

May 11, 2022

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 11th day of May, 2022, 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
Third District	Karl (David) Kennedy
Fourth District	Richard (Rick) Garcia
Fifth District	Barry H. Bledsoe
Sixth District	Gia Deasy
Eighth District	Thomas (Tom) Mainella
Ninth District	Donna M. Blood

Absent:

Second District	Anne E. Bolyard
Seventh District	Nicholas (Nicky) Cinalli

Also present were:

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

IN RE: COUNCILMEMBER S BOLYDARD AND CINALLI EXCUSED

The Mayor stated that Councilmember Bolyard had a work commitment and Councilmember Cinalli was out of town and both asked to be excused.

Motion:

Councilmember Rice moved to excuse Councilmembers Bolyard and Cinalli from this meeting. The motion was seconded by Councilmember Deasy.

The Mayor declared Councilmembers Bolyard and Cinalli excused from this meeting by voice vote of Council.

IN RE: OPENING CEREMONIES

Councilmember Barry Bledsoe gave the invocation followed by the Pledge of Allegiance

to the Flag led by Councilmember Rice.

IN RE: PROCLAMATION PRESENTED - EMS WEEK

Mayor Mainella presented a proclamation to members of the Marion County Rescue Squad in honor of May 15-21, 2022 being named EMS Week.

APPROVAL OF MINUTES

Mayor Mainella noted that each member of Council had received a copy of the minutes from the Regular Meeting held on April 26, 2022. He asked if there were any corrections, deletions, or amendments.

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

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

PUBLIC HEARING

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, WINFIELD DISTRICT, MARION COUNTY, WEST VIRGINIA, CONTAINING 0.521 ACRES, MORE OR LESS, AND BEING PART OF PARCEL 123 OF TAX MAP 07 FROM NOVELIS CORPORATION TO THE CITY OF FAIRMONT FOR THE ENHANCEMENT, REHABILITATION AND RENOVATION OF NORWOOD PARK; APPROVING THE FORM OF THE TRANSACTIONAL DOCUMENTS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER THEM ON BEHALF OF THE CITY OF FAIRMONT; RESERVATION OF RIGHTS

Pursuant to a notice duly published in the Times-West Virginian on April 29, 2022, a public hearing was convened to obtain citizen input on an ordinance providing for the transfer and conveyance of property from Novelis to the City of Fairmont for the enhancement and renovation of Norwood Park.

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

Shae Strait spoke in favor of the proposed ordinance. He thanked Novelis for the additional property and said essentially this will double the space for the new park. He said that CEC will be presenting an update on the design of the park in the very near future. He said that this will now be twice as nice of a park.

Mayor Mainella stated that Novelis is a very nice benefactor to the City.

Councilmember Deasy said that as a Special Education Director for Marion County Schools, this park will have a huge impact. She mentioned that the design of the play

equipment will be state of the art.

Councilmember Rice thanked Hanna Turner for her part in making this park happen.

There being no one else to speak, the public hearing was called to a close at 7:14 p.m.

ANNOUNCEMENTS

IN RE: PALATINE PARK

Councilmember Rice stated that he brought some pamphlets to the Council meeting for upcoming events at Palatine Park.

IN RE: CODE ENFORCEMENT COMMENDED

Councilmember Garcia thanked Code Enforcement for getting some grass cut in the Bellview area.

IN RE: FIRE DEPARTMENT COMMENDED

Councilmember Deasy thanked the Fire Department for participating in the Literacy Fair. She said that over 900 children attended and the fire trucks were a huge hit.

IN RE: CITY BEAUTIFICATION

Councilmember Blood stated that she got to see the City's flower baskets at Freed's Greenhouse.

Councilmember Blood then complimented Shawna Gerau Santee for her building renovation on Fairmont Avenue and for the beautiful flower pots in front of her building. She said that she wished we could encourage businesses to have some kind of competition to have people put out flowers and/or plants outside their business and maybe recognize a business who is really trying to make a difference. She said that we need something to encourage people to put more greenery and flowers in front of their businesses.

The City Manager said that staff had talked about maybe doing something like "adopt a pot" or something where the City may furnish the pot or soil or flowers and then a business could adopt it and they would then water and take care of it.

IN RE: DOWNTOWN CLEAN-UP

Councilmember Blood announced that Main Street Fairmont is needing volunteers for clean-up this Saturday between 10:00 a.m. and 2:00 p.m.

IN RE: HOME TOWN MARKET

Councilmember Blood reported that Home Town Market will be held on Saturday, May 21st in downtown with dancing in the streets.

CITIZENS PETITIONS

There were no citizens petitions for this meeting.

CITY MANAGER 'S REPORT

IN RE: PRESENTATION ON CREMATORIUMS AND FUNERAL HOMES

SHAE STRAIT, Director of Planning, addressed Council and gave Council a summary of the Planning Department items. Mr. Strait explained the three ordinances regarding crematoriums and funeral homes. He then went over the ordinances regarding animal board and animal care.

Mr. Strait also stated that the City was adding a fee to the fee chart to include a \$20.00 zoning fee. He said that this will be a separate permit fee that is not covered in the building codes. He noted that both rates do not apply, only one or the other. He added that all ordinances were voted favorably by the Planning Commission before being referred to City 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, WINFIELD DISTRICT, MARION COUNTY, WEST VIRGINIA, CONTAINING 0.521 ACRES, MORE OR LESS, AND BEING PART OF PARCEL 123 OF TAX MAP 07 FROM NOVELIS CORPORATION TO THE CITY OF FAIRMONT FOR THE ENHANCEMENT, REHABILITATION AND RENOVATION OF NORWOOD PARK; APPROVING THE FORM OF THE TRANSACTIONAL DOCUMENTS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER THEM ON BEHALF OF THE CITY OF FAIRMONT; RESERVATION OF RIGHTS

Mayor Mainella entertained a motion for the adoption of an ordinance providing for the transfer and conveyance of property from Novelis to the City of Fairmont for the enhancement and renovation of Norwood Park.

Motion:

Councilmember Rice moved for the adoption of the proposed ordinance. Councilmember Blood 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. 1941 was duly adopted.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, 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

Mayor Mainella entertained a motion for the introduction of an ordinance authorizing the renewal of the Letter of Credit issued by WesBanco Bank for Workers' Compensation.

Motion:

Councilmember Kennedy moved for the introduction of the proposed ordinance. Councilmember Bledsoe seconded the motion.

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

The Mayor declared the public hearing set for May 24, 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 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

Mayor Mainella entertained a motion for the introduction of an ordinance amending Article 2.0 Definitions of the Planning and Zoning Code to add Crematorium and Funeral Services.

Motion:

Councilmember Blood 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 May 24, 2022.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, 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

Mayor Mainella entertained a motion for the introduction of an ordinance amending Article 3.0 Zoning Districts of the Planning and Zoning Code relating to Crematorium and Funeral Services.

Motion:

Councilmember Garcia 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 May 24, 2022.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, 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 CREMATORIALS

Mayor Mainella entertained a motion for the introduction of an ordinance amending Article 4.0 Use Standards of the Planning and Zoning Code to create use standards for crematoriums.

Motion:

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

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

The Mayor declared the public hearing set for May 24, 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 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

Mayor Mainella entertained a motion for the introduction of an ordinance amending Article 2.0 Definitions of the Planning and Zoning Code to add a definition for Animal

Boarding Establishment and amend the definition of Animal Care Establishment.

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 May 24, 2022.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, 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

Mayor Mainella entertained a motion for the introduction of an ordinance amending Article 3.0 Zoning Districts of the Planning and Zoning Code to accommodate the changes relating to Animal Boarding Establishments and Animal Care Establishments.

Motion:

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

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

The Mayor declared the public hearing set for May 24, 2022.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, 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

Mayor Mainella entertained a motion for the introduction of an ordinance amending Article 4.0 Use Standards of the Planning and Zoning Code to reflect the standards set forth to Animal Boarding Establishments and Animal Care Establishments.

Motion:

Councilmember Blood 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.

The Mayor declared the public hearing set for May 24, 2022.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE AMENDING ARTICLE 1765 FLOODPLAIN REGULATIONS TO ELIMINATE THE FLOOD PLAIN DETERMINATION FEE PROVIDED BY SECTION 1765.07(J)

Mayor Mainella entertained a motion for the introduction of an ordinance amending Article 1765 Floodplain Regulations to eliminate the Floodplain Fee provided in Section 17659(j).

Motion:

Councilmember Blood 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 May 24, 2022.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, 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

Mayor Mainella entertained a motion for the introduction of an ordinance to provide for a certain revision to the State Building Codes to be effective August 1, 2022.

Motion:

Councilmember Kennedy moved for the introduction of the proposed ordinance. Councilmember Blood seconded the motion.

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

The Mayor declared the public hearing set for May 24, 2022.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, 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

Mayor Mainella entertained a motion for the introduction of an ordinance to provide for increased fees for building permits to be effective July 1, 2022 and to accommodate the revisions of the State Building Codes.

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 May 24, 2022.

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, 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

Mayor Mainella entertained a motion for the introduction of an ordinance to provide for an amendment to the State Fire Codes.

Motion:

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

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

The Mayor declared the public hearing set for May 24, 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 TO CREATE A FEES SECTION TO BE CODIFIED AS SECTION 8.11 AND TO CREATE A ZONING PERMIT FEE OF \$20.00

Mayor Mainella entertained a motion for the introduction of an ordinance amending Article 8.0 of the Planning and Zoning Code to create a Zoning Permit Fee of \$20.00.

Motion:

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

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

The Mayor declared the public hearing set for May 24, 2022.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA, SUPPORTING WEST VIRGINIA'S VETERANS AND OPPOSING ANY PLAN OR RECOMMENDATION THAT WILL CAUSE THE LOSS OF ACCESS TO VA FACILITIES OR THE HEALTHCARE SERVICES THEY PROVIDE

Mayor Mainella entertained a motion for the adoption of a resolution supporting the WV Veterans and opposing any plan or recommendation that will cause the loss of access to VA facilities or the healthcare services they provide.

Motion:

Councilmember Bledsoe moved for the adoption of the proposed resolution. Councilmember Deasy 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 those Councilmembers present.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR THE INITIAL ALLOCATION OF THE CITY OF FAIRMONT'S AMERICA RESCUE PLAN ACT (ARPA) FUNDING ALLOCATION

Mayor Mainella entertained a motion for the adoption of a resolution providing for the initial allocation of the City's ARPA Funding allocation.

Motion:

Councilmember Kennedy 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 those Councilmembers present.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT APPROVING THE TERMS AND CONDITIONS OF THAT CERTAIN MEMORANDUM OF UNDERSTANDING DATED MAY _____, 2022, BY, BETWEEN AND AMONG THE CITY OF FAIRMONT, AS THE REAL PROPERTY MANAGER OF THE FAIRMONT COKE WORKS SITE, MARION REGIONAL DEVELOPMENT CORPORATION, AND THE STATE OF WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, TRUSTEE OF THE FAIRMONT COKE WORKS SITE, AND PROVIDING THE CITY MANAGER WITH THE AUTHORITY TO EXECUTE AND DELIVER SAID AGREEMENT ON BEHALF OF THE CITY OF FAIRMONT

Mayor Mainella entertained a motion for the adoption of a resolution approving the terms and conditions by and between the City of Fairmont and the MRDC for the development of the Fairmont Coke Works Site.

Motion:

Councilmember Bledsoe moved for the adoption of the proposed resolution. Councilmember Kennedy 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 those Councilmembers present.

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 7:55 p.m.