IN RE: UNION RESCUE MISSION

Councilmember Nuzum announced that the Union Rescue Mission will be conducting the Better Hope Brunch (formerly the Night of Hope) annual fundraising event on Saturday, April 12th at 10:00 a.m. at the White Hall Event Center. They are asking for support with sponsorships to make the brunch a success. Without the support from the community, they fall short and this is their only fundraiser for 2025.

CITIZENS PETITIONS

IN RE: REQUEST FOR CHICKENS IN THE CITY LIMITS

JOSH ROARK, a resident of 918 East Park Avenue, addressed Council regarding keeping backyard chickens in the city limits of Fairmont. He said that since Covid, a lot more people are going to more of a homestead type approach and be more self-sufficient. He said that this is a great way to do it and they are easy to take care of. He explained that they are not a nuisance problem as dogs are louder than chickens, they do not stink, they help with pests, they are not dangerous, they sleep at night and the eggs are healthier than store bought eggs and last a lot longer. He named several cities in WV that allow chickens in their city limits and said that it definitely can be done here. He is requesting that he be allowed to have up to 6 chickens because you have to buy a minimum number

of chickens. He said that this is the first step to other ideas he would like to see implemented.

Councilmember Horton said that chickens are not allowed in the city limits and asked how do you get around the City Code.

Mr. Roark said that he does not have them there, he wants them there. He said that is why he is at the meeting to try and get that changed.

IN RE: REPRESENTATIVE FROM CONGRESSMAN RILEY MOORE'S OFFICE

KENNEDY ROBERTS, stated that he was in attendance on behalf of Congressman Riley Moore. He distributed some information to Council on behalf of the Congressman including his office contact information in Morgantown. He noted that he wants Fairmont to have a good line of communication into the Congressman's office so that anything throughout Council's leadership that the Congressman might be able to assist in. He said that he would be glad to write letters of support for any grants coming up and it would be a pleasure to attend any ribbon cuttings in our area.

CITY MANAGER'S REPORT

IN RE: PAVING OF STREETS

Mr. Blosser thanked Councilmember Weber for his comments about the paving of the Gateway Connector, however, he wished it was solely his doing but he will give thanks to the new District Manager, Mr. Gaskins, who he met with two weeks ago and he committed to us that once we got past the heavier winter, Fairmont would be the first that they would get in and hitting hard and he has met that commitment. He also thanked the Delegates as well as the two State Senators because all of them have been just as involved and responsive to him around this issue. He went on to say that roadway is slated for complete asphalt repaving in FY27 and we have had discussions with the State to see how we, as a City, could potentially help pushing that along much quicker. Prior to that paving, there would be a lot of ADA work. The State has really helped to push that as a priority, not just that road, but all of our DOH roads inside the city.

IN RE: DEMOLITION UPDATE

The City Manager said that our engineering firm, CEC, looked at several structures in the City to move their demolition along faster. He stated that six properties were evaluated for eminent danger under statute and those all have been deemed by that engineer to be of eminent danger and those are being posted. He added that demolition work will commence, hopefully, within the month on those six structures and then we will be targeting another grouping of structures outside of that.

IN RE: PROPERTY DISPOSITION

Mr. Blosser said that we have had several submissions around our property disposition

process trying to get those lots back on the tax rolls. He noted that we have several submissions pending and are making their way through our departments through the process that City Council has implemented.

IN RE: HISTORIC SOCIETY

The City Manager gave a shout out to our Historic Society. He said that he and David Kirk, Communications Manager, took a tour of the museum on Adams Street and said that we certainly want to support them and help them in ways that we can.

IN RE: MRDC UPDATE

NICK FANTASIA, President of the MRDC, addressed Council with updates on MRDC projects. He reported the following:

- The part-time executive director, Bruce McDaniel, along with Jay Rogers put together a successful application with the Governor's Office and they were happy to be funded by the WV Infrastructure Council for \$3.6 million dollars to begin the development and dirt-work of the 22-acre parcel that they purchased from the High-Tech Foundation in the spring of 2023. The plan for this is to create three pads that are legitimately construction ready. The architect and the consultant for the application is Omni in Fairmont and they are trying to make sure that the contractors for the dirt-work, utility work, and concrete are all Fairmont or Marion County employees. They are trying to keep this home as much as they can.
- The Governor's Office in December had put together a \$3 million grant for Fairmont State and they awarded that the last week of December. The part-time director, Bruce McDaniel, did a great job putting the additional paperwork for that together and getting everything to the Governor's Office so that the Governor's Office then made the decision to transfer that to an Industrial Park Infrastructure application to a grant application.
- They have been working with a prospect in the Bellview area and have been successful and very encouraged at this sports equipment manufacturing entity from Boca Raton, Florida to come into WV and come into Fairmont. They anticipate further discussions with the development office and they should have an official announcement for the location and timeframe and how that will roll out. They anticipate a 50-job startup and once the two entities get in place, probably 100 jobs will be in that facility.
- They have had a few contractors come to the table and they are ready re-energize the Diamond Street projects.
- Mr. Fantasia then commended the City Manager for helping with a few of these projects and for them to happen sooner rather than later.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING CHAPTER NINE - JUDICIAL, ARTICLE 189 MUNICIPAL COURT OF THE FAIRMONT CITY CODE TO IMPLEMENT AND PROVIDE FOR THE ASSESSMENT OF ACTUAL COSTS TO

REIMBURSE THE CITY OF FAIRMONT FOR CERTIFIED MAIL SERVICE RELATING TO THE ENFORCEMENT OF THE PROVISIONS OF THE CODIFIED ORDINANCES OF THE CITY OF FAIRMONT

The City Clerk read the proposed ordinance by title.

Mayor Bolyard entertained a motion for the adoption of an ordinance providing for the assessment of actual costs to reimburse the City of Fairmont for certified mail service.

Motion:

Councilmember Nuzum moved for the adoption of the proposed ordinance. Councilmember Sole 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. 2063 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

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

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

Motion:

Councilmember Moran moved for the introduction of the proposed ordinance. Councilmember Nuzum seconded the motion.

The Mayor declared the public hearing set for March 11, 2025.

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 THE CITY OF FAIRMONT'S CODIFIED PLANNING AND ZONING CODE AND MORE PARTICULARLY 2.2 INTENT TO DEFINE, REDEFINE, RELOCATE AND/OR COMBINE CERTAIN DEFINITIONS, NAMELY ACCESSORY DWELLING UNIT, BOARDING HOUSES, LODGING HOUSE AND CONGREGATE LIVING FACILITIES, DWELLING TYPE, FAMILY FUNCTIONAL AND FACTUAL EQUIVALENT, GROUP RESIDENTIAL HOME, HOUSEKEEPING UNIT, TOWNHOUSES, CONSUMER FIREWORKS, CONSUMER FIREWORKS RETAIL SALES ESTABLISHMENT, WHOLESALE ESTABLISHMENT, AND WHOLESALE ESTABLISHMENT CONSUMER FIREWORKS.

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

Mayor Bolyard entertained a motion for the introduction of an ordinance amending Article 2.0 Definitions of the Planning and Zoning Code to define or redefine certain definitions.

Motion:

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

The Mayor declared the public hearing set for March 11, 2025.

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 THE CITY'S CODIFIED PLANNING AND ZONING CODE TO AMEND AND SUPPLEMENT THE USE CHART, TABLE 3-A PERMITTED PRINCIPAL USES, AS SET FORTH BELOW:

- 1. TO REFLECT CLARIFIED LANGUAGE REGARDING DETACHED DWELLING, ATTACHED DWELLING (SINGLE-FAMILY DUPLEX), ATTACHED TOWNHOUSE DWELLING, BOARDING HOUSES, LODGING HOUSES, AND CONGREGATE FACILITIES;**
- 2. TO REFLECT CERTAIN STYLISTIC CHANGES FROM CHILD CARE HOME, CHILD CARE FACILITY, AND CHILD CARE CENTER TO DAY CARE HOME, DAY CARE FACILITY, AND DAY CARE CENTER; AND**
- 3. TO ADD CONSUMER FIREWORKS RETAIL SALE ESTABLISHMENT, WHOLESALE ESTABLISHMENT, AND WHOLESALE ESTABLISHMENT, CONSUMER FIRE WORKS.**

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

Mayor Bolyard entertained a motion for the introduction of an ordinance amending Article 3.0 Zoning Districts of the Planning and Zoning Code to supplement the Use Chart.

Motion:

Councilmember Weber moved for the introduction of the proposed ordinance. Councilmember Sole seconded the motion.

The Mayor declared the public hearing set for March 11, 2025.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ARTICLE 3.4 NEIGHBORHOOD RESIDENTIAL (NR) OF THE

CITY'S CODIFIED PLANNING AND ZONING CODE TO PROVIDE FOR SUPPLEMENTAL REGULATIONS WITH REGARD TO PEDESTRIAN PATHWAYS AND TOWNHOUSE PARKING IN SAID DISTRICT.

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

Mayor Bolyard entertained a motion for the introduction of an ordinance amending Article 3.4 Neighborhood Residential of the Planning and Zoning Code to provide for supplemental regulations with regard to pedestrian pathways and townhouse parking.

Motion:

Councilmember Weber moved for the introduction of the proposed ordinance. Councilmember Sole seconded the motion.

The Mayor declared the public hearing set for March 11, 2025.

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 THE CITY'S CODIFIED PLANNING AND ZONING AND MORE PARTICULARLY SECTION 4.18 FAMILY FUNCTIONAL AND FACTUAL EQUIVALENT AND 4.35 TEMPORARY USES TO ESTABLISH AND/OR MODIFY THE USE STANDARDS RELATING THERETO.

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

Mayor Bolyard entertained a motion for the introduction of an ordinance amending Article 4.0 Use Standards of the Planning and Zoning Code and more particularly Section 4.18 Family Functional and Factual Equivalent and Section 4.35 Temporary Uses to establish and/or modify the Use Standards relating thereto.

Motion:

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

The Mayor declared the public hearing set for March 11, 2025.

Councilmember Moran thanked the Planning Department for the good work session that was held on these items. She said that no one has questions because we talked about these endlessly but if the public has questions, Council will be happy to talk to them about it.

Councilmember Weber also thanked Mr. Strait for working on all of this.

Councilmember Sole noted that she appreciated Councilmember Moran bringing up the work session that happened on February 11th where Council really got into the nuts and

bolts of all of the different standards and different changes. We have looked at them in-depth.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ARTICLE 5.0 SITE STANDARDS OF THE PROVISIONS OF THE CITY'S CODIFIED PLANNING AND ZONING CODE AND MORE PARTICULARLY SECTION 5.4.E PARKING REQUIREMENTS BY USE TO PROVIDE FOR MINIMUM PARKING REQUIREMENTS FOR DETACHED DWELLING, ATTACHED DWELLINGS (SINGLE-FAMILY DUPLEX) ATTACHED TOWNHOUSE DWELLINGS, AND BOARDING HOUSES, LODGING HOUSE AND CONGREGATE LIVING FACILITIES.

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

Mayor Bolyard entertained a motion for the introduction of an ordinance amending Article 5.0 Site Standards of the Planning and Zoning Code and more particularly 5.4.E Parking Requirements by Use to provide for minimum parking requirements for detached dwelling, attached dwellings, attached townhouse dwellings, boarding houses, lodging houses and congregate living facilities.

Motion:

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

The Mayor declared the public hearing set for March 11, 2025.

IN RE: A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT ACKNOWLEDGING THAT CERTAIN EMPLOYEES OF THE CITY OF FAIRMONT POLICE DEPARTMENT WHO ARE MEMBERS OF THE MUNICIPAL POLICE AND FIREFIGHTERS' RETIREMENT SYSTEM (MPFRS) ON JANUARY 9, 2025, CONDUCTED A REFERENDUM WHETHER TO HAVE EXTENDED TO THEM THE SOCIAL SECURITY PROGRAM EMBODIED IN THE SOCIAL SECURITY ACT.

The Clerk read the proposed resolution by synopsis.

Mayor Bolyard entertained a motion for the adoption of a resolution acknowledging the vote to have the Social Security program extended to the police members of MPFRS.

Councilmember Weber moved for the adoption of the proposed resolution. Councilmember Warner seconded the motion.

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 Bolyard entertained a motion for Council adjourn to Executive Session as per WV Code §6-9A-4(b)(2)(A) and City Charter 2.11 (a)(1)A - to discuss pending litigation in City of Fairmont v. Kirk Naternicola.

Motion:

Councilmember Nuzum moved for Council to adjourn to Executive Session. The motion was seconded by Councilmember Moran.

The Mayor declared the meeting adjourned to Executive Session by voice vote of Council at 7:43 p.m. She noted that no business will be conducted once the meeting is reconvened.

IN RE: MEETING RECONVENED

Mayor Bolyard declared the meeting reconvened at 8:11 p.m.

ADJOURNMENT

The Mayor entertained a motion for adjournment.

Motion:

Councilmember Nuzum moved to adjourn the meeting. The motion was seconded by Councilmember Warner.

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