

October 24, 2023

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 24th day of October 2023, at the Public Safety Building located at 500 Quincy Street in Fairmont, West Virginia.

Mayor Bolyard called the meeting to order.

Councilmembers present were:

First District	Joshua D. (Josh) Rice
Second District	Anne E. Bolyard
Third District	Rebecca Moran
Fifth District	Charles (Chuck) Warner
Sixth District	Gia Deasy
Seventh District	Nicholas (Nicky) Cinalli
Eighth District	Bruce McDaniel
Ninth District	Kandice (Kandi) Nuzum

Councilmembers absent were:

Fourth District	Richard (Rick) Garcia
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Also present were:

Interim City Manager	Janet L. Keller
City Attorney	Kevin V. Sansalone
Interim City Clerk	David A. Kirk
Planning Director	Shae Strait

IN RE: EXCUSING COUNCILMEMBER GARCIA

The Mayor entertained a motion to excuse Councilmember Garcia from this meeting.

Motion:

Councilmember Cinalli moved to excuse Councilmember Garcia and the motion was seconded by Councilmember McDaniel.

The Mayor declared Councilmember Garcia excused from the meeting by voice vote of Council.

IN RE: OPENING CEREMONIES

Rev. Richard Bowyer gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Rice.

IN RE: PROCLAMATION PRESENTED - DOMESTIC VIOLENCE AWARENESS MONTH

Mayor Bolyard presented a proclamation declaring October 2023 as Domestic Violence Awareness Month. The Mayor highlighted the important collaborations between the Fairmont Police Department and the many victim advocacy support providers around the state and county.

Accepting the proclamation was a representative from HOPE, Inc.

APPROVAL OF MINUTES

IN RE: MINUTES FOR THE OCTOBER 10, 2023 REGULAR SESSION

Mayor Bolyard noted that each member of Council had received a copy of the minutes from Regular Meeting held on October 10, 2023. She asked if there were any corrections, deletions, or amendments to be made to the minutes.

Councilmember Rice moved to approve the minutes for the October 10, 2023, Regular Meeting as submitted. The motion was seconded by Councilmember Warner.

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

ANNOUNCEMENTS

IN RE: DANCING WITH THE STARS

Several councilmembers gave kudos to Mayor Bolyard, who – along with Mayor Johnboy Palmer of Monongah – raised over \$15,000 as part of the annual Marion County Dancing with the Stars fundraiser.

Councilmember Rice lead applause for Mayor Bolyard as part of his announcements. Councilmembers Deasy and Moran also extended their congratulations to the Mayor for her performance.

IN RE: NEW BASKETBALL HOOPS

Councilmember Rice informed the public of the new basketball hoops and

finished courts at Windmill Park that were recently completed and installed.

IN RE: ART WALK

Councilmember Moran told council about a recent Art Walk held around Fairmont. The event was a collaboration between Main Street Fairmont and several businesses in the downtown area and local artists.

IN RE: FAIR HOUSING TOWN HAL

Councilmember Moran invited council and the public to an upcoming fair housing town hall discussion that will take place at the Disability Action Center. Moran said that the event will be informative to anyone, no matter their housing situation.

IN RE: D.D. MEIGHEN CONGRATULATIONS

Councilmember Moran congratulated long-time public servant D.D. Meighen for his recent award from the West Virginia Council of Churches

IN RE: BUSINESS SUMMIT

Councilmember Moran and Councilmember McDaniel both briefly spoke of their experience attending the North Central West Virginia Business Summit, calling it an informative afternoon.

IN RE: DISABILITY ACTION CENTER EVENTS

Councilmember Deasy brought up several events that will be hosted by the Disability Action Center. The DAC's annual Trunk-or-Treat and annual Sub Sale both will be taking place in the coming weeks.

IN RE: HIGH SCHOOLS HELPING WITH TRICK OR TREAT

Councilmember Deasy thanked North Marion High School and Fairmont Senior High School, both of which will be providing trick or treat opportunities to younger students around their communities.

IN RE: ADULT-TEEN CHALLENGE

Councilmember Nuzum spoke about the addiction recovery program called the Adult-Teen Challenge, which boasts around a 70% recovery rate. The program is holding a fundraiser on Friday, November 10 in the Bridgeport Conference Center from 6:30 p.m. to 8:30 p.m.

Councilmember Rice spoke to the impact this program has had on the community and encouraged the public to look into supporting this beneficial program.

CITIZENS PETITIONS

There were no Citizens Petitions.

CITY MANAGER'S REPORT

The City Manager had nothing to report.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT AUTHORIZING THE ACQUISITION OF CERTAIN REAL ESTATE PURSUANT TO THE PROVISIONS OF CHAPTER 54 OF THE WEST VIRGINIA CODE FOR PUBLIC PARKS AND RECREATIONAL FACILITIES, BEING A PART OF THE WEST FAIRMONT RAIL-TRAIL SYSTEM, WHICH REAL ESTATE IS DESCRIBED AS 2.41 AC 12TH ST EXTENSION, BEING PARCEL 0074 0005 OF MARION COUNTY TAX MAP 03-07, AND BEING THE SAME REAL ESTATE ACQUIRED BY NATERNICOLA'S MASONRY, LLC, BY DEED FROM G. RUSSELL ROLLYSON, JR., DEPUTY COMMISSIONER OF DELINQUENT AND NONENTERED LANDS OF MARION COUNTY, WEST VIRGINIA, WHICH DEED IS DATED APRIL 17, 2011, AND OF RECORD IN THE *OFFICE* OF THE CLERK OF THE COUNTY COMMISSION OF MARION COUNTY, WEST VIRGINIA, IN DEED BOOK 1086, AT PAGE 136, AND AUTHORIZING AND EMPOWERING THE CITY MANAGER TO DO ALL THINGS REASONABLE AND NECESSARY IN CONNECTION THEREWITH.

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

Mayor Bolyard entertained a motion to introduce the ordinance and set a public hearing.

Motion:

Councilmember Deasy moved for the introduction of the proposed ordinance. Councilmember Warner seconded the motion.

Discussion:

Councilmember Rice asked if there was anyone to speak on some of the specifics of the ordinance. Mayor Bolyard said that sort of discussion will be reserved for the public hearing.

The Mayor declared the public hearing set for November 14, 2023 by majority vote of Council. Councilmember Rice voted no to set the public hearing.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT AUTHORIZING THE ACQUISITION OF CERTAIN REAL ESTATE PURSUANT TO THE PROVISIONS OF CHAPTER 54 OF THE WEST VIRGINIA CODE FOR USE IN THE OPERATION OF THE CITY'S SANITARY SEWER UTILITY, WHICH REAL ESTATE IS DESCRIBED AS FOLLOWS:

**LS 8-9 BLK A JACKSON ADD,
FAIRMONT CITY DISTRICT, MAP/ PARCEL 36 / 0225; AND**

**LS 6-7 BLK A BUFFALO ST, JACKSON ADD,
FAIRMONT CITY DISTRICT, MAP/ PARCEL 36 / 0224**

AND BEING THE SAME REAL ESTATE ACQUIRED BY ALBERT B. EDDY, JR., BY DEEDS FROM G. RUSSELL ROLLYSON, JR., DEPUTY COMMISSIONER OF DELINQUENT AND NONENTERED LANDS OF MARION COUNTY, WEST VIRGINIA, WHICH DEEDS ARE DATED JUNE 15, 2022, AND OF RECORD IN THE OFFICE OF THE CLERK OF THE COUNTY COMMISSION OF MARION COUNTY, WEST VIRGINIA, IN DEED BOOK 1304, AT PAGES 580 AND 559, RESPECTIVELY, AND AUTHORIZING AND EMPOWERING THE CITY MANAGER TO DO ALL THINGS REASONABLE AND NECESSARY IN CONNECTION THEREWITH.

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

Mayor Bolyard entertained a motion to introduce the ordinance and set a public hearing.

Motion:

Councilmember McDaniel moved for the introduction of the proposed ordinance. Councilmember Deasy seconded the motion.

The Mayor declared the public hearing set for November 14, 2023.

IN RE: ADOPTION, A RESOLUTION PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2023-2024 ANNUAL BUDGET: GENERAL FUND.

The Interim City Clerk read the proposed resolution by synopsis for the first time.

Mayor Bolyard entertained a motion for the adoption of a resolution.

Motion:

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

Roll call was taken by the Clerk.

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

IN RE: ONE RE-APPOINTMENT, FAIRMONT HUMAN RIGHTS COMMISSION, THREE-YEAR TERM TO END NOVEMBER 15, 2026.

Mayor Bolyard entertained a motion for one re-appointment to the Fairmont Human Rights Commission for a three-year term ending November 15, 2026.

Councilmember Warner moved to re-appoint Donna Blood to the Fairmont Human Rights Commission for a three-year term ending November 15, 2026. The motion was seconded by Councilmember McDaniel.

Roll call was taken by the Clerk.

The Mayor declared Donna Blood re-appointed to the Fairmont Human Rights Commission for a three-year term ending November 15, 2026 by unanimous vote of Council.

IN RE: ONE APPOINTMENT, FAIRMONT HUMAN RIGHTS COMMISSION, THREE-YEAR TERM TO END NOVEMBER 15, 2026.

Mayor Bolyard entertained a motion for one appointment to the Fairmont Human Rights Commission for a three-year term ending November 15, 2026.

Councilmember Deasy moved to appoint Carolyn Jones to the Fairmont Human Rights Commission for a three-year term ending November 15, 2026. The motion was seconded by Councilmember Moran.

Roll call was taken by the Clerk.

The Mayor declared Carolyn Jones appointed to the Fairmont Human Rights Commission for a three-year term ending November 15, 2026 by unanimous vote of Council.

**IN RE: ONE APPOINTMENT, FAIRMONT HUMAN RIGHTS COMMISSION,
THREE-YEAR TERM TO END NOVEMBER 15, 2026.**

Mayor Bolyard entertained a motion for one appointment to the Fairmont Human Rights Commission for a three-year term ending November 15, 2026.

Councilmember Rice moved to appoint James Spadafore to the Fairmont Human Rights Commission for a three-year term ending November 15, 2026. The motion was seconded by Councilmember Warner.

Roll call was taken by the Clerk.

The Mayor declared James Spadafore appointed to the Fairmont Human Rights Commission for a three-year term ending November 15, 2026 by unanimous vote of Council.

**IN RE: ONE APPOINTMENT, FAIRMONT HUMAN RIGHTS COMMISSION,
THREE-YEAR UNEXPIRED TERM TO END NOVEMBER 15, 2024.**

Mayor Bolyard entertained a motion for one appointment to the Fairmont Human Rights Commission for a three-year unexpired term ending November 15, 2024.

Councilmember Moran moved to appoint Troy Snyder to the Fairmont Human Rights Commission for a three-year term ending November 15, 2024. The motion was seconded by Councilmember Warner.

Roll call was taken by the Clerk.

The Mayor declared Troy Snyder appointed to the Fairmont Human Rights Commission for a three-year unexpired term ending November 15, 2024 by unanimous vote of Council.

IN RE: ADJOURN TO EXECUTIVE SESSION

Mayor Bolyard entertained a motion to adjourn to Executive Session pursuant to WV Code 6-9A-4(2)(9) and City Charter Section 2.11(a)(3) to consider matters involved or affecting the purchase, sale, conveyance, or lease of real property.

The motion to adjourn to Executive Session was made by Councilmember Cinalli and seconded by Councilmember Garcia.

The Mayor declared the meeting adjourned to Executive Session by voice vote of Council at 7:23 p.m. She noted that no other business will be conducted after the Executive Session.

IN RE: MEETING RECONVENED

Mayor Bolyard declared the meeting reconvened at 8:04 p.m.

ADJOURNMENT

The Mayor entertained a motion for adjournment

Motion:

Councilmember Cinalli moved to adjourn the meeting. The motion was seconded by Councilmember Warner.

The Mayor declared the meeting adjourned by voice vote of Council at 8:04 p.m.