

March 28, 2023

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 28th day of March, 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
Director of Marketing	Hanna Turner

IN RE: OPENING CEREMONIES

Councilmember Nuzum gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Garcia.

IN RE: FSHS STATE BASKETBALL CHAMPIONS

Mayor Bolyard recognized the Fairmont Senior High School boys basketball team for winning this season's state championship. The head coach, David Retton, introduced the assistant coaches, members of the team and said a few words about their winning season.

APPROVAL OF MINUTES

Mayor Bolyard noted that each member of Council had received a copy of the minutes from the Regular Meeting held on March 14, 2023. She asked if there were any corrections, deletions, or amendments.

Councilmember Nuzum moved to approve the minutes as submitted. The motion was

seconded by Councilmember McDaniel.

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

PUBLIC HEARINGS

IN RE: AN ORDINANCE PROVIDING FOR THE PUBLIC AUCTION OF SURPLUS PERSONAL PROPERTY OF THE CITY OF FAIRMONT; RESERVATION OF RIGHTS

Pursuant to a notice duly published in the Times-West Virginian on March 17, 2023, a public hearing was convened to obtain citizen input on an ordinance providing for the public auction of surplus personal property of the City of Fairmont.

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

Ms. Means asked Council to approve this ordinance. She said that this is our regular ordinance that we do twice a year to auction some of our surplus property that the City no longer has use for.

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

ANNOUNCEMENTS

IN RE: THANK YOU EXTENDED TO VARIOUS PEOPLE

Councilmember Rice stated that he wanted to extend a thank you to a few people who helped a local citizen. He said that he received a phone call from a woman in Connecticut that stated her brother lived here in Fairmont and was going through a hardship. After making a few calls, the guy ended up getting kicked out of his house and needed somewhere to live. He said that he contacted a few people and got a landlord to get him a house to move into and got someone to help donate some furniture for his house and with all of the help from various people, the gentleman was able to move into a house. Councilmember Rice stated that he wanted to thank everybody that helped with this situation, including Police Officer Bansbach.

IN RE: ARTS AND HUMANITIES COMMISSION AWARDS EVENT

Councilmember Moran reminded everyone that the Arts and Humanities Commission will be having their annual awards event on April 23rd, at 2:00 p.m., at Central Christian Church on Big Tree Drive.

IN RE: MORGANTOWN AVENUE MINI PARK CLEAN UP

Councilmember Moran also reminded everyone that April 29th, at 9:00 a.m., she will be hosting a clean-up at the Morgantown Avenue Mini Park. She said that if anyone would like to help, they are more than welcome.

IN RE: PLAN FOR UNUSED CITY REAL ESTATE

Councilmember Moran asked the City Manager when Council will see a plan from staff for unused City real estate.

Ms. Means replied she did not have a date yet.

IN RE: WATER SERVICE ON ROUTE 73 AT WHITE DAY GOLF COURSE

Councilmember Garcia stated that someone had asked him if the City had thought about providing water out on Route 73 at White Day Golf Course for approximately 300 homes.

The Manager replied that she has not heard anything on that.

IN RE: LITERACY FAIR AND HEALTHY GRANDFAMILIES FAIR

Councilmember Deasy reported that the Marion County Literacy Fair will be held on Saturday, April 29th, from 10:00 a.m. to 2:00 p.m. at the Marion County Board of Education on Mary Lou Retton Drive.

Councilmember Deasy also mentioned that the Marion County Healthy Grandfamilies Resource Fair will be held on April 18th from 5:00 p.m. to 7:00 p.m. at the South Ridge Church on Fairmont Avenue.

IN RE: REMARKABLE WOMAN 'S CONTEST FINALIST

Councilmember Deasy stated that we have three women from Marion County that are finalist in the Remarkable Woman's Contest and they are: Marcella Yaremchuk, Mary Jo Elliott, and JoDonna Burdoff. She noted that it was remarkable that we have three women all from Marion County that are finalist in that contest. She said that the winner will be announced tomorrow evening during the news on WBOY.

CITIZENS PETITIONS

IN RE: MURAL ON CRAWFORD BUILDING

SHAWNA SANTEE, 903 Sylvan Avenue, addressed Council regarding the mural that was recently placed on the Crawford Building. Ms. Santee said that she was here to ask about a recent project, primarily funded at \$5,500 by the City of Fairmont, more specifically, the Planning Department. Over the past year, she has watched as funds from that department have been used for only downtown pots and flowers, signs and stickers, a 14-foot Christmas tree, and now an advertising billboard. While some of these ideas are really good in theory, their execution, in her opinion, is poor and it leaves Council looking as if you spent money on foolish endeavors while ignoring bigger issues truly affecting the residents and their quality of life. At this point, these projects

should have oversight and the most recent billboard project calls into question the oversight of the Planning Department. She went on to say that public art is wonderful for our City if it is executed in a way that involves the public, however, this project did not. She said that she would implore Council to come up with clear definitions with input from the public as to what the project should look like, who can apply, the process by which an artist is chosen and the process by which the project is funded. She then asked why wasn't the other proposed art work shown to Council. She asked Council if they have seen it.

Councilmember Rice replied that he has seen the other art proposal.

Ms. Santee said that the alternate rendering utilized the entire side of the Crawford Building and cost much less than the one chosen. She asked why are we allowing one or two people in the Planning Department to dictate to our entire City what public art truly is. She said that she could not find one definition of public art in our City Code. The project in question here is a literal photo of 50 plus items currently for sale in a business's online store. Looking to define this project in the Planning and Zoning Code, she found this: "Any sign, the subject matter of which relates to products, accommodations, goods, services, activities that are sold or offered from a site, parcel of real estate, location or premises other than that upon which the sign is located". She stated that was the definition of an off-site advertising sign or billboard. She went on to say that the Planning and Zoning Code is very clear as to what this project is. Additionally, this project is located in the Historical District. Any business wanting to erect a sign such as that would have to have gone before the Historic Preservation Review Commission and to her knowledge, this project was never brought before that Commission. She then asked if it was brought before the Historic Preservation Review Commission.

Mayor Bolyard replied not to her knowledge.

Ms. Santee also said that the size of this project would also require a variance as well since it is more than twice the size allowed by the Planning and Zoning Code where signage is concerned. Furthermore, according to the City Manager's Annual Report there are 1,517 licensed businesses in the City of Fairmont. This project advertises and benefits one. She asked if the City will be giving the other 1,516 businesses the same opportunity to advertise their business services. She said, at the end, she knows how this works when people are up here speaking to Council. Therefore, she asked Council what they think about it and how did they allow it to happen to begin with.

Councilmember Moran stated that she appreciated Ms. Santee coming and she appreciated her reaching out to her this week and she knows that they disagree on the basic premise of it, like is it art.

Ms. Santee said it is not, according to the City Code, it is not.

Councilmember Moran then stated that the City Attorney has weighed in on it as well and said that this and that is why it did not go before

Ms. Santee said we have definitions for fencing, stone walls, however, we do not have a definition of what public art actually is. She asked where does she find that because in the Planning and Zoning Code, it literally says that it is an off-premise advertising sign or billboard. She said that is the definition of what Council funded and put up on the side of a business.

Councilmember Moran said that they are going to disagree on whether it is art or not.

Ms. Santee said that was not her question.

Councilmember Moran said that the general premise is it is art and that is why it did not go before those committees or do those things.

Ms. Santee said so Council dictates the art?

Councilmember Moran said that she had nothing in this decision.

Ms. Santee then stated that City Council should have been involved in this a little bit more.

Mayor Bolyard thanked Ms. Santee for her comments and said Council will take it under advisement of ways that we can improve that.

Councilmember Rice noted that he had nothing to do with this decision.

CITY MANAGER 'S REPORT

IN RE: BUILDING OFFICIAL , KEN FLETCHER, RETIRING

The City Manager reported that our Chief Building Official, Ken Fletcher, is retiring and we hate to see him go. He is retiring but had service in other agencies but has had a least six years with the City of Fairmont.

IN RE: 2022 FISCAL YEAR AUDIT REPORT PRESENTED

Ms. Means stated that she presented each Councilmember with a copy of the 2022 Fiscal Year Audit Report. She noted that it will be posted on the City's website.

IN RE: CLOSED ON RAIL TRAIL PROPERTY

The Manager announced that the City closed on the rail trail property from CSX.

IN RE: FIREFIGHTER NEGOTIATIONS

Ms. Means said that she and her staff are continuing negotiations with our firefighters.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, AN ORDINANCE PROVIDING FOR THE PUBLIC AUCTION OF SURPLUS PERSONAL PROPERTY OF THE CITY OF FAIRMONT; RESERVATION OF RIGHTS

Mayor Bolyard entertained a motion for the adoption of an ordinance providing for the public auction of surplus personal property of the City of Fairmont.

Motion:

Councilmember McDaniel moved for the adoption of the proposed ordinance. Councilmember Warner 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. 1992 was duly adopted.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ORDINANCE NO. 1971 DULY ADOPTED NOVEMBER 9, 2022, 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 INCREASES IN ASPECTS OF THE VARIOUS PAY PLANS; AN INCREASE IN CERTIFICATION PAY; THE CREATION OF CERTAIN NEW POSITIONS; THE MODIFICATION/ADDITION OF CERTAIN CLASS PAY GRADES AND TITLES; AND OTHER STYLISTIC CHANGES

Mayor Bolyard entertained a motion for the introduction of an ordinance amending the Pay Plan to provide for certain increases in aspects of the various Pay Plans, an increase in certification pay, creation of certain new positions and the modification of certain pay grades and titles.

Motion:

Councilmember Deasy 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.

The Mayor declared the public hearing set for April 11, 2023.

IN RE: ADOPTION, A RESOLUTION IN SUPPORT OF FAIR HOUSING IN THE CITY OF FAIRMONT

Mayor Bolyard entertained a motion for the adoption of a resolution in support of Fair

Housing in the City of Fairmont.

Motion:

Councilmember Deasy moved for the adoption of the proposed resolution. Councilmember Cinalli 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.

IN RE: ADJOURN TO EXECUTIVE SESSION

Mayor Bolyard moved that Council adjourn to Executive Session as per 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. The motion was seconded by Councilmember McDaniel.

The Mayor declared the meeting adjourned to Executive Session by voice vote of Council at 7:33 p.m.

IN RE: MEETING RECONVENED

The Mayor declared the meeting reconvened at 8:10 p.m.

ADJOURNMENT

The Mayor entertained a motion for adjournment.

Motion:

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

The Mayor declared the meeting adjourned by voice vote of Council at 8:11 p.m.

