

**June 14, 2022**

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 14<sup>th</sup> day of June, 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
Second District	Anne E. Bolyard
Third District	Karl (David) Kennedy
Fourth District	Richard (Rick) Garcia
Fifth District	Barry H. Bledsoe
Sixth District	Gia Deasy
Seventh District	Nicholas (Nicky) Cinalli
Eighth District	Thomas (Tom) Mainella
Ninth District	Donna M. Blood

Also present were:

City Clerk	Janet L. Keller
Fire Chief	Ed Simmons
Director of Marketing	Hanna Turner
Assistant Planner	Carly Jones
Utility Manager	John Carson
Utility Controller	Mark Moore
Secretary/Treasurer	Lara VanFosson
Bennett & Dobbins	Phil Nuce, CPA

**IN RE: OPENING CEREMONIES**

Rev. Larry Buckland gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Bolyard.

**IN RE: PROCLAMATION READ**

Mayor Mainella read a proclamation in recognition of the upcoming Juneteenth Celebration Day which will be held this Saturday, June 18<sup>th</sup>, at Windmill Park.

**APPROVAL OF MINUTES**

Mayor Mainella noted that each member of Council had received a copy of the minutes from the Regular Meeting held on May 24, 2022. He asked if there were any corrections, deletions, or amendments.

Councilmember Rice 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 FOR THE CITY OF FAIRMONT AUTHORIZING THE PURCHASE OF A REVISED PARCEL OF REAL ESTATE OF APPROXIMATELY 6.57 ACRES, MORE OR LESS, FROM CSX TRANSPORTATION, INC., FOR THE DEVELOPMENT OF THE WEST FAIRMONT RAIL-TRAIL SYSTEM, APPROVING THE FORM OF THE PURCHASE SALE AGREEMENT AND AUTHORIZING AND EMPOWERING THE CITY MANAGER TO EXECUTE AND DELIVER SAID AGREEMENT ON BEHALF OF THE CITY OF FAIRMONT, AND TO DO ALL THINGS REASONABLE AND NECESSARY IN CONNECTION THEREWITH; RESERVATION OF RIGHTS**

Pursuant to a notice duly published in the Times-West Virginian on May 27, 2022, a public hearing was convened to obtain citizen input on an ordinance authorizing the purchase of a revised parcel of real estate of approximately 6.57 acres from CSX Transportation for the development of the Rail-Trail.

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 7:06 p.m.

**IN RE: AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 1814, ADOPTED MAY 14, 2019, WHICH IS CODIFIED AS PART 9 STREETS, UTILITIES AND PUBLIC SERVICES CODE, ARTICLE 929 WATER REGULATIONS AND CHARGES OF THE CITY CODE, AND PARTICULARLY, SECTION 929.01 WATER SYSTEM CHARGES AND FEES, TO PROVIDE FOR INCREASED CHARGES AND FEES TO BE INITIALLY EFFECTIVE 45 DAYS AFTER PASSAGE**

Pursuant to a notice duly published in the Times-West Virginian on May 27, 2022, a public hearing was convened to obtain citizen input on an ordinance to provide for increased Water charges and fees.

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

**JOHN CARSON**, Utility Manager, spoke in favor of the proposed ordinance. He said that staff went over a lot of the information regarding the rate increase in a work session a few weeks ago. He said that the bill customers receive is a City Services Bill which has several services on them. He said that in 2019, they had some indicators that showed we needed the rate increase then but as Covid hit, they decided as a staff to hold that increase off as long as they could to help customers get through the pandemic. They have several vacancies open at the Utility Department but have not been able to fill those positions at this time due to financial concerns. By being down these staff, they

are being slower at getting some work done and to do some of the maintenance they are trying to do. Without the full staff, it has become more difficult to get projects completed. Regarding the ARPA Funding and Grant Funding, they cannot be used for the budget adjustment. We balance our budget based on the rates that they collect and determine what projects are capable of being done. He said at the ARPA work session, we also discussed the survey that was conducted that indicated there was a large support for infrastructure needs which included Water, Sewer and Stormwater. It was also discussed that individuals who qualify, there are programs out there that can give them assistance for the Water, Sewer and Stormwater bills and personnel at the Customer Service Center can help them with that. He went on to say that the rate that we came up with was a rate that we decided to implement now. We sat down with staff and with Bennett and Dobbins and discussed about trying to develop this over a three-year period so that the burden wasn't hit at one time. He noted that they have held off projects and repairs to be able to do that. He explained that the last water rate increase was in 2009 and the final tier went into effect in 2012 after the water treatment plant project was completed. The cost for the utility has significantly gone up since the 2009 calculations. He added that the rates for the water department rank 97<sup>th</sup> lowest out of 365 in the state which was reported at the work session, however, we are now down to 93 and that is due to other utilities in the state raising their rates as well due to the inflation and things going on around us. He then went over some of the costs that have gone up for chemicals, pipe, vehicles, etc. He added that the rate increase will affect all customers in the utility and not just within the city boundary but within the utility boundary. The water board passed a resolution on April 28, 2022 recommending these rates. The water board reviews their financials monthly along with Bennett and Dobbins and these rates are what have been calculated. Mr. Carson then mentioned why the rates are necessary, to keep staffing at our plant and in the utility, to make sure we have funding to make repairs as needed, maintain the required debt service coverage and perform small project to ensure we can provide safe drinking water to our customers. He then asked Council to support this rate increase.

**ALLAN STAGGERS**, Executive Director of Marion Regional Development Corporation, also spoke in favor of the proposed rate increase. He said no one likes rate increases and everyone thinks they pay too much for their utilities but from an economic development point of view he pointed out that it's vital that the City of Fairmont have a robust and financially sound utility system. He said our ability to attract new business industry into the county and maintain the business industry that we have all depends on providing adequate services and utilities. He said that we need to not only meet the current demand but the future demand and it is vitally important that the City utility system be able to contemplate, plan for, and provide those needs.

**NICK FANTASIA**, 625 Columbia Street, also spoke in favor of the proposed ordinance. He said he was not going to talk about a rate increase but an investment in what is one of the greatest assets this community has. Our water system is known, not only in WV, but is known around the United States. We were innovative and we invested years ago and we put together a system that is one of the models certainly in WV but throughout the eastern half of the United States. What we are talking about tonight in this ordinance, while on the surface you say it's a rate increase, in reality, it's a re-

investment and a critical plan. We are very fortunate to not have the problems that sister cities have had with problems in their supply lines and problems within their network and problems in their filtration system. Not only have we had a Council who had the foresight in years past to look in investments in the plant, we have a good group of folks working for our utility. They have been able to maintain, upkeep in crisis situations, been able to help us in economic development situations and the re-investment isn't only in pipe and filters, the re-investment is within the human factor in the staff at the utility department. He closed by saying that we need to continue to re-invest in this and this is one of the biggest assets that we have.

**PHIL NUCE**, CPA with Bennett and Dobbins, spoke in favor of the proposed ordinance. He said he is the CPA who helped to develop these rates. He said that he moved to Fairmont in 2011 and he has only experienced the one rate increase in 2012 since he has been here. He said that he cannot think of anything else that he pays that has not gone up in those ten years. He said that Council has a due diligence here that you have to recognize that the Water Fund has certain requirements that it needs to meet relating to debt service, meets debt reserves, replacement funds and they have to be able to meet these requirements. He added that everything that the Water Fund is buying is going up, chemicals, the power, the lines, the vehicles and they were able to carry those out. The Water Fund is a separate fund and yes, it does come on a utility bill but that portion of the bill directly goes to the Water Fund and can only be used for the Water Fund. The Water Fund does not get money from property taxes, utility taxes, excise taxes, etc. Water gets Water and it has to sustain on its own and can't be subsidized by any other utility fund or anything else. There is no grant money to get to cover day-to-day operations and there is no such thing. He said they did propose this as a three-step rate increase and they did that to keep some of the burden off the customers all at one time. The money is all needed now to be in complete compliance and to have all of the requirements met and we need step three rates in effect right now. We have stepped that in over a three tier term to further allow customers start to budget that money and set aside some money. He added that the minimum bill was always the hot topic because most customers in Fairmont do fall into that range. He closed by saying that he urged Council to make a motion to approve this ordinance.

**MARK MOORE**, Utility Controller, also spoke in favor of the ordinance. Mr. Moore said nobody likes this; this is not bad, this is not good, this is necessary. He said that he could have brought another set of papers of the rules we have to follow in order to keep from defaulting on bonds. He just completed a budget that the Board approved and our budget went up \$600,000 in six items, none of which we had any control over, chemicals, fuel, can't find trucks so maintenance cost went up \$60,000, pipe and other items went up 20% and we already spent half a million now. These are real numbers. He said that he doesn't like this, his family doesn't like this but he doesn't see any other way. This is necessary. He went on to say that we have been visited by over 25 companies in the United States that have left our facility and said they want the meters that Fairmont has. We have had meter testing done from the company that they come from and we were voted third in the east coast as one of the best companies that handle this meter. Since the meters have come in, we have saved \$225,000 per year of customer money where we have found leaks for them before they had to wait 60 days.

We have also been able to flush lines a lot more because our plant is in better condition and our energy prices have gone down and until this year our chemical costs were going down 5% a year but not anymore. Citric Acid that we clean membranes with went from \$55 a drum to \$1,000. He said again it's not bad, it's not good, it's necessary. He said that he listens to things on social media to make sure they are not making mistakes and they have found things on social media where they reached out to customers and made it right. We are not doing this because we want to and the investment that Mr. Fantasia is talking about, you had better keep it going because it will go bad. He said that he will do anything he could to keep the rates from going up but they have to cover their debts and their expenses.

**SHAWNA SANTEE**, 903 Sylvan Avenue, spoke against the ordinances for increasing the water, sewer and stormwater rates. She said that it is her hope that the decision has not already been made by Council and that the input from the residents of our community will actually be heard and considered. She said that Council should consider the rate increases very carefully. She added that the year-three mark is quite high. She said that the City spent \$2.5 million on a recreational rail to trail but she is going to pay more for her water, sewage and stormwater. The City Planning Department just spent over \$30,000 on flower pots and flowers, \$27,000 on bike sharrows, but she has to pay more for water, sewage and stormwater. The city just built a new fire house that cost over \$2 million dollars but she has to pay more for water, sewage and stormwater. The City is sponsoring free concerts all summer long at Palatine Park but she has to pay more for water, sewage and stormwater. She said that she knows the funding for the projects come from different funding sources and it's easy to see why residents would question how responsible the City administration and City Council are when deciding how to spend the resident's money. If these ordinances are passed, in year one, the increase is 6.9%, in year two the increase is 14.4%, and by year three the increase is 34.4%. She said that we are all paying more for everything and imagine an individual that is living on a fixed income, this is borderline disgusting to do that to those people and we know that the majority of those residents are the elderly population. She reminded everyone that five (5) members of this Council may be seeking re-election in November and if these ordinances are passed the way they are currently written, she hopes the members seeking re-election can stand up behind their vote and explain their vote to the community that may or may not re-elect them. A rate increase for one year may be an easier pill to swallow but a new Council may be in place in a year and the ordinance could be re-evaluated in May or June. She said that it was clearly irresponsible to pass these ordinances in their current state.

Councilmember Kennedy stated that he has a concern. He suggested to table this issue for a certain period of time and he would like to see what potential revenue is expected from the City of Fairview since that money will be coming to us. He said that we have a lot of old people here in this town and they are not going to be able to handle \$55 or \$60 on their utility bill. They are just not going to be able to do it.

There being no one else to speak, the public hearing was called to a close at 7:32 p.m.

**IN RE: AN ORDINANCE OF THE CITY OF FAIRMONT TO PROVIDE FOR INCREASED RATES, FEES AND CHARGES FOR THE USE OF THE CITY OF FAIRMONT'S SEWAGE SYSTEM FOR ALL CLASSES OF CUSTOMERS, TO BE CODIFIED AS FAIRMONT CITY CODE ARTICLE 925 "SEWER CHARGES", AND MORE PARTICULARLY SECTION 925.02 "RATES, FEES AND CHARGES" THEREOF, WHICH RATES, FEES AND CHARGES ARE TO BE INITIALLY EFFECTIVE 60 DAYS AFTER PASSAGE**

Pursuant to a notice duly published in the Times-West Virginian on May 27, 2022, a public hearing was convened to obtain citizen input on an ordinance to provide for increased Sewer charges and fees.

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

**JOHN CARSON**, Utility Manager, spoke in favor of the proposed ordinance. He reported that the sanitary sewer rate was last increased in 2008, 14 years ago. The Sanitary Sewer Board passed a resolution on April 28, 2022 recommending these rates that we discussed. Our utility ranks 14<sup>th</sup> lowest out of 316 sewer utilities in the State of WV. The Wastewater Treatment Plant and the majority of our lift stations were installed in 1983. They are 39 years old with no major upgrades. A large portion of our sewer collection system is still terracotta pipe. When we have failures, raw sewage ends up on the streets, in the streams, and in people's houses. Without the funds to keep our staffing up to be able to take care of these situations and be able to fund these repairs and to continue what we have; we will not only be in compliance but we will also have issues with discharges. The Sanitary Sewer Fund receives money from the rates and does not receive money from other funds. The Sewer Department is highly regulated by State and Federal agencies and we are required to show adequate funding to support the programs we perform. We have to perform work when breakdowns happen at the plant and failures happen in our Sanitary Sewer system. These repairs are very costly. He added that it is important to keep raw sewage in the pipes to the Treatment Plant to protect our streams. The debt service coverage is well below the required coverage which we are out of compliance at this time. These rate increases should put us back in the proper debt service coverage and allow the fund to have money to perform projects, take care of repairs and be able to stay in compliance with State and Federal requirements. He then asked Council to support the rate increases for the Sanitary Sewer Fund to support our employees so we can continue much needed service to the community.

**PHIL NUCE**, spoke in favor of this ordinance as well. He said that we have debt service, reserve, and the same requirements as the Water Fund apply here. Failure to meet these requirements can lead to bonds being called, the Public Service Commission stepping in to develop their own sets of rates and things of that nature to where we start to lose control of what we have. He continued to urge Council to move forward with these increases.

**MARK MOORE**, also spoke in favor of this ordinance. He explained that our bond rating has been excellent since 2010 issues. He said that the Water Fund rates are 98<sup>th</sup>

in the state and Sewer is 14<sup>th</sup> lowest, which is unheard of with a 40 year old plant. He added that we have a strong “A” rating and if we default and don’t make a bond payment, it’s very simple. Immediately, if you don’t make a bond payment, you have to use your reserves, immediate red flag. If we defaulted on three (3) bond payments, which is what could happen if these rates do not get implemented, we will drop down to a “B”. We have a 40 year old plant and we are going to have to do something to it or EPA is going to come in and have us do something to it and you’re not going to like that. He said that he wanted Council to know what could happen. The 2% bond rating would go to 5% minimum and you will end up paying \$10.00 per month per customer for five years just for interest. This is what we are talking about for re-investment and why we are emphasizing it. Regarding Fairview, Fairview is five years away and they haven’t even started asking for grant money yet. He said again, it’s not good, it’s not bad, it’s necessary and if we don’t re-invest and stay where we are at, the results could be devastating especially on the sewer side.

There being no one else to speak, the public hearing was called to a close at 7:41 p.m.

**IN RE: AN ORDINANCE AMENDING AND SUPPLEMENTING THAT CERTAIN PORTION OF ORDINANCE NO. 1338, ADOPTED MARCH 14, 2006, WHICH IS CODIFIED AS PART 9 STREETS, UTILITIES AND PUBLIC SERVICES CODE, ARTICLE 945 STORMWATER RATES, FEES AND CHARGES OF THE CITY CODE, AND PARTICULARLY, SECTION 945.04 FEES, TO PROVIDE FOR INCREASED FEES TO BE INITIALLY EFFECTIVE 45 DAYS AFTER PASSAGE**

Pursuant to a notice duly published in the Times-West Virginian on May 27, 2022, a public hearing was convened to obtain citizen input on an ordinance to provide for increased Stormwater charges and fees.

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

**JOHN CARSON**, Utility Manager, also spoke in favor of the proposed ordinance. He said the Sanitary Sewer Board also passed a resolution on April 28, 2022 recommending these rates. He said the current rate was established in 2006 was when the stormwater utility was created, 16 years ago. The Stormwater Fund is also a separate fund and only receives monies from the Stormwater rates and not from the General Fund or other agencies. Last June, we had major storms that came through the area and caused a lot of concern. Those were temporary fixes and waiting on funding to be able to perform the final projects. The Stormwater program is a mandated program by EPA and WV DEP and we must comply with it. Without sufficient funding we will not be able to stay in compliance and could cost millions. This is to monitor the water quality and perform projects to increase the betterment of the water quality in our streams and rivers and monitor activities as construction and other activities that may harm our waters. Many possibilities exist for Fairmont and we must have good infrastructure and without that infrastructure these possibilities may never come. Our infrastructure is not getting any younger, only getting older, and the older it gets, the more repairs are needed and the more costly it is. Mr. Carson asked Council to continue their support for the Stormwater personnel and support the focus of their

program of protecting our streams and rivers and to please support the rate increase for the stormwater fund.

**PHIL NUCE** stated that Stormwater has not seen an increase since implementation in 2006. The Stormwater Fund is beginning to see a deficit occur in over a year and it's starting to snowball. With the stormwater, we don't have the same requirements as the Water and Sewer but we still need to meet day-to-day operations and continue to develop our infrastructure in the stormwater system.

**SHAWNA SANTEE**, Sylvan Avenue, said the sandbags have been behind her house for 16 months and what we are missing here is that if it were just Water and Sewer and just Stormwater no one would have an issue but we add on the Street Sweeping, the add on the Street Maintenance, then we add on the 2% utility tax, and then add on the garbage and fire fees and it becomes this bill that is everything but clearly what the important things really are. She said the minimum in Clarksburg is 3,000 gallons.

Mr. Moore replied that is their formula and that is based on their customer size and is not universal throughout the State.

Ms. Santee said that even if we use no water, we get charged for 5,000 gallons. She said that she is not an engineer, she is just a mom. He added that people are struggling right now. In the same way that the City things are costing more, so are everybody else's. She asked if we are to bend for the utility company or are we to bend for the residents.

There being no one else to speak, the public hearing was called to a close at 7:49 p.m.

### **ANNOUNCEMENTS**

#### **IN RE: MARION COUNTY HUMANE SOCIETY**

Councilmember Bolyard congratulated the Marion County Humane Society for their groundbreaking this morning. She noted that it was a great event.

#### **IN RE: FSHS BOYS BASEBALL TEAM**

Councilmember Garcia acknowledged the FSHS Boys Baseball team.

#### **IN RE: LETTER READ REGARDING CITY'S PROFILE CHANGED**

Councilmember Bledsoe read a letter from Rev. John Polis who protested the City's Facebook profile image in honor of June being LGBTQ Pride Month. After reading of the letter, Councilmember Bledsoe stated that he agreed with that letter.

#### **IN RE: SUMMER PROGRAMS**

Councilmember Deasy reminded folks that students and children are out and about with

the Parks summer programming and the school system will start summer SOLE on June 21<sup>st</sup> so just be mindful of school buses and children waiting for pickups.

**IN RE: HAPPY FATHER 'S DAY**

Councilmember Deasy wished everyone a Happy Father's Day this Sunday. She said that whether you are a biological father or filling in that role for children, thank you for doing that.

**IN RE: HOMETOWN MARKET**

Councilmember Blood mentioned the Home Town Market again. She said on July 16<sup>th</sup>, they will have the 2<sup>nd</sup> Annual Car Show at the Home Town Market.

The Mayor reported that the Home Town Market this past Saturday was great. He noted there were a lot of vendors and it was a wonderful event.

**IN RE: FSHS LACROSSE TEAM**

Councilmember Blood congratulated the FSHS Lady Lacrosse Team for their state win. She mentioned they have won the championship for the third year in a row.

**IN RE: MATILDA, THE MUSICAL, PLAYING AT FSU**

Councilmember Blood announced that Matilda, the musical, is playing at FSU. She said that it will begin June 17<sup>th</sup> and run until June 26<sup>th</sup>.

**IN RE: JUNETEENTH CELEBRATION**

Councilmember Blood reminded everyone of the Juneteenth celebration at Windmill Park on Saturday and well as the Pride Picnic at East Marion Park.

**IN RE: DEED SIGNED FOR CITY/COUNTY COMPLEX THIRD FLOOR**

Mayor Mainella stated that on June 1<sup>st</sup>, the signing of the deed by the Marion County Commission, the City Manager and himself was held for the Third Floor of the J. Harper Meredith Building to the City of Fairmont. He said that in the media it was stated that they gave us ownership of the Third Floor but they really didn't give us anything other than the deed. He went on to say that ownership was established when the ground was broken for that building back in early 1980's. He stated that there is an undisputable amount of meeting minutes, financial documents, minutes from the County Commission meetings, minutes from City Council, paperwork trail that cannot be questioned about the ownership of the Third Floor. He then said that for some reason, when Janet made the last payment which was in the late 1990's, we never got a deed. It was like you paid your car off and never received a title and years later you ask for the title. It was rightfully the City's from the get go and there is no doubt about that. He said that he wanted to report that the signing took place and unlike some suspicions, none of us will

admit because it's factual, that the City has no plans at all to vacate the Third Floor. He said that if at some point, down the road, the City may want to have a stand-alone City Building, and if they do, they now have a title, a deed, that they can sell that space back to the County or another political entity but it can't be sold for a day care center or nightclub or anything else, it needs to be a political entity will occupy that space and the City can move on at some point but there are no current plans that we are going anywhere. That issue is now settled, once and for all, and we can go forward.

### **CITIZENS PETITIONS**

#### **IN RE: CITY LOGO CHANGED ON FACEBOOK**

**JOSH CARLISLE**, Freedom Highway, addressed Council regarding the City recently changing their profile image by a rainbow in honor of June being LGBTQ Pride Month. He said that the City Manager has many tasks and one is operating the City's Facebook page which the City Council could, at any point, override or encourage her to take down something that could be offensive or divisive. He said that he was offended that the City of Fairmont's public profile picture is wrapped in the Pride Flag. He said that first impressions are important and a profile picture tells a lot about what is most important to any person or any entity. He said that since July 16, 2014, nearly 8 years ago, the public Facebook profile picture of this City has remained the same and not one time has it ever changed. It is that City logo with the Charter date. There have been hundreds of events that have taken place in the last eight years that would warrant a profile change, things that have happened and he thought the City could get behind and affirm that many of us could agree on people that should be honored, people that should be rewarded, and issues that would not be divisive. Yes, the City has made posts on the page about Flag Day, Veterans day, Memorial Day but never a profile change. The City of Fairmont did think it was necessary to give special recognition and consideration to a group of individuals that represent only 55 households in this entire City. The worst thing about it is not the absence of God in that organization or that agenda but it is really the absence of God in the City's leadership in that regard.

Mayor Mainella said that gay people are definitely in the minority in this City but the 57% of the citizens of this City voted not to discriminate against gender identity and sexual orientation.

Councilmember Bledsoe stated that the City should have stayed neutral and just conducted the business of the City.

**REV. LARRY BUCKLAND**, Pastor of LIFE United Methodist Church, stated that the City ought to appear welcoming to all and that's the message the Pride Flag sends. He said that the Friendly City wants to be welcoming and inclusive. He went on to say that if the logo is going to change, the City should change it throughout the year. He said that if it was a one-time change, that's going to bring some alarm about that and he thought if we are going to change the logo, then we should think about how do we do that throughout the year. He noted that would be more fair. He said that with church and state, we have to be careful with that and we want this to be a welcoming

community and we want business of all people. He said that Fairmont is not the only City that changed their logo in North Central WV. There are other cities in North Central WV that changed their logo that represents the colors of the LGBTQ community. He closed by saying that we have to be really careful, we have our own beliefs, yes, but let's not bully other people and what their beliefs are.

**NICOLE WALLS**, Peacock Lane, also addressed Council and stated that that she is a very strong LGBTQ+ advocate. She said that she is not against changing the logo but she felt that changing or having flags and emblems are meaningless without an action. She said that the City has done little in Fairmont to be inclusive or to help truly celebrate the LGBTQ+ community. She said that changing the City emblem was slightly offensive to the LGBTQ community and other citizens in Fairmont. She went on to say that she thought the rainbow represents inclusivity and changing it for the first time without actual representation, it missed the true meaning of what that meant. She said that June is also PTSD Awareness Month which is something that she personally suffers from and there are other sexual assault victims that share this. They also deserve to have their emblems shared not just Pride. She then stated other events are represented each month and shared a few of them. Fairmont is a community that represents so many different people in the community. Fairmont represents more than just the LGBTQ community and that emblem represents all of its citizens and if we are going to change it then we need to remember that we have to represent all of them, not just specific individuals. We change it for all of our citizens or we change it for none of them. She said, going forward, we have to be consistent.

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

There was no City Manager's Report for this meeting.

### **CONSIDERATION OF COUNCIL BUSINESS**

**IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT AUTHORIZING THE PURCHASE OF A REVISED PARCEL OF REAL ESTATE OF APPROXIMATELY 6.57 ACRES, MORE OR LESS, FROM CSX TRANSPORTATION, INC., FOR THE DEVELOPMENT OF THE WEST FAIRMONT RAIL-TRAIL SYSTEM, APPROVING THE FORM OF THE PURCHASE SALE AGREEMENT AND AUTHORIZING AND EMPOWERING THE CITY MANAGER TO EXECUTE AND DELIVER SAID AGREEMENT ON BEHALF OF THE CITY OF FAIRMONT, AND TO DO ALL THINGS REASONABLE AND NECESSARY IN CONNECTION THEREWITH; RESERVATION OF RIGHTS**

Mayor Mainella entertained a motion for the adoption of an ordinance authorizing the purchase of a revised parcel of real estate of approximately 6.57 acres from CSX Transportation for the development of the Rail-Trail.

Motion:

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

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

Councilmember Deasy	Yes	Councilmember Blood	Yes
Councilmember Bolyard	Yes	Councilmember Garcia	Yes
Councilmember Cinalli	Yes	Councilmember Rice	Yes
Councilmember Bledsoe	Abstain	Councilmember Kennedy	Yes
Mayor Mainella	Yes		

The Mayor declared the ordinance adopted by majority vote of Council and the ordinance designated as Ordinance No. 1954 was duly adopted.

**IN RE: ADOPTION, AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 1814, ADOPTED MAY 14, 2019, WHICH IS CODIFIED AS PART 9 STREETS, UTILITIES AND PUBLIC SERVICES CODE, ARTICLE 929 WATER REGULATIONS AND CHARGES OF THE CITY CODE, AND PARTICULARLY, SECTION 929.01 WATER SYSTEM CHARGES AND FEES, TO PROVIDE FOR INCREASED CHARGES AND FEES TO BE INITIALLY EFFECTIVE 45 DAYS AFTER PASSAGE**

Mayor Mainella entertained a motion for the adoption of an ordinance providing for an increase in Water charges and fees.

Motion:

Councilmember Bledsoe moved for the adoption of the proposed ordinance. Councilmember Blood seconded the motion.

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

Councilmember Blood	Yes	Councilmember Bledsoe	Yes
Councilmember Cinalli	Yes	Mayor Mainella	Yes
Councilmember Rice	No	Councilmember Kennedy	Abstain
Councilmember Deasy	Yes	Councilmember Bolyard	Yes
Councilmember Garcia	Abstain		

The Mayor declared the ordinance adopted by majority vote of Council and the ordinance designated as Ordinance No. 1955 was duly adopted.

**IN RE: ADOPTION, AN ORDINANCE OF THE CITY OF FAIRMONT TO PROVIDE FOR INCREASED RATES, FEES AND CHARGES FOR THE USE OF THE CITY OF FAIRMONT'S SEWAGE SYSTEM FOR ALL CLASSES OF CUSTOMERS, TO BE CODIFIED AS FAIRMONT CITY CODE ARTICLE 925 "SEWER CHARGES", AND MORE PARTICULARLY SECTION 925.02 "RATES,**

**FEES AND CHARGES" THEREOF, WHICH RATES, FEES AND CHARGES ARE TO BE INITIALLY EFFECTIVE 60 DAYS AFTER PASSAGE**

Mayor Mainella entertained a motion for the adoption of an ordinance providing for an increase in Sewer charges and fees.

Motion:

Councilmember Bledsoe moved for the adoption of the proposed ordinance. Councilmember Blood seconded the motion.

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

Councilmember Cinalli	Yes	Councilmember Blood	Yes
Councilmember Bolyard	Yes	Councilmember Bledsoe	Yes
Councilmember Kennedy	Abstain	Councilmember Rice	No
Councilmember Deasy	Yes	Councilmember Garcia	Abstain
Mayor Mainella	Yes		

The Mayor declared the ordinance adopted by majority vote of Council and the ordinance designated as Ordinance No. 1956 was duly adopted.

**IN RE: ADOPTION, AN ORDINANCE AMENDING AND SUPPLEMENTING THAT CERTAIN PORTION OF ORDINANCE NO. 1338, ADOPTED MARCH 14, 2006, WHICH IS CODIFIED AS PART 9 STREETS, UTILITIES AND PUBLIC SERVICES CODE, ARTICLE 945 STORMWATER RATES, FEES AND CHARGES OF THE CITY CODE, AND PARTICULARLY, SECTION 945.04 FEES, TO PROVIDE FOR INCREASED FEES TO BE INITIALLY EFFECTIVE 45 DAYS AFTER PASSAGE**

Mayor Mainella entertained a motion for the adoption of an ordinance providing for an increase in Stormwater charges and fees.

Motion:

Councilmember Bledsoe moved for the adoption of the proposed ordinance. Councilmember Blood seconded the motion.

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

Councilmember Blood	Yes	Councilmember Bledsoe	Yes
Councilmember Cinalli	Yes	Mayor Mainella	Yes
Councilmember Garcia	Abstain	Councilmember Rice	No
Councilmember Bolyard	Yes	Councilmember Deasy	Yes
Councilmember Kennedy	Abstain		

The Mayor declared the ordinance adopted by majority vote of Council and the ordinance designated as Ordinance No. 1957 was duly adopted.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE AMENDING AND SUPPLEMENTING PART THREE - TRAFFIC CODE, CHAPTER FIVE-VEHICULAR OPERATIONS, ARTICLE 351 LICENSING OF THE FAIRMONT CITY CODE, AND MORE PARTICULARLY SECTION 351.02 REGISTRATION CARD THEREOF, TO PROVIDE FOR AND MEET CERTAIN CHANGES MADE IN THE LAWS OF THE STATE OF WEST VIRGINIA AND EFFECTIVE JUNE 5, 2022**

Mayor Mainella entertained a motion for the introduction of an ordinance amending Article 351.02 to provide for and meet certain changes made in the laws of the State of West Virginia regarding digital registration cards.

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 June 28, 2022.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR THE LEASE OF A PARCEL OF REAL ESTATE OWNED BY THE CITY OF FAIRMONT, SITUATE IN THE CITY OF FAIRMONT, FAIRMONT DISTRICT, MARION COUNTY, WEST VIRGINIA, CONSISTING OF 6,004.89 SQUARE FEET, MORE OR LESS, TO NEW GENERATION BARBER ACADEMY LLC, A WEST VIRGINIA LIMITED LIABILITY COMPANY, FOR USE AS A MOTOR VEHICULAR PARKING LOT**

Mayor Mainella entertained a motion for the introduction of an ordinance providing for the lease of a parcel of real estate owned by the City of Fairmont to New Generation Barber Academy for the use as a vehicular parking lot.

Motion:

Councilmember Deasy 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 June 28, 2022.

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT AMENDING ORDINANCE NO. 1758 DULY ADOPTED FEBRUARY 23, 2018, TO PROVIDE FOR A MODIFICATION OF THE USE COVENANT RELATING TO CERTAIN PROPERTY DESCRIBED AS 3.96 ACRES DIAMOND STREET, AND BEING PARCEL 362, OF MARION COUNTY TAX MAP 05-10, WHICH COVENANT IS CONTAINED IN THAT CERTAIN AGREEMENT BY AND BETWEEN THE CITY OF FAIRMONT AND THE MARION REGIONAL DEVELOPMENT CORPORATION, IN ORDER TO PERMIT ALL USES OF THE PROPERTY CONSISTENT WITH THE CITY OF FAIRMONT'S PLANNING AND ZONING CODE**

Mayor Mainella entertained a motion for the introduction of an ordinance providing for a modification of the Use Covenant relating to the 3.96 acres on Diamond Street owned by the Marion Regional Development Corporation.

Motion:

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

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

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

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR AND AUTHORIZING THE TRANSFER AND CONVEYANCE OF THE FOLLOWING PARCELS OF REAL ESTATE TO TYRELL LOUK AND LEEANN NUZUM PURSUANT TO THE CITY OF FAIRMONT'S APPROVED HOME RULE PLAN AND THE ORDINANCES AND RESOLUTIONS ADOPTED THEREUNDER, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER A DEED OF CONVEYANCE AND ANY OTHER NECESSARY TRANSACTIONAL DOCUMENTS ON BEHALF OF THE CITY OF FAIRMONT:**

<u>DESCRIPTION</u>	<u>MAP / PARCEL</u>	<u>ADDRESS</u>
PT LOT CHESTNUT STREET	03-29/ 44	139 CHESTNUT ST
½ LOT 104 JEFFERSON STREET	03-29/ 45	139 ½ CHESTNUT ST

Mayor Mainella entertained a motion for the introduction of an ordinance providing for the transfer of 139 and 139 ½ Chestnut Street to Tyrell Louk and LeeAnn Nuzum.

Motion:

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

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

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

**IN RE: ADOPTION, A RESOLUTION PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT 'S 2021-2022 ANNUAL BUDGET: GENERAL FUND**

Mayor Mainella entertained a motion for the adoption of a resolution providing for a General Fund Budget Revision.

Motion:

Councilmember Kennedy 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 Council.

**IN RE: ADOPTION, A RESOLUTION PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT 'S 2021-2022 ANNUAL BUDGET: COAL SEVERANCE.**

Mayor Mainella entertained a motion for the adoption of a resolution providing for a Coal Severance Budget Revision.

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 Council.

**IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE WEST VIRGINIA DIVISION OF HIGHWAYS FOR A TRANSPORTATION ALTERNATIVE PROGRAM GRANT FOR SIDEWALK DESIGN OR CONSTRUCTION FOR THE LOCUST AVENUE SIDEWALK PROJECT FROM BELL RUN ROAD TO SANDS DRIVE, AND IF SUCH GRANT IS AWARDED, FURTHER AUTHORIZING THE ACCEPTANCE THEREOF, AND PROVIDING THE CITY MANAGER WITH AUTHORITY TO DO ALL THINGS REASONABLE AND NECESSARY IN CONNECTION THEREWITH**

Mayor Mainella entertained a motion for the adoption of a resolution authorizing the submission of a grant application to the WV Division of Highways for the sidewalk project on Locust Avenue from Bell Run Road to Sands Drive.

Motion:

Councilmember Deasy 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 OPPOSING TRUCK SIZE OR WEIGHT INCREASES**

Mayor Mainella entertained a motion for the adoption of a resolution opposing truck size or weight increases.

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 Council.

**IN RE: ONE APPOINTMENT, FAIRMONT AIRPORT AUTHORITY, UNEXPIRED TERM ENDING OCTOBER 1, 2022**

Mayor Mainella entertained a motion for one appointment to the Fairmont Airport Authority for an unexpired term to end October 1, 2022.

Mayor Mainella moved to appoint Timothy Bayne to the Fairmont Airport Authority for an unexpired term ending October 1, 2022. The motion was seconded by Councilmember Blood.

Roll call was taken by the Clerk.

The Mayor declared Timothy Bayne appointed to the Fairmont Airport Authority for an unexpired term ending October 1, 2022 by unanimous vote of Council.

**IN RE: ONE APPOINTMENT, BOARD OF ZONING APPEALS, THREE-YEAR TERM ENDING JANUARY 1, 2025**

Mayor Mainella entertained a motion for one appointment to the Board of Zoning appeals for a three-year term ending January 1, 2025.

Mayor Mainella moved to appoint Mariah Cunningham to the Board of Zoning Appeals for a three-year term ending January 1, 2025. The motion was seconded by Councilmember Bledsoe.

Roll call was taken by the Clerk.

The Mayor declared Mariah Cunningham appointed to the Board of Zoning Appeals for a three-year term ending January 1, 2025 by unanimous vote of Council.

**ADJOURNMENT**

The Mayor entertained a motion for adjournment.

Motion:

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

The Mayor declared the meeting adjourned by voice vote of Council at 8:42 p.m.