

January 26 , 2021

The regular meeting of the City Council of the City of Fairmont was held remotely at 7:00 p.m. on the 26th day of January, 2021 due to the COVID-19 Pandemic.

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 |
| Fifth District | Barry H. Bledsoe |
| Sixth District | Gia Deasy |
| Seventh District | Blair Montgomery |
| Eighth District | Thomas (Tom) Mainella |
| Ninth District | Donna M. Blood |

Absent:

| | |
|-----------------|-----------------------|
| Fourth District | Richard (Rick) Garcia |
|-----------------|-----------------------|

Also present were:

| | |
|---------------|------------------|
| City Manager | Valerie A. Means |
| City Attorney | Kevin Sansalone |
| City Clerk | Janet L. Keller |

IN RE: OPENING CEREMONIES

Rev. Dr. Allen Copenhaver gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Rice.

APPROVAL OF MINUTES

Mayor Mainella noted that each member of Council had received a copy of the minutes from the Organizational Meeting held on January 12, 2021 and from the Regular Meeting held on January 12, 2021. He asked if there were any corrections, deletions, or amendments.

Councilmember Bledsoe moved to approve the minutes as submitted. The motion was seconded by Councilmember Bolyard.

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

PUBLIC HEARINGS

IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR THE GRANTING OF A QUITCLAIM EASEMENT TO PROVIDE FOR A CERTAIN EASEMENT OVER AND ALONG A CERTAIN PORTION OF THE RIGHT OF WAY OF MORSE STREET, BELLVIEW ADDITION IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO PROVIDE FOR AN EXISTING ENCROACHMENT RELATING TO A STRUCTURE ON PARCEL 263.1 OF MARION COUNTY TAX MAP 03-40, OWNED BY MICHAEL ELLIS AND RACHEL ELLIS; RESERVING UTILITY RIGHTS

Pursuant to a notice duly published in the Times-West Virginian on January 15, 2021, a public hearing was convened to obtain citizen input on a proposed ordinance granting a quitclaim easement to Michael and Rachel Ellis on Morse Street.

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

MICHAEL AND RACHEL ELLIS said that they were the owners of the property and Blair Nuzum-Wise was their attorney working on the easement.

BLAIRE NUZUM-WISE spoke in favor of the proposed ordinance. She said that when the Ellis' purchased the property in April 2020, they attended their closing which was at the beginning of the pandemic and they were not afforded representation by Counsel or their real estate agent because of social distancing requirements at the law firm where the closing was held. At the closing table, they were informed by the owner and the closing attorney that part of the property that their porch and retaining wall is located on is actually part of the City property. In order to clear title to their property and to assure that they need to repair the porch or the retaining wall or walkway in the back in any manner, they need to have an easement from the City in order to do it lawfully.

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

ANNOUNCEMENTS

IN RE: CITY MANAGER COMMENDED

Councilmember Kennedy commended the City Manager for getting two street lights repaired that had not been burning.

Councilmember Deasy thanked the City Manager for the email about doing a drive through in her district. She did a walk and drive through Saturday and Sunday and then met the City Manager face to face yesterday. She thanked the City Manager for taking the time to go over some of the areas that she is concerned about in her district.

IN RE: JOBS FOR THE FUTURE

Councilmember Montgomery asked the City Manager to send Council a copy of a paper

that he had written about jobs for the future. He said that it was primarily to give Council ideas about some things we may want to think about in terms of attracting various kinds of businesses and development. He mentioned that WV is rated #41 in the country and we are way behind in the drone industry and this may be something that we want to look at.

IN RE: PASSING OF RUSSELL YANN

Mayor Mainella mentioned the passing of Russell Yann. He said that he was a very generous man and had more longevity than any other business owner in the downtown.

CITIZENS PETITIONS

IN RE: PARKING COMPLAINT ON BENONI AVENUE

ROMELIA HODGES, 614 Walnut Avenue, addressed Council regarding a parking issue on Benoni Avenue in front of her house. She asked Council if people were allowed to park on the street longer than a 30-day period before a vehicle can be removed. She went on to say that she has been in contact with the City Manager's Office, the Police Department, the Parking Enforcement Officers, and the Chief of Police.

The Mayor said that since she has been talking to the right people, there is really nothing City Council can do to help. He thanked her for coming before Council.

CITY MANAGER 'S REPORT

IN RE: PREPARING FY22 BUDGET

The City Manager mentioned that she has been working on the budget getting it ready to be submitted to Council.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: SECOND READING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT ADOPTED PURSUANT TO THE PROVISIONS OF WEST VIRGINIA CODE §8-1-5a AUTHORIZING THE CITY OF FAIRMONT TO SUBMIT TO THE WEST VIRGINIA MUNICIPAL HOME RULE BOARD AN AMENDMENT TO ITS APPROVED HOME RULE PLAN, A COPY OF WHICH AMENDMENT IS ATTACHED HERETO AND MADE A PART HEREOF

Mayor Mainella entertained a motion and second for the second reading of an ordinance authorizing the submission of an amended Home Rule Plan to the WV Municipal Home Rule Board.

Motion:

Councilmember Blood moved for the second reading of the proposed ordinance. The motion was seconded by Councilmember Rice.

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

The Mayor declared the public hearing set for February 23, 2021.

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR THE GRANTING OF A QUITCLAIM EASEMENT TO PROVIDE FOR A CERTAIN EASEMENT OVER AND ALONG A CERTAIN PORTION OF THE RIGHT OF WAY OF MORSE STREET, BELLVIEW ADDITION IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO PROVIDE FOR AN EXISTING ENCROACHMENT RELATING TO A STRUCTURE ON PARCEL 263.1 OF MARION COUNTY TAX MAP 03-40, OWNED BY MICHAEL ELLIS AND RACHEL ELLIS; RESERVING UTILITY RIGHTS

Mayor Mainella entertained a motion for the adoption of an ordinance granting a quitclaim easement to Michael and Rachel Ellis on Morse Street.

Motion:

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

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of those Councilmembers present and the ordinance designated as Ordinance No. 1878 was duly adopted.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2020-2021 ANNUAL BUDGET: GENERAL FUND

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

Motion:

Councilmember Kennedy moved for the introduction of the proposed ordinance. The motion was seconded by Councilmember Bolyard.

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

The Mayor declared the public hearing set for February 9, 2021.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1871 DULY ADOPTED OCTOBER 13, 2020, WHICH ORDINANCE PROVIDES FOR THE CITY OF FAIRMONT'S CURRENT PAY PLAN AND LIST OF OCCUPATIONAL CLASSES FOR ALL CLASS TITLES AND EMPLOYEES, TO PROVIDE FOR CERTAIN STYLISTIC CHANGES AND TO PROVIDE BASE PAY INCREASES FOR THE POSITIONS OF CUSTOMER RELATIONS MANAGER/AUDITOR AND CODE/HOUSING OFFICER, BOTH OF WHICH ARE CURRENTLY VACANT

Mayor Mainella entertained a motion and second for the introduction of an ordinance amending the pay plan to provide for certain stylistic changes.

Motion:

Councilmember Kennedy 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 February 9, 2021.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE AMENDING AND SUPPLEMENTING THAT PORTION OF ORDINANCE NO. 403, AS AMENDED BY ORDINANCE NO. 1365, ORDINANCE NO. 1486, ORDINANCE NO. 1624, AND ORDINANCE NO. 1701, 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, EFFECTIVE AUGUST 1, 2020, EXCLUDING HOWEVER ALL STANDARDS AND REQUIREMENTS DIRECTED TO THE OPERATION OF LOCAL FIRE DEPARTMENTS, IF ANY

Mayor Mainella entertained a motion and second for the introduction of an ordinance to provide for the adoption of the Fire Life Safety Codes.

Motion:

Councilmember Kennedy 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 February 9, 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 WATER BOARD, NAMELY, A 2004 WILKINS MOBILE HOME/OFFICE TRAILER VIN #WMBAL1203258, ESTABLISHING RESERVE OR MINIMUM BID, AND 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 Water Board for a mobile home/office trailer.

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 February 9, 2021.

IN RE: ONE APPOINTMENT, FAIRMONT PARKING AUTHORITY, UNEXPIRED TERM TO END SEPTEMBER 30, 2023

Mayor Mainella entertained a motion for one appointment to the Fairmont Parking Authority for an unexpired term to end September 30, 2023.

Mayor Mainella moved to appoint Dan Swiger to the Fairmont Parking Authority for an unexpired term ending September 30, 2023. The motion was seconded by Councilmember Blood.

Roll call was taken by the Clerk.

The Mayor declared Dan Swiger appointed to the Fairmont Parking Authority for an unexpired term ending September 30, 2023 by unanimous vote of those Councilmembers present.

IN RE: THREE APPOINTMENTS, HUMAN RIGHTS COMMISSION, UNEXPIRED TERMS ENDING NOVEMBER 15, 2023

Mayor Mainella entertained a motion for three appointments to the Fairmont Human Rights Commission for unexpired terms to end November 15, 2023.

Mayor Mainella moved to appoint Tiffany Walker Samuels, Royce A. Lyden and Mekell DeMary-Andrew to the Fairmont Human Rights Commission for unexpired terms ending November 15, 2023. The motion was seconded by Councilmember Bolyard.

Roll call was taken by the Clerk and the following votes were recorded:

| | | | |
|--------------------------|-----|-----------------------|------------------|
| Councilmember Rice | Yes | Councilmember Deasy | Yes |
| Councilmember Bolyard | Yes | Councilmember Bledsoe | No |
| Councilmember Montgomery | Yes | Councilmember Blood | Yes |
| Mayor Mainella | Yes | Councilmember Kennedy | no vote heard |

The Mayor declared Tiffany Walker Samuels, Royce A. Lyden and Mekell DeMary-Andrew appointed to the Fairmont Human Rights Commission for unexpired terms ending November 15, 2023 by majority vote of Council.

ADJOURNMENT

The Mayor entertained a motion for adjournment.

Motion:

Councilmember Rice moved to adjourn the meeting. The motion was seconded by Councilmember Blood.

The Mayor declared the meeting adjourned by voice vote of Council at 7:39 p.m.