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FAIRMONT CITY COUNCIL
REGULAR MEETING
TUESDAY, FEBRUARY 22, 2022
7:00 P.M.
COUNCIL CHAMBERS
PUBLIC SAFETY BUILDING
500 QUINCY STREET
FAIRMONT, WEST VIRGINIA

- I. CALL TO ORDER – Mayor Mainella
- II. ROLL CALL OF MEMBERS – Janet L. Keller, City Clerk
- III. OPENING CEREMONIES
 - A. Prayer/Meditation - Rev. James Norton
 - B. Pledge Of Allegiance – Councilmember Deasy
- IV. APPROVAL OF MINUTES –
 - Regular Meeting – February 8, 2022
- V. PUBLIC HEARINGS AND ANNOUNCEMENTS
 - A. PUBLIC HEARINGS
 - 1. 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 Add A Definition For Manufactured Home Sales And Service; To Modify The Definition For Manufacturing And Sales, Artisan; To Change The Definition Of Restaurant/Lounge To Restaurant With Alcohol Sales; And To Delete The Definition Of Sales And Service Automobile/Boat/Heavy Equipment/ Manufactured Home; Savings Clause.
 - 2. An Ordinance Of The Council Of The City Of Fairmont Amending And Supplementing *Article 3.0 Zoning Districts Of The Provisions Of Clearzoning®*, The City’s Codified Planning And Zoning Code To Amend And

Supplement The Use Chart, Table 3-A Permitted Principal Uses, And Thus The Permitted Uses And Conditional Uses Relating To Certain Zoning Districts As Follows:

To permit "Dwelling, Townhouses (Attached Single-Family)" as a permitted use in Highway Commercial Districts;

To permit "Dormitory" as a conditional use in Neighborhood Residential Districts;

To permit "Cemetery" as a conditional use in Neighborhood Residential Districts, Neighborhood Mixed Use Districts and Recreation Districts

To permit "Institutional Uses" as conditional use in Technology Districts;

To permit "Animal Grooming and Boarding" as a conditional use in Neighborhood Mixed Use Districts and as a permitted use in City Center and Main Corridor Commercial Districts;

To permit "Bars and Nightclubs" as a conditional use in Main Corridor Commercial Districts;

To permit "Child Care Facility" as a permitted use in Neighborhood Mixed Use Districts;

To eliminate "Convenience Store (with Fuel Sales)" as a conditional use in Neighborhood Mixed Use Districts;

To permit "Recreational Facilities" as a permitted use in Recreation Districts;

To accommodate the change of name from "Restaurant/Lounge" to "Restaurant with Alcohol Sales" and to permit "Restaurant with Alcohol Sales" as a conditional use in Technology Districts;

To permit "Restaurant" as a permitted use in Technology Districts;

To renumber the Use Standards for "Manufactured Home Sales and Service"; and

To eliminate "Temporary Uses" as a use, whether permitted or conditional, in Manufactured Home Neighborhood Districts and Manufactured Home Park Districts.

3. An Ordinance Of The Council Of The City Of Fairmont Amending And Supplementing *Article 4.0 Use Standards* Of The Provisions Of *Clearzoning®*, The City's Codified Planning And Zoning Code To Repeal The Use Standards For Multi-Family Residences; Townhouses And Duplexes, Which Are Now Covered Under Article 3 Zoning Districts; Amend And Supplement The Use Standards Relating To Restaurant With Alcohol Sales Formerly Identified As Restaurant/Lounge, And To Create Buffer Yards For Manufactured Homes Sales And Service.

B. ANNOUNCEMENTS

VI. CITIZENS PETITIONS

VII. CITY MANAGER'S REPORT

VIII. CONSIDERATION OF COUNCIL BUSINESS

1. Adoption, 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 Add A Definition For Manufactured Home Sales And Service; To Modify The Definition For Manufacturing And Sales, Artisan; To Change The Definition Of Restaurant/Lounge To Restaurant With Alcohol Sales; And To Delete The Definition Of Sales And Service Automobile/Boat/Heavy Equipment/ Manufactured Home; Savings Clause.
2. Adoption, An Ordinance Of The Council Of The City Of Fairmont Amending And Supplementing *Article 3.0 Zoning Districts* Of The Provisions Of *Clearzoning®*, The City's Codified Planning And Zoning Code To Amend And Supplement The Use Chart, Table 3-A Permitted Principal Uses, And Thus The Permitted Uses And Conditional Uses Relating To Certain Zoning Districts As Follows:

To permit "Dwelling, Townhouses (Attached Single-Family)" as a permitted use in Highway Commercial Districts;

To permit "Dormitory" as a conditional use in Neighborhood Residential Districts;

To permit "Cemetery" as a conditional use in Neighborhood Residential Districts, Neighborhood Mixed Use Districts and Recreation Districts

To permit "Institutional Uses" as conditional use in Technology Districts;

To permit "Animal Grooming and Boarding" as a conditional use in Neighborhood Mixed Use Districts and as a permitted use in City Center and Main Corridor Commercial Districts;

To permit "Bars and Nightclubs" as a conditional use in Main Corridor Commercial Districts;

To permit "Child Care Facility" as a permitted use in Neighborhood Mixed Use Districts;

To eliminate "Convenience Store (with Fuel Sales)" as a conditional use in Neighborhood Mixed Use Districts;

To permit "Recreational Facilities" as a permitted use in Recreation Districts;

To accommodate the change of name from "Restaurant/Lounge" to "Restaurant with Alcohol Sales" and to permit "Restaurant with Alcohol Sales" as a conditional use in Technology Districts;

To permit "Restaurant" as a permitted use in Technology Districts;

To renumber the Use Standards for "Manufactured Home Sales and Service"; and

To eliminate "Temporary Uses" as a use, whether permitted or conditional, in Manufactured Home Neighborhood Districts and Manufactured Home Park Districts.

3. Adoption, An Ordinance Of The Council Of The City Of Fairmont Amending And Supplementing *Article 4.0 Use Standards* Of The Provisions Of *Clearzoning®*, The City's Codified Planning And Zoning Code To Repeal The Use Standards For Multi-Family Residences; Townhouses And Duplexes, Which Are Now Covered Under Article 3 Zoning Districts; Amend And Supplement The Use Standards Relating To Restaurant With Alcohol Sales Formerly Identified As Restaurant/Lounge, And To Create Buffer Yards For Manufactured Homes Sales And Service.
4. Introduction, First Reading, Set Public Hearing, An Ordinance To Approve And Adopt Currently Replacement Pages To the Fairmont City Code.
5. Introduction, First Reading, Set Public Hearing, An Ordinance Of The Council For The City Of Fairmont Authorizing, Approving And Providing For The Acquisition, Establishment And Construction Of A Certain Public Improvement Project, Namely That Portion Of The Locust Avenue Sidewalk Project, Being TIF Project No. 1, To Be Located Along Locust Avenue, U.S. Route 19 Between Fleming Avenue And McClane Drive, In Fairmont City, Fairmont District, Marion County, West Virginia, And Authorizing And Providing The City Manager With Authority To Execute And Deliver That Certain Agreement With The West Virginia Department Of Transportation (State Project: U-325-Fai/Rm-7.00; Federal Project: Tap-2017(156) D) And To Do All Things Reasonable And Necessary In Connection Therewith; Ratification.
6. Introduction, First Reading, Set Public Hearing, An Ordinance An Ordinance Of The Council For The City Of Fairmont Authorizing, Approving The Acquisition, Establishment And Construction Of A Certain Public Improvement Project, Namely The West Fairmont Rail-Trail System, In Fairmont City, Fairmont District, Marion County, West Virginia, The Cost Of Which Project Is Not Expected To Exceed \$2,500,000.00, And Which Project Is Part Of The Parkersburg To Pittsburgh (P2P) Rail-Trail Corridor, Authorizing The Purchase Of Two Parcels Of Real Estate In The Total Aggregate Of 14.61 Acres, More Or Less, From CSX Transportation, Inc., Approving The Form Of The Purchase Sale Agreement And Authorizing And Empowering The City Manager To Execute And Deliver Said Agreement On Behalf Of The City Of Fairmont, And To Do

All Things Reasonable And Necessary In Connection
Therewith; Reservation Of Rights; Ratification.

7. Adoption, A Resolution Of The Council For The City Of Fairmont Approving The Form Of That Certain "Professional Services Agreement - Medical Director Services" By And Between The City Of Fairmont And West Virginia University Board Of Governors On Behalf Of West Virginia University, And Authorizing And Empowering The City Manager To Execute And Deliver The Agreement On Behalf Of The City Of Fairmont.

EXECUTIVE SESSION – Pursuant To 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.

8. One Appointment, Marion County Rescue Squad Board of Directors.
9. One Appointment, Fairmont Airport Authority, Unexpired Term to End October 1, 2022.

IX. ADJOURNMENT