

**April 13, 2021**

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 13<sup>th</sup> day of April, 2021, at the Public Safety Building located at 500 Quincy Street in Fairmont, West Virginia.

Mayor Mainella called the meeting to order.

Councilmembers present were:

First District	Joshua D. (Josh) Rice
Second District	Anne E. Bolyard
Fourth District	Richard (Rick) Garcia
Fifth District	Barry H. Bledsoe
Sixth District	Gia Deasy
Seventh District	Blair Montgomery
Eighth District	Thomas (Tom) Mainella
Ninth District	Donna M. Blood

Absent:

Third District	Karl (David) Kennedy
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Also present were:

City Manager	Valerie A. Means	(by phone)
City Attorney	Kevin Sansalone	
City Clerk	Janet L. Keller	
Fire Chief	Ed Simmons	
Finance Director	Priscilla Hamilton	

**IN RE: OPENING CEREMONIES**

Rev. Evan Walker gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Garcia.

**IN RE: PROCLAMATION PRESENTED - RUSSELL YANN DAY**

Mayor Mainella presented a proclamation to the family of the late Russell Yann, well known owner and proprietor of Yann's Hotdog Stand, who passed away on January 15, 2021. Russell's longevity as a downtown merchant will always be remembered by all of his loyal customers who supported him over the years. He will be remembered for his generous contributions to the community. The Mayor proclaimed Wednesday, April 14<sup>th</sup> as Russell Yann Day in the City of Fairmont.

**IN RE: PROCLAMATION PRESENTED - SEXUAL ASSAULT AWARENESS**

The Mayor also presented a proclamation to Amy Chandler with Hope, Inc. proclaiming April, 2021 as Sexual Assault Awareness Month.

**IN RE: OPEN GOVERNMENT PRESENTATION - TRANSPARENCY MODULE**

WV State Auditor John B. McCuskey and Skylar Wotring, Oversight Manager, made a presentation on Open Government and presented Council with an overview of the Transparency Module. Mr. McCuskey said they are getting ready to unveil the City's new website: [fairmontwv.opengov.com](http://fairmontwv.opengov.com). He said that this website will streamline the budget process and make audits less expensive.

**APPROVAL OF MINUTES**

Mayor Mainella noted that each member of Council had received a copy of the minutes from the Regular Meeting held on March 23, 2021. He asked if there were any corrections, deletions, or amendments.

Councilmember Deasy moved to approve the minutes as submitted. The motion was seconded by Councilmember Blood.

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 AND AUTHORIZING THE TRANSFER AND CONVEYANCE OF A CERTAIN PARCEL OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT:**

**LT 4 RHEA TERR  
(PLAT 104-144)  
MAP 27 PARCEL 0027**

**FROM L & J PROPERTIES NORTH, LLC, TO THE CITY OF FAIRMONT; 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**

Pursuant to a notice duly published in the Times-West Virginian on March 26, 2021, a public hearing was convened to obtain citizen input on a proposed ordinance providing for the transfer and conveyance of parcels on Rhea Terrance from L&J Properties North to the City of Fairmont.

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

There being no one to speak, the public hearing was called to a close at 7:35 p.m.

**IN RE: 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, UNION DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT:**

**BLK 18 PT LS 1-2 MGTN AVE  
(PLAT 256-270)  
FAIRMONT CITY UNION DISTRICT  
MAP 4 PARCEL 10**

**BLK 18 PT PCL A  
(PLAT 256-270)  
FAIRMONT CITY UNION DISTRICT  
MAP 4 PARCEL 9**

**BLK 18 PT PCL "A" MGTN AVE  
(PLAT 256-270)  
FAIRMONT CITY UNION DISTRICT  
MAP 4 PARCEL 8**

**FROM SEAN MURPHY TO THE CITY OF FAIRMONT; 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**

Pursuant to a notice duly published in the Times-West Virginian on March 26, 2021, a public hearing was convened to obtain citizen input on a proposed ordinance providing for the transfer and conveyance of parcels on Morgantown Avenue from Sean Murphy to the City of Fairmont.

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

There being no one to speak, the public hearing was called to a close at 7:36 p.m.

**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 26, 2021, a public hearing was convened to obtain citizen input on a proposed 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.

There being no one to speak, the public hearing was called to a close at 7:37 p.m.

After the public hearings were closed, Councilmember Rice asked why no one was at the meeting to speak in favor of the proposed ordinances and explain what they entail.

City Attorney Kevin Sansalone gave an overview of each of the public hearing items. He then said that staff is recommending that Council adopt all three of the ordinances.

Fire Chief Ed Simmons also spoke in favor of the Rhea Terrace and Morgantown Avenue properties. He said this is a way to clean up another structure on Rhea Terrace and then to have an extra lot on Morgantown Avenue to be used for parking once those structures are demolished.

### **ANNOUNCEMENTS**

#### **IN RE: NEW EAST SIDE FIRE STATION**

Councilmember Rice said that the new East Side Fire Station is looking good.

#### **IN RE: RUSSELL YANN DAY**

He encouraged everyone to go to Yann's tomorrow and support the Yann family on Russell Yann Day.

#### **IN RE: NEW NUTRITION BUSINESS OPENED**

Councilmember Garcia reported that Russell Yann's daughter and granddaughter are the owners of the new Nutrition place on Adams Street.

#### **IN RE: FEAST MURAL DEDICATION**

Councilmember Blood reminded everyone that there is going to be a dedication and ribbon cutting on Monroe Street of the Feast of the Seven Fishes Mural on Friday, April 16<sup>th</sup> at 11:00 a.m.

#### **IN RE: DONATIONS FOR FLOWER BASKETS**

Councilmember Blood announced that if anyone wants to donate to the flower basket fund to go on Main Street Fairmont's website at [www.mainstreetfairmont.org](http://www.mainstreetfairmont.org) and make a donation. She said they are putting in some new poles to hold some of the baskets to make them more even down Fairmont Avenue and they are really in need of donations.

#### **IN RE: 4-WAY STOP SIGN INSTALLED**

Councilmember Montgomery thanked the Street Department for installing the 4-way stop sign at the intersection of Gaston Avenue and 7<sup>th</sup> Street.

**IN RE: POLICE BODY CAMERAS**

Councilmember Montgomery said he would like to have a work session to find out the reason why our Police Officers don't have body cams. He said he wanted to have a discussion on this.

Councilmember Rice asked if Council already had a discussion on the body cams.

The City Attorney said that we have had discussions with the Police Chief on this but he could not speak on behalf of the Chief. He said that he did not know the outcome of the discussions.

The Mayor said this would be a good question to address to the City Manager when she gets back to work.

Mr. Sansalone said that the work session on April 20<sup>th</sup> is regarding demolition and he didn't know if it would be appropriate to have another topic.

The Mayor said no, we will not discuss it at that time. He said at some point when the City Manager gets back, staff can talk to her about the body cam situation.

Councilmember Montgomery said that it would be a safety precaution for the City and for the Police Officer and for the citizenry and he thought it was worthy for a discussion.

The City Manager (by phone) said that we can definitely have a work session on that discussion. She said that the biggest concern that she and the Chief have had with a body camera is that we were looking for some legislation actually to come forward to protect some of the footage from the FOIA. She noted that was part of some of the concerns when we wanted to move forward with body cams.

**IN RE: UPCOMING DEMOLITION WORK SESSION**

Councilmember Deasy said thank you for scheduling the upcoming work session on Demolition.

**IN RE: OPEN GOVERNMENT PRESENTATION**

Councilmember Deasy said that she has been watching the Open Government module for three years now and she said that she appreciated Mr. McCuskey presenting it to Council. She also commended Finance Director, Priscilla Hamilton, for getting it started.

**IN RE: RIBBON CUTTING**

The Mayor reported that he attended a ribbon cutting at 1116 Locust Avenue for the newly remodeled apartment buildings on Locust Avenue. He mentioned that they are rentals for subsidized housing and for veterans and are already at 60% occupancy. He

thanked the owners for coming into our community and remodeling those structures. He said this will help a lot of people who need a place to live.

**IN RE: PASTORAL ALLIANCE MEETING**

Mayor Mainella reported that he attended his first Pastoral Alliance meeting at Mt. Zion Missionary Baptist Church and it was an eye-opening experience for him.

**IN RE: DAR MORGAN MORGAN CHAPTER PROCLAMATION**

The Mayor said that he presented a proclamation to ladies from the Daughters of the American Revolution in front of the Court House. He then read a few of the lines from the proclamation.

**CITIZENS PETITIONS**

There were no citizens petitions for this meeting.

**CITY MANAGER 'S REPORT**

**IN RE: OPEN GOVERNMENT PRESENTATION**

The City Manager (by phone) commended Priscilla Hamilton and her team for all of the work that they have done for the transparency module. She then thanked the State Auditor's Office for making the presentation to Council.

**CONSIDERATION OF COUNCIL BUSINESS**

**IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR AND AUTHORIZING THE TRANSFER AND CONVEYANCE OF A CERTAIN PARCEL OF REAL ESTATE SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT:**

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Mayor Mainella entertained a motion for the adoption of an ordinance to transfer the property located at 4 Rhea Terrace to the City of Fairmont from L & J Properties North, LLC.

Motion:

Councilmember Blood 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. 1885 was duly adopted.

**IN RE: 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, UNION DISTRICT, MARION COUNTY, WEST VIRGINIA, TO-WIT:**

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Mayor Mainella entertained a motion for the adoption of an ordinance to transfer three parcels on Morgantown Avenue to the City of Fairmont from Sean Murphy.

Motion:

Councilmember Rice moved for the adoption of the proposed ordinance. Councilmember Montgomery 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. 1886 was duly adopted.

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

Mayor Mainella 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 Blood 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. 1887 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 Rice moved for the introduction of the proposed ordinance. The motion was seconded by Councilmember Bledsoe.

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

The Mayor declared the public hearing set for April 27, 2021.

**IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL FOR THE CITY OF FAIRMONT SUPPORTING THE 2021 WEST VIRGINIA MUNICIPAL LEAGUE ADVOCACY AGENDA AND REQUESTING THAT THE STATE OF WEST VIRGINIA'S CONGRESSIONAL DELEGATION SUPPORT SAME**

Mayor Mainella entertained a motion for the adoption of a resolution supporting the 2021 WVML Advocacy Agenda.

Motion:



Councilmember Rice moved for the adoption of the proposed resolution. Councilmember Blood 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: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA, AUTHORIZING THE ADOPTION OF THE CITY OF FAIRMONT FLEXIBLE BENEFIT PLAN (CAFETERIA PLAN) TO BE EFFECTIVE JULY 1, 2021; RATIFICATION**

Mayor Mainella entertained a motion for the adoption of a resolution authorizing the adoption of a Flexible Benefit Plan (Cafeteria Plan) to be effective July 1, 2021.

Motion:

Councilmember Garcia moved for the adoption of the proposed resolution. Councilmember Rick 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 Rice moved to adjourn the meeting. The motion was seconded by Councilmember Montgomery.

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