

October 12, 2021

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 12th day of October, 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
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 Clerk	Janet L. Keller
City Attorney	Kevin Sansalone
Fire Chief	Ed Simmons
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 Bolyard.

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 28, 2021. 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 Garcia.

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

IN RE: PROCLAMATION PRESENTED

Mayor Mainella presented a proclamation to Hannah Freeman, an advocate with the

domestic violence and sexual abuse shelter Hope, Inc., in honor of October being designated as “Domestic Violence Awareness Month”.

PUBLIC HEARINGS

IN RE: AN ORDINANCE AMENDING AND REVISING ARTICLE V, FINANCIAL PROCEDURES, OF THE FAIRMONT CITY CHARTER, AND MORE PARTICULARLY SECTION 5.09 AMENDMENTS AFTER ADOPTION THEREOF, TO ELIMINATE THE REQUIREMENT THAT REVISIONS TO THE ADOPTED ANNUAL CITY BUDGET MUST BE APPROVED BY COUNCIL BY ORDINANCE AND TO PERMIT THAT SUCH REVISIONS TO THE ADOPTED ANNUAL CITY BUDGET BE APPROVED BY COUNCIL BY RESOLUTION

Pursuant to a notice duly published in the Times-West Virginian on August 27, 2021 and again on September 3, 2021, a public hearing was convened to obtain citizen input on a proposed ordinance amending and revising Section 5.09 of the City Charter to eliminate the requirement that revisions to the adopted annual City Budget must be approved by Council by ordinance and to permit that such revisions be approved by Council by resolution.

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

Ms. Means spoke in favor of the proposed ordinance. She asked the Council to support this item. She said that the purpose behind this is basically to make it more efficient and give some cost savings for our budget revisions. She went on to say that we did check with a majority of other cities and checked with the State and most of the cities do their budget revisions by resolution as well and this will only help us especially with the timing of the resolutions. She noted that budget revisions have to be done fairly quickly when they are needed.

There being no one else to speak, the public hearing was called to a close at 7:10 p.m.

IN RE: AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT’S 2021-2022 ANNUAL BUDGET: GENERAL FUND

Pursuant to a notice duly published in the Times-West Virginian on October 1, 2021, a public hearing was convened to obtain citizen input on a proposed ordinance providing for a General Fund Budget Revision.

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

The City Manager spoke in favor of the proposed ordinance. She asked Council for their support of this item as well.

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

IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1900 DULY ADOPTED JUNE 8, 2021, WHICH ORDINANCE PROVIDES FOR THE CITY OF FAIRMONT'S CURRENT PAY PLAN AND LIST OF OCCUPATIONAL CLASSES FOR ALL CLASS TITLES AND EMPLOYEES, TO ACCOMMODATE A REORGANIZATION OF THE PLANNING DEPARTMENT AND TO PROVIDE FOR A BASE PAY INCREASE FOR MUNICIPAL JUDGE

Pursuant to a notice duly published in the Times-West Virginian on October 1, 2021, a public hearing was convened to obtain citizen input on a proposed ordinance amending the City's Pay Plan to accommodate a reorganization of the Planning Department and to provide for a base pay increase for the Municipal Judge.

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

The City Manager spoke in favor of this ordinance and asked for Council's approval. She explained that at the last meeting we talked about the reorganization of the Planning Department and this basically sets the pay plan to go along with those changes that were discussed at that time.

There being no one else to speak, the public hearing was called to a close at 7:13 p.m.

IN RE: AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT PROVIDING FOR AN AMENDMENT TO ORDINANCE NO. 1329, CODIFIED AS PART ONE-ADMINISTRATIVE CODE, CHAPTER SEVEN - BOARDS, COMMISSIONS AND AUTHORITIES, ARTICLE 159 SANITARY BOARD, OF THE FAIRMONT CITY CODE AND MORE PARTICULARLY SECTION 159.01 CREATED; COMPOSITION THEREOF, TO AMEND THE QUALIFICATIONS OF THE MEMBERS OF THE SANITARY BOARD

Pursuant to a notice duly published in the Times-West Virginian on October 1, 2021, a public hearing was convened to obtain citizen input on a proposed ordinance providing for an amendment to the qualifications of the members of the Sanitary Board.

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

Ms. Means spoke in favor of this ordinance and asked for Council's approval. She said this basically sets the qualifications for the members of the Sanitary Board. We are now saying that instead of it citing that we need to maintain at least one professional engineer on the board, now we are saying that both of the members shall be appointed based on their education and experience.

There being no one else to speak, the public hearing was called to a close at 7:15 p.m.

ANNOUNCEMENTS

IN RE: CITY FIREFIGHTER COMMENDED

Councilmember Rice stated that a couple weeks ago, he performed his first wedding and at that wedding they had a medical mishap with someone from the family. He said it so happened that the DJ at the wedding happened to be a Fairmont firefighter and assisted the person needing assistance. He then commended Lt. Dusty Lambert of the Fire Department for stepping up to help out.

IN RE: BARRY SANNER IN PARKS DEPARTMENT COMMENDED

Councilmember Rice commended Barry Sanner in the Parks Department for doing a good job. He said that he knew he was working hard in the City Parks.

IN RE: STUFFED ANIMAL DRIVE

Councilmember Bolyard stated that she provided Council with additional information about the ongoing Stuffed Animal Drive at Fairmont Medical Center. She said that the purpose of this is to provide stuffed animals that can be comforting for the children that are seen at Fairmont Medical Center.

IN RE: COMMUNITY EVENT AT WINDMILL PARK

Councilmember Bolyard reported that there will be a community event at Windmill Park on October 23rd from 1:30 p.m. to 7:00 p.m.

Councilmember Blood noted that she is going to be at that event as well, the vaccine event. She said that anyone that has not yet been vaccinated and are ready to do so is more than welcome to attend.

IN RE: PAVING OF MARY LOU RETTON PARK

Councilmember Garcia mentioned that between MCPARC, the Marion County Commission and the Marion County Board of Education, Mary Lou Retton Park will be paved.

IN RE: CHRISTMAS TOY DRIVE

Councilmember Garcia announced that the Marion County Christmas Toy Drive has officially started.

IN RE: HOME TOWN MARKET

Councilmember Blood reminded everyone that October 23rd is the last Home Town Market for this season. She noted that it would be great to see a lot of people there.

IN RE: FAIRMONT STATE UNIVERSITY HOMECOMING

Councilmember Deasy noted that FSU's Homecoming was held this past weekend.

She said that there was a lot going on and was a nice time where some outstanding alumni were recognized.

IN RE: THANK YOU CARD READ

Mayor Mainella read a thank you card that the City Clerk received from Dr. Raymond Alvarez thanking City Council for naming him as the Official Historian for the City of Fairmont and Marion County. He thanked City Council for this honor.

CITIZENS PETITIONS

There were no Citizens Petitions for this meeting.

CITY MANAGER'S REPORT

IN RE: AUDITORS ON SITE

Ms. Means reported that the auditors are on site at City Hall. She noted this would be for the fiscal year ending June 30, 2021.

IN RE: FALL CLEAN UP SCHEDULED

The City Manager reported that the fall clean up has been scheduled for November 1st to 5th.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2021-2022 ANNUAL BUDGET: GENERAL FUND

Mayor Mainella entertained a motion for the adoption of an ordinance providing for a General Fund Budget Revision.

Motion:

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

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of Council and the ordinance designated as Ordinance No. 1916 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1900 DULY ADOPTED JUNE 8, 2021, WHICH ORDINANCE PROVIDES FOR THE CITY OF FAIRMONT'S CURRENT PAY PLAN AND LIST OF OCCUPATIONAL CLASSES

FOR ALL CLASS TITLES AND EMPLOYEES, TO ACCOMMODATE A REORGANIZATION OF THE PLANNING DEPARTMENT AND TO PROVIDE FOR A BASE PAY INCREASE FOR MUNICIPAL JUDGE

Mayor Mainella entertained a motion for the adoption of an ordinance amending the City's Pay Plan to accommodate a reorganization of the Planning Department and to provide for a base pay increase for the Municipal Judge.

Motion:

Councilmember Bledsoe 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. 1917 was duly adopted.

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT PROVIDING FOR AN AMENDMENT TO ORDINANCE NO. 1329, CODIFIED AS PART ONE-ADMINISTRATIVE CODE, CHAPTER SEVEN - BOARDS, COMMISSIONS AND AUTHORITIES, ARTICLE 159 SANITARY BOARD, OF THE FAIRMONT CITY CODE AND MORE PARTICULARLY SECTION 159.01 CREATED; COMPOSITION THEREOF, TO AMEND THE QUALIFICATIONS OF THE MEMBERS OF THE SANITARY BOARD

Mayor Mainella entertained a motion for the adoption of an ordinance providing for an amendment to the qualifications of the members of the Sanitary Board.

Motion:

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

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of Council and the ordinance designated as Ordinance No. 1918 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 THOSE CERTAIN PARCELS OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, MARION COUNTY, WEST VIRGINIA, TO-WIT:

<u>DESCRIPTION</u>	<u>DISTRICT</u>	<u>MAP / PARCEL</u>	<u>ADDRESS</u>
BLK 4 LT 3 WILEY ADD CARTER ST	UNION CITY	10 /174	553 CARTER ST

FROM MATTHEW A.B. SERIAN AND BRIAN E. CARPENTER, RESPECTIVELY, 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 AN UNIDENTIFIED SUBSEQUENT PURCHASER IN ACCORDANCE WITH THE CITY OF FAIRMONT'S APPROVED HOME RULE PLAN AND THE ORDINANCES AND RESOLUTIONS ADOPTED THEREUNDER; 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 providing for the transfer and conveyance of certain parcels of real estate from Matthew A.B. Serian and Brian E. Carpenter to the City of Fairmont and then providing for the transfer from the City of Fairmont to an unidentified subsequent purchaser.

Motion:

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

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

The Mayor declared the public hearing set for October 26, 2021.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE PROVIDING FOR THE PUBLIC AUCTION OF SURPLUS PERSONAL PROPERTY OF THE CITY OF FAIRMONT; RESERVATION OF RIGHTS

Mayor Mainella entertained a motion and second for the introduction of an ordinance providing for the public auction of surplus personal property of the City of Fairmont.

Motion:

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

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

The Mayor declared the public hearing set for October 26, 2021.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ARTICLE 2.0 DEFINITIONS AND MEASUREMENTS OF THE PROVISIONS OF CLEARZONING®, THE CITY'S CODIFIED PLANNING AND ZONING CODE TO AMEND, SUPPLEMENT AND ADD ADDITIONAL DEFINITIONS

FOR 1) ACCESSORY DWELLING UNIT AND 2) CLINICS, MEDICAL OR DENTAL, AND FURTHER TO CREATE AN EXEMPTION FOR RESIDENTIAL GARAGE DOORS FROM THE TRANSPARENCY REQUIREMENTS OF SECTION 2.3.5 THEREOF

Mayor Mainella entertained a motion and second for the introduction of an ordinance amending Article 2.0 Definitions and Measurements of the Clearzoning Code for Accessory Dwelling Units and Clinics, Medical or Dental and to create an exemption for Residential Garage Doors.

Motion:

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

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

The Mayor declared the public hearing set for October 26, 2021.

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 THE FOLLOWING PARCELS OF REAL ESTATE TO MICHAEL MARINO AND/OR A-ONE GENERAL CONTRACTING PURSUANT TO THE CITY OF FAIRMONT'S APPROVED HOME RULE PLAN AND THE ORDINANCES ADOPTED THEREUNDER; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER A DEED OF CONVEYANCE AND ANY OTHER NECESSARY TRANSACTIONAL DOCUMENT ON BEHALF OF THE CITY OF FAIRMONT:

<u>Description</u>	<u>Map / Parcel</u>	<u>Address</u>
BLK 10 PT LT 10 (30X60)	03-40 / 177	219 Bellview Avenue
PCL (5628 SQ FT) (2 BLDGS)	05-07 / 343	501 State Street
BLK 14 LOT 26 & Coal	03-02 / 98	420 Walnut Avenue
BLK 14 LOT 25 Walnut Ave	03-02 / 99	422 Walnut Avenue

Mayor Mainella entertained a motion and second for the introduction of an ordinance providing for the transfer and conveyance of parcels of real estate to Michael Marino and/or A-One General Contracting.

Motion:

Councilmember Blood 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 October 26, 2021.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT APPROVING THE COMPROMISE AND SETTLEMENT OF ALL DISPUTED CLAIMS OF THE ARC OF MARION COUNTY AND THE DISABILITY ACTION CENTER, INCORPORATED; APPROVING THE FORM OF THE RELEASE; AND AUTHORIZING THE CHAIRMAN TO EXECUTE AND DELIVER SAME

Mayor Mainella entertained a motion for the adoption of a resolution approving the compromise and settlement of all disputed claims of the ARC of Marion County and the Disability Action Center and approving the Release of Liability.

Motion:

Councilmember Rice moved for the adoption of the proposed resolution. Councilmember Blood seconded the motion.

The Clerk read the proposed resolution by synopsis.

Roll call was taken by the Clerk.

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

IN RE: ADOPTION, A RESOLUTION TO RESCHEDULE THE REGULAR CITY COUNCIL MEETING OF TUESDAY, DECEMBER 28, 2021 TO TUESDAY, DECEMBER 21, 2021

Mayor Mainella entertained a motion for the adoption of a resolution to reschedule the Council meeting of Tuesday, December 28, 2021 to Tuesday, December 21, 2021.

Motion:

Councilmember Blood moved for the adoption of the proposed resolution. Councilmember Rice 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: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA CENSURING MAYOR THOMAS MAINELLA AND CONDEMNING AND DENOUNCING HIS INTERACTION WITH A CITIZEN ON SEPTEMBER 10, 2021

Mayor Mainella entertained a motion for the adoption of a resolution censuring Mayor Thomas Mainella and condemning his interaction with a citizen on September 10, 2021.

Motion:

Councilmember Rice moved for the adoption of the proposed resolution. Councilmember Kennedy 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: ONE APPOINTMENT, MARION REGIONAL DEVELOPMENT AUTHORITY BOARD

Mayor Mainella entertained a motion for one appointment to the Marion Regional Development Authority (MRDC) Board of Directors.

Motion:

Councilmember Rice moved to appoint Shae Strait to the Marion Regional Development Authority (MRDC). The motion was seconded by Councilmember Garcia.

Roll call was taken by the Clerk.

The Mayor declared Shae Strait appointed to the Marion Regional Development Authority (MRC) 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 Bolyard.

The Mayor declared the meeting adjourned by voice vote of Council at 7:35 p.m.