

October 11, 2022

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 11th day of October, 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
Police Chief	Steve Shine
Police Sergeant	Tyler Hall
Director of Marketing	Hanna Turner
Director of Planning	Shae Strait

IN RE: OPENING CEREMONIES

Rev. Roger Thrower gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Deasy.

IN RE: SCOUT IN ATTENDANCE

Mayor Mainella announced that a boy scout is in the audience from Troop 120 at the Presbyterian Church. He mentioned that he is working on his citizenship and community badge.

IN RE: PROCLAMATION PRESENTED TO DIRECTOR OF PLANNING

The Mayor presented a proclamation to Shae Strait, Director of Planning, in

honor of October being named Community Planning Month.

Mr. Strait thanked and recognized the citizen planners serving on the BZA, Historic Preservation Review Commission and the Planning Commission. He noted that they play an important role in our community and the value they give back to us.

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 27, 2022. He asked if there were any corrections, deletions, or amendments.

Councilmember Rice stated he wanted to make a correction. He said that on page 16, it said that the Mayor entertained a motion for the introduction of an ordinance authorizing the purchase of the former BB&T building which is located at 120 Fairmont Avenue. He said that he did not introduce that ordinance to say that it was about the former BB&T building. He went on to say that he never knew anything about it being the BB&T building so he wanted to state that.

Mayor Mainella stated that it has been in Council's weekly reports for a while.

Councilmember Rice said that he did not move that ordinance . . .

The Mayor said ok, so the minutes . . .

Councilmember Rice said that he moved the ordinance as 120 Fairmont Avenue, not the former BB&T building. He said that he did not know and several of the other Councilmembers did not know either.

Councilmember Rice moved to approve the minutes as corrected. The motion was seconded by Councilmember Bledsoe to approve them as corrected.

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

PUBLIC HEARINGS

IN RE: 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

Pursuant to a notice duly published in the Times-West Virginian on September 30, 2022, a public hearing was convened to obtain citizen input on an ordinance authorizing the purchase of 120 Fairmont Avenue, for adaptive reuse of the property to house certain aspect of City government and services.

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

STEVE SHINE, Chief of Police, spoke in favor of the proposed ordinance. He said there may be concern about the intent for the purchase of the property. He said this started probably more than a year ago whenever we realized that the problems that plagued this building since its inception and have gotten continually worse. He did not realize the extent of the problems that the Fire Department was facing and once an engineer's review of their portion of the building and fix certain parts of the building that were proposed. He said that he talked to the City Manager about looking at alternatives to where they might go, how we would deal being displaced, how we would set up temporary

services for court, City Council meetings, interviews, arrests, and things like that. It got extremely time intensive and there are problems beyond just fixing the building with the continuity of service for the Police Department. So, they started looking at alternatives for that and then on top of that we got the monetary value of what the estimate was to fix the portion of the building that Thrasher decided was affected by settlement issues and rising and fall. He went on to say that the estimate was \$4.5 million dollars. That does not take into account if we would have to have crews working at night so that we could keep the front office open for parking fines and things like that. There was just a lot to take in with that initial estimate and the fact that they couldn't guarantee that we would fix this building in its entirety or we wouldn't have the issues. He added that we were evaluating different properties around the City, places close to the central part of town that could affective be established as another police department and separate ourselves from the Public Safety Building. He said that BB&T was one property that we have looked at initially. He went on to say that he has dealt with Steve Holbert who is in charge of the properties and they have toured the building and evaluated it for an initial assessment for purposes of running a police department out of it and it seems to suit that. He said that he thought this ordinance will allow us to get into the building and do additional assessments to see its suitability for housing the police department and probably a court room and council chambers additionally. The Chief went on to say that for years now, at least since he has been Chief for seven years, part of their initial training for new rookies is to bring them in and to make sure they understand the value of hard work that they have a vested interested in the police department and in this building and we have them digging out the hillside that is falling in behind us, we have them patching dry wall that is separating and falling apart, we have them fixing floors and building cages so that has been a lot of the work. He said that there are cost issues that weren't addressed by additional manpower and resources, we would have spent tens of thousands of dollars on over the years just keeping this building going. He mentioned that they aren't even the most affected by the issues, we just know that if there is going to be reconstruction of this building, a reconfiguration, he would rather that money be better spent on purposes of housing the fire department or any other city services that could be more suitable. He said that obviously there is a parking issue, layout issue and we are hoping that the BB&T property would better suit us and allow the expansion of the fire department and reconfiguration of this building to better suit the City.

The Mayor stated that if we pass this ordinance, that doesn't obligate the City to buy this building.

Chief Shine said not at all. He said that what it's going to do is to allow us to get in there and start doing assessments, mechanical structures of the

building, the HVAC, electrical, plumbing, roof, the structure itself, check it for mold, check out the mechanicals of it with the elevator, and then maybe start on an assessment of what it would cost to reconfigure it into what would suit us as a Police Department and for council chambers and a court room.

The Mayor said, at some point, after that is figured out, how much it would take to put it in good shape for you all to use. He said that he would assume he will be back to Council to get that amount approved.

The Chief said that they have already had a couple planning meetings now and between Planning and Code Enforcement and Sgt. Hall, who is going to assist him with the assessment and evaluation. He said that if there are any issues at all that is found to be cost prohibitive or not desirable for the purpose of intent then we can go back to square one. The Chief went on to say that this building isn't dead and is not something that can't be used but there is a potential for it being reconfigured for a better use for the City then he thought that would be the wiser investment than trying to rebuild it into what it is and having something else fall apart down the road.

Mayor Mainella asked if having the inspection of 120 Fairmont Avenue is going to be core sampling to subsurface.

The City Manager replied yes.

Councilmember Cinalli asked if this building under any type of insurance that subsidence would fall under.

The Chief replied that it's really not subsidence, as he understands it. He stated that it is the fill that was used to reconstruct portions of it.

Councilmember Bledsoe asked if this purchase includes where the drive-thru used to be as well.

The Chief replied no, it does not. He said that it includes four lots that basically start from Second Street and work their way back down Gaston Avenue toward the Moose Club.

Councilmember Bledsoe stated that he has a lot of questions. He asked if now is the time to do it or during the comments when we vote on the ordinance.

Mayor Mainella said if the Chief can answer them, just ask them now.

Councilmember Bledsoe asked the City Manager to give a little explanation of how we got here, by that he said he means what was the decision to buy this

(meaning the former Heck's Building) and do what we did to it, to remodel the old Heck's Building into this and then like the disaster at the Fairmont Filtration Plant, here we are. Now, we have spent ungodly millions at the Fairmont Filtration Plant then had to spend ungodly millions again because somebody didn't know we have muddy water in the Tygart River then we spent heaven knows how much to do this which was a nice building but now we are going to have to spend millions again to move out the police and fire departments, how did we spend all of that money and have to spend all of this money again. How did we get from there to here?

Chief Shine said that he would guess it all started in 2004 and was before he was a supervisor and before anybody here was on Council.

The Mayor said it was the same problem, they built North Marion High School on pyrite and sometimes things just happen. He didn't think they intentionally did it but the water came off the bank that went under the building to cause the pyrite to expand, that's a factor.

Ms. Means replied that is one of the factors and we are not exactly sure where all of the water got under this building. She said that he cannot answer to . . . I know that they did some testing before they purchased this building but she did not know details on what all was done but from what she understood, we know that somehow the pyrite was exposed to water and when that happens, it's going to expand and lift and the concern is with all of the money that we have already in this building then to put that much more into this building without a guarantee because that price tag only remedied 9,000 sq. ft. of this building.

Councilmember Rice asked what is the guarantee that this bank property is going to not do the same that we have in this building.

The City Manager said that we are going to do our due diligence and all of the testing and all of the inspections and everything that we possibly can do just like you would do on any building that you would be buying. She added that we were going to do that first and we have an out written right in the contract that if we find anything that we don't believe makes sense to move forward with the purchase, we are out.

Councilmember Rice said that this ordinance says that we are moving to authorize the purchase so if we are authorizing this purchase of \$550,000.00 for these parcels, how are we able to go in and not purchase it if we find something wrong.

The Mayor replied it's in the agreement.

Ms. Means said the agreement is in Council's packet.

Councilmember Rice said so it's in the agreement if we buy this.

The City Manager read from the agreement about all of the tests and inspections that we would do.

Chief Shine mentioned that we have 120 days plus the 30 days for the ordinance to become effective.

Ms. Means read: "That purchaser is unwilling to accept, or purchaser determines is too costly or burdensome to abate or otherwise provide for containment or remediation of such condition, purchaser shall have the right and option, in its sole discretion, to declare this agreement null and void, terminated and cancelled and shall thereupon be released and discharged from all further obligations."

Councilmember Rice asked if we have done an appraisal yet.

The City Manager replied no, we have not done an appraisal yet, we haven't done any of the inspections.

Councilmember Bledsoe asked if we had a purchase price yet.

The Manager replied yes, we have a purchase price and it's in the ordinance.

Councilmember Bledsoe asked what it was.

The Manager answered \$550,000.00 for all of those properties.

Councilmember Rice asked what about the bank itself.

The Manager said that is for the price, we did not separate it out.

Councilmember Rice asked if we know what Steve Holbert paid for it when he purchased it.

Ms. Means said she did not know.

The Mayor said he used to know.

Councilmember Bledsoe said that he did not care what Steve Holbert paid for it. He said what matters is what we are going to spend.

Councilmember Bledsoe said the ordinance says: “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”. He said that his personal opinion is that needs to specifically read “that is for the Police Department”. He said that he knew that is what we are doing this for but Fairmont City Council, not too long ago, makes a habit of saying we are going to do one thing and then do another just like they did with the Street Fund. He said this ordinance needs to specifically say that it is for the Police Department.

Ms. Means mentioned that we are thinking about Police and Code Enforcement.

Councilmember Bledsoe said that whatever we think is going in there, which is fine, he doesn’t have a problem with that, but he thought it needs to say that in the ordinance to prohibit anything down the line from saying “oh, we did it for this instead”.

The Mayor said so what if they do, what’s the problem.

Ms. Means said why would you tie hands like that.

Councilmember Bledsoe said that if we are going to spend that kind of money and tell these people that it’s for the Police Department and then turn around and say oh, we changed our mind, like we did with the Street Fund, that’s a crock. We promised, absolutely guaranteed, in writing, when that Street Fund was passed, it’s the last line of that ordinance that specifically said those funds would never be used for anything else ever and you said it doesn’t matter what it says because we can do what we wanted. That’s a crock.

The City Manager said that you just couldn’t do it under that ordinance. You had to pass another ordinance.

Councilmember Bledsoe said he was in favor of doing that, in a sense, because we needed that money but on the other hand, he thought we should have done it in two separate ordinances, cut the Street Fund and stopped and created another ordinance to create another fund if you want to because the Police and Fire Department did need that. He said that we lied to the public.

Mayor Mainella said that no, we did not lie to the public. He said that we cut the Street Fund in half and we all agreed on it, cut it in half, devoted the other dollars to public safety because the policemen he (meaning the Chief) was training were going everywhere else to work. We did not lie to the public.

The Mayor told to Councilmember Bledsoe that he does not appreciate him telling him that he lied to the public.

Councilmember Bledsoe said he did.

(A verbal argument took place between Mayor Mainella and Councilmember Bledsoe).

Chief Shine said that he wanted to speak to the ordinance. He said that the BB&T property, the building itself, is probably going to be double what the square footage we have right here is and that's if we don't reconfigure any of the floors or anything like that. We have a need for growth, we are outgrowing our evidence room, we are outgrowing our garage in back and things like that. He said that he would be open to sharing that building with resources that, in other cities, are sometimes coupled together. A lot of times Code Enforcement works together. He has had issues with Code Enforcement where we have needed to tag team a property for dilapidated, vagrants and things like that. It kind of makes sense to couple certain departments together and he could see the potential for maybe someone else moving in. He said that he did not want to claim all of that property for just the Police Department and we can make room for somebody else. Maybe it turns out that Traffic needs a garage to work out of and there is some spare space there and that is the only reason he would not want to pigeonhole just for the Police Department and then see if that space could be better developed to help out another department at the City. He went on to say that it was his idea, he brought it forward, and he can promise that he will due diligence to make sure we don't end up with what we have now and that it will suit their needs and he wants to leave it open to help the rest of the City and the other departments.

Councilmember Bledsoe said that he was not even against this purchase. He said that he is in favor of it for the use of the Police Department and if there is more room, he has no problem with Code Enforcement, he was not against that.

The Chief said we could see what could come down the road or envision how all of that . . .

Councilmember Bledsoe said that he thought the ordinance needed to be worded because, as usual, Council has no say in how an ordinance is worded because we won't have work sessions and nobody comes to Council and says, hey, this is what we are looking to do, what do you think. We just get this thrown in front of us five days ahead of time, but we do get ongoing notes and messages from Administration saying this is what we are doing. But we don't have any say in how the ordinance is created and we look at it and say

well, all we have to do is say yes or no, we cannot even amend the ordinance.

Chief Shine said that really, behind the scenes, what he was doing was trying to negotiate a price with Steve Holbert. He was going to him and saying hey, what plans can you show me. He was going to Shae and doing all of this. He said that if we would bring a work session together every time for that purpose, it would be difficult.

Councilmember Rice said that he thought it would be great if we got together for a work session to find a new spot, as a Council, for the Police Department. He stated that he would be for that but to throw something, just like Barry said, in front of us, like this.

Chief Shine said that he understood but several months ago he wrote that we were evaluating the sites for other locations for the Public Safety Building due to the cost involved and the renovations and things like that, and he would hope that Council would either reach out to the City Manager and say, hey, have you guys looked at this, have you considered that, have you done this or during the part that is put up for consideration of Council business for tonight, said, hey, what else have we done. He said that if you have requested a work session, he didn't know anything about it but he would love to talk about it; he could talk about it for hours.

Councilmember Bledsoe said that he doesn't think we should stay here and he would actually trust Chief Shine. He said that he would trust the Chief and what he has put into this so far, however, he thought the ordinance needs to have some more information in it, maybe a purchase price before we authorize this purchase, and maybe an estimate of what it is going to cost to do the inspections.

The Mayor said that is what they are going to do.

Councilmember Blood stated that they can't do anything until the ordinance is adopted.

Chief Shine said that he had a right of entry, signed and notarized by Steve Holbert, that allows us to start as soon as this is passed.

Ms. Means noted that this is the first step.

Chief Shine said that is part of it, to go in the building. He stated that he understands the frustration but . . .

Councilmember Garcia asked where the funds are coming from.

Ms. Means replied Capital projects.

Councilmember Garcia reported that a couple years ago, Pierpont was interested in the building and it needs a lot of work. He then asked who would pay for all of the inspections.

The City Manager replied that the City would pay for them. She said that we will do what we can do in-house.

Mayor Mainella apologized to the Chief and said that not everybody around the table reads their Updates that are sent out on Friday.

Councilmember Deasy said that she is a little familiar with the property because the Board of Education has looked at it at one time before they moved out to their new area. She said that she understands that we need a new place for the Police and thanked the Chief for opening it to other entities and not wanting to hog up the whole room. She said that we are all saying that it is a prime piece of property, nice location, they need a new place, but we know that it has sat empty for quite a while so she knows there are going to have to be updates or whatever done. She asked if we were limited or do we have a budget of how much, if everything goes according to plan and it's worth what it's worth and we buy it for that, it's not going to be ready to move in. She asked if we had a budget restriction.

The City Manager said that we would probably do that and that would be an appropriate time for a work session to come back and say here are some designs, here is what it will cost, here is how we can fund it. She said that maybe there are some grant dollars or maybe some grant monies can be used toward it, we have Capital Reserve that can be used toward it and all of those things could be discussed. She explained that this is really just the very, very initial first step because, again, if we get into any of those inspections and find anything, we are done with this and we are not going to spend all of that time to do all of those studies and to remodel and to get costs for that because we would not do that yet.

Councilmember Deasy said she is specifically asking how limited are we on putting additional money into it and how much will our budget will allow us to enhance property after paying that initial cost.

Ms. Means said that it will depend on the cost that we were going to do and if it wasn't something that we felt that we had from cash and Capital Reserves, we would do a bond like we did for the Fire Department for the new fire station.

Councilmember Deasy stated that he understood that we want to leave this premise, do we have to get out of here in the next 24 hours, how long are we safe here.

Ms. Means replied that we are safe here, this building is not structurally . . . this building is not going to collapse but it's going to continue to get worse. She added that we have time to stay here and time to work it out. She noted that obviously we would not move until whatever property we go to for the Police Department until they are ready to move. We also have to reconsider that there would be some cost involved in keeping what we could keep of this building and using it for the Fire Department. She said that there will be additional costs for that as well.

Councilmember Rice asked if the Fire Department was worse off than the Police Department.

Ms. Means replied yes.

Chief Shine pointed to a crack in the room and said to multiple that times 20, during work sessions, Council has seen the walls where they are separating and that extends into their living quarters. He said that most of the issues that we have are cosmetic and we have doors that don't shut and cracks going down the hallway and a lot of that wasn't in the \$4.5 million dollar estimate that we were given for the repairs. He went on to say that there is a potential for us to go somewhere else and then to reconfigure this building for the Fire Department and come out ahead and he would like to consider that. He said that he understood if we have a work session and Council finds it cost prohibitive for us to move and then to reconfigure this for whatever Chief Simmons thinks it should be envisioned as, then we will have to nix it.

The City Manager said the problem is that it's easier to find a proper location for the Police Department than it is for the Fire Department because the Fire Department is going to be steps to the area that they can respond from and she has asked the Chief that herself and he says that where Central Station should be, here is the best place. It's not like you can just pick any other location and move the Fire Department. She said that we would keep our Fire Department here, now what does that mean as far as what we would do in the building, does it go to the other side, do we do some repair, we don't have that yet.

The Chief said that we have looked at properties and the BB&T is the most appropriate right now and might have to go back to the drawing board if it's not right.

Councilmember Deasy asked the Chief if he liked that area.

Chief Shine said that he likes the fact that there is development doing on both sides of it and he sees that section of town becoming a city center area around the traditional downtown area. He thought they could contribute to the appeal of residents moving in there and businesses moving into the area and improving that section. He thought it was a central spot to respond from and plenty of parking that is going to be available so we don't get into what we have now. The Chief said that he will 100% ready to back out if any of our inspections turn out to be a money pit or incompatible.

Councilmember Cinalli asked if there was a Plan B if this doesn't work out.

Chief Shine said no. He said that they can keep operating as they are, he just knows that the Fire Department is in bad shape and he knows there is consideration for restructuring this building and he would rather see that money spent to make this something better that the Fire Department can use rather than rebuilding exactly as it is and us still have, in 10 years, the hillside falling into us.

Councilmember Rice asked if the Fire Department was going to move out.

The Chief replied that the hillside does not affect them but as far as what they are dealing with over there, they never mentioned it.

The City Manager reported that the garages are in very good shape, they are not moving. She didn't know if it was some form of addition to the garage or in the back or along the side, we don't know that yet. Location wise, this is prime.

Councilmember Garcia asked if the Chief has looked at the old post office.

The Chief replied it has sold. He said that it would have required a lot more than what we had.

Councilmember Garcia asked if they were going to tear down the Moose Club.

The Chief said no, from that he understands there is an investment from other places trying to develop that. He said on both sides of that property, you will have development taking place. He said that he knows that people are trying to better the area. He added that the parking, the square footage, the potential for reconfiguration from what he saw looking at the structure of it, he didn't see any issues with it and that's why it appeared to be a good investment for the Police Department.

SGT. TYLER HALL, with the Fairmont Police Department, also spoke in favor of the proposed ordinance. He said that he was part of helping to look for new properties. He said that they are outgrowing the space at the Police Department even if they weren't having the issues of falling in and constantly fixing the doors. He said that since they moved in, everything has changed as far as technology and the Police Department was really facing that problem. He said 12 years ago, you didn't need your own computer at your desk, well that is not possible now. The officers have to have their own work stations. He said that if they were fully staffed, which they are not, we would have to have officers sharing work stations and with over 2,000 cases in a year, that 21 patrol officers are expected to handle, think about sharing a desk with somebody else. He said that since 2010, they have lost 52 officers and left this agency and they are only budgeted for 39 so recruitment and retention, we are not having problems hiring people, but we are having a hard time keeping people. He said that one of the things they need is a good working environment. Pay and benefits are important so is working in a good environment. He went on to say that if the BB&T building is not suitable, we can back out of it because he doesn't want to have to deal with moving again. He said it's like buying a house, you can still have your inspections and still back out of it if that had to happen. He said that he hopes Council reads all of the reports but we will rely heavily on Shae and Code Enforcement because they know that stuff better.

SHAE STRAIT, Director of Planning, also spoke in favor of the proposed ordinance. He said that it is in both the Comprehensive Plan and in the adopted City Zoning Code that this area is designated as desired uses for City services. He added that it was part of the City Center District and historically classified as the neighborhood called Southside and that is zoned for locating City services. He went on to say that there is development happening nearby to this location and he believes that the City locating its services adjacent to those other developments can be catalyst and further improve Southside as a neighborhood. He said that by the City locating these services adjacent to this, that does serve to bolster those things and continue that redevelopment and the investment that is occurring in that area. If the Police Department is located there, that will serve the City's interest in the long term well.

There being no one else to speak, the public hearing was called to a close at 7:50 p.m.

ANNOUNCEMENTS

IN RE: POLICE DEPARTMENT COMMENDED FOR AUTISM TRAINING

Councilmember Bolyard acknowledged Chief Shine and his officers for participating in the Autism Awareness Training and said that 27 of the 33 officers have received this training and he will make sure the remaining officers receive that. She noted that it was very important to protect and serve all members of our community.

Chief Shine mentioned that it's actually 31 officers now.

IN RE: WILSON STREET RECENT FIRE

Councilmember Kennedy requested that the two structures on Wilson Street scheduled for demolition be moved up on the demolition list. He said the one house recently was on fire, therefore, he was asking if those two houses can be moved up on the demo list to get them out of there.

IN RE: SIGHT OBSTRUCTION ON PENNSYLVANIA AVENUE

Councilmember Garcia reported that there is a tractor trailer parked beside the new restaurant on Pennsylvania Avenue, The Mason Jar, and it makes it extremely hard to see to pull out onto Pennsylvania Avenue. He said with the truck parked there, it makes it extremely dangerous.

IN RE: DISABILITY WEEK

Councilmember Deasy reminded everyone that next week, the third week of October, is designated as Disability History Week. She encouraged everyone to broaden their knowledge about individuals with disabilities and more importantly maybe discover the potential of the individuals with disabilities that live in our community.

IN RE: TONIGHT'S MEETING AND COUNCIL'S BEHAVIOR

Councilmember Cinalli stated that with the confusion at the beginning of the BB&T building, he thought that caused a lot of animosity coming in to tonight and he thought it would have been a little clear if it was the Councilmember's fault for not reading or just not being notified, the thought that would have helped. He went on to say that the behavior that happened tonight, we have accepted it and it is not acceptable. He wanted to go on record to say that.

After another argument between Mayor Mainella and Councilmember Bledsoe, Councilmember Cinalli said it is unacceptable and it is embarrassing and told them they are embarrassing Council.

The Mayor said that he does not like being called a liar and that he has not

lied the time that he has been on Council.

Councilmember Blood said that she agreed that we need to be kinder and watch our words here because we are representing the City and we need to keep that in mind.

IN RE: EMPLOYEES WITH YEARS OF SERVICE

Councilmember Blood said that in the City Manager's weekly updated, she listed employees that have been with the City for a long time. She reported that Chief Simmons has been with the City for 29 years; Priscilla Hamilton, 32 years; Chief Shine, 27 years; John Carson, 21 years; and Janet Keller, 44 years. She congratulated them on their years of service.

CITIZENS PETITIONS

There were no citizens petitions for this meeting.

CITY MANAGER'S REPORT

IN RE: AUDITORS

Ms. Means reported that the independent auditors will be here next week to audit on our fiscal year June 30, 2022.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: FAILED, 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 adoption 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 Blood moved for the adoption of the proposed ordinance. Mayor Mainella seconded the motion.

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

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

The Mayor declared the ordinance failed by majority vote of Council.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL FOR THE CITY OF FAIRMONT ENDORSING THE ANNUAL FEAST OF THE SEVEN FISHES FESTIVAL SPONSORED BY MAIN STREET FAIRMONT, INC., TO BE HELD IN THE CITY OF FAIRMONT'S DOWNTOWN HISTORIC DISTRICT FRIDAY, DECEMBER 9, 2022 THROUGH SATURDAY, DECEMBER 10, 2022

Mayor Mainella entertained a motion for the adoption of a resolution endorsing the annual Feast of the Seven Fishes Festival in downtown Fairmont on Friday, December 9, 2022 through Saturday, December 10, 2022.

Motion:

Councilmember Blood moved for the adoption of the proposed resolution. Councilmember Deasy 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: 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 8:02 p.m.

IN RE: MEETING RECONVENED

The Deputy Mayor declared the meeting reconvened at 8:41 p.m.

ADJOURNMENT

The Deputy Mayor entertained a motion for adjournment.

Motion:

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

The Deputy Mayor declared the meeting adjourned by voice vote of Council at 8:42 p.m.