

August 23, 2022

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 23rd 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
Director of Marketing	Hanna Turner
Director of Planning	Shae Strait
City Planner	Carly Jones
Finance Director	Priscilla Hamilton

IN RE: OPENING CEREMONIES

Father Joseph Konikattil 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 August 9, 2022. He asked if there were any corrections, deletions, or amendments.

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

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

PUBLIC HEARINGS

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 12, 2022, 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.

Ms. Means spoke in favor of this proposed ordinance. She said this is something the City Clerk does several times a year to keep our City Code up-to-date. All of the ordinances that have been passed within a certain time period are sent to the keeper of our Code and they are updated. She asked Council to support this ordinance.

There being no one else to speak, the public hearing was called to a close at 7:05 p.m.

IN RE: AN ORDINANCE PROVIDING FOR THE PUBLIC AUCTION OF SURPLUS PERSONAL PROPERTY OF THE CITY OF FAIRMONT; RESERVATION OF RIGHTS

Pursuant to a notice duly published in the Times-West Virginian on August 12, 2022, a public hearing was convened to obtain citizen input on an ordinance providing for the public auction of surplus personal property of the City of Fairmont.

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

The City Manager asked Council to support this ordinance. She said this is our normal course of business when the City determines that certain properties are unnecessary and we are required to have the surplus property and have the auction to follow.

There being no one else to speak, the public hearing was called to a close at 7:06 p.m.

IN RE: 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

Pursuant to a notice duly published in the Times-West Virginian on August 12, 2022, a public hearing was convened to obtain citizen input on an ordinance authorizing the purchase of property from Industrial Resources for the West Fairmont rail-trail system.

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. He said this ordinance will approve the purchase of a parcel of property and approve easements on other portions of property on Industrial Contracting Road that will allow construction to occur. He said this is one of the major steps that needs to be taken in order for us to secure what we call site control at a number of locations around the city to connect the rail trail. This includes property all the way from the Norway Trestle to the CSX property.

After Mr. Strait's presentation, Councilmember Kennedy asked if he could look at the closing documents.

Mr. Sansalone said we have not yet closed on the property. He said the deed, to be drafted by the seller, has not been prepared and we have not gotten to the closing point yet. He added that the only transactional document that currently exists is the purchase agreement and it is only in draft form.

Councilmember Blood asked what is the estimate on how long before it is all connected.

Mr. Strait said there are a lot of factors that play into that. He said that with the past planning that we have done on this project and the TIF District and the way we have worked with the adjacent land owners, it could be possible that we could be under construction next year. He explained that until we get an engineer hired and get a design finalized, it is hard to say. He said that if we get all of our ducks in a row and we continue to keep this moving forward, we could be looking at next summer. He added that this is a good project that would qualify for design build and this means that we can hire a company or a group of companies to just design it and build it simultaneously.

Councilmember Cinalli asked how do people currently get from one point to the other point.

Mr. Strait said that we have an on-street route that is in place with sharrows and on the East Side, it does have vertical signage to tell people where the trail heads are now.

After a continued lengthy presentation, Mr. Strait then answered all questions that were asked by Council.

There being no one else to speak, the public hearing was called to a close at 7:25 p.m.

ANNOUNCEMENTS

IN RE: AWARD TO NOVELIS

Councilmember Rice stated that the award that was given to Novelis, they got a big “high five” from North America Novelis for the contributions to the community.

IN RE: PALATINE PARK EVENTS

Councilmember Rice mentioned upcoming events at Palatine Park. He said next weekend will be Petty and the Heartshakers and the Brothers Doobie.

IN RE: POLICE CHIEF STEVE SHINE

Councilmember Bolyard acknowledged Chief Shine who, at the beginning of this month, celebrated his 27th year of service to the City of Fairmont.

Councilmember Deasy said that in all of his busy responsibilities, Chief Shine did take out time during the opening of school and some of the school open houses and was present at the elementary schools. She noted that she appreciated him coming out for some of the students to meet him and meet some of the other officers.

Councilmember Blood also congratulated Chief Shine on his 27 years of service with the City of Fairmont. She noted that we are very lucky to have him.

IN RE: MARION COUNTY SCHOOLS

Councilmember Deasy noted that Marion County Schools are underway and the youngest students will be coming on the buses starting tomorrow.

IN RE: CHAMBER OF COMMERCE ANNUAL DINNER

Councilmember Deasy acknowledged the Marion County Chamber of Commerce for recognizing some outstanding organizations, businesses and individuals. She said that it was a nice reception.

IN RE: MAIN STREET FAIRMONT

The Mayor said that he wanted to recognize Main Street. He said that he, Councilmember Blood and other staff members attended their annual meeting/awards ceremony before the Council meeting tonight. He said they recognized people who are renovating buildings and bringing life back into Merchant Street and downtown Fairmont. He said there were a lot of people there who are contributing to making this a nicer place to live and to do business. He then complimented Main Street for what they do and Dan Swiger for what he does.

CITIZENS PETITIONS

IN RE: CVB ANNUAL REPORT PRESENTED

LEISHA ELLIOTT, Executive Director of the Convention and Visitors Bureau, presented her annual report to City Council. She mentioned different things that the CVB has been working on, including a new outdoor campaign.

IN RE: MERCHANT STREET PROPERTY SURVEY DISPUTE

STANLEY SEARS, 1729 Fairmont Avenue, addressed Council regarding a property survey dispute for property located at 100 Merchant Street. He said there is a difference of opinion between him and the City as to the survey that this parcel sits on. He said that surveys were done in 1992, 1997, and 2012 and it is his surveyor's opinion that the current tax map location is incorrect and that in the 2012 survey done by Norman Kronjaeger disregarded previous conclusions from his survey. He then asked the City to provide him with any information they have and to provide him with a copy of the survey from Mr. Kronjaeger. He said that in order to resolve this issue, he had suggested that that he and the City do a walk-through of the property and he was informed that the City wasn't interested in doing this. He closed by saying that he wants to get the issue resolved because he has lost three buyers for the property due to the property survey dispute.

Councilmember Bledsoe said that he would like for the City Manager, if Mr. Sears has requested cooperation from the City and they have not met with him to try to work this out and we have the opportunity to get new business in town, this needs to be settled. He said that he would like for the City Manager to let Council know where we are on that and maybe why something has not been done.

The Mayor mentioned that Mr. Sears has retained an attorney who has been talking to the City's attorney, so we think it is not appropriate for Council to discuss this situation tonight and let the attorneys talk it over and hopefully get it worked out.

Mr. Sears noted that Chris Wolfe, his surveyor, is in attendance if Council has any questions for him regarding his survey.

CITY MANAGER 'S REPORT

IN RE: ANNUAL POLICE AND FIRE PENSION REPORTS

Ms. Means reported that Council has received a copy of the annual report of the Policemen's and Firemen's Pension and Relief Funds for fiscal year ending June 30, 2022. She noted that this is an annual report that is required to be given to Council.

IN RE: UPDATE FROM WV TREASURER 'S OFFICE

MIKE PERRI, Regional Representative, from the WV Treasurer's Office presented Council with a PowerPoint presentation of the various programs that are offered by the Treasurer's Office. He went over the following programs:

- Unclaimed Property
- Smart 529 Education Savings Plan
- Jump Start Savings Program for Qualifying Occupations
- WV Able for West Virginians with Disabilities
- WV Retirement Plus 457 Deferred Compensation Plan
- Get A Life Financial Education Activity for Students
- Board of Treasury Investments Offers Ability to Invest Funds
- WV Go Pay Online Payment Solution

CONSIDERATION OF COUNCIL BUSINESS

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

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

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 Council and the ordinance designated as Ordinance No. 1965 was duly adopted.

IN RE: ADOPTION, 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 adoption of an ordinance providing for the public auction of surplus personal property of the City of Fairmont.

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 Council and the ordinance designated as Ordinance No. 1966 was duly adopted.

IN RE: ADOPTION, 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:

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Mayor Mainella entertained a motion for the adoption of an ordinance authorizing the purchase of property from Industrial Resources for the West Fairmont rail-trail system.

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 Council and the ordinance designated as Ordinance No. 1967 was duly adopted.

IN RE: TWO RE-APPOINTMENTS, FAIRMONT PLANNING COMMISSION, THREE-YEAR TERMS TO END SEPTEMBER 17, 2025

Mayor Mainella entertained a motion for two re-appointments to the Fairmont Planning Commission for three-year terms ending September 17, 2025.

Mayor Mainella moved to re-appoint Houston Richardson and Pamela Wean to the Fairmont Planning Commission for three-year terms ending September 17, 2025. The motion was seconded by Councilmember Rice.

Roll call was taken by the Clerk.

The Mayor declared Houston Richardson and Pamela Wean re-appointed to the Fairmont Planning Commission for three-year terms ending September 17, 2025 by unanimous vote of Council.

IN RE: ONE RE-APPOINTMENT, FAIRMONT PARKING AUTHORITY, THREE-YEAR TERM TO END SEPTEMBER 30, 2025

Mayor Mainella entertained a motion for one re-appointment to the Fairmont Parking Authority for a three-year term ending September 30, 2025.

Mayor Mainella moved to re-appoint Kenneth Satterfield to the Fairmont Parking Authority for a three-year term ending September 30, 2025. The motion was seconded by Councilmember Blood.

Roll call was taken by the Clerk.

The Mayor declared Kenneth Satterfield re-appointed to the Fairmont Parking Authority for a three-year term ending September 30, 2025 by unanimous vote of Council.

IN RE: ADJOURN TO EXECUTIVE SESSION

Mayor Mainella moved that Council adjourn to Executive Session as per 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 Kennedy.

The Mayor declared the meeting adjourned to Executive Session by voice vote of Council at 8:05 p.m. He noted that business will be conducted when coming back out of Executive Session.

IN RE: MEETING RECONVENED

The Mayor declared the meeting reconvened at 8:19 p.m.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT APPOINTING A MUNICIPAL JUDGE FOR THE CITY OF FAIRMONT FROM THE EFFECTIVE DATE OF THIS RESOLUTION AND FOR THE UNEXPIRED TERM TO END JUNE 30, 2025

Mayor Mainella entertained a motion for the adoption of a resolution appointing a Municipal Judge for the City of Fairmont for the unexpired term to end June 30, 2025.

Motion:

Councilmember Deasy moved for the adoption of the proposed resolution and the appointment of Jeffery W. Lilly. 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, appointing Jeffery W. Lilly as Municipal Judge for the unexpired term to end June 30, 2025.

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 8:22 p.m.