

**August 9, 2022**

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 9<sup>th</sup> day of August, 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
Fifth District	Barry H. Bledsoe
Sixth District	Gia Deasy
Seventh District	Nicholas (Nicky) Cinalli
Eighth District	Thomas (Tom) Mainella
Ninth District	Donna M. Blood

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

**IN RE:        OPENING CEREMONIES**

Rev. Dr. Mark Staples gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Garcia.

**APPROVAL OF MINUTES**

Mayor Mainella noted that each member of Council had received a copy of the minutes from the Regular Meeting held on July 26, 2022. He asked if there were any corrections, deletions, or amendments.

Councilmember Kennedy 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 HEARINGS**

**IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT GRANTING A NON-EXCLUSIVE FRANCHISE TO WV FIBER LLC FOR PURPOSES OF CONSTRUCTING, OPERATING AND MAINTAINING FIBER OPTIC OR OTHER CABLE AND RELATED FACILITIES USED OR USEFUL FOR THE TRANSMISSION OF TELECOMMUNICATION SERVICES WITHIN THE CORPORATE LIMITS OF THE CITY OF FAIRMONT AND APPROVING THE FORM AND CONTENT OF THE FRANCHISE AGREEMENT BETWEEN THE CITY OF FAIRMONT AND WV FIBER, LLC, AND AUTHORIZING THE EXECUTION AND DELIVERY THEREOF; LIMITATIONS; FRANCHISE FEE; PUBLIC HEARING**

Pursuant to a notice duly published in the Times-West Virginian on July 8, 2022 and July 22, 2022, a public hearing was convened to obtain citizen input on an ordinance granting a non-exclusive franchise to WV Fiber LLC for purposes of constructing fiber optic cable within the corporate limits of the City of Fairmont.

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

**SHAE STRAIT**, Director of Planning, spoke in favor of the proposed ordinance, in the absence of the owner of the business. He said this ordinance will approve a franchise agreement with WV Fiber LLC. We currently have two major internet providers available to our residence within our city and we have four or five available to businesses. This would be another major provider coming into our community that will change significantly the broadband service available to our community. You often hear the term gigabit and that is the type of service that WV Fiber is intending to supply to our community. He added that they plan to construct a fiberoptic system across the entire City of Fairmont and it will supply all of our residents and businesses with this service. This will significantly change the broadband service available in our community. Speeds at this level are usually reserved for major commercial corridors. This is the type of change in our internet service that will change how perspective businesses look at the City of Fairmont. This will also help our work from home economy which has been changing drastically over the last several years and will benefit all of us in the long term. Mr. Strait commended, Matthew Holbert, the City's IT Director, since he did a lot of the initial work on this and he deserves the praise for coordinating this and getting it this far that we are talking about bringing such a dramatic change to our internet landscape here in our community.

Councilmember Kennedy mentioned that this is saddled in with Charter Communications and they are probably the cadillac of that industry. He then asked if this was tied in with Satellite Corporation.

Mr. Strait said that, to his knowledge, this is not associated with that particular business. The person who owns this company does own other broadband companies here in the state of WV and provides the same service level that they are wanting to bring to the Fairmont community.

Councilmember Bledsoe asked if they gave any indication of how long it would take to cover at least a significant portion of Fairmont with their cable.

Mr. Strait replied that what has been conveyed to Matthew and himself is that they estimate about six months of construction.

Councilmember Bledsoe asked if they will pay any franchise fees that will come to the City.

Mr. Strait stated yes, we will charge them an equivalent fee that we do our other providers already so it's the same that Frontier and Spectrum also pay to the City. He added that this will be a "fiber optic to the curb" system. This will be where we bring fiber optic service directly to your home or your business. He added that it is not 5G or a wireless type service although they could incorporate that into their plant as well. It is important that we continue to advocate for the investment of his physical plants because there are significant limitations to the 5G technology.

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

### **ANNOUNCEMENTS**

#### **IN RE: NATIONAL NIGHT OUT**

Councilmember Rice thanked City staff for the "National Night Out" event held on August 2<sup>nd</sup>. He said he had a wonderful time and it was a great event.

#### **IN RE: PALATINE PARK EVENT**

Councilmember Rice reported that this coming weekend will be a big event at Palatine Park. He encouraged everyone to attend and support the event.

#### **IN RE: HOMETOWN MARKET**

Councilmember Blood reminded everyone of the next Hometown Market on Saturday, August 20<sup>th</sup> in downtown Fairmont. She noted that this event will also feature the "Tomato Fest".

#### **IN RE: DRONE SHOT OF FAIRMONT IN MOVIE**

Councilmember Cinalli mentioned that there is a movie called "Man from Toronto" and it features a drone shot of Fairmont from Jackson Street and you can see the Gateway Connector. He noted that it was a cool shot of Fairmont in this movie.

#### **IN RE: WELCOME BACK FSU STUDENTS**

Councilmember Deasy welcomed back the FSU students. She said the Board of Education was able to host some of them at a teacher's academy that was held today.

**IN RE: MUNICIPAL LEAGUE CONFERENCE**

Mayor Mainella reported that he, Councilmembers Bolyard and Blood and Janet attended the WV Municipal League Conference. He noted that they picked up a lot of knowledge from the sessions and the conference was very beneficial.

**IN RE: TOUR OF NOVELIS PLANT**

The Mayor announced that Council and some of the City staff attended a tour of the Novelis Plant. He noted that Council presented them with a plaque to thank them for everything that they have done for the City and for other events including the City park and the DAC. He said that Novelis has been a very generous benefactor to other organizations other than the City. He said their monetary contribution and property for the Norwood Park was really over the top.

**CITIZENS PETITIONS**

There were no citizens petitions for this meeting.

**CITY MANAGER 'S REPORT**

The City Manager had nothing to report at this meeting.

**CONSIDERATION OF COUNCIL BUSINESS**

**IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT GRANTING A NON-EXCLUSIVE FRANCHISE TO WV FIBER LLC FOR PURPOSES OF CONSTRUCTING, OPERATING AND MAINTAINING FIBER OPTIC OR OTHER CABLE AND RELATED FACILITIES USED OR USEFUL FOR THE TRANSMISSION OF TELECOMMUNICATION SERVICES WITHIN THE CORPORATE LIMITS OF THE CITY OF FAIRMONT AND APPROVING THE FORM AND CONTENT OF THE FRANCHISE AGREEMENT BETWEEN THE CITY OF FAIRMONT AND WV FIBER, LLC, AND AUTHORIZING THE EXECUTION AND DELIVERY THEREOF; LIMITATIONS; FRANCHISE FEE; PUBLIC HEARING**

Mayor Mainella entertained a motion for the adoption of an ordinance granting a non-exclusive franchise to WV Fiber LLC for purposes of constructing fiber optic cable within the corporate limits of the City of Fairmont.

Motion:

Councilmember Rice 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 Council and the ordinance designated as Ordinance No. 1964 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**

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

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 August 23, 2022.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE PROVIDING FOR THE PUBLIC AUCTION OF SURPLUS PERSONAL PROPERTY OF THE CITY OF FAIRMONT; RESERVATION OF RIGHTS**

Mayor Mainella entertained a motion for the introduction of an ordinance providing for the public auction of surplus personal property.

Motion:

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

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

The Mayor declared the public hearing set for August 23, 2022.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT AUTHORIZING THE PURCHASE OF CERTAIN INTERESTS IN REAL ESTATE FROM INDUSTRIAL RESOURCES, INC., FOR THE DEVELOPMENT OF THE WEST FAIRMONT RAIL-TRAIL SYSTEM, TO-WIT:**

- 1. A FEE INTEREST IN A PARCEL OF REAL ESTATE OF APPROXIMATELY 7.45 ACRES, MORE OR LESS, AS SHOWN ON A PLAT ENTITLED "PLAT OF SURVEY FOR CITY OF FAIRMONT SHOWING 7.45, AC ± ON THE LANDS OF INDUSTRIAL RESOURCES, INC." FAIRMONT CORP. DISTRICT, FAIRMONT, MARION COUNTY, WEST VIRGINIA" DATED MARCH 9, 2022,**

**PREPARED BY THE TRASHER GROUP, AARON J. RAWE,  
PROFESSIONAL SURVEYOR, WV PS 2312; AND**

- 2. AN ACCESS EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT, BOTH OF WHICH ARE AS SHOWN ON A PLAT ENTITLED "PLAT OF SURVEY FOR CITY OF FAIRMONT SHOWING 60' ACCESS EASEMENT & 80' TEMPORARY CONSTRUCTION EASEMENT OF THE LANDS OF INDUSTRIAL RESOURCES, INC, FAIRMONT CORP. DISTRICT, FAIRMONT, MARION COUNTY, WEST VIRGINIA" DATED APRIL 22, 2022, PREPARED BY THE TRASHER GROUP, AARON J. RAWE, PROFESSIONAL SURVEYOR, WV PS 2312**

**AUTHORIZING AND EMPOWERING THE CITY MANAGER TO EXECUTE AND DELIVER ALL NECESSARY TRANSACTIONAL DOCUMENTS 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 property from Industrial Resources for the West Fairmont rail-trail system.

Motion:

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

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

The Mayor declared the public hearing set for August 23, 2022.

**IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA, CERTIFYING ITS APPROVAL OF SHELTER ACTIVITIES OF THE TASK FORCE ON DOMESTIC VIOLENCE, "HOPE, INC.," AND AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER THE LOCAL GOVERNMENT CERTIFICATION**

Mayor Mainella entertained a motion for the adoption of a resolution certifying Council's approval of a Shelter Activities Grant for Hope, Inc. and authorizing the Mayor to sign the Local Government Certification.

Motion:

Councilmember Deasy 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 Council.

**IN RE: ONE RE-APPOINTMENT, ICC BOARD OF APPEALS, FIVE-YEAR TERM ENDING AUGUST 24, 2027**

Mayor Mainella entertained a motion for one re-appointment to the ICC Board of Appeals for a five-year term ending August 24, 2027.

Mayor Mainella moved to re-appoint Jerry Bland to the ICC Board of Appeals for a five-year term ending August 24, 2027. The motion was seconded by Councilmember Bledsoe.

Roll call was taken by the Clerk.

The Mayor declared Jerry Bland re-appointed to the ICC Board of Appeals for a five-year term ending August 24, 2027 by unanimous vote of Council.

**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 7:25 p.m.