

September 14, 2021

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 14th day of September, 2021, 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
Fourth District	Richard (Rick) Garcia
Fifth District	Barry H. Bledsoe
Sixth District	Gia Deasy
Seventh District	Nicholas (Nicky) Cinalli
Eighth District	Thomas (Tom) Mainella

Absent:

Third District	Karl (David) Kennedy
Ninth District	Donna M. Blood

Also present were:

City Manager	Valerie A. Means
City Clerk	Janet L. Keller
City Attorney	Kevin Sansalone

IN RE: EXCUSE COUNCILMEMBER S KENNEDY AND BLOOD

The Mayor entertained a motion to excuse Councilmembers Kennedy and Blood from tonight's meeting.

Motion:

Councilmember Bledsoe moved to excuse Councilmembers Kennedy and Blood. The motion was seconded by Councilmember Deasy.

The Mayor declared Councilmembers Kennedy and Blood excused from this meeting by voice vote of Council.

IN RE: OPENING CEREMONIES

Rev. Larry Buckland gave the invocation followed by the Pledge of Allegiance to the

Flag led by Councilmember Rice.

IN RE: PRESENTATION OF CHECK FROM CEC

Devanna Corley and Jim Christie with Civil and Environmental Consultants (CEC) presented the City of Fairmont with a check in the amount of \$5,000 for the redevelopment of the basketball courts at Windmill Park.

IN RE: PROCLAMATION PRESENTED FOR CONSTITUTION WEEK

Mayor Mainella presented a proclamation to two members of the local chapter of the Daughters of the American Revolution (DAR) proclaiming September 17-23 as "Constitution Week". The local DAR will recognize September 17th with ringing of bells at the courthouse. People are encouraged to ring bells at 4:00 p.m. to mark the actual time of the signing.

APPROVAL OF MINUTES

Mayor Mainella noted that each member of Council had received a copy of the minutes from the Special Meeting held on August 24, 2021 and from the Regular Meeting held on August 24, 2021. He asked if there were any corrections, deletions, or amendments.

Councilmember Garcia 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 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, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT:

**BLK 26 ½ LT 18 GASTON AVE
FAIRMONT CITY FAIRMONT DISTRICT
MAP 3 PARCEL 252**

FROM JEREMIAH D. JOHNSON AND THERESA L. JOHNSON TO THE CITY OF FAIRMONT; PROVIDING FOR AND AUTHORIZING THE CONVEYANCE AND TRANSFER OF SAID PARCEL OF REAL ESTATE FROM THE CITY OF FAIRMONT TO A SUBSEQUENT PURCHASER IN ACCORDANCE WITH THE CITY OF FAIRMONT'S APPROVED HOME RULE PLAN AND THE ORDINANCES ADOPTED THEREUNDER; APPROVING THE FORM OF THE TRANSACTIONAL DOCUMENTS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER THEM ON BEHALF OF THE CITY OF FAIRMONT; RATIFICATION

Pursuant to a notice duly published in the Times-West Virginian on August 27, 2021, a public hearing was convened to obtain citizen input on a proposed ordinance providing for the transfer of 608 Gaston Avenue to the City of Fairmont from Jeremiah and Theresa Johnson.

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

Valerie Means spoke in favor of the proposed ordinance. She said this is part of our demolition program and helps us continue on the path that we are doing with our additional demolitions.

There being no one else to speak, the public hearing was called to a close at 7:12 p.m.

ANNOUNCEMENTS

IN RE: PALATINE PARK

Councilmember Rice said it was the closing of Palatine with their last event. He reported that Kris Cinalli has something up his sleeve for 2022.

IN RE: FAIRMONT MEDICAL CENTER

Councilmember Bolyard reported that Mandy Moore at Fairmont Medical Center is starting a stuffed animal drive. She noted that there are a lot of children that come to Fairmont Medical Center and people can contact her and that will help out with a lot of the children that come to the Emergency Room as well as patients while they are there.

IN RE: PLANNING DEPARTMENT COMMENDED

Councilmember Bolyard commended the Planning Department for cleaning up and painting at Veterans Plaza.

IN RE: REQUEST TO REMOVE TWO TRAFFIC SIGNALS

Councilmember Bledsoe announced that he has had conversations with people over the past couple of weeks regarding the traffic light at Fairmont Avenue and First Street. He said years ago it was a valuable light and there were several businesses there but now all of those businesses are gone and there is almost no traffic coming out of First Street. He said the second traffic light he would like to see removed is at the corner of Locust Avenue and Bell Run Road. He said that residents on Bell Run told him that it would be easier if they did not have to wait on that light.

IN RE: MANDATED VACCINES

Councilmember Bledsoe said that he had Covid and took the vaccine and is not anti-vaccine but he is against these mandates that are coming out. He then said that if it

ever does come up, he assured everyone that he would be voting against any mandated vaccines from any government level.

IN RE: RAYMOND JOHNSON PASSED AWAY

Councilmember Deasy said that she wanted to respectfully pay sympathy to the family of Raymond Johnson who passed away on Monday. He was a long-time business owner and a downtown Fairmont icon. She noted that he will be missed.

Mayor Mainella also mentioned the passing of Raymond Johnson. He said that he is the longest tenure of a downtown businessman now that Russell Yann is gone. He noted that he has owned Raymond's Exxon on Jackson Street for 61 years.

IN RE: GARBAGE COMPLAINT

Councilmember Cinalli reported that on his second day in office, he learned how to report a garage complaint. He noted that after reporting it, in a few hours it was cleaned up.

IN RE: COUNCIL ORIENTATION

Councilmember Cinalli reported that he had his Council orientation and received his city tablet. He said he is looking forward to his drive around his district with the City Manager.

CITIZENS PETITIONS

IN RE: CONFRONTATION WITH MAYOR MAINELLA

BOBBY AND MONICA BOMBARD, 1100 Avalon Road, spoke at the meeting to confront Mayor Mainella about a video that was recorded during a confrontation between Mr. Bombard and Mayor Mainella. Ms. Bombard said that on Friday, September 10th, her husband was at the day care drop off and ran into the Mayor who was upset about the way that he parked at the day care. He asked him to roll down his window and verbally attacked her husband. She said that he continued to tell her children that their father was stupid and an idiot. She reported that she had a video of the incident and it is very upsetting. She said her husband pulls out his phone and the Mayor asked if he's calling the cops. She said that she was very disturbed that the Mayor would create a narrative that her children should not trust the Police; she has taught them for years to look for the helpers, to look for the police, to look for firemen and he had no right to create that narrative with them. She said they are children and he addressed them several times and told them that their father was stupid and an idiot all based on a parking situation. She said it is not Christian and it does not have core values or morals and it certainly doesn't uphold the position of the Mayor or leadership. If there is not disciplinary action or something done, that is on you she said to the rest of

Council. She said that he should be representing role models especially in front of children. She said that she knows adults have bad days but not with the children involved.

Mayor Mainella apologized to Ms. Bombard and the children. He said that he was wrong in verbally abusing her husband and it was wrong and he was wrong. He said that he sincerely apologizes to her and to those kids for his behavior. He said it was unbecoming of a Fairmont City Councilperson. He went on to say that when you get elected to City Council or any other elected office, you no longer speak as an individual, you speak as the Mayor or a City Councilperson. He said you're right, he was wrong and he apologized again to her and the kids.

Mr. Bombard asked what about him.

The Mayor said that he was not going to apologize to him. He then said that he very nicely asked him not to park like that because he could not fit his truck through there. He then said that there is a pull off there and he could have pulled over a couple of feet and he would have gone right through.

Mr. Bombard asked again if he was going to apologize to him.

Mayor Mainella said no, he was not going to apologize to him. He apologized to his wife and those little kids. He said again he was not going to apologize to him and this is over with. The Mayor said the Citizens Petition is over. He said he apologized to who he needed to apologize to and not to him.

IN RE: CITY CENTER BUILDING - FAIRMONT AVENUE

JOHN BASAGIC, 1 Mill Fall Road, spoke to Council regarding the City Center Building on Fairmont Avenue that he currently owns and has owned since 1988. He asked Council not to adopt any more zoning restrictions for his property.

IN RE: POLICE OFFICERS AND FIREFIGHTERS RECOGNIZED

The Mayor recognized several police officers and firefighters that were in attendance. He said that because of the 20th anniversary of 9/11 on Saturday, he thought it would be appropriate to have these guys come here so Council could tell them how much we appreciate them. He said that watching the repeats of what happened 20 years ago in New York City, it made him realize that when you are a policeman or fireman in New York City or Fairmont, WV, you have a very dangerous job and the rest of us have the ability to run from danger, you guys run to it. You have adopted this as your profession and it's a very noble profession and we appreciate what you do to keep us safe and that is why we wanted them to come tonight so we could tell you that.

Councilmember Rice said he wants to personally thank all of them especially in the times that we live in today. He extended his personal thank you to each and everyone of them.

Councilmember Bolyard added her thanks. She said this is a calling and not just a profession and you protect our safety whether you are wearing your uniform or not and she thanked them.

Councilmember Garcia said thank you and to stay safe.

The City Manager said that we have a lot going on in the community and as the City Manager, she doesn't have to worry about what is happening in the Police Department and Fire Department because she knows they are working at the highest levels and she thanked them for the job that they do.

Councilmember Bledsoe said that in 39 years working with EMS, he has interacted with the City of Fairmont Police Department and Fire Department practically every day. He said that thanks is not enough but that's all we have to offer. He thanked them for putting themselves in front of bullets and in front of ceilings falling in and saving lives.

Councilmember Deasy said that our thanks seem so minimal and we are just struggling to appreciate you as much as you deserve to be appreciated. She then thanked them one as a City Councilmember and one as a school leader.

Councilmember Cinalli noted that he echoed everyone else and said that his grandfather was a Chief Deputy years ago and you would make him proud.

The City Clerk said that she hoped the police officers and firefighters knew how she felt about them because they are all like her own kids. She said that from the bottom of her heart, she appreciates each and every one of them and thanked them for everything that they do. She said that she prays for them each and every day.

The Mayor thanked them for attending the meeting.

CITY MANAGER 'S REPORT

IN RE: REMOVAL OF TRAFFIC LIGHTS

Ms. Means said that regarding the removal of the traffic signals, they are something that we would have to work with the State to do. She said that the first step would be a resolution of Council just to see if we have a majority that would want us to try to move forward with that. She mentioned that they are both on State routes and they are State lights. She noted that she would have to have a majority of Council in favor of removing the lights before she can recommend it to the State.

IN RE: STREET PAVING LIST

The Manager reported that the street paving list for this year has been finalized and once the contract is finalized the paving program will be moving forward.

CONSIDERATION OF COUNCIL BUSINESS

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, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT:

**BLK 26 ½ LT 18 GASTON AVE
FAIRMONT CITY FAIRMONT DISTRICT
MAP 3 PARCEL 252**

FROM JEREMIAH D. JOHNSON AND THERESA L. JOHNSON TO THE CITY OF FAIRMONT; PROVIDING FOR AND AUTHORIZING THE CONVEYANCE AND TRANSFER OF SAID PARCEL OF REAL ESTATE FROM THE CITY OF FAIRMONT TO A SUBSEQUENT PURCHASER IN ACCORDANCE WITH THE CITY OF FAIRMONT'S APPROVED HOME RULE PLAN AND THE ORDINANCES ADOPTED THEREUNDER; APPROVING THE FORM OF THE TRANSACTIONAL DOCUMENTS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER THEM ON BEHALF OF THE CITY OF FAIRMONT; RATIFICATION.

Mayor Mainella entertained a motion for the adoption of an ordinance providing for the transfer of 608 Gaston Avenue to the City of Fairmont from Jeremiah and Theresa Johnson.

Motion:

Councilmember Rice moved for the adoption of the proposed ordinance. Councilmember Bolyard 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. 1913 was duly adopted.

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, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT:

**PCL 1 OR LOT MONROE ST
MAP 03-01 PARCEL 0234
FAIRMONT CITY DISTRICT, MARION COUNTY, WV**

FROM MAIN STREET FAIRMONT, INC., TO THE CITY OF FAIRMONT; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER THE TRANSACTIONAL DOCUMENTS ON BEHALF OF THE CITY OF FAIRMONT; RATIFICATION

Mayor Mainella entertained a motion and second for the introduction of an ordinance authorizing the transfer and conveyance of the AJ Hayes Building to the City of Fairmont.

Motion:

Councilmember Garcia moved for the introduction of the proposed ordinance. The motion was seconded by Councilmember Bolyard.

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

The Mayor declared the public hearing set for September 28, 2021.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR AND AUTHORIZING THE PURCHASE/TRANSFER OF A CERTAIN PARCEL OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT:

**1.284 AC COAL RUN
(PLAT 524-19)
MAP 03-01 PARCEL 123
FAIRMONT CITY DISTRICT, MARION COUNTY, WV
102 BENONI AVENUE**

FROM THE ARC OF MARION COUNTY, D/B/A THE DISABILITY ACTION CENTER TO THE SANITARY BOARD FOR THE CITY OF FAIRMONT APPROVING THE FORM OF THE TRANSACTIONAL DOCUMENTS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER THEM ON BEHALF OF THE CITY OF FAIRMONT; RATIFICATION

Mayor Mainella entertained a motion for the introduction of an ordinance authorizing the purchase/transfer of the Disability Action Center located at 102 Benoni Avenue to the Fairmont Sanitary Board.

Motion:

Councilmember Deasy moved for the introduction of the proposed ordinance. The motion was seconded by Councilmember Rice.

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

The Mayor declared the public hearing set for September 28, 2021.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT CONFIRMING THE FORMULA RECOMMENDED BY THE CITY MANAGER FOR PURPOSES OF DETERMINING THE CONSIDERATION AT WHICH THE CITY OF FAIRMONT MAY SELL CITY OWNED PROPERTIES ACQUIRED AS A RESULT OF ITS DEMOLITION PROGRAM AND PURSUANT TO ORDINANCE NO. 1653 AND PROVIDING THAT THE SALE OF ANY SUCH PROPERTY WILL BE CONSIDERED ON A FIRST COME FIRST SERVED BASIS; RESERVATION OF RIGHTS

Mayor Mainella entertained a motion for the adoption of a resolution confirming the formula of determining the consideration at which the City may sell City owned properties acquitted as a result of the demolition program.

Motion:

Councilmember Rice moved for the adoption of the proposed resolution. Councilmember Cinalli 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, DESIGNATING RAYMOND ALVAREZ AS FAIRMONT-MARION COUNTY, WEST VIRGINIA'S OFFICIAL HISTORIAN

Mayor Mainella entertained a motion for the adoption of a resolution designating Raymond Alvarez as Fairmont-Marion County's Official Historian.

Motion:

Councilmember Bledsoe moved for the adoption of the proposed resolution. Councilmember Cinalli 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: ONE RE-APPOINTMENT, FAIRMONT PLANNING COMMISSION, THREE-YEAR TERM TO END SEPTEMBER 17, 2024

Mayor Mainella entertained a motion for one re-appointment to the Fairmont Planning Commission for a three-year term to end September 17, 2024.

Councilmember Rice moved to re-appoint Ryan Majic to the Fairmont Planning Commission for a three-year term ending September 17, 2024. The motion was seconded by Councilmember Cinalli.

Roll call was taken by the Clerk.

The Mayor declared Ryan Majic re-appointed to the Fairmont Planning Commission for a three-year term ending September 17, 2024 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 Deasy.

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

IN RE: MEETING RECONVENED

The Mayor declared the meeting reconvened at 7:55 p.m.

IN RE: ONE COUNCILMEMBER APPOINTMENT, FAIRMONT PARKS COMMISSION, TERM TO END WHEN COUNCIL TERM ENDS

Mayor Mainella entertained a motion for a Councilmember appointment to the Fairmont Parks Commission.

Motion:

Councilmember Rice moved to appoint Councilmember Cinalli to the Fairmont Parks Commission for a term ending when his Council term expires. The motion was seconded by Councilmember Bledsoe.

Roll call was taken by the Clerk.

The Mayor declared Councilmember Cinalli appointed to the Fairmont Parks Commission for a term ending when his Council term expires by unanimous vote of Council.

ADJOURNMENT

The Mayor entertained a motion for adjournment.

Motion:

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

The Mayor declared the meeting adjourned by voice vote of Council at 7:57 p.m.