

April 12, 2022

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 12th day of April, 2022, at the Public Safety Building located at 500 Quincy Street in Fairmont, West Virginia.

Mayor Mainella called the meeting to order.

Councilmembers present were:

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

Absent:

Fifth District	Barry H. Bledsoe
----------------	------------------

Also present were:

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

IN RE: COUNCILMEMBER BLEDSOE EXCUSED

The Mayor stated that Councilmember Bledsoe was absent due to illness and asked to be excused.

Motion:

Councilmember Rice moved to excuse Councilmember Bledsoe from this meeting. The motion was seconded by Councilmember Blood.

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

IN RE: OPENING CEREMONIES

Rev. D.D. Meighen gave the invocation followed by the Pledge of Allegiance to the Flag

led by Councilmember Blood.

IN RE: FSHS BOYS BASKETBALL TEAM RECOGNIZED

Mayor Mainella recognized and extended congratulations to Coach David Retton and the FSHS Boys Basketball Team on their success as WV State AAA Champions. Coach Retton introduced the Assistance Coaches and each of the players and thanked City Council for the recognition.

Councilmembers extended congratulations to the team.

IN RE: CITY SPOTLIGHT AWARD

Mayor Mainella and Councilmember Josh Rice presented Randy Hines with a City Spotlight Award for his outstanding contribution to Windmill Park and the community. Councilmember Rice said that Mr. Hines is an unsung hero in our community and is dedicated to serving the community through his work at Windmill Park.

IN RE: PROCLAMATION PRESENTED

Mayor Mainella read a proclamation proclaiming April 2022 as Child Abuse Prevention Month. He presented the proclamation to Councilmember Blood.

IN RE: PROCLAMATION PRESENTED

The Mayor also read a proclamation proclaiming April 2022 as Fair Housing Month. He presented the proclamation to Vickie Ashcraft with the Fairmont-Morgantown Housing Authority.

APPROVAL OF MINUTES

Mayor Mainella noted that each member of Council had received a copy of the minutes from the Regular Meeting held on March 22, 2022. He asked if there were any corrections, deletions, or amendments.

Councilmember Rice moved to approve the minutes as submitted. The motion was seconded by Councilmember Blood.

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

PUBLIC HEARING

IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1917 DULY ADOPTED OCTOBER 12, 2021, 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 PAY INCREASES,

CERTIFICATION PAY FOR CERTAIN POSITIONS; RECLASSIFICATION OF CERTAIN POSITIONS; AND THE REMOVAL OF CERTAIN ANTIQUATED VACANT POSITIONS

Pursuant to a notice duly published in the Times-West Virginian on March 25, 2022, a public hearing was convened to obtain citizen input on an ordinance amending the current Pay Plan and providing for pay increases, certification pay for certain positions, reclassification of certain positions, and the removal of certain antiquated vacant positions.

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

Ms. Means spoke in favor of the proposed ordinance and asked Council to support this ordinance. She said these are the wages in this Pay Plan that have been included in the FY23 approved budget. She said that it provides us with more competitive wages for our employees that are very well deserving of such.

There being no one else to speak, the public hearing was called to a close at 7:30 p.m.

IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT GRANTING A NON-EXCLUSIVE FRANCHISE TO SPECTRUM MID-AMERICA, LLC, LOCALLY KNOWN AS CHARTER COMMUNICATIONS FOR PURPOSES OF CONSTRUCTING, OPERATING AND MAINTAINING A CABLE SYSTEM AND PROVIDING CABLE AND CABLE RELATED SERVICES TO CUSTOMERS WITHIN THE CORPORATE LIMITS OF THE CITY OF FAIRMONT AND APPROVING THE FORM AND CONTENT OF THE FRANCHISE AGREEMENT BETWEEN THE CITY AND SPECTRUM MID-AMERICA, AND AUTHORIZING THE EXECUTION AND DELIVERY THEREOF; LIMITATIONS

Pursuant to a notice duly published in the Times-West Virginian on March 22, 2022 and April 1, 2022, a public hearing was convened to obtain citizen input on an ordinance granting a franchise to Spectrum Mid-America, LLC, locally known as Charter Communications.

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

Ms. Means spoke in favor of the proposed ordinance. She also asked Council to support this ordinance. She explained that this is a renewal of the franchise agreement that we have had in place since early 2000 or the end of 1999. She noted that it was a non-exclusive franchise and does not mean that they are an exclusive provider of services.

REV. D.D. MEIGHEN spoke against the proposed ordinance. He said that he wanted to ask Spectrum to honor the local franchise agreement which is to have a public access channel. He noted that they have not had a public access channel and, if they do, they move it to a higher tier so the people have to pay more in order to receive the public access channel. He mentioned that in the cable franchise that is approved by the City, it

has to have within its framework an agenda item for local access television and it has been taken off. He then asked the City to make it part of the agreement to request and ask them about developing a public access channel.

There being no one else to speak, the public hearing was called to a close at 7:33 p.m.

ANNOUNCEMENTS

IN RE: PALATINE PARK PROGRAM RELEASED

Councilmember Rice reported that Kris Cinalli, County Administrator, has put the programs out for the Palatine Park summer events. He noted that it's going to be a rocking summer at Palatine.

IN RE: YOUTH FISHING POND

Councilmember Rice mentioned that the youth fishing pond has been stocked with 700 lbs. of trout. He noted that it is a great place for kids. He then mentioned that the DAC will be taking kids out there on June 8th. He asked the Mayor to attend that event with him on June 8th since they attended that event last year.

IN RE: DOG PARK REQUESTED

Councilmember Kennedy stated that he received a request stating that Fairmont is ready for a dog park.

Ms. Means replied that it is in the works for Morris Park.

Councilmember Cinalli mentioned that there is one at Wave Tek.

IN RE: CAREER AND COLLEGE FAIR

Councilmember Deasy reported that the Marion County Schools will be having a Career and College Industry Fair on April 26th from 5:00 p.m. to 7:00 p.m. They are encouraging 5th graders through 12th graders to attend.

IN RE: FAMILY LITERACY FAIR

Councilmember Deasy reminded everyone that Saturday, April 30th, is the Family Literacy Fair to be held at the Marion County Board of Education on Mary Lou Retton Drive from 10:00 a.m. to 2:00 p.m. She noted that this will be the 5th year for this fair.

IN RE: SUMMER SOLE PROGRAM

Councilmember Deasy reminded Marion County residents that there will be summer programming for students K-8 even if the student has been home-schooled or in a private school. She noted that they will be running this program June 21st through July

13th at various sites and the information to register is on the Marion County Board of Education website.

IN RE: UNITED WAY DAY OF ACTION

Councilmember Deasy stated that the United Way has put out information for the Day of Action which will be held on June 21st. She said that participants will have to register for that day and then pick their non-profit or the organization that they would like to work for so sign-ups are going on now.

IN RE: STREET SWEEPER

Councilmember Cinalli noted that he was happy to see the street sweeper out in the neighborhoods.

IN RE: MAIN STREET GARAGE SALE

Councilmember Blood reported that Main Street Fairmont is holding a Home Town Garage Sale on Saturday, April 16th, at the downtown Parking Garage. She encouraged everyone to attend.

IN RE: DAC RIBBON CUTTING CEREMONY

The Mayor mentioned that the ribbon cutting was held at the DAC's new facility. He said that the new facility is wonderful and he thanked City staff who put the funding together to pay our share to eliminate the bad situation and problem at Coal Run Hollow.

CITIZENS PETITIONS

IN RE: SAND TRUCKS ON CLEVELAND AVENUE

FRANK BONASSO, business address of 233 Cleveland Avenue, addressed Council regarding the number of large sand (gas and oil) trucks using Cleveland Avenue. He asked if another route could be found instead of going up and down Cleveland Avenue. He said that they make noise with the jake brakes, cause speeding and there is a lot of dust. He went on to say that a real solution would be to slow the trucks down and to ask the street sweeper to sweep Cleveland Avenue more often to slow down the dust from the trucks.

Mayor Mainella said that the City will sweep the street and then the City Manager will look into the signage.

CITY MANAGER'S REPORT

IN RE: FY ENDING JUNE 30, 2021 AUDIT REPORT PRESENTED

Ms. Means presented Council with a copy of the FY ending June 30, 2021 Audit Report. The audit was conducted by independent auditors and she is very proud to say the result was an unqualified opinion which means that there were no issues found in the review.

IN RE: STREET PAVING CONTRACT SIGNED

The City Manager reported that the street paving contract has been signed and paving will begin soon. She noted that the paving will be completed by June 15, 2022.

IN RE: GRAND OPENING OF NEW EAST SIDE FIRE STATION

The Manager announced that planning is underway for the grand opening of the new East Side Fire Station. She said more information is to come but they are looking at sometime in the first half of May for the grand opening.

IN RE: APRIL 19, 2022 LEVY MEETING

Ms. Means reminded Council of the April 19th Levy meeting. She noted that this is the last step in our budget process.

IN RE: APRIL 26, 2022 WORK SESSION

The City Manager reminded Council of the work session scheduled for Tuesday, April 26th, at 4:00 p.m. to discuss the ARPA funding and spending plan. She noted that work session will be followed by the regular Council meeting at 7:00 p.m.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1917 DULY ADOPTED OCTOBER 12, 2021, 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 PAY INCREASES, CERTIFICATION PAY FOR CERTAIN POSITIONS; RECLASSIFICATION OF CERTAIN POSITIONS; AND THE REMOVAL OF CERTAIN ANTIQUATED VACANT POSITIONS

Mayor Mainella entertained a motion for the adoption of an ordinance amending the current Pay Plan and providing for pay increases, certification pay for certain positions, reclassification of certain positions, and the removal of certain antiquated vacant positions.

Motion:

Councilmember Blood 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 those Councilmembers present and the ordinance designated as Ordinance No. 1936 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT GRANTING A NON-EXCLUSIVE FRANCHISE TO SPECTRUM MID-AMERICA, LLC, LOCALLY KNOWN AS CHARTER COMMUNICATIONS FOR PURPOSES OF CONSTRUCTING, OPERATING AND MAINTAINING A CABLE SYSTEM AND PROVIDING CABLE AND CABLE RELATED SERVICES TO CUSTOMERS WITHIN THE CORPORATE LIMITS OF THE CITY OF FAIRMONT AND APPROVING THE FORM AND CONTENT OF THE FRANCHISE AGREEMENT BETWEEN THE CITY AND SPECTRUM MID-AMERICA, AND AUTHORIZING THE EXECUTION AND DELIVERY THEREOF; LIMITATIONS

Mayor Mainella entertained a motion for the adoption of an ordinance granting a franchise to Spectrum Mid-America, LLC, locally known as Charter Communications.

Motion:

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

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

Councilmember Deasy	Yes	Councilmember Cinalli	Yes
Councilmember Blood	Yes	Councilmember Kennedy	Yes
Councilmember Rice	No	Councilmember Garcia	Yes
Councilmember Bolyard	Yes	Mayor Mainella	Yes

The Mayor declared the ordinance adopted by majority vote of those Councilmembers present and the ordinance designated as Ordinance No. 1937 was duly adopted.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR AND AUTHORIZING THE TRANSFER AND CONVEYANCE OF CERTAIN PARCELS OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT:

**PCL MONROE ST
MAP 03-01 PARCEL 0159
FAIRMONT CITY DISTRICT, MARION COUNTY, WV**

**PCL 2 CLEVELAND AVE
MAP 03-01 PARCEL 0158
FAIRMONT CITY DISTRICT, MARION COUNTY, WV**

**FROM MAIN STREET FAIRMONT, INC., TO THE CITY OF FAIRMONT ;
RATIFICATION**

Mayor Mainella entertained a motion for the introduction of an ordinance providing for the transfer and conveyance of parcels of real estate on Monroe Street from Main Street Fairmont to the City of Fairmont.

Motion:

Councilmember Kennedy moved for the introduction of the proposed ordinance. Councilmember Blood seconded the motion.

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

The Mayor declared the public hearing set for April 26, 2022.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN
ORDINANCE PROVIDING FOR THE SALE OF ONE (1) CANINE UNIT, SPUR,
OWNED BY THE CITY OF FAIRMONT TO THE TOWN OF WHITEHALL**

Mayor Mainella entertained a motion for the introduction of an ordinance providing for the sale of one Canine Unit, Spur, owned by the City of Fairmont to the Town of Whitehall.

Motion:

Councilmember Rice moved for the introduction of the proposed ordinance. Councilmember Blood seconded the motion.

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

The Mayor declared the public hearing set for April 26, 2022.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN
ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR
THE EXECUTION, DELIVERY AND ACCEPTANCE OF A CONFIRMATORY DEED
AND AGREEMENT FOR THE PURPOSES OF ACKNOWLEDGING, RECITING AND
SETTING FORTH THE DESCRIPTION OF THE 26% OF THE CITY-COUNTY
COMPLEX OWNED BY THE CITY OF FAIRMONT; GRANTING, CONVEYING AND
CONFIRMING TITLE AND ACCESS THERETO IN THE NAME OF THE CITY OF
FAIRMONT; AND MEMORIALIZING THE ALLOCATION OF CERTAIN
INTERESTS/EXPENSES**

Mayor Mainella entertained a motion for the introduction of an ordinance providing for the acceptance of a confirmatory deed and agreement for the purposes of acknowledging the 26% of the City-County Complex owned by the City of Fairmont and granting title in the name of the City of Fairmont.

Motion:

Councilmember Rice moved for the introduction of the proposed ordinance. Councilmember Blood seconded the motion.

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

The Mayor declared the public hearing set for April 26, 2022.

IN RE: ADOPTION, A RESOLUTION TO RESCHEDULE THE REGULAR CITY COUNCIL MEETING OF TUESDAY, MAY 10, 2022 TO WEDNESDAY, MAY 11, 2022 AS PER SECTION 1.3 OF COUNCIL'S RULES OF ORDER AND PROCEDURE

Mayor Mainella entertained a motion for the adoption of a resolution to reschedule the Tuesday, May 10, 2022 Council meeting to Wednesday, May 11, 2022 because of the Primary Election being recognized a legal State holiday.

Motion:

Councilmember Kennedy moved for the adoption of the proposed resolution. Councilmember Blood 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 TO RESCHEDULE THE REGULAR CITY COUNCIL MEETING OF TUESDAY, NOVEMBER 8, 2022 TO WEDNESDAY, NOVEMBER 9, 2022 AS PER SECTION 1.3 OF COUNCIL'S RULES OF ORDER AND PROCEDURE

Mayor Mainella entertained a motion for the adoption of a resolution to reschedule the Tuesday, November 8, 2022 Council meeting to Wednesday, November 9, 2022 because of the General Election being recognized a legal State holiday.

Motion:

Councilmember Deasy moved for the adoption of the proposed resolution. Councilmember Kennedy 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 2021-2022 ANNUAL BUDGET: GENERAL FUND

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

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: ADOPTION, A RESOLUTION IN SUPPORT OF UKRAINE

Mayor Mainella entertained a motion for the adoption of a resolution in support of Ukraine.

Motion:

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

ADJOURNMENT

The Mayor entertained a motion for adjournment.

Motion:

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

The Mayor declared the meeting adjourned by voice vote of Council at 8:00 p.m.