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FAIRMONT CITY COUNCIL
REGULAR MEETING
TUESDAY, MAY 24, 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 - Bob Pirner
 - B. Pledge Of Allegiance – Councilmember Rice
- IV. APPROVAL OF MINUTES –

Regular Meeting – May 11, 2022
- V. PUBLIC HEARINGS AND ANNOUNCEMENTS
 - A. PUBLIC HEARINGS
 1. An Ordinance Authorizing The Renewal Of A Certain Letter Of Credit, No 2001-525, In An Amount Not To Exceed \$750,000.00, 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 2022-2023.
 2. An Ordinance Of The Council Of The City Of Fairmont Amending And Supplementing *Article 2.0 Definitions And Measurements* Of The Provisions Of The City Of Fairmont’s Codified Planning And Zoning Code And More Particularly

2.2 Intent To Add The Following Definitions: Crematorium And Funeral Services; Savings Clause.

3. An Ordinance Of The Council Of The City Of Fairmont Amending And Supplementing *Article 3.0 Zoning Districts* Of The Provisions Of The City's Codified Planning And Zoning Code To Amend And Supplement The Use Chart, Table 3-A Permitted Principal Uses, To Accommodate The Changes And Thus The Permitted Uses And Conditional Uses Relating To Crematorium And Funeral Services.
4. An Ordinance Of The Council Of The City Of Fairmont Amending And Supplementing *Article 4.0 Use Standards Of* The Provisions Of The City's Codified Planning And Zoning Code To Create Use Standards For Crematoriums.
5. An Ordinance Of The Council Of The City Of Fairmont Amending And Supplementing *Article 2.0 Definitions And Measurements* Of The Provisions Of The City Of Fairmont's Codified Planning And Zoning Code And More Particularly 2.2 Intent To Add A Definition For Animal Boarding Establishment And To Amend The Definition Animal Care Establishment; Savings Clause.
6. An Ordinance Of The Council Of The City Of Fairmont Amending And Supplementing *Article 3.0 Zoning Districts* Of The Provisions Of The City's Codified Planning And Zoning Code To Amend And Supplement The Use Chart, Table 3-A Permitted Principal Uses, To Accommodate The Changes And Thus The Permitted Uses And Conditional Uses Relating To Animal Boarding Establishments And Animal Care Establishments.
7. An Ordinance Of The Council Of The City Of Fairmont Amending And Supplementing *Article 4.0 Use Standards Of* The Provisions Of The City's Codified Planning And Zoning Code To Reflect That The Standards Set Forth In Section 4.44 Apply To Both Animal Boarding Establishments And Animal Care Establishments.
8. An Ordinance Amending Article 1765 *Floodplain Regulations* To Eliminate The Flood Plain Determination Fee Provided By Section 1765.07(j).

9. An Ordinance Amending And Supplementing That Portion Of City Ordinance No. 1863, Which Is Codified As Section 1709.01 Of The City Code To Provide For A Certain Revision To The State Building Code Promulgated By The West Virginia State Fire Commission And Established By Legislative Rule, Title 87, Series 4, To Be Effective August 1, 2022.
10. An Ordinance Amending And Supplementing City Ordinance No. 1864 Which Is Codified As Part 17 Building And Housing Code, Article 1709 West Virginia State Building Code, Of The City Code, And Particularly, Section 1709.02 Schedule For Permit Fees And Penalties And Section 1709.03 Discretionary Provisions Thereof, To Provide For Increased Fees To Be Effective July 1, 2022, And To Accommodate The Revisions To The Standards And Requirements Of The State Building Code Promulgated By The West Virginia State Fire Commission And Established By Legislative Rule, Title 87, Series 4, Filed January 7, 2022, And To Be Effective August 1, 2022.
11. An Ordinance Amending And Supplementing That Portion Of Ordinance No. 403, As Amended By Ordinance No. 1365, Ordinance No. 1486, Ordinance No. 1624, Ordinance No. 1701, And Ordinance No. 1881, Which Is Codified As Part 15 Fire Prevention Code, Article 1507, Bureau For Fire Prevention, Section .07 State Code And Fire Marshal Rules, Of The Code Of The City Of Fairmont, To Provide For The Adoption Of The Standards And Requirements Set Out In Title 87 Legislative Rule, Fire Commission, Series 1 Fire Code, And Established And Adopted By The State Of West Virginia, To Be Effective August 1, 2022, Excluding However All Standards And Requirements Directed To The Operation Of Local Fire Departments, If Any.
12. An Ordinance Of The Council Of The City Of Fairmont Amending And Supplementing *Article 8.0 Administration, Appeals And Enforcement* Of The Provisions Of The City's Codified Planning And Zoning Code To Create A Fees Section To Be Codified As Section 8.11 And To Create A Zoning Permit Fee Of \$20.00.

B. ANNOUNCEMENTS

- VI. CITIZENS PETITIONS
- VII. CITY MANAGER'S REPORT
- VIII. CONSIDERATION OF COUNCIL BUSINESS
 - 1. Adoption, An Ordinance Authorizing The Renewal Of A Certain Letter Of Credit, No 2001-525, In An Amount Not To Exceed \$750,000.00, 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 2022-2023.
 - 2. Adoption, An Ordinance Of The Council Of The City Of Fairmont Amending And Supplementing *Article 2.0 Definitions And Measurements* Of The Provisions Of The City Of Fairmont's Codified Planning And Zoning Code And More Particularly 2.2 Intent To Add The Following Definitions: Crematorium And Funeral Services; Savings Clause.
 - 3. Adoption, An Ordinance Of The Council Of The City Of Fairmont Amending And Supplementing *Article 3.0 Zoning Districts* Of The Provisions Of The City's Codified Planning And Zoning Code To Amend And Supplement The Use Chart, Table 3-A Permitted Principal Uses, To Accommodate The Changes And Thus The Permitted Uses And Conditional Uses Relating To Crematorium And Funeral Services.
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 - 5. Adoption, An Ordinance Of The Council Of The City Of Fairmont Amending And Supplementing *Article 2.0 Definitions And Measurements* Of The Provisions Of The City Of Fairmont's Codified Planning And Zoning Code And More Particularly 2.2 Intent To Add A Definition For Animal Boarding Establishment And To Amend The Definition Animal Care Establishment; Savings Clause.
 - 6. Adoption, An Ordinance Of The Council Of The City Of Fairmont Amending And Supplementing *Article 3.0 Zoning*

Districts Of The Provisions Of The City's Codified Planning And Zoning Code To Amend And Supplement The Use Chart, Table 3-A Permitted Principal Uses, To Accommodate The Changes And Thus The Permitted Uses And Conditional Uses Relating To Animal Boarding Establishments And Animal Care Establishments.

7. Adoption, An Ordinance Of The Council Of The City Of Fairmont Amending And Supplementing *Article 4.0 Use Standards* Of The Provisions Of The City's Codified Planning And Zoning Code To Reflect That The Standards Set Forth In Section 4.44 Apply To Both Animal Boarding Establishments And Animal Care Establishments.
8. Adoption, An Ordinance Amending Article 1765 *Floodplain Regulations* To Eliminate The Flood Plain Determination Fee Provided By Section 1765.07(j).
9. Adoption, An Ordinance Amending And Supplementing That Portion Of City Ordinance No. 1863, Which Is Codified As Section 1709.01 Of The City Code To Provide For A Certain Revision To The State Building Code Promulgated By The West Virginia State Fire Commission And Established By Legislative Rule, Title 87, Series 4, To Be Effective August 1, 2022.
10. Adoption, An Ordinance Amending And Supplementing City Ordinance No. 1864 Which Is Codified As Part 17 Building And Housing Code, Article 1709 West Virginia State Building Code, Of The City Code, And Particularly, Section 1709.02 Schedule For Permit Fees And Penalties And Section 1709.03 Discretionary Provisions Thereof, To Provide For Increased Fees To Be Effective July 1, 2022, And To Accommodate The Revisions To The Standards And Requirements Of The State Building Code Promulgated By The West Virginia State Fire Commission And Established By Legislative Rule, Title 87, Series 4, Filed January 7, 2022, And To Be Effective August 1, 2022.
11. Adoption, An Ordinance Amending And Supplementing That Portion Of Ordinance No. 403, As Amended By Ordinance No. 1365, Ordinance No. 1486, Ordinance No. 1624, Ordinance No. 1701, And Ordinance No. 1881, Which Is Codified As Part 15 Fire Prevention Code, Article 1507, Bureau For Fire Prevention, Section .07 State Code And Fire

Marshal Rules, Of The Code Of The City Of Fairmont, To Provide For The Adoption Of The Standards And Requirements Set Out In Title 87 Legislative Rule, Fire Commission, Series 1 Fire Code, And Established And Adopted By The State Of West Virginia, To Be Effective August 1, 2022, Excluding However All Standards And Requirements Directed To The Operation Of Local Fire Departments, If Any.

12. Adoption, An Ordinance Of The Council Of The City Of Fairmont Amending And Supplementing *Article 8.0 Administration, Appeals And Enforcement* Of The Provisions Of The City's Codified Planning And Zoning Code To Create A Fees Section To Be Codified As Section 8.11 And To Create A Zoning Permit Fee Of \$20.00.
13. Introduction, First Reading, Set Public Hearing, An Ordinance Of The Council For The City Of Fairmont Authorizing The Purchase Of A Revised Parcel Of Real Estate Of Approximately 6.57 Acres, More Or Less, From CSX Transportation, Inc., For The Development Of The West Fairmont Rail-Trail System, 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.
14. Introduction, First Reading, Set Public Hearing, An Ordinance Amending And Supplementing Ordinance No. 1814, Adopted May 14, 2019, Which Is Codified As Part 9 Streets, Utilities And Public Services Code, Article 929 Water Regulations And Charges Of The City Code, And Particularly, Section 929.01 Water System Charges And Fees, To Provide For Increased Charges And Fees To Be Initially Effective 45 Days After Passage.
15. Introduction, First Reading, Set Public Hearing, An Ordinance Of The City Of Fairmont To Provide For Increased Rates, Fees And Charges For The Use Of The City Of Fairmont's Sewage System For All Classes Of Customers, To Be Codified As Fairmont City Code Article 925 "Sewer Charges", And More Particularly Section 925.02 "Rates, Fees And Charges" Thereof, Which Rates, Fees And Charges Are To Be Initially Effective 60 Days After Passage.

16. Introduction, First Reading, Set Public Hearing, An Ordinance Amending And Supplementing That Certain Portion Of Ordinance No. 1338, Adopted March 14, 2006, Which Is Codified As Part 9 Streets, Utilities And Public Services Code, Article 945 Stormwater Rates, Fees And Charges Of The City Code, And Particularly, Section 945.04 Fees, To Provide For Increased Fees To Be Initially Effective 45 Days After Passage.
17. Adoption, A Resolution Providing For An Amendment To The City Of Fairmont's 2021-2022 Annual Budget: General Fund.
18. Adoption, A Resolution Of The Council Of The City Of Fairmont Authorizing The City Manager To Submit The Proposed Fire Deferred Retirement Option Plan (Drop) Agreement To The Municipal Pensions Oversight Board Pursuant To The Provisions Of West Virginia Code §8-22-25a.
19. Adoption, A Resolution Of The Council Of The City Of Fairmont, Marion County, West Virginia, Authorizing The Issuance Of A Statement Of The City Of Fairmont's Interest In Participating In The Development Of A Hazard Mitigation Assistance Program Plan Update.

IX. ADJOURNMENT