

**August 8, 2023**

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 8<sup>th</sup> day of August, 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
Third District	Rebecca Moran
Fourth District	Richard (Rick) Garcia
Fifth District	Charles (Chuck) Warner
Sixth District	Gia Deasy
Seventh District	Nicholas (Nicky) Cinalli
Eighth District	Bruce McDaniel
Ninth District	Kandice (Kandi) Nuzum

Also present were:

City Manager	Valerie A. Means
City Attorney	Kevin V. Sansalone
City Clerk	Janet L. Keller
Communications Manager	David Kirk

**IN RE: OPENING CEREMONIES**

Rev. Richard Bowyer gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember McDaniel.

**IN RE: PROCLAMATIONS PRESENTED**

Mayor Bolyard presented two proclamations to Retired Sgt. David Tucker. One proclamation proclaimed August 7<sup>th</sup> as National Purple Heart Day and the other one was in honor of the United States Coast Guard's 233<sup>rd</sup> Birthday on August 4<sup>th</sup>.

**APPROVAL OF MINUTES**

Mayor Bolyard noted that each member of Council had received a copy of the minutes from the Regular Meeting held on July 25, 2023. She asked if there were any corrections, deletions, or amendments.

Councilmember McDaniel 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 HEARING S**

**IN RE: AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT AUTHORIZING THE PURCHASE OF A TRACT OF REAL ESTATE OF APPROXIMATELY 6.036 ACRES, MORE OR LESS, FROM STEPHEN L. BARNES AND LINDA S. BARNES, SPOUSES, AND JOHN W. CARPENTER AND KAREN D. CARPENTER, SPOUSES, FOR THE DEVELOPMENT OF A PORTION 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**

Pursuant to a notice duly published in the Times-West Virginian on July 28, 2023, a public hearing was convened to obtain citizen input on an ordinance authorizing the purchase of real estate from Stephen L. Barnes and Linda S. Barnes and John W. Carpenter and Karen D. Carpenter for the development of the West Fairmont Rail-Trail System.

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 7:13 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 DEFINITIONS FOR LIVESTOCK AND POULTRY**

Pursuant to a notice duly published in the Times-West Virginian on July 28, 2023, a public hearing was convened to obtain citizen input on an ordinance amending Article 2.0 Definitions and Measurements of the City's Planning and Zoning Code to add definitions for livestock and poultry.

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 7:14 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 HOME GARDEN; ZONING PERMIT REQUIRED; AND BEE KEEPING REGULATIONS**

Pursuant to a notice duly published in the Times-West Virginian on July 28, 2023, a public hearing was convened to obtain citizen input on an ordinance amending Article 4.0 Use

Standards of the City's Planning and Zoning Code to create use standards for home gardens and beekeeping regulations.

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

**WAYNE SHAVER**, 9 Freeland Street, addressed Council and spoke in favor of the beekeeping. He said that currently beekeeping is not allowed in the city limits of Fairmont and he shared several reasons why it should be allowed. He said that beekeeping is a therapy and it benefits the environment and he did not see why we should not have it here in Fairmont.

**AUSTIN MANGUS**, 824 - 4<sup>th</sup> Street, also spoke in favor of beekeeping. He said that he started beekeeping a year and half ago. He noted that honey bees are much more docile than wasp and other bees. He said that his bees have never stung anyone in a 4-mile radius. He then said that the City should allow beekeeping in Fairmont.

Councilmember Rice noted that he was an illegal beekeeper in the City of Fairmont, by accident. He said that bees are actually very interesting and once you learn about them, you find out about the health it can have from the honey and the people in the area that were always wanting honey for asthma. He said that he was for bees and thought it would be a great thing to add to our City.

There being no one else to speak, the public hearing was called to a close at 7:20 p.m.

### **ANNOUNCEMENTS**

#### **IN RE: FRIENDSHIP FAIRMONT**

Councilmember Moran stated that Friendship Fairmont has had an increase in client traffic and food and right now they only have enough food to provide snacks and on-the-go things for their clients about two and half weeks of each month.

#### **IN RE: NEW PRESIDENTS AT FSU AND PIERPONT**

Councilmember Moran announced that we have two new Presidents at both Pierpont and at Fairmont State. They have already made a very intentional move to make themselves at home in our community and be a part of Fairmont. She added that we all should make them know that Fairmont values them and wants them here.

#### **IN RE: MOVE-IN WEEK FOR FSU**

Councilmember Moran reported that move-in week at Fairmont State is August 17<sup>th</sup> - 20<sup>th</sup>. She said that they have asked to put up signs stating "Welcome Back Students."

#### **IN RE: WVML CONFERENCE**

Councilmember Moran also reported that she attended the WV Municipal League

Conference last week at Oglebay. She noted that it was a really great event and a good opportunity to talk with other Councilmembers around the state about what they are doing and what is working for them and what is not. She noted that it was great to get some new ideas.

Councilmember Deasy said that the Municipal League was certainly a time for us to get educated. She appreciated the opportunity to attend. She added that two workshops were powerful. It seems like there are other municipalities, besides Fairmont, that is also working to address their concerns with unsafe buildings and unsafe housing and more importantly how to address demolitions so there is some appropriate type of reuse. The other workshop she mentioned was for pedestrian traffic, in particular, for pedestrians that have disabilities.

Councilmember McDaniel also mentioned the WVML Conference. He said that he concurs with what both Councilmembers Moran and Deasy said. He said that he really enjoyed attending the conference with them, our City Clerk, and our Mayor.

Councilmember Nuzum stated that she was sorry that she was not able to attend the conference but hopes to attend the winter conference.

**IN RE: MARION COUNTY SCHOOLS TO START**

Councilmember Garcia mentioned that schools in Marion County will start on Monday, August 21<sup>st</sup>.

**IN RE: AD HOC COMMITTEE FOR DEMOLITIONS**

Councilmember Deasy stated that she is working with the committee that has been put together to develop a policy to address the demolition and more importantly, the reselling of Fairmont city-owned property to guide the successful reuse of that property. That committee has been actively moving forward, understanding some of the concerns that citizens have brought up to Council that, although demolishing buildings are of concern, the next step is how are we reselling the property so that citizens or agencies can afford to purchase it and most importantly, how to ensure that it is reused. She wanted people to know that the Ad Hoc Committee has met three times and will be meeting again next week and, hopefully, bringing something to Council very shortly.

**IN RE: APPRECIATION TO CITY EMPLOYEES**

Mayor Bolyard wanted to share appreciation on behalf of Council with some anniversaries of our employees.

- Finance Director Priscilla Hamilton with 33 years of service on July 2<sup>nd</sup>.
- Police Chief Steve Shine with 28 years of service on August 1<sup>st</sup>.
- Police Sgt. Adrian Hayhurst with 20 years of service on July 28<sup>th</sup>.

**CITIZENS PETITIONS**

**IN RE: PRESIDENT OF PIERPONT TECHNICAL COLLEGE**

**DR. MILAN HAYWOOD**, President of Pierpont Technical College, introduced himself to City Council and discussed great things that are happening at Pierpont. He said that he started in his new position on June 20<sup>th</sup> and has already purchased a home here in Fairmont.

**IN RE: FAIRMONT/MORGANTOWN HOUSING AUTHORITY**

**CHRISTAL CROUSO**, Executive Director of the Fairmont/Morgantown Housing Authority, presented her annual report to City Council. She said that they serve Marion, Monongalia, Preston, and Taylor Counties. She then explained all the programs that they offer to clients and what the Housing Authority provides to the various counties.

**CITY MANAGER'S REPORT**

**IN RE: AD HOC COMMITTEE**

Ms. Means thanked Councilmember Deasy for the Ad Hoc Committee update and said as soon as the draft is available, they will get together in a work session and present it to Council.

**CONSIDERATION OF COUNCIL BUSINESS**

**IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT AUTHORIZING THE PURCHASE OF A TRACT OF REAL ESTATE OF APPROXIMATELY 6.036 ACRES, MORE OR LESS, FROM STEPHEN L. BARNES AND LINDA S. BARNES, SPOUSES, AND JOHN W. CARPENTER AND KAREN D. CARPENTER, SPOUSES, FOR THE DEVELOPMENT OF A PORTION 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**

The City Clerk read the proposed ordinance by title.

Mayor Bolyard entertained a motion for the adoption of an ordinance authorizing the purchase of real estate from Stephen L. Barnes and Linda S. Barnes and John W. Carpenter and Karen D. Carpenter for the development of the West Fairmont Rail-Trail System.

Motion:

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

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of Council and the ordinance designated as Ordinance No. 2005 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 DEFINITIONS FOR LIVESTOCK AND POULTRY**

The City Clerk read the proposed ordinance by title.

Mayor Bolyard entertained a motion for the adoption of an ordinance amending Article 2.0 Definitions and Measurements of the City's Planning and Zoning Code to add definitions for livestock and poultry.

Motion:

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

Discussion:

Councilmember Deasy pointed out that this is just a definition that is being added and we are not saying yay or nay, it is just that we are adding a definition of poultry and livestock to the code.

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of Council and the ordinance designated as Ordinance No. 2006 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 HOME GARDEN; ZONING PERMIT REQUIRED; AND BEE KEEPING REGULATIONS**

The City Clerk read the proposed ordinance by title.

Mayor Bolyard entertained a motion for the adoption of an ordinance amending Article 4.0 Use Standards of the City's Planning and Zoning Code to create use standards for home gardens and beekeeping regulations.

Motion:

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

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of Council and the ordinance designated as Ordinance No. 2007 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 to approve and adopt current replacement pages to the City Code.

Motion:

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

The Mayor declared the public hearing set for August 22, 2023.

**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 A CERTAIN PARCEL OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, MARION COUNTY, WEST VIRGINIA, TO-WIT:**

**BLK B LT 3 WALNUT AVE  
(PLAT 59-A-E)  
MARION COUNTY TAX MAP 03-2 PARCEL 0062  
FAIRMONT CITY DISTRICT  
115 WALNUT AVENUE, FAIRMONT, WV**

**FROM JOSEPH JAMES BUONAIUTO AND MCKENZIE BUONAIUTO TO THE CITY OF FAIRMONT; PROVIDING FOR AND AUTHORIZING THE CONVEYANCE AND TRANSFER OF SAID PARCEL OF REAL ESTATE FROM THE CITY OF FAIRMONT IN ACCORDANCE WITH THE CITY OF FAIRMONT'S APPROVED HOME RULE PLAN AND THE ORDINANCES ADOPTED THEREUNDER; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER ALL TRANSACTIONAL DOCUMENTS ON BEHALF OF THE CITY OF FAIRMONT**

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

Mayor Bolyard entertained a motion for the introduction of an ordinance authorizing the conveyance and transfer of 115 Walnut Avenue to the City of Fairmont.

Motion:

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

The Mayor declared the public hearing set for August 22, 2023.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT AUTHORIZING THE PURCHASE OF THE FOLLOWING REAL ESTATE BEING:**

<u>DESCRIPTION</u>	<u>DISTRICT /</u>	<u>MAP/ PARCEL</u>
BLK K LS 1 THRU 6 INCL	FAIRMONT CITY	7 / 0073 0000 0000
4.977 AC & COAL 12 <sup>TH</sup> ST	FAIRMONT CITY	7 / 0074 0000 0000
0.595 AC 12 <sup>TH</sup> ST EXT	FAIRMONT CITY	7 / 0074 0004 0000

**FROM JUDSON W. DOERFLER AND BLODWYN A. DOERFLER FOR THE DEVELOPMENT OF A PORTION 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**

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

Mayor Bolyard entertained a motion for the introduction of an ordinance authorizing the purchase of real estate from Judson and Blodwyn Doerfler for the development of a portion of the West Fairmont Rail-Trail System.

Motion:

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

The Mayor declared the public hearing set for August 22, 2023.

**IN RE: ONE RE-APPOINTMENT, ARTS AND HUMANITIES COMMISSION, THREE-YEAR TERM TO END JUNE 30, 2025**

Mayor Bolyard entertained a motion for one re-appointment to the Arts and Humanities Commission for a three-year term ending June 30, 2025.



Mayor Bolyard moved to re-appoint Sue Montgomery to the Arts and Humanities Commission for a three-year term ending June 30, 2025. The motion was seconded by Councilmember Moran.

Roll call was taken by the Clerk.

The Mayor declared Sue Montgomery re-appointed to the Arts and Humanities Commission for a three-year ending June 30, 2025 by unanimous vote of Council.

**IN RE: ONE RE-APPOINTMENT, ARTS AND HUMANITIES COMMISSION, THREE-YEAR TERM TO END JUNE 30, 2025**

Mayor Bolyard entertained a motion for one re-appointment to the Arts and Humanities Commission for a three-year term ending June 30, 2025.

Mayor Bolyard moved to re-appoint Peggy Edwards to the Arts and Humanities Commission for a three-year term ending June 30, 2025. The motion was seconded by Councilmember McDaniel.

Roll call was taken by the Clerk.

The Mayor declared Peggy Edwards re-appointed to the Arts and Humanities Commission for a three-year ending June 30, 2025 by unanimous vote of Council.

**IN RE: ONE RE-APPOINTMENT, ARTS AND HUMANITIES COMMISSION, THREE-YEAR TERM TO END JUNE 30, 2026 .**

Mayor Bolyard entertained a motion for one re-appointment to the Arts and Humanities Commission for a three-year term ending June 30, 2026.

Mayor Bolyard moved to re-appoint Christian Cox to the Arts and Humanities Commission for a three-year term ending June 30, 2026. The motion was seconded by Councilmember Warner.

Roll call was taken by the Clerk.

The Mayor declared Christian Cox re-appointed to the Arts and Humanities Commission for a three-year ending June 30, 2026 by unanimous vote of Council.

**ADJOURNMENT**

The Mayor entertained a motion for adjournment.

Motion:

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

The Mayor declared the meeting adjourned by voice vote of Council at 7:50 p.m.