

**February 15, 2023**

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 15<sup>th</sup> day of February, 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
Fourth District	Richard (Rick) Garcia
Fifth District	Charles (Chuck) Warner
Sixth District	Gia Deasy
Seventh District	Nicholas (Nicky) Cinalli
Eighth District	Bruce McDaniel
Ninth District	Kandice (Kandi) Nuzum

Also present were:

City Manager	Valerie A. Means
City Attorney	Kevin S. Sansalone
City Clerk	Janet L. Keller
Fire Chief	Ed Simmons
Marketing Director	Hanna Turner
Director of Planning	Shae Strait

**IN RE: OPENING CEREMONIES**

Junior Bennett gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Moran.

**IN RE: BLACK HISTORY MONTH**

The Mayor read a narrative, on behalf of the City of Fairmont, in recognition of Black History Month.

**IN RE: CITY SPOTLIGHT AWARD**

Mayor Bolyard and Councilmember Rice presented Marcella Yaremchuk with a City Spotlight Award in recognition of the work that she has done at Maple Grove Cemetery and serving the community in other projects.

**APPROVAL OF MINUTES**

Mayor Bolyard noted that each member of Council had received a copy of the minutes

from the Regular Meeting held on January 24, 2023. She asked if there were any corrections, deletions, or amendments.

Councilmember McDaniel moved to approve the minutes as submitted. The motion was seconded by Councilmember Warner.

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

### **PUBLIC HEARINGS**

**IN RE: AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1855, WHICH PROVIDED FOR THE ACQUISITION, ESTABLISHMENT AND CONSTRUCTION OF A PUBLIC RECREATIONAL PROJECT TO BE LOCATED AT NORWOOD PARK, WHICH AMENDMENT:**

**1) PROVIDES FOR THE ACQUISITION, ESTABLISHMENT AND CONSTRUCTION OF ADDITIONS AND ENHANCEMENTS TO SAID PROJECT TO PROVIDE FOR AN EXPANDED INCLUSIVE PUBLIC RECREATIONAL FACILITY;**

**2) AUTHORIZES THE ALLOCATION AND EXPENDITURE OF TIF FUNDS FOR SAID PROJECT; AND**

**3) AUTHORIZES THE ALLOCATION AND EXPENDITURE OF ARPA FUNDS FOR SAID PROJECT**

Pursuant to a notice duly published in the Times-West Virginian on January 27, 2023, a public hearing was convened to obtain citizen input on an ordinance amending the TIF Ordinance for the Norwood Park Project.

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

**HANNA TURNER**, Marketing and Communications Director for the City of Fairmont, spoke in favor of the proposed ordinance. She stated that this is a project that she has worked on for a long time and has been years in the making. She said that the City has invested so much into such a worthy project and to build up a park all at once. She said that we have done a lot of piecing things together over the years and we have never done something like this to collectively just put everything we have into it to get it done and make it perfect. She went on to say that CEC has done a wonderful job of making this just about as perfect as we can get it. She added that the residents of Fairmont and Marion County, of all abilities, are very deserving of this park. She said that they deserve to have a project like this, specifically with them in mind, and a place where everybody can come together and play and enjoy nature. She then asked Council to support this project.

**CHEYANN MCQUAIN**, the enrichment coordinator at the Disability Action Center, spoke on behalf of the DAC and said the park will have a tremendous impact on the center's clients. She said that when they take their clients to the park, they will go swing and run and play and it is so good for them. Even when they grow older, there is even more of a need for them to stay active. In our minds, even something as small as a park is something that we owe to these members of our community.

**SHAE STRAIT**, Director of Planning, also spoke in favor of the project. He said his department has been involved in the park since its inception in 2017. He said the park will be a destination for North Central West Virginia. The goal of this project was to build a park from the ground up totally customized and built for inclusion. That is something that has not been done anywhere nearby. He added that this is a one-of-a-kind park, not just for Fairmont but for the whole region. This will be something unique and something special that will make a major difference in a lot of people's lives.

**JUNIOR BENNETT**, a former member of the Fairmont Parks Commission, also spoke in favor of the project. He encouraged Council to fund this project and asked Council to see this project through.

There being no one else to speak, the public hearing was called to a close at 7:17 p.m.

**IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA, ESTABLISHING JUNETEENTH AS A HOLIDAY UNDER THE TERMS AND CONDITIONS OF THE CITY OF FAIRMONT'S COLLECTIVE BARGAINING AGREEMENTS (IAFF, FOP, USW), AND AUTHORIZING THE EXECUTION OF AN ADDENDUM TO SAID AGREEMENTS FOR SUCH PURPOSE**

Pursuant to a notice duly published in the Times-West Virginian on January 27, 2023, a public hearing was convened to obtain citizen input on an ordinance establishing Juneteenth as a holiday under the terms and conditions of the City of Fairmont's Collective Bargaining Agreements (IAFF, FOP, and USW).

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

The City Manager asked Council to support this ordinance for Juneteenth holiday. She said this ordinance would afford the same holiday to our represented employees in all three of our union groups.

There being no one else to speak, the public hearing was called to a close at 7:19 p.m.

### **ANNOUNCEMENTS**

**IN RE: CONGRATULATIONS TO MARCELLA YAREMCHUK**

Councilmember Rice extended congratulations to Marcella Yaremchuk for receiving the City Spotlight Award.

**IN RE: FRIENDSHIP FAIRMONT**

Councilmember Moran reported that Friendship Fairmont needs single serving foods or snacks. They put together little food bags for anyone who comes in and needs or wants one to take on the go. If anyone would like to donate, the food can be dropped off at Friendship Fairmont which is located at the corner of Locust Avenue and Cleveland Avenue.

**IN RE: COMMUNITY MEETING**

Councilmember Moran announced that she will have a community meeting next Wednesday, February 22<sup>nd</sup>, from 11:00 a.m. to 1:00 p.m. at 304 Collective which is located at 700 Morgantown Avenue. She said that anybody can come and speak and bring their questions or concerns.

**IN RE: EVEREST DRIVE BRIDGE**

Councilmember Garcia asked the City Manager about the status of the Everest Drive Bridge.

Ms. Means stated that the City is not in a position to open the bridge. She said that she is trying to work with the State to get another inspection completed but at this time there is no plan to re-open that bridge. She added that it was not a major thoroughfare in the community so it will be something that we will have to consider, as Council, what we want to do. She also mentioned that she and staff have talked about the possibility of removing the bridge and having a roadway put in but none of that has been decided upon yet.

**IN RE: SOUTHRIDGE CHURCH**

Councilmember Deasy recognized the Southridge Church and all the volunteers that pulled off “Night to Shine” last week. She said it is a prom-like experience for individuals with developmental delays and disabilities. She said it is a huge fun night and it certainly did not disappoint.

**IN RE: KINDERGARTEN REGISTRATION**

Councilmember Deasy reported that kindergarten registration is going on if anyone has any young ones that they need to register for school.

**IN RE: FAMILY RESOURCE NETWORK**

Councilmember Deasy announced that the Family Resource Network (FRN) is re-organizing under the new leadership of Shannon Hogue. She added that they were out walking the neighborhoods and distributing some information about keeping healthy and Covid issues.

**IN RE: WEST VIRGINIA MUNICIPAL LEAGUE CONFERENCE**

Councilmember Deasy mentioned the WV Municipal League Conference. She noted that they were very welcoming to the Council folks that attended and she extended a special thank you to Travis Blosser, Executive Director, for the conference. She said that the State recognizes who Fairmont is and many of the legislators and delegates were able to give up some of their time to meet with them and to make them feel welcome.

Councilmember McDaniel stated that he also attended the WVML Conference. He said they were able to meet with both Senators at the same time and our entire House of Delegate members at the same time. There were a lot of items that we, as the Municipal League and municipalities, were for and only one of those was an item of contention with different views and they seemed to support everything that the League supported as well.

Councilmember Nuzum stated that it was an experience for her to attend the Municipal League. She said they attended the legislature and watched bills take place and met with the delegates and senators from our area and they were all very helpful and worked together. She noted that it was a good experience.

### **CITIZENS PETITIONS**

#### **IN RE: PUBLIC WORKS DEPARTMENT COMMENDED**

**JOHN LAYMAN**, Ohio Avenue, addressed Council to thank the City and Public Works Department for the work they did along East Grafton Road for the Maple Grove Cemetery. He said they did a fantastic job and he wanted to thank them for the hard work they did in cleaning up that area. He wanted that department to be recognized.

### **CITY MANAGER 'S REPORT**

#### **IN RE: BUDGET WORK SESSION**

Ms. Means thanked Council for attending the FY24 budget work session last week. She said they are wrapping it up and looking at the advertisements that they must take. She added that item will come before Council in March for consideration.

#### **IN RE: STREET PAVING BIDS**

The City Manager stated that for our street paving for this fiscal year, the RFP has been posted to the website with a list of the streets to be paved.

#### **IN RE: NEW MURAL**

**SHAE STRAIT**, Director of Planning, announced that Fairmont will be receiving a new mural. The piece of art will be placed on the south side of the Crawford Building, across the street from Fox's Pizza and next door to the Rambling Root. The mural will be 24 feet wide and 18 feet tall and will be displayed on a signage-quality fabric in a large frame affixed to the upper half of the building. This signage style set up allows for the mural to be replaced or swapped out easily if the original fades or is damaged and will save money on maintenance compared to a traditional painted mural. The art itself was designed as a collage of art created by Loving WV, who offered to design the piece for free. At the center of the piece is a special image the artist made commemorating the Friendly City. Mr. Strait said, in total, the cost of the mural project is around \$8,000, with the City of Fairmont paying \$5,500 out of a special budget for the project and Main

Street Fairmont paying the other \$2,500. Mr. Strait said we are very excited about this because this will give us different types of art and different reasons for art in our community.

Councilmember Rice suggested partnering with the Marion County Commission and Fairmont State University on future murals.

### **CONSIDERATION OF COUNCIL BUSINESS**

**IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1855, WHICH PROVIDED FOR THE ACQUISITION, ESTABLISHMENT AND CONSTRUCTION OF A PUBLIC RECREATIONAL PROJECT TO BE LOCATED AT NORWOOD PARK, WHICH AMENDMENT:**

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**3) AUTHORIZES THE ALLOCATION AND EXPENDITURE OF ARPA FUNDS FOR SAID PROJECT**

Mayor Bolyard entertained a motion for the adoption of an ordinance amending the TIF Ordinance for the Norwood Park Project.

Motion:

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

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of Council and the ordinance designated as Ordinance No. 1980 was duly adopted.

**IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA, ESTABLISHING JUNETEENTH AS A HOLIDAY UNDER THE TERMS AND CONDITIONS OF THE CITY OF FAIRMONT'S COLLECTIVE BARGAINING AGREEMENTS (IAFF, FOP, USW), AND AUTHORIZING THE EXECUTION OF AN ADDENDUM TO SAID AGREEMENTS FOR SUCH PURPOSE**

Mayor Bolyard entertained a motion for the adoption of an ordinance establishing Juneteenth as a holiday under the terms and conditions of the City of Fairmont's Collective Bargaining Agreements (IAFF, FOP, and USW).

Motion:

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

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of Council and the ordinance designated as Ordinance No. 1981 was duly adopted.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE FAIRMONT CITY CODE**

Mayor Bolyard entertained a motion for the introduction of an ordinance to approve and adopt current replacement pages to the Fairmont City Code.

Motion:

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

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

The Mayor declared the public hearing set for February 28, 2022.

**IN RE: 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 THE CITY'S CODIFIED PLANNING AND ZONING CODE, AND MORE PARTICULARLY SECTION 8.11 FEES THEREOF TO CONSOLIDATE ALL ZONING AND DEVELOPMENT RELATED FEES IN A SINGLE SECTION; MODERNIZE CERTAIN FEES; AND CREATE PENALTIES FOR PERFORMING WORK WITHOUT THE NECESSARY PERMITS**

Mayor Bolyard entertained a motion for the introduction of an ordinance amending Article 8.0 Administration, Appeals and Enforcement to consolidate all zoning and development fees in a single section of the Planning Code.

Motion:

Councilmember Rice moved for the introduction of the proposed ordinance. Councilmember Garcia seconded the motion.

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

The Mayor declared the public hearing set for February 28, 2022.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING**

**SUBSECTION 12 REGISTRATION AND PERMIT FEES OF SECTION 5.3 SIGNS AND SIMILAR STRUCTURES OF ARTICLE 5.0 SITE STANDARDS OF THE PROVISIONS OF THE CITY OF FAIRMONT'S CODIFIED PLANNING AND ZONING CODE TO ACCOMMODATE THE CONSOLIDATION OF ALL PLANNING AND DEVELOPMENT RELATED FEES INTO A SINGLE SECTION**

Mayor Bolyard entertained a motion for the introduction of an ordinance amending Subsection 12 Registration and Permit Fees of the Planning and Zoning Code to accommodate the consolidation of all planning related fees into a single section.

Motion:

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

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

The Mayor declared the public hearing set for February 28, 2022.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING SUBSECTION 13 FEES OF SECTION 6.1 SITE PLAN REVIEW OF ARTICLE 6.0 DEVELOPMENT PROCEDURES OF THE PROVISIONS OF THE CITY OF FAIRMONT'S CODIFIED PLANNING AND ZONING CODE TO ACCOMMODATE THE CONSOLIDATION OF ALL PLANNING AND DEVELOPMENT RELATED FEES INTO A SINGLE SECTION**

Mayor Bolyard entertained a motion for the introduction of an ordinance amending Subsection 13 Fees of Section 6.1 Site Plan Review of the Planning Code to accommodate the consolidation of all planning related fees into a single section.

Motion:

Councilmember Rice moved for the introduction of the proposed ordinance. Councilmember Cinalli seconded the motion.

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

The Mayor declared the public hearing set for February 28, 2022.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING SUBSECTION 5 FEES OF SECTION 7.2 ADMINISTRATION AND ENFORCEMENT OF ARTICLE 7.0 SUBDIVISION REGULATIONS OF THE PROVISIONS OF THE CITY OF FAIRMONT'S CODIFIED PLANNING AND ZONING CODE TO ACCOMMODATE THE CONSOLIDATION OF ALL PLANNING AND DEVELOPMENT RELATED FEES INTO A SINGLE SECTION**

Mayor Bolyard entertained a motion for the introduction of an ordinance amending Subsection 5 Fees of Section 7.2 Administration and Enforcement of the Planning Code to accommodate the consolidation of all planning related fees into a single section.

Motion:

Councilmember Moran moved for the introduction of the proposed ordinance. Councilmember Rice seconded the motion.

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

The Mayor declared the public hearing set for February 28, 2022.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING ARTICLE 157 OF THE CITY CODE AND MORE PARTICULARLY SECTION 157.10 FILING FEES TO ACCOMMODATE THE CONSOLIDATION OF ALL PLANNING AND DEVELOPMENT RELATED FEES INTO A SINGLE SECTION**

Mayor Bolyard entertained a motion for the introduction of an ordinance amending Article 157 of the City Code to accommodate the consolidation of all planning related fees into a single section.

Motion:

Councilmember Cinalli moved for the introduction of the proposed ordinance. Councilmember Nuzum seconded the motion.

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

The Mayor declared the public hearing set for February 28, 2022.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, 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'S CODIFIED PLANNING AND ZONING CODE AND MORE PARTICULARLY 2.2 INTENT TO PROVIDE DEFINITIONS FOR SUBSTANTIAL IMPROVEMENT, WALL, GARDEN AND WALL, RETAINING**

Mayor Bolyard entertained a motion for the introduction of an ordinance amending Article 2.0 Definitions of the Planning Code to provide definitions for Substantial Improvement, Wall, Garden and Wall, and Retaining.

Motion:

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

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

Discussion:

Councilmember Warner asked Mr. Strait to explain the setback.

The City Manager said that we are only including the definition for these items.

Mr. Strait then said that we are adding the three definitions and this will not adjust any setback requirements at this time. He said those will simply define what those types of walls are in order to give us the ability to fairly regulate them separately from one another and prevent them from falling under unfair standards or arbitrary determinations by the Planning staff. No changes to any fence, wall or vegetative screening regulations will be made until Item #11 on the agenda.

The Mayor declared the public hearing set for February 28, 2022.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT REPEALING AND REPLACING SECTION 5.4 PARKING OF ARTICLE 5.0 SITE STANDARDS OF THE PROVISIONS OF THE CITY OF FAIRMONT'S CODIFIED PLANNING AND ZONING CODE TO REORGANIZE AND PROVIDE CLARITY TO THE REGULATIONS; TO MODIFY THE MINIMUM PARKING REQUIREMENTS AND DRIVEWAY STANDARDS; TO ADD ADDITIONAL TERMS; AND TO MAKE OTHER STYLISTIC CHANGES; SAVINGS CLAUSE**

Mayor Bolyard entertained a motion for the introduction of an ordinance repealing and replacing Section 5.4 Parking of Article 5.0 Site Standards of the Planning Code to reorganize and provide clarity to the regulations and to modify the minimum parking requirements and driveway standards.

Motion:

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

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

The Mayor declared the public hearing set for February 28, 2022.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ARTICLE 5.0 SITE STANDARDS AND MORE PARTICULARLY SECTION 5.8 FENCES AND VEGETATIVE SCREENING TO INCLUDE WALLS AND TO MODIFY AND ADJUST CERTAIN SITE STANDARDS AND REQUIREMENTS FOR FENCES, WALLS, AND VEGETATIVE SCREENING**

Mayor Bolyard entertained a motion for the introduction of an ordinance amending and

supplementing Article 5.0 Site Standards and more particularly Section 5.8 Fences and Vegetative Screening to include walls and to modify and adjust site standards and requirements for Fences, Walls, and Vegetative Screening.

Motion:

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

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

Discussion:

Councilmember McDaniel asked in the event you have a garden and you put posts around the garden with a wire mesh around that, is that acceptable.

Mr. Strait said not only is it acceptable, it will be exempt. He said if that fence does not exceed the height limitations for the yard in which it is in, it is exempt from a zoning permit.

The Mayor declared the public hearing set for February 28, 2022.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ARTICLE 5.0 SITE STANDARDS AND MORE PARTICULARLY SECTION 5.9 REFUSE CONTAINMENT AND MECHANICAL TO MODIFY THE MINIMUM FIVE (5) FEET SETBACK REQUIREMENT**

Mayor Bolyard entertained a motion for the introduction of an ordinance amending and supplementing Article 5.0 Site Standards and more particularly Section 5.9 Refuse Containment and Mechanical to modify the minimum five feet setback requirement.

Motion:

Councilmember Nuzum moved for the introduction of the proposed ordinance. Councilmember Rice seconded the motion.

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

The Mayor declared the public hearing set for February 28, 2022.

**IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA, SUPPORTING PIERPONT COMMUNITY AND TECHNICAL COLLEGE'S NEW AVIATION MAINTENANCE TECHNOLOGY CENTER**

Mayor Bolyard entertained a motion for the adoption of a resolution supporting Pierpont Community and Technical College's new Aviation Maintenance Technology Center.

Motion:

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

The Clerk read the proposed resolution by synopsis.

Roll call was taken by the Clerk.

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

### **ADJOURNMENT**

The Mayor entertained a motion for adjournment.

Motion:

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

The Mayor declared the meeting adjourned by voice vote of Council at 8:01 p.m.