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FAIRMONT CITY COUNCIL  
REGULAR MEETING  
TUESDAY, MAY 11, 2021  
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. Robin Norsworthy
  - B. Pledge Of Allegiance – Councilmember Bledsoe
- IV. APPROVAL OF MINUTES –

Regular Meeting – April 27, 2021
- V. PUBLIC HEARINGS AND ANNOUNCEMENTS
  - A. PUBLIC HEARINGS
    1. An Ordinance Of The Council Of The City Of Fairmont Enacted Pursuant To The Provisions Of West Virginia Code §8-1-5a Municipal Home Rule Pilot Program, And The City Of Fairmont’s Amended Home Rule Plan Approved April 14, 2021, To Provide Relief From The Provisions Of West Virginia Code §8-13-5 Which Limit The City Of Fairmont’s Authority To Offer Tax Credits From Its Business And Occupation Tax To Business Expansion Credits And To Provide Authority For A Tax Credit From The Business And Occupation Tax Imposed By The Provisions Of Section 761.07 *Contracting* Of The City Of Fairmont’s Business And Occupation Tax Code For Certain Residential Development.

2. An Ordinance Authorizing The Renewal Of That Certain Letter Of Credit, No 2001-525, Issued By Wesbanco Bank To The City Of Fairmont For Purposes Of Satisfying A Portion Of The Self-Insured Security And Insurance Requirements Of The West Virginia Workers' Compensation Act For Fiscal Year 2021-2022.
3. 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, Fairmont District, Marion County, West Virginia, To-Wit:

Blk S Ls 19 20 Shadyside  
Map 03-30 Parcel 216  
Fairmont City District, Marion County, WV  
Spence Street Extension; And

Lt Albert Court  
Map 03-02 Parcel 0008  
Fairmont City District, Marion County, WV  
215 Albert Court

From The West Virginia State Auditor And Richard Mccoy, Respectively, To The City Of Fairmont; Providing For And Authorizing The Possibility Of The Conveyance And Transfer Of Said Parcels Of Real Estate From The City Of Fairmont To Unidentified Property Owners In Accordance With The City Of Fairmont's Approved Home Rule Plan And The Ordinances Adopted Thereunder; Approving The Form Of The Transactional Documents; And Authorizing The City Manager To Execute And Deliver Them On Behalf Of The City Of Fairmont; Ratification.

4. An Ordinance Of The Council Of The City Of Fairmont Repealing Article 769 *Licensing Of Contractors* Of Chapter Three *Taxation And Service Charges* Of Part Seven Business And Taxation Code Of The City Of Fairmont And Enacting Section 743.21 *Fees For Contractors* Of Said Chapter Seven, Article Three To Be Effective July 1, 2021.

#### 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 Enacted Pursuant To The Provisions Of West Virginia Code §8-1-5a Municipal Home Rule Pilot Program, And The City Of Fairmont's Amended Home Rule Plan Approved April 14, 2021, To Provide Relief From The Provisions Of West Virginia Code §8-13-5 Which Limit The City Of Fairmont's Authority To Offer Tax Credits From Its Business And Occupation Tax To Business Expansion Credits And To Provide Authority For A Tax Credit From The Business And Occupation Tax Imposed By The Provisions Of Section 761.07 *Contracting* Of The City Of Fairmont's Business And Occupation Tax Code For Certain Residential Development.
2. Adoption, An Ordinance Authorizing The Renewal Of That Certain Letter Of Credit, No 2001-525, Issued By Wesbanco Bank To The City Of Fairmont For Purposes Of Satisfying A Portion Of The Self-Insured Security And Insurance Requirements Of The West Virginia Workers' Compensation Act For Fiscal Year 2021-2022.
3. Adoption, 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, Fairmont District, Marion County, West Virginia, To-Wit:

Blk S Ls 19 20 Shadyside  
Map 03-30 Parcel 216  
Fairmont City District, Marion County, WV  
Spence Street Extension; And

Lt Albert Court  
Map 03-02 Parcel 0008  
Fairmont City District, Marion County, WV  
215 Albert Court

From The West Virginia State Auditor And Richard Mccoy, Respectively, To The City Of Fairmont; Providing For And Authorizing The Possibility Of The Conveyance And Transfer Of Said Parcels Of Real Estate From The City Of Fairmont

To Unidentified Property Owners In Accordance With The City Of Fairmont's Approved Home Rule Plan And The Ordinances Adopted Thereunder; Approving The Form Of The Transactional Documents; And Authorizing The City Manager To Execute And Deliver Them On Behalf Of The City Of Fairmont; Ratification.

4. Adoption, An Ordinance Of The Council Of The City Of Fairmont Repealing Article 769 *Licensing Of Contractors* Of Chapter Three *Taxation And Service Charges* Of Part Seven Business And Taxation Code Of The City Of Fairmont And Enacting Section 743.21 *Fees For Contractors* Of Said Chapter Seven, Article Three To Be Effective July 1, 2021.
5. Introduction, First Reading, Set Public Hearing, An Ordinance Of The Council Of The City Of Fairmont Amending And Supplementing *Article 3.14 City Center* Of The Provisions Of *Clearzoning*®, The City's Codified Planning And Zoning Code, To Provide For Supplemental Regulations With Regard To Parking In Said District.
6. Introduction, First Reading, Set Public Hearing, An Ordinance Of The Council Of The City Of Fairmont Amending And Supplementing *Article 5.0 Site Standards* Of The Provisions Of *Clearzoning*®, The City's Codified Planning And Zoning Code And More Particularly Section 5.4 *Parking* Thereof To Modernize Parking Requirements In An Effort To Foster Development And Re-Development.
7. Introduction, First Reading, Set Public Hearing, An Ordinance Of The Council Of The City Of Fairmont Amending And Supplementing *Article 5.0 Site Standards* Of The Provisions Of *Clearzoning*®, The City's Codified Planning And Zoning Code And More Particularly Section 5.5 *Landscaping* And Section 5.8 *Fences And Vegetative Screening* Thereof To Clarify Certain Buffer Yards, Fences, Vegetative Screens And Related Structures And Elements.
8. Introduction, First Reading, Set Public Hearing, An Ordinance Of The Council Of The City Of Fairmont Amending And Supplementing *Article 8.0 Administration, Appeals And Enforcement* Of The Provisions Of *Clearzoning*®, The City's Codified Planning And Zoning Code And More Particularly Section 8.9 *Board Of Zoning Appeals* To Clarify The Expiration Date Of Conditional Uses And Variances Approved By The Board.

9. Introduction, First Reading, Set Public Hearing, An Ordinance Of The City Of Fairmont Amending And Supplementing Those Certain Ordinances Codified As Part Nine Streets, Utilities, And Public Services Code, Chapter Three Utilities, Article 923 Sewer Discharge Control Of The Fairmont City Code, And More Particularly Section 923.02 General Sewer Use Requirements, Subsection (C) Local Limits Thereof, To Provide For And Accommodate Certain Modifications To The "Local Limits" Set Forth In The City Of Fairmont's WV/NPDES Water Pollution Control Permit No. WV0023353, Which Modifications Were Ordered By The West Virginia Department Of Environmental Protection, Division Of Water And Waste Management Permitting Section.
  
10. Adoption, A Resolution Of The Council Of The City Of Fairmont Revising Its Policy Regarding Demolition Of Dilapidated Structures And The Removal Of Slum, Blight And Abandoned And Dilapidated Structures.
  
11. One Appointment, Fairmont-Morgantown Housing Authority, Five-Year Term To End June 30, 2026.

## IX. ADJOURNMENT