

August 22, 2023

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 22nd 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
HR Manager	Paula Friend
Utility Manager	John Carson
Program Manager	Brian Stewart

IN RE: OPENING CEREMONIES

Rev. Joseph Konikattil gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Nuzum.

APPROVAL OF MINUTES

Mayor Bolyard noted that each member of Council had received a copy of the minutes from the Regular Meeting held on August 8, 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 Nuzum.

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

PUBLIC HEARING S

IN RE: AN ORDINANCE TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE FAIRMONT CITY CODE.

Pursuant to a notice duly published in the Times-West Virginian on August 16, 2023, a public hearing was convened to obtain citizen input on an ordinance to approve and adopt current replacement pages to the City Code.

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 7:06 p.m.

IN RE: 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.

Pursuant to a notice duly published in the Times-West Virginian on August 16, 2023, a public hearing was convened to obtain citizen input on an ordinance authorizing the conveyance and transfer of 115 Walnut Avenue to the City of Fairmont.

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

BRIAN STEWART, Program Manager, spoke in favor of the proposed ordinance. He said that the City has already acquired 113 Walnut Avenue and this one is just as bad as that one. He said that police officers have also approached him about getting 115 Walnut Avenue torn down when they found out that 113 Walnut was going to come down. He then asked Council to let Code Enforcement get 115 Walnut torn down as well.

There being no one else to speak, the public hearing was called to a close at 7:09 p.m.

IN RE: AN ORDINANCE 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 TH ST	FAIRMONT CITY	7 / 0074 0000 0000
0.595 AC 12 TH 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.

Pursuant to a notice duly published in the Times-West Virginian on August 16, 2023, a public hearing was convened to obtain citizen input on 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.

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 7:10 p.m.

ANNOUNCEMENTS

IN RE: MAIN STREET FAIRMONT ANNUAL MEETING

Councilmember McDaniel announced that he attended the annual meeting for Main Street Fairmont this evening. He said that a lot of awards were given to very deserving people in businesses and he is very proud of former city employee and Main Street Director, Alex Petry.

IN RE: MARION COUNTY SCHOOLS STARTED

Councilmember Deasy reminded everyone that the Marion County schools started on Monday and reminded everyone to pay attention to the buses. She noted that Kindergarten and Pre-K will be starting soon.

IN RE: TOMATO FESTIVAL

Councilmember Deasy reported that the tomato festival was held in downtown Fairmont this past weekend. She said that it certainly was a good time.

IN RE: BRIAN STEWART COMMENDED

Councilmember Deasy commended Program Manager Brian Stewart for being very helpful in keeping Council on track on the group that is working on keeping track of what is being demolished and how to re-use some of the that land. She noted that those meetings have been productive and Mr. Stewart has certainly been a valuable member to that committee.

IN RE: PLANNING CODE REGARDING POULTRY AND LIVESTOCK

Councilmember Deasy noted that the Planning Commission met last week and there were some code changes and we talked about poultry vs. livestock a couple meetings ago. She brought to everyone's attention that there were citizens that came out and even though they praised some of the work that has been done to start thinking about having poultry in some safe fashion, there is a group that is against having poultry and had some valid concerns that they shared with the Planning Commission. She thanked those folks for coming out with their concerns.

IN RE: MOUNTAINEER FOOD BANK

Councilmember Moran reported that the Mountaineer Food Bank is going to have a distribution on Wednesday, August 23rd, at Palatine Park from 11:00 a.m. to 12:30 p.m.

IN RE: CONGRATULATIONS TO MAYOR BOLYARD AND COUNCILMEMBER DEASY

Councilmember Moran extended congratulations to Mayor Bolyard and Councilmember Deasy for their recent Chamber of Commerce awards.

IN RE: FAIRMONT STATE MUSIC AND THEATER

Councilmember Moran stated that Fairmont State recently announced that they are turning back their minors in music and theater and she is hoping that everyone will join them this season to show that we are a community that values the arts by attending and showing up for their performances and events.

IN RE: HAPPY BIRTHDAY TO EDITH DOTTS

Mayor Bolyard wished a Fairmont city resident, Edith Dotts, a happy belated birthday. She said that on August 18th she celebrated being 104 years young in the Friendly City.

CITIZENS PETITIONS

There were no citizens petitions for this meeting.

CITY MANAGER'S REPORT

IN RE: POLICE AND FIRE PENSION AND RELIEF FUND ANNUAL REPORT

On behalf of the City Manager, City Clerk Janet Keller reported that each Councilmember received a copy of the Annual Report of the Police and Fire Pension and Relief Funds that will be presented to the Municipal Pensions Oversight Board as required by State Code. These forms were prepared by Finance Director Priscilla Hamilton for the period of July 1, 2022 through June 30, 2023. It is required that the City of Fairmont make this report to the governing body and Priscilla must state that this annual report has been presented to City Council at the August 22nd Council meeting to meet the State Code requirements.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, 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 title.

Mayor Bolyard entertained a motion for the adoption of an ordinance to approve and adopt current replacement pages to the City Code.

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. 2008 was duly adopted.

IN RE: ADOPTION, 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:

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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 title.

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

Motion:

Councilmember Deasy moved for the adoption of the proposed ordinance. Councilmember Cinalli 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. 2009 was duly adopted.

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

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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 Judson and Blodwyn Doerfler for the development of a portion of the West Fairmont Rail-Trail System.

Motion:

Councilmember McDaniel moved for the adoption of the proposed ordinance. Councilmember Warner 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. 2010 was duly adopted.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT AUTHORIZING CERTAIN CAPITAL PROJECTS (UTILITIES), AND AUTHORIZING CERTAIN INITIATIVES AND PROJECTS RELATING TO IMPROVING PUBLIC HEALTH AND LESSENING THE ECONOMIC IMPACT OF COVID 19, AND FURTHER APPROPRIATING ARPA FUNDS DEDICATED FOR SUCH PURPOSES

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

Mayor Bolyard entertained a motion for the adoption of a resolution authorizing certain capital projects and initiatives to improve public health and lessening the economic impact of Covid 19 and appropriating ARPA Funds dedicated for such purposes.

Motion:

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

Roll call was taken by the Clerk.

The Mayor declared the resolution adopted by unanimous vote of Council.

IN RE: ONE RE-APPOINTMENT, FAIRMONT PLANNING COMMISSION, THREE-YEAR TERM TO END SEPTEMBER 17, 2026

Mayor Bolyard entertained a motion for one re-appointment to the Fairmont Planning Commission for a three-year term ending September 17, 2026.

Councilmember Rice moved to re-appoint Jamie Greene to the Fairmont Planning Commission for a three-year term ending September 17, 2026. The motion was seconded by Councilmember Warner.

Roll call was taken by the Clerk.

The Mayor declared Jamie Greene re-appointed to the Fairmont Planning Commission for a three-year ending September 17, 2026 by unanimous vote of Council.

IN RE: ONE RE-APPOINTMENT, FAIRMONT PLANNING COMMISSION, THREE-YEAR TERM TO END SEPTEMBER 17, 2026

Mayor Bolyard entertained a motion for one re-appointment to the Fairmont Planning

Commission for a three-year term ending September 17, 2026.

Councilmember Rice moved to re-appoint Frank Yann to the Fairmont Planning Commission for a three-year term ending September 17, 2026. The motion was seconded by Councilmember McDaniel.

Roll call was taken by the Clerk.

The Mayor declared Frank Yann re-appointed to the Fairmont Planning Commission for a three-year ending September 17, 2026 by unanimous vote of Council.

IN RE: ONE APPOINTMENT, FAIRMONT PLANNING COMMISSION, THREE-YEAR TERM TO END SEPTEMBER 17, 2026.

Mayor Bolyard entertained a motion for one appointment to the Fairmont Planning Commission for a three-year term ending September 17, 2026.

Councilmember Moran moved to re-appoint Dan Swiger to the Fairmont Planning Commission for a three-year term ending September 17, 2026. The motion was seconded by Councilmember McDaniel.

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

Councilmember Moran	Yes	Councilmember Deasy	No
Councilmember Rice	No	Councilmember Garcia	No
Councilmember Cinalli	No	Councilmember Nuzum	No
Councilmember Warner	No	Councilmember McDaniel	No
Mayor Bolyard	Yes		

The Mayor declared Dan Swiger’s appointment voted down by a majority vote of Council. She noted that the City will seek the next person to appoint to this open spot on the Planning Commission.

IN RE: ADJOURN TO EXECUTIVE SESSION

Mayor Bolyard moved that Council adjourn to Executive Session pursuant to WV Code §6-9A-4(b)(2)(A) and City Charter 2.11 (a)(1)A - to consider matters arising from the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal, or compensation of a City Officer. The motion was seconded by Councilmember McDaniel.

The Mayor declared the meeting adjourned to Executive Session by voice vote of Council at 7:25 p.m. She noted that no other business will be conducted after the Executive Session.

IN RE: MEETING RECONVENED

Mayor Bolyard declared the meeting reconvened at 8:48 p.m.

ADJOURNMENT

The Mayor entertained a motion for adjournment.

Motion:

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

The Mayor declared the meeting adjourned by voice vote of Council at 8:49 p.m.