

**April 11 , 2023**

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 11<sup>th</sup> day of April, 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
Fourth District	Richard (Rick) Garcia
Fifth District	Charles (Chuck) Warner
Sixth District	Gia Deasy
Eighth District	Bruce McDaniel
Ninth District	Kandice (Kandi) Nuzum

Absent:

Third District	Rebecca Moran
Seventh District	Nicholas (Nicky) Cinalli

Also present were:

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

**IN RE: COUNCILMEMBERS MORAN AND CINALLI EXCUSED**

The Mayor entertained a motion to excuse Councilmembers Moran and Cinalli from this meeting.

Motion:

Councilmember Rice moved to excuse Councilmembers Moran and Cinalli. The motion was seconded by Councilmember McDaniel.

The Mayor declared Councilmembers Moran and Cinalli excused from the meeting by voice vote of Council.

**IN RE: OPENING CEREMONIES**

A girl scout from Girl Scout Troop 10459 gave the invocation followed by the Pledge of Allegiance to the Flag led by Girl Scout Troop 10067.

**IN RE: PROCLAMATION PRESENTED**

Mayor Bolyard read a proclamation proclaiming April 2023 as Sexual Assault Awareness Month. She presented the proclamation to Sgt. Adrian Hayhurst with the Fairmont Police Department.

**IN RE: PROCLAMATION PRESENTED**

Mayor Bolyard read another proclamation proclaiming April 2023 as Child Abuse Prevention Month. She also presented this proclamation to Sgt. Adrian Hayhurst with the Fairmont Police Department.

Sgt. Hayhurst stated that the representatives from the Child Advocacy Center could not be in attendance. He said that they do a lot for the community and if there is any way Council can support them as far as financial funding, it is a very worthwhile cause to spend your money. He also noted that the Child Advocacy Center does a lot for the community, helps victims, finds support, and helps the Police Department in their investigations so this agency is a worthwhile cause.

**APPROVAL OF MINUTES**

Mayor Bolyard noted that each member of Council had received a copy of the minutes from the Regular Meeting held on March 28, 2023. She asked if there were any corrections, deletions, or amendments.

Councilmember Deasy moved to approve the minutes as submitted. The motion was seconded by Councilmember Warner.

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 ORDINANCE NO. 1971 DULY ADOPTED NOVEMBER 9, 2022, WHICH ORDINANCE PROVIDES FOR THE CITY OF FAIRMONT'S CURRENT PAY PLAN AND LIST OF OCCUPATIONAL CLASSES FOR ALL CLASS TITLES AND EMPLOYEES, TO PROVIDE FOR: CERTAIN INCREASES IN ASPECTS OF THE VARIOUS PAY PLANS; AN INCREASE IN CERTIFICATION PAY; THE CREATION OF CERTAIN NEW POSITIONS; THE MODIFICATION/ADDITION OF CERTAIN CLASS PAY GRADES AND TITLES; AND OTHER STYLISTIC CHANGES**

Pursuant to a notice duly published in the Times-West Virginian on March 31, 2023, a public hearing was convened to obtain citizen input on an ordinance amending the Pay

Plan to provide for certain increases in aspects of the various Pay Plans, an increase in certification pay, creation of certain new positions and the modification of certain pay grades and titles.

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 approve this ordinance that goes along with the budget. This is the Pay Plan that needs to be approved by Council to set those rates for the new fiscal year. She noted that the new rates will not begin until the first full pay of the new fiscal year beginning after July 1<sup>st</sup>.

There being no one else to speak, the public hearing was called to a close at 7:11 p.m.

### **ANNOUNCEMENTS**

#### **IN RE: ALCO FENCE COMMENDED**

Councilmember Rice thanked Alco Fence for the wonderful job they did on our #2 field at Windmill Park and he thought they also did the playground as well.

#### **IN RE: LAURA CANDELL COMMENDED**

Councilmember Rice thanked Laura Candell for all her hard work that she does with the girl scouts. He noted that it was very nice having them here tonight to give the prayer and lead the Pledge of Allegiance.

#### **IN RE: 120 FAIRMONT AVENUE UPDATE**

Councilmember Garcia asked if there was any update on the bank building on First Street (120 Fairmont Avenue).

Ms. Means stated that we have a few of the reports that we need to review and then we are waiting on one other piece and staff will review that and get back to Council with all that information.

#### **IN RE: MARION COUNTY SCHOOL UPDATES**

Councilmember Deasy reminded everyone that this week is Spring Break for Marion County Schools so children will be out and about.

Councilmember Deasy mentioned that it is time to register if you have your child going to any of the summer programs, also for Pre-K registration and transitional kindergarten.

Councilmember Deasy thanked the police department and other entities that are helping with the active shooter training at the area schools on Monday, April 17<sup>th</sup>. She commended Chief Shine for organizing the training and for taking time out of his

schedule to talk to our local Rotary last week.

**IN RE:           SPRING CLEANUP**

Councilmember McDaniel thanked everyone associated with the spring cleanup at Mid-City along the steams under the leadership of John Carson, city employees, Sanitary Sewer Board employees, and volunteers from the community. He noted they did a great job.

The Mayor also thanked all city employees and the departments. She noted that it was also a concerted effort with Fire, Police and CSX officials and has been a remarkable event in our community.

**CITIZENS PETITIONS**

**IN RE:           DRAINAGE PROBLEM ON OTLAHURST DRIVE**

**SUE HALE AND AMBER TENNANT**, residents of Otlahurst Drive, addressed Council regarding water that has constantly drained onto their street for the last several years.

Ms. Hale explained that they have orange water running on their street and it originates at 1596 Otlahurst Drive. She said that the water issue started around 2005 when the South Ridge Church was built and prior to that, the road was dry. She said they now have orange water coming out where there are not any storm sewer drains to catch the water. They have elderly people, children and joggers and this poses as a risk or fall factor to them. She went onto say that a representative from the Environmental Protection came to evaluate the water and his report states: "The drainage is coming from a 4" clay tile that daylight at the edge of Otlahurst Drive along the lawn edge of 1596. The orange drainage problem runs across the street then flows down the edge of the street 200 feet and this ongoing drainage with the iron is a staining problem on vehicles traveling in the residential street and it is definitely a safety hazard during freezing winter when the drainage freezes on the road." Ms. Hale said that she started talking with Donna Blood in July of 2022 in regards to this water issue. She said that she and Amber Tennant have talked with the City Manager and Mike Bragg about the standing and constant running water and the need for a drain. She said that she would like to sit down and talk to the City in terms of water diversion because they feel that the water could be diverted from the street down through a single drain right underneath that pipe underneath the street into a very low-lying area behind the properties. This property is owned by several of the neighbors and they are in favor of it being drained off the road. The DEP Inspector also encouraged outreach to the Health Department due to the standing of water and the danger it possesses in the winter months. She said that Lloyd White with the Marion County Health Department came to evaluate the standing water and felt it was a concern. Mr. White has also expressed his concerns to Mike Bragg.

Ms. Tennant said that the water has caused three-fourths of her driveway and their entire street to freeze over in the winter months. This causes a safety risk for walkers,

vehicles, and personal property. She said that she has reached out to the Street Department and they advised her that there is nothing they can because they can treat the roads to no end without any result because they can treat but there is no where for that water to go and escape. She asked the Council to allow them to have a single drain and water diversion from the road to resolve the water issue and to restore functional use, pride, and peace of mind back into the neighborhood.

Councilmember Warner asked if the EPA indicated the source of the water.

Ms. Tennant said that he mapped the source of the water and where it comes through and the iron consistency in the water is what is making it so unsightly and orange. It has a foul smell and grows algae on the pavement.

Ms. Means said that if it was a simple fix, it would have been done long ago. She said that it is not a simple fix. We have not given up on it but it is a lot more than just putting a simple drain in. If it was that, it would have been done two years ago.

Ms. Tennant said that Mike Bragg said that it could be done cheap especially with . . . .

Ms. Means said that would be wonderful.

Councilmember Rice told the residents to keep up with their Councilmember and he is sure that she will take care of them.

Councilmember Garcia asked where the water was coming from.

Ms. Tennant said that when South Ridge Church was put in, they removed five to six acres of trees up on the hill and now they have the water after they removed the trees.

### **CITY MANAGER'S REPORT**

#### **IN RE: CLEANUP ALONG THE RIVER**

The City Manager said that she would like to thank staff and all the folks that worked on the cleanup along the river.

#### **IN RE: SPRING CLEANUP**

The Manager reported that spring cleanup will be held the week of April 24-28, so on the regular trash day, they will take the additional bulk items.

### **CONSIDERATION OF COUNCIL BUSINESS**

#### **IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1971 DULY ADOPTED NOVEMBER 9, 2022, WHICH ORDINANCE PROVIDES FOR THE CITY OF FAIRMONT'S CURRENT PAY PLAN AND LIST OF OCCUPATIONAL CLASSES**

**FOR ALL CLASS TITLES AND EMPLOYEES, TO PROVIDE FOR: CERTAIN INCREASES IN ASPECTS OF THE VARIOUS PAY PLANS; AN INCREASE IN CERTIFICATION PAY; THE CREATION OF CERTAIN NEW POSITIONS; THE MODIFICATION/ADDITION OF CERTAIN CLASS PAY GRADES AND TITLES; AND OTHER STYLISTIC CHANGES**

Mayor Bolyard entertained a motion for the adoption of an ordinance amending the Pay Plan to provide for certain increases in aspects of the various Pay Plans, an increase in certification pay, creation of certain new positions and the modification of certain pay grades and titles.

Motion:

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

Discussion:

Councilmember McDaniel said that he would like to go on record saying that he will vote for this ordinance but he would like to see, after the start of the fiscal year on July 1<sup>st</sup>, a budget amendment that will make the unrepresented employees at 3% as the represented employees were. He said that he is making this request.

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. 1993 was duly adopted.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE AUTHORIZING THE RENEWAL OF A CERTAIN LETTER OF CREDIT, NO 2001-525, IN AN AMOUNT NOT TO EXCEED \$750,000.00, ISSUED BY WESBANCO BANK TO THE CITY OF FAIRMONT FOR PURPOSES OF SATISFYING A PORTION OF THE SELF-INSURED SECURITY AND INSURANCE REQUIREMENTS OF THE WEST VIRGINIA WORKERS' COMPENSATION ACT FOR FISCAL YEAR 2023-2024**

Mayor Bolyard entertained a motion for the introduction of an ordinance authorizing the renewal of a letter of credit issued by Wesbanco Bank for Workers Compensation.

Motion:

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

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

The Mayor declared the public hearing set for April 25, 2023.

**IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA, AUTHORIZING THE ADOPTION OF THE CITY OF FAIRMONT FLEXIBLE BENEFIT PLAN (CAFETERIA PLAN) TO BE EFFECTIVE JULY 1, 2023; RATIFICATION**

Mayor Bolyard entertained a motion for the adoption of a resolution authorizing the adoption of the City of Fairmont Flexible Benefit Plan (Cafeteria Plan) to be effective July 1, 2023.

Motion:

Councilmember Nuzum 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: ADOPTION, A RESOLUTION PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT 'S 2022-2023 ANNUAL BUDGET: GENERAL FUND**

Mayor Bolyard entertained a motion for the adoption of a resolution providing for a General Fund Budget Revision.

Motion:

Councilmember McDaniel 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: DIED FOR LACK OF A MOTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT CONSENTING TO AND APPROVING THE REORGANIZATION OF THE CITY'S BUILDING AND CODE ENFORCEMENT DEPARTMENT TO PROVIDE FOR CONTINUITY OF OPERATIONS IN THE ABSENCE OF A CERTIFIED BUILDING INSPECTOR OR BUILDING CODE**

**OFFICIAL AND THE EMPLOYMENT OF A PROFESSIONAL ENGINEER  
(GENERAL FUND)**

Mayor Bolyard entertained a motion for the adoption of a resolution consenting to and approving the reorganization of the Building Inspection and Code Enforcement Department.

Motion:

No motion was made, therefore, the resolution died for a lack of a motion.

The Mayor stated the resolution will not move forward due to a lack of a motion and second.

**IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA, AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR A GRANT FROM THE UNITED STATES DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION FOR A CHARGING AND FUELING INFRASTRUCTURE (CFI) DISCRETIONARY GRANT PROGRAM FOR ELECTRIC VEHICLE CHARGING STATIONS WITHIN THE CORPORATE LIMITS OF THE CITY OF FAIRMONT, AND IF SUCH GRANT IS AWARDED, FURTHER AUTHORIZING THE ACCEPTANCE THEREOF, AND PROVIDING THE CITY MANAGER OR THEIR DESIGNEE WITH AUTHORITY TO DO ALL THINGS REASONABLE AND NECESSARY IN CONNECTION THEREWITH**

Mayor Bolyard entertained a motion for the adoption of a resolution authorizing the submission of a grant application for electric vehicle charging stations within the corporate limits of the City of Fairmont.

Motion:

Councilmember Nuzum moved for the adoption of the proposed resolution. Councilmember McDaniel seconded the motion.

The Clerk read the proposed resolution by synopsis.

Discussion:

Councilmember Warner asked how is the expenditure to be put back.

Councilmember Rice asked if he was talking about the 20% match.

The City Manager said that it would be used out of our Capital Funds.

The Manager asked Mr. Strait if he knows if any of the match for this grant is in-kind or not.



Shae Strait, Director of Planning, said the full grant dockets are available and his initial review of them is that it is a complete match on the 80-20 since this is primarily for the actual construction of the infrastructure itself and not necessarily for the design. He said that he is unaware if our staff hours will count as an in-kind match on that so we may have to do a capital match.

Roll call was taken by the Clerk.

The Mayor declared the resolution adopted by unanimous vote of those Councilmembers present.

### **ADJOURNMENT**

The Mayor entertained a motion for adjournment.

Motion:

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

The Mayor declared the meeting adjourned by voice vote of Council at 7:42 p.m.