

May 24, 2022

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 24th day of May, 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
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:

Fourth District	Richard (Rick) Garcia
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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
Director of Planning	Shae Strait
Carly Jones	Assistant City Planner
Utility Manager	John Carson
Building Inspector	Ken Fletcher

IN RE: OPENING CEREMONIES

Bob Pirner gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Rice.

IN RE: COUNCILMEMBER GARCIA EXCUSED

Councilmember Rice moved to excuse Councilmember Garcia from tonight's meeting. Councilmember Bledsoe seconded the motion.

The Mayor declared Councilmember Garcia 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 May 11, 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.

IN RE: SCOUTS IN ATTENDANCE

The Mayor introduced two scouts, Marley Rider and Maleah Deel, who was in attendance. He said they are working on their merit badge and one of the requirements is that they attend a City Council meeting.

PUBLIC HEARINGS

IN RE: 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 2022-2023

Pursuant to a notice duly published in the Times-West Virginian on May 13, 2022, a public hearing was convened to obtain citizen input on an ordinance authorizing the renewal of the Letter of Credit issued by WesBanco Bank for Workers' Compensation.

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

Ms. Means spoke in favor of the proposed ordinance. She said this is part of our self-insurance requirement and once the final amount is received, a supplemental resolution will come to Council for adoption.

There being no one else to speak, the public hearing was called to a close at 7:07 p.m.

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 THE CITY OF FAIRMONT'S CODIFIED PLANNING AND ZONING CODE AND MORE PARTICULARLY 2.2 INTENT TO ADD THE FOLLOWING DEFINITIONS: CREMATORIUM AND FUNERAL SERVICES; SAVINGS CLAUSE

Pursuant to a notice duly published in the Times-West Virginian on May 13, 2022, a public hearing was convened to obtain citizen input on an ordinance amending Article

2.0 Definitions of the Planning and Zoning Code to add Crematorium and Funeral Services.

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

Shay Strait spoke in favor of the proposed ordinance. He said this is one of three ordinances that will adjust the regulations pertaining to funeral services and crematoriums. This was brought forward by a local business and this will define these two services and place them in the permitted use chart to regulate them within certain zoning districts and clarify the standards that apply to those two uses. He said currently funeral services are covered under personal services, they are a retail service, and then crematoriums are not listed which is what initially prompted this proposed change. The Planning Commission met on this and voted it favorably on with the next two ordinances relating to this to City Council.

There being no one else to speak, the public hearing was called to a close at 7:10 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 THE CITY'S CODIFIED PLANNING AND ZONING CODE TO AMEND AND SUPPLEMENT THE USE CHART, TABLE 3-A PERMITTED PRINCIPAL USES, TO ACCOMMODATE THE CHANGES AND THUS THE PERMITTED USES AND CONDITIONAL USES RELATING TO CREMATORIUM AND FUNERAL SERVICES

Pursuant to a notice duly published in the Times-West Virginian on May 13, 2022, a public hearing was convened to obtain citizen input on an ordinance amending Article 3.0 Zoning Districts of the Planning and Zoning Code relating to Crematorium and Funeral Services.

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 7:11 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 THE CITY'S CODIFIED PLANNING AND ZONING CODE TO CREATE USE STANDARDS FOR CREMATORIUMS

Pursuant to a notice duly published in the Times-West Virginian on May 13, 2022, a public hearing was convened to obtain citizen input on an ordinance amending Article 4.0 Use Standards of the Planning and Zoning Code to create use standards for crematoriums.

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 7:12 p.m.

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 THE CITY OF FAIRMONT'S CODIFIED PLANNING AND ZONING CODE AND MORE PARTICULARLY 2.2 INTENT TO ADD A DEFINITION FOR ANIMAL BOARDING ESTABLISHMENT AND TO AMEND THE DEFINITION ANIMAL CARE ESTABLISHMENT; SAVINGS CLAUSE

Pursuant to a notice duly published in the Times-West Virginian on May 13, 2022, a public hearing was convened to obtain citizen input on an ordinance amending Article 2.0 Definitions of the Planning and Zoning Code to add a definition for Animal Boarding Establishment and amend the definition of Animal Care Establishment.

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

Shay Strait spoke in favor of the proposed ordinance. He said this ordinance and the next two impact animal care establishments. He explained that these three ordinances separate out the three uses to be regulated independently with animal grooming being re-categorized as just a personal service and animal care and animal boarding establishments will be regulated separately. He added that all boarding must be done indoor and there are additional requirements to make sure that the animals are kept in a safe and healthy environment. The Planning Commission did meet on these three ordinances and forwarded them to City Council with their favorable recommendation.

There being no one else to speak, the public hearing was called to a close at 7:14 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 THE CITY'S CODIFIED PLANNING AND ZONING CODE TO AMEND AND SUPPLEMENT THE USE CHART, TABLE 3-A PERMITTED PRINCIPAL USES, TO ACCOMMODATE THE CHANGES AND THUS THE PERMITTED USES AND CONDITIONAL USES RELATING TO ANIMAL BOARDING ESTABLISHMENTS AND ANIMAL CARE ESTABLISHMENTS

Pursuant to a notice duly published in the Times-West Virginian on May 13, 2022, a public hearing was convened to obtain citizen input on an ordinance amending Article 3.0 Zoning Districts of the Planning and Zoning Code to accommodate the changes relating to Animal Boarding Establishments and Animal Care Establishments.

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 7:15 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 THE CITY'S CODIFIED PLANNING AND ZONING CODE TO

REFLECT THAT THE STANDARDS SET FORTH IN SECTION 4.44 APPLY TO BOTH ANIMAL BOARDING ESTABLISHMENTS AND ANIMAL CARE ESTABLISHMENTS

Pursuant to a notice duly published in the Times-West Virginian on May 13, 2022, a public hearing was convened to obtain citizen input on an ordinance amending Article 4.0 Use Standards of the Planning and Zoning Code to reflect the standards set forth to Animal Boarding Establishments and Animal Care Establishments.

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 7:16 p.m.

IN RE: AN ORDINANCE AMENDING ARTICLE 1765 FLOODPLAIN REGULATIONS TO ELIMINATE THE FLOOD PLAIN DETERMINATION FEE PROVIDED BY SECTION 1765.07(J)

Pursuant to a notice duly published in the Times-West Virginian on May 13, 2022, a public hearing was convened to obtain citizen input on an ordinance amending Article 1765 Floodplain Regulations to eliminate the Floodplain Fee provided in Section 17659(j).

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

Shay Strait also spoke in favor of this proposed ordinance. He said as part of our adjustment of the permit fees, we have proposed for this elimination. He said there are few properties within our corporate limits are actually within the floodplain or have buildable land in the floodplain. He said that review is not needed for the vast majority of properties and we can make this determination within the matter of seconds or minutes. Seeing that this is an undue burden, we have proposed for the elimination of this \$10.00 fee.

There being no one else to speak, the public hearing was called to a close at 7:17 p.m.

IN RE: AN ORDINANCE AMENDING AND SUPPLEMENTING THAT PORTION OF CITY ORDINANCE NO. 1863, WHICH IS CODIFIED AS SECTION 1709.01 OF THE CITY CODE TO PROVIDE FOR A CERTAIN REVISION TO THE STATE BUILDING CODE PROMULGATED BY THE WEST VIRGINIA STATE FIRE COMMISSION AND ESTABLISHED BY LEGISLATIVE RULE, TITLE 87, SERIES 4, TO BE EFFECTIVE AUGUST 1, 2022

Pursuant to a notice duly published in the Times-West Virginian on May 13, 2022, a public hearing was convened to obtain citizen input on an ordinance to provide for a certain revision to the State Building Codes to be effective August 1, 2022.

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

Ken Fletcher spoke in favor of this proposed ordinance. He said the State adopts the building codes every three years and this updated the new codes adopted by the State. This will move our codes up to the 2018 Building Codes and the 2020 Electrical Codes. He added that once the State adopts the new codes, then we have to adopt them afterwards.

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

IN RE: AN ORDINANCE AMENDING AND SUPPLEMENTING CITY ORDINANCE NO. 1864 WHICH IS CODIFIED AS PART 17 BUILDING AND HOUSING CODE, ARTICLE 1709 WEST VIRGINIA STATE BUILDING CODE, OF THE CITY CODE, AND PARTICULARLY, SECTION 1709.02 SCHEDULE FOR PERMIT FEES AND PENALTIES AND SECTION 1709.03 DISCRETIONARY PROVISIONS THEREOF, TO PROVIDE FOR INCREASED FEES TO BE EFFECTIVE JULY 1, 2022, AND TO ACCOMMODATE THE REVISIONS TO THE STANDARDS AND REQUIREMENTS OF THE STATE BUILDING CODE PROMULGATED BY THE WEST VIRGINIA STATE FIRE COMMISSION AND ESTABLISHED BY LEGISLATIVE RULE, TITLE 87, SERIES 4, FILED JANUARY 7, 2022, AND TO BE EFFECTIVE AUGUST 1, 2022

Pursuant to a notice duly published in the Times-West Virginian on May 13, 2022, a public hearing was convened to obtain citizen input on an ordinance to provide for increased fees for building permits to be effective July 1, 2022 and to accommodate the revisions of the State Building Codes.

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

Ms. Means spoke in favor of this ordinance. She said this ordinance does two things, it speaks to the discretionary provisions of the Fire Code and it is bringing up to the 2018 provisions of the State and it also includes the increases to the permit fees that we discussed during the budget work session and which have already been included in our budget for the new fiscal year beginning July 1, 2022. This ordinance and the next ordinance all have to do with the budgetary numbers that we put in for our building permits.

There being no one else to speak, the public hearing was called to a close at 7:21 p.m.

IN RE: AN ORDINANCE AMENDING AND SUPPLEMENTING THAT PORTION OF ORDINANCE NO. 403, AS AMENDED BY ORDINANCE NO. 1365, ORDINANCE NO. 1486, ORDINANCE NO. 1624, ORDINANCE NO. 1701, AND ORDINANCE NO. 1881, WHICH IS CODIFIED AS PART 15 FIRE PREVENTION CODE, ARTICLE 1507, BUREAU FOR FIRE PREVENTION, SECTION .07 STATE CODE AND FIRE MARSHAL RULES, OF THE CODE OF THE CITY OF FAIRMONT, TO PROVIDE FOR THE ADOPTION OF THE STANDARDS AND REQUIREMENTS SET OUT IN TITLE 87 LEGISLATIVE RULE, FIRE COMMISSION, SERIES 1 FIRE CODE, AND ESTABLISHED AND ADOPTED BY THE STATE OF WEST VIRGINIA, TO BE EFFECTIVE AUGUST 1, 2022, EXCLUDING HOWEVER ALL STANDARDS

AND REQUIREMENTS DIRECTED TO THE OPERATION OF LOCAL FIRE DEPARTMENTS, IF ANY

Pursuant to a notice duly published in the Times-West Virginian on May 13, 2022, a public hearing was convened to obtain citizen input on an ordinance to provide for an amendment to the State Fire Codes.

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

Ed Simmons spoke in favor of this ordinance. He said the State adopted new fire codes and this allows us to enforce these codes at the local level.

There being no one else to speak, the public hearing was called to a close at 7:22 p.m.

IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ARTICLE 8.0 ADMINISTRATION, APPEALS AND ENFORCEMENT OF THE PROVISIONS OF THE CITY'S CODIFIED PLANNING AND ZONING CODE TO CREATE A FEES SECTION TO BE CODIFIED AS SECTION 8.11 AND TO CREATE A ZONING PERMIT FEE OF \$20.00

Pursuant to a notice duly published in the Times-West Virginian on May 13, 2022, a public hearing was convened to obtain citizen input on an ordinance amending Article 8.0 of the Planning and Zoning Code to create a Zoning Permit Fee of \$20.00.

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

Shay Strait spoke in favor of this ordinance. He said this is proposing for the creation of a zoning permit fee which currently does not exist. He said the amount has been set at \$20.00 and this will be in relation to the adjustment of the building permit fee. He said this will be a permit which will cover things not covered under the building code but do apply to the zoning code. He added that this fee will not overlap with the building permit fees and they will not pay this fee in addition.

There being no one else to speak, the public hearing was called to a close at 7:24 p.m.

ANNOUNCEMENTS

IN RE: GRAND OPENING OF NEW EAST SIDE FIRE STATION

Councilmember Rice stated that he was excited for the grand opening of the new East Side Fire Station tomorrow.

Councilmember Bolyard thanked City leadership for making tomorrow possible for the opening of the new East Side Fire Station.

Mayor Mainella stated that he was also excited about the dedication of the East Side Fire Station. He noted that it was an exciting time for Fairmont.

IN RE: THREE RIVERS FESTIVAL

Councilmember Rice reported that the Three Rivers Festival opens up tomorrow. He noted that the parade will be on Thursday at 6:00 p.m.

IN RE: ADDITIONAL LAND FROM NOVELIS

Councilmember Kennedy said that he thought it was very important for the recognition for Novelis for their gift to the City of additional land for the Norwood Park. He suggested presenting Novelis with a plaque showing City Council's appreciation.

Ms. Means said that she has already spoken to staff and will see when Novelis can come in to receive the plaque.

Councilmember Kennedy said that Council would like to do a tour of the facility and present the plaque during the tour.

IN RE: GARBAGE NEAR THIRD STREET BRIDGE

Councilmember Bledsoe mentioned the garbage mess below the Third Street Bridge from someone who is camped there. He said that plans are in place for getting it corrected and it's not going to be an easy job because there are all kinds of unsafe things there that needs looked at.

IN RE: PRESIDENT OF FAIRMONT STATE UNIVERSITY

Councilmember Bledsoe said that he was sad and angered about the decision to cut Dr. Martin short after she had offered to stay until the end of December which would have made for a great and efficient transition to whoever takes her place. This decision was not in the best interest of FSU and the students.

IN RE: RAIN BARREL DEMONSTRATION

Councilmember Deasy thanked everyone for putting together the rain barrel demonstration last week. She said she learned a lot and got her rain barrel almost ready to go.

IN RE: CONGRATULATIONS TO MARION COUNTY GRADUATES

Councilmember Deasy extended congratulations to the Marion County Graduates.

IN RE: FLAGS AND FLOWER PLANTERS IN DOWNTOWN

Councilmember Blood stated that the flags and flower planters look great in the downtown area.

IN RE: HOMETOWN MARKET

Councilmember Blood reported that the Hometown Market last Saturday was really fun and a huge success. She encouraged everyone to attend the next one.

IN RE: JULIA PIERPONT DAY

The Mayor reported that Saturday will be the annual Julia Pierpont Day and it will be a very nicely done historic ceremony.

CITIZENS PETITIONS

IN RE: BIG TRUCK LEGISLATION

MATTHEW MUIR, a resident of Michigan, addressed Council regarding the need for big truck legislation. He said he is with the Coalition Against Bigger Trucks. He said federal legislation is being proposed which could harm public safety and infrastructure. He said there are two proposals in particular. He said the first would raise the national weight limit from 80,000 lbs. to 91,000 lbs. and the second would raise the length of double trailer trucks from 28 ft. each to 33 ft. each. After his presentation, he asked the City Council to draft a resolution asking that the trucking industry does not make trucks any bigger than what they currently are now. He presented each Councilmember with a packet of information and a sample resolution to consider.

CITY MANAGER'S REPORT

IN RE: THREE RIVERS FESTIVAL

The City Manager reminded everyone of the upcoming Three Rivers Festival.

IN RE: COMMUNITY LOOKING BEAUTIFUL

Ms. Means reported that the community is looking beautiful and looking forward to the rest of spring and summer.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, 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 2022-2023

Mayor Mainella entertained a motion for the adoption of an ordinance authorizing the renewal of the Letter of Credit issued by WesBanco Bank for Workers' Compensation.

Motion:

Councilmember Blood moved for the adoption of the proposed ordinance. Councilmember Deasy 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. 1942 was duly adopted.

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 THE CITY OF FAIRMONT'S CODIFIED PLANNING AND ZONING CODE AND MORE PARTICULARLY 2.2 INTENT TO ADD THE FOLLOWING DEFINITIONS: CREMATORIUM AND FUNERAL SERVICES; SAVINGS CLAUSE

Mayor Mainella entertained a motion for the adoption of an ordinance amending Article 2.0 Definitions of the Planning and Zoning Code to add Crematorium and Funeral Services.

Motion:

Councilmember Bledsoe 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. 1943 was duly adopted.

IN RE: ADOPTION, 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, TO ACCOMMODATE THE CHANGES AND THUS THE PERMITTED USES AND CONDITIONAL USES RELATING TO CREMATORIUM AND FUNERAL SERVICES

Mayor Mainella entertained a motion for the adoption of an ordinance amending Article 3.0 Zoning Districts of the Planning and Zoning Code relating to Crematorium and Funeral Services.

Motion:

Councilmember Kennedy moved for the adoption of the proposed ordinance. Councilmember Blood 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. 1944 was duly adopted.

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 THE CITY'S CODIFIED PLANNING AND ZONING CODE TO CREATE USE STANDARDS FOR CREMATORIUMS

Mayor Mainella entertained a motion for the adoption of an ordinance amending Article 4.0 Use Standards of the Planning and Zoning Code to create use standards for Crematoriums.

Motion:

Councilmember Deasy moved for the adoption of the proposed ordinance. Councilmember Blood 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. 1945 was duly adopted.

IN RE: ADOPTION, 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 ADD A DEFINITION FOR ANIMAL BOARDING ESTABLISHMENT AND TO AMEND THE DEFINITION ANIMAL CARE ESTABLISHMENT; SAVINGS CLAUSE

Mayor Mainella entertained a motion for the adoption of an ordinance amending Article 2.0 Definitions of the Planning and Zoning Code to add a definition for Animal Boarding Establishment and amend the definition of Animal Care Establishment.

Motion:

Councilmember Rice moved for the adoption of the proposed ordinance. Councilmember Kennedy 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. 1946 was duly adopted.

IN RE: ADOPTION, 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, TO ACCOMMODATE THE CHANGES AND THUS THE PERMITTED USES AND CONDITIONAL USES RELATING TO ANIMAL BOARDING ESTABLISHMENTS AND ANIMAL CARE ESTABLISHMENTS

Mayor Mainella entertained a motion for the adoption of an ordinance amending Article 3.0 Zoning Districts of the Planning and Zoning Code to accommodate the changes relating to Animal Boarding Establishments and Animal Care Establishments.

Motion:

Councilmember Deasy 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. 1947 was duly adopted.

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 THE CITY'S CODIFIED PLANNING AND ZONING CODE TO REFLECT THAT THE STANDARDS SET FORTH IN SECTION 4.44 APPLY TO BOTH ANIMAL BOARDING ESTABLISHMENTS AND ANIMAL CARE ESTABLISHMENTS

Mayor Mainella entertained a motion for the adoption of an ordinance amending Article 4.0 Use Standards of the Planning and Zoning Code to reflect that the standards set for in Section 4.44 apply to both Animal Boarding Establishments and Animal Care Establishments.

Motion:

Councilmember Kennedy 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. 1948 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE AMENDING ARTICLE 1765 FLOODPLAIN REGULATIONS TO ELIMINATE THE FLOOD PLAIN DETERMINATION FEE PROVIDED BY SECTION 1765.07(J)

Mayor Mainella entertained a motion for the adoption of an ordinance amending Article 1765 Floodplain Regulations to eliminate the Floodplain Fee provided in Section 17659(j).

Motion:

Councilmember Rice moved for the adoption of the proposed ordinance. Councilmember Blood 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. 1949 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE AMENDING AND SUPPLEMENTING THAT PORTION OF CITY ORDINANCE NO. 1863, WHICH IS CODIFIED AS SECTION 1709.01 OF THE CITY CODE TO PROVIDE FOR A CERTAIN REVISION TO THE STATE BUILDING CODE PROMULGATED BY THE WEST VIRGINIA STATE FIRE COMMISSION AND ESTABLISHED BY LEGISLATIVE RULE, TITLE 87, SERIES 4, TO BE EFFECTIVE AUGUST 1, 2022

Mayor Mainella entertained a motion for the adoption of an ordinance to provide for a certain revision to the State Building Codes to be effective August 1, 2022.

Motion:

Councilmember Rice moved for the adoption of the proposed ordinance. Councilmember Kennedy 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. 1950 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE AMENDING AND SUPPLEMENTING CITY ORDINANCE NO. 1864 WHICH IS CODIFIED AS PART 17 BUILDING AND

HOUSING CODE, ARTICLE 1709 WEST VIRGINIA STATE BUILDING CODE, OF THE CITY CODE, AND PARTICULARLY, SECTION 1709.02 SCHEDULE FOR PERMIT FEES AND PENALTIES AND SECTION 1709.03 DISCRETIONARY PROVISIONS THEREOF, TO PROVIDE FOR INCREASED FEES TO BE EFFECTIVE JULY 1, 2022, AND TO ACCOMMODATE THE REVISIONS TO THE STANDARDS AND REQUIREMENTS OF THE STATE BUILDING CODE PROMULGATED BY THE WEST VIRGINIA STATE FIRE COMMISSION AND ESTABLISHED BY LEGISLATIVE RULE, TITLE 87, SERIES 4, FILED JANUARY 7, 2022, AND TO BE EFFECTIVE AUGUST 1, 2022

Mayor Mainella entertained a motion for the adoption of an ordinance to provide for increased fees for building permits to be effective July 1, 2022 and to accommodate the revisions of the State Building Codes.

Motion:

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

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

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

The Mayor declared the ordinance adopted by majority vote of those Councilmembers present and the ordinance designated as Ordinance No. 1951 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE AMENDING AND SUPPLEMENTING THAT PORTION OF ORDINANCE NO. 403, AS AMENDED BY ORDINANCE NO. 1365, ORDINANCE NO. 1486, ORDINANCE NO. 1624, ORDINANCE NO. 1701, AND ORDINANCE NO. 1881, WHICH IS CODIFIED AS PART 15 FIRE PREVENTION CODE, ARTICLE 1507, BUREAU FOR FIRE PREVENTION, SECTION .07 STATE CODE AND FIRE MARSHAL RULES, OF THE CODE OF THE CITY OF FAIRMONT, TO PROVIDE FOR THE ADOPTION OF THE STANDARDS AND REQUIREMENTS SET OUT IN TITLE 87 LEGISLATIVE RULE, FIRE COMMISSION, SERIES 1 FIRE CODE, AND ESTABLISHED AND ADOPTED BY THE STATE OF WEST VIRGINIA, TO BE EFFECTIVE AUGUST 1, 2022, EXCLUDING HOWEVER ALL STANDARDS AND REQUIREMENTS DIRECTED TO THE OPERATION OF LOCAL FIRE DEPARTMENTS, IF ANY

Mayor Mainella entertained a motion for the adoption of an ordinance to provide for an amendment to the State Fire Codes.

Motion:

Councilmember Blood 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. 1952 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ARTICLE 8.0 ADMINISTRATION, APPEALS AND ENFORCEMENT OF THE PROVISIONS OF THE CITY'S CODIFIED PLANNING AND ZONING CODE TO CREATE A FEES SECTION TO BE CODIFIED AS SECTION 8.11 AND TO CREATE A ZONING PERMIT FEE OF \$20.00

Mayor Mainella entertained a motion for the adoption of an ordinance amending Article 8.0 of the Planning and Zoning Code to create a Zoning Permit Fee of \$20.00.

Motion:

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

Discussion:

Councilmember Bolyard asked if this fee is comparable to the surrounding municipalities.

Mr. Strait responded by saying that in reference to the staff time that will be dedicated to reviewing a zoning permit, this probably won't even equate to the number of hours and time spent on reviewing the plans. He said that the previous municipality that he worked at, it was only \$5.00, however, they found it very insufficient. He is unsure what the surrounding cities charge.

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

Councilmember Kennedy	Yes	Councilmember Bledsoe	Yes
Councilmember Blood	Yes	Councilmember Rice	No
Councilmember Cinalli	Yes	Councilmember Deasy	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. 1953 was duly adopted.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT AUTHORIZING THE PURCHASE OF A REVISED PARCEL OF REAL ESTATE OF

APPROXIMATELY 6.57 ACRES, MORE OR LESS, FROM CSX TRANSPORTATION, INC., FOR THE DEVELOPMENT OF THE WEST FAIRMONT RAIL-TRAIL SYSTEM, 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

Mayor Mainella entertained a motion for the introduction of an ordinance authorizing the purchase of a revised parcel of real estate of approximately 6.57 acres from CSX Transportation for the development of the Rail-Trail.

Motion:

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

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

The Mayor declared the public hearing set for June 14, 2022. Councilmember Bledsoe abstained from setting the public hearing.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 1814, ADOPTED MAY 14, 2019, WHICH IS CODIFIED AS PART 9 STREETS, UTILITIES AND PUBLIC SERVICES CODE, ARTICLE 929 WATER REGULATIONS AND CHARGES OF THE CITY CODE, AND PARTICULARLY, SECTION 929.01 WATER SYSTEM CHARGES AND FEES, TO PROVIDE FOR INCREASED CHARGES AND FEES TO BE INITIALLY EFFECTIVE 45 DAYS AFTER PASSAGE

Mayor Mainella entertained a motion for the introduction of an ordinance to provide for increased charges and fees for Water rates.

Motion:

Councilmember Bledsoe 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 June 14, 2022. The majority of Council was in favor of setting the public hearing.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE CITY OF FAIRMONT TO PROVIDE FOR INCREASED RATES, FEES AND CHARGES FOR THE USE OF THE CITY OF FAIRMONT'S SEWAGE SYSTEM FOR ALL CLASSES OF CUSTOMERS, TO BE CODIFIED AS

FAIRMONT CITY CODE ARTICLE 925 "SEWER CHARGES", AND MORE PARTICULARLY SECTION 925.02 "RATES, FEES AND CHARGES" THEREOF, WHICH RATES, FEES AND CHARGES ARE TO BE INITIALLY EFFECTIVE 60 DAYS AFTER PASSAGE

Mayor Mainella entertained a motion for the introduction of an ordinance to provide for increased rates and fees for Sewer rates.

Motion:

Councilmember Bledsoe 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 June 14, 2022. No objection was voiced to set the public hearing.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE AMENDING AND SUPPLEMENTING THAT CERTAIN PORTION OF ORDINANCE NO. 1338, ADOPTED MARCH 14, 2006, WHICH IS CODIFIED AS PART 9 STREETS, UTILITIES AND PUBLIC SERVICES CODE, ARTICLE 945 STORMWATER RATES, FEES AND CHARGES OF THE CITY CODE, AND PARTICULARLY, SECTION 945.04 FEES, TO PROVIDE FOR INCREASED FEES TO BE INITIALLY EFFECTIVE 45 DAYS AFTER PASSAGE

Mayor Mainella entertained a motion for the introduction of an ordinance to provide for increased fees for Stormwater rates.

Motion:

Councilmember Bledsoe 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 June 14, 2022. No objection was voiced to set the public hearing.

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 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 OF THE COUNCIL OF THE CITY OF FAIRMONT AUTHORIZING THE CITY MANAGER TO SUBMIT THE PROPOSED FIRE DEFERRED RETIREMENT OPTION PLAN (DROP) AGREEMENT TO THE MUNICIPAL PENSIONS OVERSIGHT BOARD PURSUANT TO THE PROVISIONS OF WEST VIRGINIA CODE §8-22-25A

Mayor Mainella entertained a motion for the adoption of a resolution authorizing the City Manager to submit proposed Fire Deferred Retirement Option Plan (DROP) Agreement to the Municipal Pensions Oversight Board.

Motion:

Councilmember Rice moved for the adoption of the proposed resolution. Councilmember Deasy 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 OF THE COUNCIL OF THE CITY OF FAIRMONT, MARION COUNTY, WEST VIRGINIA, AUTHORIZING THE ISSUANCE OF A STATEMENT OF THE CITY OF FAIRMONT'S INTEREST IN PARTICIPATING IN THE DEVELOPMENT OF A HAZARD MITIGATION ASSISTANCE PROGRAM PLAN UPDATE

Mayor Mainella entertained a motion for the adoption of a resolution authorizing the issuance of a statement of the City's interest in the Development of a Hazard Mitigation Assistance Program Plan Update.

Motion:

Councilmember Kennedy 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.

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 8:10 p.m.