

June 28, 2022

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 28th 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 Manager	Valerie A. Means
City Attorney	Kevin V. Sansalone
City Clerk	Janet L. Keller
Fire Chief	Ed Simmons
Director of Marketing	Hanna Turner

IN RE: COUNCILMEMBER DEASY EXCUSED

Mayor Mainella noted that Councilmember Deasy was absent from the meeting due to a work obligation.

Motion:

Councilmember Blood moved to excuse Councilmember Deasy from tonight's meeting. The motion was seconded by Councilmember Bledsoe.

The Mayor declared Councilmember Deasy excused from this meeting by voice vote of Council.

IN RE: OPENING CEREMONIES

Councilmember Bledsoe gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Bolyard.

APPROVAL OF MINUTES

Mayor Mainella noted that each member of Council had received a copy of the minutes from the Regular Meeting held on June 14, 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 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

Pursuant to a notice duly published in the Times-West Virginian on June 17, 2022, a public hearing was convened to obtain citizen input on 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.

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

SGT. TYLER HALL, with the Fairmont Police Department and on behalf of Chief Shine, spoke in favor of the proposed ordinance. He said that it updates us with State Law changes and the two changes are that in the past you had to sign the back of your registration card and now you don't have to do that any more and the other change being an electronic proof of your registration card will be acceptable. He stated that both of those are just updating laws for modern times.

The Mayor asked Sgt. Hall that if someone shows them a copy of their insurance card on their phone, would that work.

Sgt. Hall replied that he will accept it and that other officers do as well but he didn't know if that reflects the current State Code or not.

There being no one else to speak, the public hearing was called to a close at 7:04 p.m.

IN RE: 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

Pursuant to a notice duly published in the Times-West Virginian on June 17, 2022, a public hearing was convened to obtain citizen input on 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.

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

A gentleman spoke in favor of the proposed ordinance but didn't state his name. He thanked Council and the City for giving him the opportunity to bring something new to the City. He said they appreciate the thought and the action taken toward their new business.

Mayor Mainella thanked him for starting this new business in Fairmont especially in the downtown. The Mayor explained that they are going to have a barber academy in the old OIC building on Jackson Street.

There being no one else to speak, the public hearing was called to a close at 7:06 p.m.

IN RE: 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

Pursuant to a notice duly published in the Times-West Virginian on June 17, 2022, a public hearing was convened to obtain citizen input on 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.

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

ALLAN STAGGERS, Executive Director of MRDC, spoke to the proposed ordinance. He said this was an administrative oversight on their part when the ordinance first passed when it specified single-family homes only. He said that given the light that we have on potential projects, it involves multi-family units that could locate on this property and we are seeking this change to allow any use within the Fairmont Planning and Zoning guidelines.

There being no one else to speak, the public hearing was called to a close at 7:08 p.m.

IN RE: 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

Pursuant to a notice duly published in the Times-West Virginian on June 17, 2022, a public hearing was convened to obtain citizen input on an ordinance providing for the transfer of 139 and 139 ½ Chestnut Street to Tyrell Louk and LeeAnn Nuzum.

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 7:10 p.m.

ANNOUNCEMENTS

IN RE: HOMETOWN MARKET

Councilmember Blood reported that for the next Hometown Market, on Saturday, July 16th, a car show will be held in downtown. She said that she heard that they have 720 applications and 40 vendors are already signed up.

IN RE: SHAWNA SANTEE COMMENDED

Councilmember Blood stated that Shawna Santee's 5th Street Dance Studio had their show at the Robinson Theater and the musical, Matilda, had to close early due to Covid and Shawna had the kids come out and she incorporated them into her show and they sang for two shows. She said that was a really nice thing to do and she thought it was worth mentioning.

IN RE: YOUTH FISHING POND

Councilmember Rice announced that the Marion County Youth Fishing Pond has been stocked with 800 lbs. of catfish. He encouraged everyone with kids under the age of 14 to come and fish at the Youth Pond.

IN RE: PALATINE PARK

Councilmember Rice noted that it was going to be a busy time at Palatine Park this weekend. He encouraged everyone to come out for the events.

CITIZENS PETITIONS

IN RE: PROPERTY ON MICHAEL LANE

NICK MEZZANOTTE, 1620 Michael Lane, addressed Council regarding Michael Lane. He said that he has lived in Fairmont for 88 years. He said that he had a house call the other night when a guy dropped off a letter to him. He said that he threatened him with conditions. He said his name is Shae Strait. He said that he went downtown to meet this guy and he is not even a gentleman and he does not belong in this kind of work. He said that he asked for a copy of a letter and was told that he was not going to get a copy because he did not deserve a copy. Mr. Mezzanotte said that he threatened to take him outside, off the driveway that he lives, take the dirt and trees out and throw him over the hill. He went on to say that the property line between his property and the rest of them, he does not believe in property lines. He said that Mr. Strait told him that he doesn't own that road, Michael Lane, but Mr. Mezzanotte told him he built that road. He said that he never said that he owned the road, he only tried to tell him that he built the road. He went on to say that Mr. Sansalone had given him a paper regarding the WV Code saying that it is a misdemeanor to move survey pins.

Mayor Mainella told Mr. Mezzanotte that the City Manager will look into this matter and get back with him.

CITY MANAGER 'S REPORT

IN RE: REPORTED ITEMS

Ms. Means reported the following items:

- The City-wide street paving has been completed for this fiscal year.
- With the start of the new fiscal year beginning July 1st, we will be re-assessing the streets for another paving project for this year's paving and also for additional demolition projects.
- We will be doing a surplus auction of surplus assets that the City no longer requires. She said that it will be held late this summer.
- City Hall administrative offices will be closed on Monday, July 4th.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, 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 adoption 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 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. 1958 was duly adopted.

IN RE: ADOPTION, 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 adoption 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 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 those Councilmembers present and the ordinance designated as Ordinance No. 1959 was duly adopted.

IN RE: ADOPTION, 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 adoption 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 adoption of the proposed ordinance. Councilmember Bledsoe 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. 1960 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 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 adoption 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 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. 1961 was duly adopted.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT GRANTING A NON-EXCLUSIVE FRANCHISE TO WV FIBER LLC FOR PURPOSES OF CONSTRUCTING, OPERATING AND MAINTAINING FIBER OPTIC OR OTHER CABLE AND RELATED FACILITIES USED OR USEFUL FOR THE TRANSMISSION

OF TELECOMMUNICATION SERVICES WITHIN THE CORPORATE LIMITS OF THE CITY OF FAIRMONT AND APPROVING THE FORM AND CONTENT OF THE FRANCHISE AGREEMENT BETWEEN THE CITY OF FAIRMONT AND WV FIBER, LLC, AND AUTHORIZING THE EXECUTION AND DELIVERY THEREOF; LIMITATIONS; FRANCHISE FEE; PUBLIC HEARING

Mayor Mainella entertained a motion for the introduction of an ordinance granting a franchise to WV Fiber LLC for purposes of constructing and operating a fiber optic cable facility in the City of Fairmont.

Motion:

Councilmember Blood 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 August 9, 2022.

IN RE: ADJOURN TO EXECUTIVE SESSION

Mayor Mainella 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 Kennedy.

The Mayor declared the meeting adjourned to Executive Session by voice vote of Council at 7:27 p.m. He noted that no business will be conducted when returning to open session.

IN RE: MEETING RECONVENED

The Mayor declared the meeting reconvened at 7:40 p.m.

ADJOURNMENT

The Mayor entertained a motion for adjournment.

Motion:

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

The Mayor declared the meeting adjourned by voice vote of Council at 7:41 p.m.