

**September 27, 2022**

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 27<sup>th</sup> day of September, 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
Utility Manager	John Carson
Director of Planning	Shae Strait

**IN RE: OPENING CEREMONIES**

Councilmember Bledsoe gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Bledsoe.

**IN RE: SCOUTS IN ATTENDANCE**

The Mayor introduced a group of scouts that was in attendance at the meeting. He said they were with Troop 120 at the First Presbyterian Church and was in attendance to witness the meeting for their Citizenship and Community Badge.

**APPROVAL OF MINUTES**

Mayor Mainella noted that each member of Council had received a copy of the minutes from the Regular Meeting held on September 13, 2022. He asked if there were any corrections, deletions, or amendments.

Councilmember Rice 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 AMENDING AND SUPPLEMENTING ARTICLE 3.0 ZONING DISTRICTS OF THE PROVISIONS OF THE CITY'S CODIFIED PLANNING AND ZONING CODE TO AMEND AND SUPPLEMENT THE USE CHART, TABLE 3-A PERMITTED PRINCIPAL USES, TO PERMIT OFFICE USE WITHOUT RESTRICTION AS TO SQUARE FOOTAGE, CHILD CARE CENTER AND CHILD CARE FACILITY AS USES PERMITTED BY RIGHT IN TECHNOLOGY DISTRICT**

Pursuant to a notice duly published in the Times-West Virginian on September 16, 2022, a public hearing was convened to obtain citizen input on an ordinance amending Article 3.0 Zoning Districts of the Planning and Zoning Code to permit office use without restrictions as to square footage, child care center and child care facility as uses permitted in Technology District.

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 amendment was requested by the High Technology Foundation within the Tech Park pertaining to the Child Care Facilities and Child Care Centers and amendments to the Office to correct a previous typo within the ordinance. He went on to say that they are trying to get a business into the Technology Park that they believe will supplement the existing businesses there and help support them. They believe Child Care Facilities and Child Care Centers will be a great benefit to the Technology Park along with clarifying the office uses to be more broadly included rather than classifying some existing uses under the current standards. This was forwarded favorably to City Council by the Planning Commission with a favorable recommendation.

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 OF THE CITY OF FAIRMONT PROVIDING FOR PREMIUM PAY TO ELIGIBLE WORKERS PERFORMING ESSENTIAL WORK DURING THE COVID-19 PUBLIC HEALTH EMERGENCY FROM THE CITY OF FAIRMONT'S AMERICA RESCUE PLAN ACT (ARPA) STATE AND LOCAL FISCAL RECOVERY FUNDS (SLFRF) FUNDING ALLOCATION; AGREEMENT; LIMITATION; SEVERABILITY**

Pursuant to a notice duly published in the Times-West Virginian on September 16, 2022, a public hearing was convened to obtain citizen input on an ordinance providing for premium pay to eligible workers performing essential work during the Covid-19 public hearing emergency from the ARPA Funding.

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

**JOHN CARSON**, Utility Manager, spoke in favor of the proposed ordinance. He said that the utility workers continue to offer all services without interruption, utility workers continue to meet with people face-to-face, going into people's homes, meet with them on the streets, go in their homes to collect samples, read meters and miscellaneous things. At utilities, they have to respond 24-hours per day, 365 days per year, and cannot perform their jobs from home and the services provided by the utility cannot be provided without these essential workers. He went on to say that their staff would like to thank Council for recognizing the essential workers and the essential work that they perform and the risks that they take performing their jobs through the pandemic. He then thanked Council for the consideration of this proposed ordinance.

**DETECTIVE MOSES PERRY**, also spoke in favor of the proposed ordinance. He stated that he was attending on behalf of the Fraternal Order of Police. He said that one thing he teaches new police officers is that they are professional problem solvers and if anything during the Covid-19 pandemic these problems only gotten more complex. He said that people are stuck at home sometimes with family members that they didn't care for as much as they thought, financial insecurity which caused some stresses and they didn't always know if they were going to have a job when the pandemic came out. All of these things made our job a lot more complex and in the mean time they were doing what they could to avoid spreading any infection. He added that they tried to solve problems on the front porch, however, that was not always an option. Search warrants needs executed, arrest warrants need served and all of that stuff was done by our officers 24/7 from the beginning of the pandemic until tonight. He closed by saying that the FOP would like to thank Council for their time and consideration of this proposed ordinance.

**CHARLIE ROSS**, a City of Fairmont Public Works employee, spoke against the proposed ordinance. He said that he suffered an injury on July 13, 2022 and is currently off work. He said that he tore his shoulder and had to have a replacement and hopefully by November he will be back to work. He said that he just learned this morning that he is going to be penalized because he will not be able to receive these benefits. He said that he thought it was unfair because he worked through the pandemic and to come back and say that he will be not eligible to receive these benefits because he is off on workers compensation. He said it was very unfair to him. He said that he works hard for the City and happy to be part of the City and loves what he does for the City. He said that it is unfair that he is going to be penalized because of a ruling that the City is trying to make, it is just not right. He went on to say that he was working through the pandemic when people were sick and were in the hospital and people were dying. He said that he was here every day and did his job. He then said that we have people that have been here only two or three months and they are going to receive these benefits in full, however, he was not. He then asked Council to look into it since he is being penalized because he's not on the payroll.

Ms. Means replied that she totally emphasized with Mr. Ross and wished that she absolutely could do that. She explained that the plan was reviewed by the State

Auditor's Office and the money that is given out in APRA cannot be backward looking; it has to only be forward and it has to be for all employees that are currently working under the pandemic. You have to be currently working. She said that if Mr. Ross comes back in November, he would probably get the second and third payment. She said that there is nothing this body or herself can do.

Mr. Ross said that he has vacation and sick time and what if he were to use that through his employment . . .

Ms. Means said that he is not working out in the field. That is the criteria. She said that she knew his attorney has already spoken to Mr. Sansalone.

Mr. Sansalone said that the requirement is that it be prospective and it is provided for by the WV Constitution and it says that no state employee or an employee of a political subdivision could be paid now for work that was done in the past. He said that initially the proposal that the City administration came up with was to pay people based on pro-rated share depending on how long they had worked during the pandemic and after further discussion and it was reviewed by the State Auditor's Office, it was determined that was not constitutional and that it had to be for people who were currently working and it had to be for work that they are doing now and into the future when the payments are received. He added that it was not a bonus, it is called premium pay and it is for continuing and ongoing exposure during the pandemic. He mentioned that he understood the concern but he did not see how the City can constitutionally pay for work that was done in prior periods, it has to be going forward. He said that was one of the other reasons that we divided the pay, initially it was a lump sum amount and then we divided that into separate payments so that if you weren't here on any one of the given dates but you were here on the other dates and satisfied the requirements, then you could receive those payments. He noted that he does not want to be the rule maker as to whether if he is being paid for accrued leave that he has earned in the past whether he would be entitled to receive the premium pay.

Mr. Ross stated that since he was here for two years working through it, that would be . . . and this July he got an injury and now he won't be eligible.

Mr. Sansalone explained that it's not for what you did or anybody did in the two years prior, it's for what is occurring now, after the adoption of the ordinance, and going forward. He said that it has nothing to do with what occurred from March of 2020 until really today because those are all things that occurred in the past and given the language of the State Constitution that the City cannot pay any employees for past work, it had to be prospective in nature, only going forward. It's not looking backward; it's only looking forward.

Councilmember Garcia asked if all employees were receiving the same amount.

Mr. Sansalone replied no. He said that his understanding was that it was based on the exposure that the different employees currently have and continue to have.

Councilmember Garcia asked who made that decision.

The Attorney said that was the way the ordinance was drafted.

Ms. Means said that is how it was drafted and that is part of the discussion out of the work session.

Mr. Sansalone said that Police and Fire obviously have more exposure risk, Utilities have more exposure because they are actually out in the public and they respond to emergency calls, go into people's houses and test water and replace meters and they actually interact with the public. Then there are the people that work in City Hall who generally work among themselves and are behind glass but yet still have some exposure but not as much exposure as the Fire, Police or Utilities would have. Based on the work session that we had with Council when they discussed how they were going to use the ARPA pay that there was to be that if you had more exposure then you should get more premium pay.

Councilmember Garcia asked if the money will come out of General Fund.

Mr. Sansalone said that when Council passed the resolution earlier that provided categories of expenditures and one of the categories of the expenditure that was outlined in the resolution was premium pay. So, it doesn't have to go into the General Fund, this is not part of the General Fund pot, this is a specific pot that Council allocated when you passed the resolution for premium pay. You cannot expend it until you pass an ordinance.

Councilmember Bolyard asked about the effective date of when the personnel had to be on the payroll.

Mr. Sansalone said that in the ordinance it specifically says the pay dates are November 4<sup>th</sup>, November 18<sup>th</sup>, and December 2<sup>nd</sup> but you have to be an employee on active city payroll on the last day of the pay period ending immediately preceding the dates that are stated in the ordinance. He noted that they have to be able to process the payroll so if you are an active city employee on active payroll on Sunday, October 30<sup>th</sup>, then you will receive the November 4<sup>th</sup> premium payment.

Mayor Mainella said that he didn't know if this would work or not but if we do what we are going to do tonight but then a couple meetings from now, if Council would do this same thing. If we pass it tonight, it's done but if we would wait and do it again for the employees who worked during the pandemic . . .

Ms. Means said that you absolutely cannot look back.

The Mayor said let's look forward and going two months from now, while we are still all together, and do another first reading, public hearing, ordinance like this that would take care of Mr. Ross for sure and maybe a couple other employees.

Mr. Sansalone said you mean you are going to pass an ordinance just for one or three employees, is that what you are asking.

The Mayor said that he thought it was a fairness issue.

The City Attorney said that is special legislation and you are looking at one particular person's circumstances.

The Mayor mentioned there is more than one employee.

Mr. Sansalone said it is a handful and not the City as a whole.

The Mayor said that it is a fairness issue.

Mr. Sansalone said what are you going to do if somebody gets injured in between time and then they are not on the payroll on November 18<sup>th</sup>, are you going to come back later on. Mr. Sansalone said that he feels bad for the guy but if you take care of him and somebody is injured and someone doesn't get the pay on November 18<sup>th</sup>, or if someone is injured and doesn't get the December 2<sup>nd</sup> payment and they are off for six weeks, are you then going to come back in six weeks and pass another ordinance for those people who didn't get the second and third payments. He said that you will end up trying to pass ordinance after ordinance after ordinance to take care of each one of those individual situations. He said it was like special legislation for a particular purpose that is not for the City as a whole.

The Mayor said that if we are going to do what we are going to do tonight and it's done, we might be able to take a look at how many there are who are getting shorted.

Mr. Sansalone said that he knows there are people on temporary total disability under the pension fund that aren't necessarily going to be taken care of so how are you going to resolve their issues.

The Mayor said to stretch the payments out instead of three payments, stretch it out over six payments and maybe catch some towards the tail end.

Mr. Sansalone said if that is what you want to do is to stretch it out over a longer period of time would be to vote against this particular ordinance and then tell the City Manager how you want the payments to be allocated and for how long you want people to receive premium pay and then tell him to write an ordinance that says instead of three pay periods to make it over six payments.

Councilmember Bledsoe said then we run into a completely different issue because with a payroll the size of ours, there are bound to be people who are regular to retire and maybe even be holding off on that and if we start stretching it out, now they will retire and either not get it or keep hanging on and hope we keep passing an ordinance down the road.

Mr. Sansalone said that is his point. We cannot accommodate 100% of the people all of the time. You have to accommodate the most people that you can accommodate and if you start making exceptions and creating ordinances for particular circumstances, what is going to happen is exactly what Councilmember Bledsoe said.

Councilmember Bledsoe said that he feels really bad for Mr. Ross and a couple others in the same boat but if we start changing it and dragging it out then we are just going to end up hurting others to try to fix this.

Ms. Means stated that the concern will be additional employees. Our employees work very risky jobs and, in many circumstances, dangerous jobs. She did not know how you can cover all of this as the clock moves then you are just adding time for somebody else to be hurt and maybe they got the first payment but then they will not get the other ones so how does the clock keep moving.

Councilmember Rice asked Mr. Ross when he got hurt.

Mr. Ross replied July 13, 2022.

Councilmember Rice said so this gentleman has worked two years through the pandemic and then he gets hurt three months before we have these benefits and someone could get hired tomorrow and get the full benefit.

Mr. Sansalone said that you cannot look at it that way.

Ms. Means explained that the State made it very clear to her. During the first round of this had pro-rations in it and it even had exclusions for new hires and the State told her that even though the Federal law would have allowed us to do that, we will have to follow the State law.

Mr. Sansalone said again it's the Constitution and it says that governments can only pay people in the future, you cannot pay someone for work they performed over the course of the past two years and you can only look at it from the point going forward. He stated that he knows it does not seem fair but it's the law.

The Mayor replied that it's definitely not fair but when you said that we would be creating an ordinance for situations and occurrences, we do that all of the time.

Mr. Sansalone said that it's not for the individual, it's for the City as a whole and it's just not to create . . . and it's not for the benefit of a particular individual or circumstance. Although someone may benefit from it, it's for the benefit of the whole.

The Mayor stated that he was going to be in favor of this but he would hope that we think about, soon, the possibility of another ordinance that might stretch payments out farther for the people who did work through the pandemic, although it's against our Constitution to look at that and think about doing the same thing to catch several people that, because of the way it's written, were treated unfairly. Not us, but the way it is

written in the State Code.

The City Manager said that she was told by the WV State Auditor's Office that if we move forward in using that, it would be an improper use of public funds.

The Mayor said but that doesn't keep us from doing it again.

Ms. Means replied no.

Mr. Sansalone said that if any changes are made to the ordinance, the whole process would have to start over again.

The Mayor said that we will know how everyone feels about it in a little while when Council votes on this.

Councilmember Deasy stated that she didn't think any of Council wants to hold this up, out of respect for everyone else.

The Mayor said he agreed.

**JONATHAN WOERTZ**, 930 East Park Avenue, stated that he has plenty of respect for the Fire and Police and the people that do the street paving and the water department guys. He stated that it doesn't sound fair if you got hurt and instead of doing premium pay, why just not give a small raise toward them. It would make more sense to give a small raise instead of doing a premium pay. He's against it because it doesn't sound fair.

There being no one else to speak, the public hearing was called to a close at 7:34 p.m.

### **ANNOUNCEMENTS**

#### **IN RE: UTILITY COMPLAINT FIXED**

Councilmember Rice said that he spoke with a resident on Satterfield Street where our crews were doing some work and she wants to thank the crews for doing the work. He said that the resident has been waiting for this work to be done for four years and she is very appreciative.

#### **IN RE: SETH BURTON MEMORIAL DISC GOLF TOURNAMENT**

Councilmember Bolyard announced that this weekend is the Seth Burton Memorial Disc Golf Tournament starting on September 30<sup>th</sup> through October 2<sup>nd</sup> at Morris Park.

#### **IN RE: FALL CLEAN UP SCHEDULED**

Councilmember Bolyard also announced that October 2<sup>nd</sup> through October 7<sup>th</sup> is the City of Fairmont's fall clean-up and Republic Services will be picking up additional household

waste and some bulky items. There is a detailed list of those items on the City's Facebook page.

**IN RE: FIRST RESPONDERS COMMENDED**

Councilmember Kennedy commended the first responders and said the premium pay is a small gesture of appreciation. He said he wished it could have been more. Everything has to be done strictly according to law and sometimes that hampers things.

**IN RE: CODE ENFORCEMENT COMMENDED**

Councilmember Garcia commended Code Enforcement for being in Bellview two or three times a day and for the recent demolitions that have taken place.

**IN RE: RECENT HOUSE FIRE ON CARLETON STREET**

Councilmember Bledsoe commended the Fire Department for doing a good job on the recent house fire on Carleton Street. He said that four people were pulled out of the house and a lot of people fuss about the fire service fee that they pay but that fee is what keeps the Fire Department ready for a situation like that.

Mayor Mainella said that fire was at 4:00 a.m. He said, unfortunately, the Fairmont newspaper made a decision several years ago not to report news like that. He said that Council gets to see it in our Friday updates and from what was in our report, those guys saved four lives in a house that was full of smoke.

Fire Chief Ed Simmons said that he has been doing this for 30+ years and it was unconditionally and he is so proud of the guys. He said they worked as a team and did an awesome job and they deserve all of the kudos that you give them.

The Mayor said that Council knows about some of this stuff because we read about it in our weekly reports but for the people in the community, the Police and Fire Department are very active and they help a lot of people in the course of a week or month or year or whatever. He then thanked the Police and Fire Department for what they do.

**IN RE: MUSCULAR DYSTROPHY BOOT DRIVE**

Councilmember Cinalli reported that the IAFF Local 318 Fire Department raised over \$11,000 for the Muscular Dystrophy Boot Drive. He extended congratulations to them.

**CITIZENS PETITIONS**

**IN RE: CITY BOUNDARY CHANGED**

**FRED SPRINGS**, 13 McClure Street, addressed Council regarding a recent change in the City boundary regarding his property located at 8 McClure Street. He said that he has owned the property since 1954 and it has always been out of the city limits and as

of 2021, the City put it into the city limits. He said that for 67 years that he has owed it, it has been outside the city limits and now they put it in the City because they think it should be inside the City limits. They now want to implement fire tax and stormwater runoff fees. He then asked for someone to explain to him about stormwater runoff when there are no utilities in the house. He then asked again for someone to explain to him what stormwater runoff is.

Mayor Mainella told Mr. Springs that he is here tonight to talk to Council and Council is not here to engage him.

The City Manager told Mr. Springs that they have had meetings already on this matter. She said they met and talked about it.

Mr. Springs said this property has been outside the city limits for 67 years.

Ms. Means said yes, but after doing a boundary audit, that's why it came up. She said that she is certainly welcome to have another discussion with him.

Councilmember Rice asked why it was put in the city limits after being out all those years.

Ms. Means replied that it's always been in the city limits.

Mr. Springs asked how can they tell him it's always been in the city limits when it has clearly been outside the city limits. He explained that he has been there since he was eight years old, there is a pole which he has on video when the City used to maintain that road, they came up to the telephone pole and put down red dog and they started at the pole and did not go beyond the pole which is where the house is. He said that he was 74 years old and now the City wants to put it in the city limits and tell someone that it has always been in the city limits, no, no, no. He said that if he was in the city limits back then, they would have maintained the road, but they didn't. He then asked again what stormwater runoff is. He said that he has come to the City office two or three different times and showed them where the course of the water has been changed and it comes across three different lots now and goes down by his garage which is at 13 McClure Street and goes under the corner of his garage. He said a guy from the City Water Department came out two or three weeks ago and he looked at it but never heard another thing about it.

Ms. Means said that she will look into it and schedule another meeting. She said the stormwater fee is a fee that everybody pays in the city limits to manage the whole stormwater system for the entire city. Stormwater is from the rain.

Councilmember Bledsoe said the stormwater fee and what we have to do are mandated by either the State or Federal.

The Manager said that we are required to manage the stormwater.

Mr. Springs said that is rain water.

Ms. Means replied yes.

Mr. Springs said that he has no control over the rain water.

The Mayor asked Mr. Springs to schedule a meeting with the City Manager to further discuss the issue. This is not the venue to ask questions. The City Manager will meet with you about this.

Councilmember Rice asked who his Councilmember is.

Councilmember Bledsoe said that he was the Councilmember for that area. He added that Mr. Springs is not the only person he has heard from regarding this issue. He knows others in the Hampton Road area that bought property and were told they were in the County and now have been placed into the city limits.

**IN RE: STREET PAVING**

**JONATHAN WOERTZ**, 930 East Park Avenue, asked about the following items:

- The street maintenance fee
- The street sweeping schedule
- The City has not posted anything about paving this year
- Reported a broken fire hydrant on East Park Avenue

He said that the street maintenance fee is still being taken out of the water bills but no streets are being paved.

Ms. Means said the City did a full paving project in the spring.

**IN RE: SCHOOL LEVY**

**MARY JO THOMAS**, 512 Front Street, addressed Council to speak in favor of the 2024 Marion County Board of Education Excess Levy that is on the November 8<sup>th</sup> ballot. She said this is a 75 year old school levy that has been in effect and probably the longest continuous levy in West Virginia. She said the current levy is in effect until June 30, 2024, however, the legislature did enact that they must vote it in a General Election so in order keep the levy going it will be on the November 8<sup>th</sup> ballot. She went over some of the items that the excess levy pays for and other things the public should know about the excess levy. She closed by saying that Marion County deserves the best and that is why she is encouraging voters to vote in favor of the Levy.

**CITY MANAGER'S REPORT**

**IN RE: TRICK OR TREAT DATE SET**

The City Manager reported that trick or treat will be held on Monday, October 31<sup>st</sup> from

6:00 p.m. to 7:30 p.m. in the city limits of Fairmont.

**CONSIDERATION OF COUNCIL BUSINESS**

**IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ARTICLE 3.0 ZONING DISTRICTS OF THE PROVISIONS OF THE CITY'S CODIFIED PLANNING AND ZONING CODE TO AMEND AND SUPPLEMENT THE USE CHART, TABLE 3-A PERMITTED PRINCIPAL USES, TO PERMIT OFFICE USE WITHOUT RESTRICTION AS TO SQUARE FOOTAGE, CHILD CARE CENTER AND CHILD CARE FACILITY AS USES PERMITTED BY RIGHT IN TECHNOLOGY DISTRICT.**

Mayor Mainella entertained a motion for the adoption of an ordinance amending Article 3.0 Zoning Districts of the Planning and Zoning Code to permit office use without restrictions as to square footage, child care center and child care facility as uses permitted in Technology District.

Motion:

Councilmember Deasy moved for the adoption of the proposed ordinance. Councilmember Rice 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. 1968 was duly adopted.

**IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR PREMIUM PAY TO ELIGIBLE WORKERS PERFORMING ESSENTIAL WORK DURING THE COVID-19 PUBLIC HEALTH EMERGENCY FROM THE CITY OF FAIRMONT'S AMERICA RESCUE PLAN ACT (ARPA) STATE AND LOCAL FISCAL RECOVERY FUNDS (SLFRF) FUNDING ALLOCATION; AGREEMENT; LIMITATION; SEVERABILITY.**

Mayor Mainella entertained a motion for the adoption of an ordinance providing for premium pay to eligible workers performing essential work during the Covid-19 public hearing emergency from the ARPA Funding.

Motion:

Councilmember Bledsoe moved for the adoption of the proposed ordinance. Councilmember Rice seconded the motion.

Discussion:

Councilmember Bolyard stated that Council has acknowledged and appreciates our Fire, Police and Utilities, however, she would also like to extend her appreciation for

those that work in City Hall that did not get to work from home and they may have been behind glass but they were there making payroll and making sure the functions of the City occurred during the pandemic.

Councilmember Bledsoe said that he will definitely be voting for this but he didn't want Mr. Ross to think he did not feel for him. He said that he has a legitimate beef and he would hope that there is a way to fix that but he did not want to hold it up in the meantime for those that are waiting for it. He said, not to slight any of the public workers, he fought from the very first work session to try to make sure our firefighters and police officers got a bigger chunk because these people were literally and still are out in the public nose to nose with the public. He was glad to see that they got a bigger chunk even though he was glad to see everyone got something.

Councilmember Rice expended his appreciation to the firefighters and police officers and told Mr. Ross that he was sorry that Council could not do something for him and that he was very much appreciated as the rest.

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. 1969 was duly adopted.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT AUTHORIZING THE PURCHASE OF THOSE CERTAIN PARCELS OF REAL ESTATE SITUATE IN FAIRMONT CITY DISTRICT, MARION COUNTY, WEST VIRGINIA, FROM FAIRMONT ENTERPRISES, LLC, a West Virginia limited liability company, FOR THE ADAPTIVE REUSE OF THE PROPERTY TO HOUSE CERTAIN ASPECTS OF CITY GOVERNMENT AND SERVICES INCLUDING EXECUTIVE FUNCTIONS AND PUBLIC SAFETY PERSONNEL AND EQUIPMENT, WHICH REAL ESTATE HAS AN ADDRESS OF 120 FAIRMONT AVENUE, FAIRMONT, WEST VIRGINIA, AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:**

**BLK 1 LS 1-2 GASTON AVE  
Map / Parcel 2 / 0177 0000 0000**

**BLK 1 LS 3-4 GASTON AVE  
Map / Parcel 2 / 0178 0000 0000**

**BLK 1 LS 5-6 GASTON AVE  
Map / Parcel 2 / 0179 0000 0000**

**BLK 1 LS 15-16-17 &  
PT LOT 18 FAIRMONT AVE  
Map / Parcel 2 / 0144 0000 0000**

**BLK 1 LS 11-12-13-14 FMT AVE**

**Map / Parcel 2 / 0145 0000 0000**

**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 120 Fairmont Avenue for adaptive reuse of the property to house certain aspect of City government and services.

Motion:

Councilmember Rice moved for the introduction of the proposed ordinance. Councilmember Bolyard seconded the motion.

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

The Mayor declared the public hearing set for October 11, 2022.

**IN RE: ADOPTION, A RESOLUTION TO RESCHEDULE THE REGULAR CITY COUNCIL MEETING OF TUESDAY, DECEMBER 27, 2022 TO TUESDAY, DECEMBER 20, 2022 AS PER SECTION 1.3 OF COUNCIL'S RULES OF ORDER AND PROCEDURE**

Mayor Mainella entertained a motion for the adoption of a resolution to reschedule the December 27, 2022 Council meeting to December 20, 2022.

Motion:

Councilmember Deasy moved for the adoption of the proposed resolution. Councilmember Bolyard seconded the motion.

The Clerk read the proposed resolution by synopsis.

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

Councilmember Kennedy	Yes	Councilmember Bledsoe	No
Councilmember Blood	Yes	Councilmember Rice	Yes
Councilmember Cinalli	Yes	Councilmember Garcia	Yes
Councilmember Deasy	Yes	Councilmember Bolyard	Yes
Mayor Mainella	Yes		

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

**IN RE: ONE RE-APPOINTMENT, FAIRMONT BUILDING COMMISSION, FIVE-YEAR TERM TO END OCTOBER 31, 2027**

Mayor Mainella entertained a motion for one re-appointment to the Fairmont Building Commission for a five-year term ending October 31, 2027.

Mayor Mainella moved to re-appoint Jeff Wise to the Fairmont Building Commission for a five-year term ending October 31, 2027. The motion was seconded by Councilmember Rice.

Roll call was taken by the Clerk.

The Mayor declared Jeff Wise re-appointed to the Fairmont Building Commission for a five-year term ending October 31, 2027 by unanimous vote of Council.

**IN RE: EIGHT (8) RE-APPOINTMENTS, FAIRMONT AIRPORT AUTHORITY, THREE-YEAR TERMS TO END OCTOBER 1, 2025**

Mayor Mainella entertained a motion for eight (8) re-appointments to the Fairmont Airport Authority for three-year terms ending October 1, 2025.

Mayor Mainella moved to re-appoint Garrett DeVault, David Knapp, Nathaniel Fletcher, Joey Garcia, Christopher Moran, Timothy Bayne, Kevin Blaney, and Tom Mainella to the Fairmont Airport Authority for three-year terms ending October 1, 2025. The motion was seconded by Councilmember Blood.

Roll call was taken by the Clerk.

The Mayor declared Garrett DeVault, David Knapp, Nathaniel Fletcher, Joey Garcia, Christopher Moran, Timothy Bayne, Kevin Blaney, and Tom Mainella re-appointed to the Fairmont Airport Authority for three-year terms ending October 1, 2025 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 8:05 p.m.