

July 12, 2022

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 12th day of July, 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
Fourth District	Richard (Rick) Garcia
Sixth District	Gia Deasy
Seventh District	Nicholas (Nicky) Cinalli
Eighth District	Thomas (Tom) Mainella

Absent:

Third District	Karl (David) Kennedy
Fifth District	Barry H. Bledsoe
Ninth District	Donna M. Blood

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 KENNEDY, BLEDSOE AND BLOOD EXCUSED

Mayor Mainella noted that Councilmembers Kennedy, Bledsoe and Blood asked to be excused.

Motion:

Councilmember Garcia moved to excuse Councilmembers Kennedy, Bledsoe and Blood from tonight's meeting. The motion was seconded by Councilmember Rice.

The Mayor declared Councilmembers Kennedy, Bledsoe and Blood excused from this meeting by voice vote of Council.

IN RE: OPENING CEREMONIES

Rabbi Joseph Hample 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 28, 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

No public hearings were scheduled for this meeting.

ANNOUNCEMENTS

IN RE: CROSSWALK PAINTED IN HONOR OF RUSSELL YANN

Councilmember Bolyard acknowledged Main Street Fairmont for the great crosswalk they did in honor of Mr. Yann in front of Yann's Hot Dogs.

IN RE: THOUGHTS FROM LAST MEETING

Mayor Mainella stated at the last meeting, we had some people come here and criticized one of our city employees, Shae Strait. He said that he should have stopped it when it started and he didn't and he apologized for that. He said that we got one side of the story and we know, since then, that there are several other sides to the story and he was sorry that Mr. Strait was talked about in an open public forum and it was his fault it went on like it did. He said that he was sorry that happened. The Mayor then said that going forward, it would be a good idea that when specific names are mentioned of people and businesses when people come in to air their dirty laundry on disputes with their neighbors and other things, if they want to criticize the Police Department, the Fire Department, the Planning Department, the City Manager Department or whatever, as long as they don't mention any names, maybe we will let them go but as soon as they mention names, they should be cut off. He said that he hopes that custom follows him when he is gone. He said that we eliminated talking about politics, religion and he thought we should eliminate people coming and talking about specific people.

CITIZENS PETITIONS

IN RE: MRDC REPORT

ALLEN STAGGERS, Executive Director of MRDC, made a presentation to Council regarding the Marion Regional Development Corporation. He said there is an item on

the agenda tonight to extend the agreement for economic development services between the City of Fairmont and Marion Regional Development Corporation. He said that he put together a 6-month report which the City Manager forwarded to Council. He said that he talked about some of the major steps that MRDC has taken in the first six months. He went on to say that according to the services agreement, part of what they are supposed to do is to promote, develop, and advance business prosperity and economic welfare of the City. He said, in large, they have accomplished many of these steps.

Mr. Staggers pointed out specific projects:

- Continued development of the Diamond Street properties.
- They made a request to be the developer of the Sharon Street Site which is under review by the DEP currently.
- Actively working with the State to acquire a piece of property in the city limits to promote development that is in one of the business parks.
- Filed for a State Local Economic Development Grant which was approved in the amount of \$22,000 to help the economic development efforts

He then made the following observations and/or recommendations:

- Economic development efforts can be better coordinated. We have a good working relationship with the other entities but he thought on a more formal basis we could do a better job. He noted that he was talking about Main Street Fairmont, Fairmont Community Development Partnership, Region VI Planning and Development Council, and the City of Fairmont.
- MRDC staffing is a part-time employee with a volunteer board and that was probably fine for getting them started but with his experience in economic development he thought Marion County needs and deserves a full-time economic development professional. He noted that he was not the guy on a going forward basis for this position.
- Funding for economic development. He said the City kicked in \$35,000 and the County kicked in \$35,000 and they received \$22,000 from the State. He noted that was fine for what they are doing now. If you take a look at our neighboring counties, Harrison County's economic development budget is \$170,000 and Mon County's economic development budget is north of \$330,000. He said funding can come from different sources and he is not necessarily saying the City or the County.
- Establish an economic development strategic plan for Marion County. This includes what we are, what's our strengths and weaknesses, where do we want to go, and how are we going to do it. He mentioned that would be the opportunity for us to take an objective look at what we have and take a strategic look at where we want to go. He noted there are some funding sources out there for economic development, Federal EDA is one of those and he is exploring those opportunities now to help us with funding.

The Mayor asked where they are on the Diamond Street Project.

Mr. Stagers replied they have a developer that is working on a multi-family unit, about 40 units that is geared toward seniors. The design has been done and they have met with the Planning Department and we are good with the last change that City Council approved. Hopefully, it is moving its way forward. He noted that this developer has several other projects in WV that they are working on right now and he does not have a timeframe for when this will land but he has been encouraged so far.

CITY MANAGER 'S REPORT

IN RE: HOMETOWN MARKET

Ms. Means reported that this weekend is the Hometown Market on Saturday from 10:00 a.m. to 3:00 p.m. She noted that this is also the car show and a lot of vendors will be attending.

IN RE: ACCESSORY DWELLING UNITS HIGHLIGHTED

SHAE STRAIT, Director of Planning, spoke about some of the regulations regarding the upcoming ordinances on Accessory Dwelling Units (ADUs). He said that Council has had a couple work sessions on this topic and he wanted to make sure ahead of time, before the public hearings, of what was included in the ordinances. He explained that the Planning Commission discussed the ordinances at length and the Commission forwarded it favorable to Council. He went over the Permitted Use Chart and stated that it does have restrictions. It can only go with one and two-family homes and it is clearly stated which zoning districts that this is permitted and not permitted in. At this time, it is either outright permitted or it's prohibited, there is no conditional use and no public hearings will be involved. It is prohibited in General Residential and Mobile Home Park District and also in the specialty districts which are Technology, Education and Recreation. We don't do housing there. He mentioned that the Planning Commission has come up with one of the most robust and comprehensive accessory dwelling unit ordinances in the State and it will be put to a test, if it is implemented. He noted that the main goal is to make sure we were protecting adjacent property owners. We are protecting their access, light and enjoyment of their property and the preservation of rear yard space. Hopefully, this will make it very clear to anybody who chooses to go forward with constructing one of these or renovating an existing one and they can clearly see what the standards are for building such a dwelling unit.

Councilmember Bolyard asked if it is just the streamline of the process to change it from conditional use to outright permitted.

Mr. Strait replied it is outright permitted, only with one and two-family homes. It will not be permitted for a landlord with a big apartment building so building one of these in the back yard, it would not make sense. He mentioned again that it is outright permitted so there is no additional burden on anybody wanting to build one. They are either outright allowed or it's prohibited.

Councilmember Rice asked for an example of the area where they will be permitted.

Mr. Strait said the zoning districts in Fairmont are not continuous and they are in groups together here and there. There are many areas that there will be very limited opportunities. He stated that the majority of the Watson area is General Residential so anything General Residential, Loop Park, West End, the most of Edgemont but there is some of it that it is zoned . . . our other residential district is called Neighborhood Residential. It is usually up against primary corridors and near the University or in other areas where we already have multi-family and duplex-type development. So, anywhere that is zoning that or in a Commercial District will be allowed to have it. He said that it was easier to say where it can't go, Watson, except for a couple pockets, in Bellview, pretty much if you are driving out of town, everything on the left would be prohibited and everywhere on the right, it would be allowed. For East Side, it's mostly the primary corridor areas but when you get back into the residential areas like Pittsburgh, it usually reverts to General Residential and like near the Middle School, however, if you are along Morgantown Avenue, yes. He noted that it changes depending of where you are at and where you are going but usually the farther you get away from the Main Corridor, is a general guideline.

CONSIDERATION OF COUNCIL BUSINESS

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 ACCESSORY DWELLING UNITS

Mayor Mainella entertained a motion for the introduction of an ordinance amending Article 3.0 of the Planning and Zoning Code to accommodate changes relating to Accessory Dwelling Units.

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 July 26, 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 ACCESSORY DWELLING UNITS

Mayor Mainella entertained a motion for the introduction of an ordinance amending Article 4.0 of the Planning and Zoning Code to create use standards for Accessory Dwelling Units.

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 July 26, 2022.

IN RE: ADOPTION, A RESOLUTION PROVIDING THE CITY MANAGER WITH THE AUTHORITY TO EXECUTE A MEMORANDUM OF EXTENSION OF AGREEMENT FOR ECONOMIC DEVELOPMENT SERVICES BY AND BETWEEN THE CITY OF FAIRMONT, A MUNICIPAL CORPORATION, AND THE MARION REGIONAL DEVELOPMENT CORPORATION FOR FISCAL YEAR 2022-2023

Mayor Mainella entertained a motion for the adoption of a resolution extending the agreement for economic services between the City of Fairmont and Marion Regional Development Corporation.

Motion:

Councilmember Deasy moved for the adoption of the proposed resolution. Councilmember Rice 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 PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT'S 2022-2023 ANNUAL BUDGET: COAL SEVERANCE.

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

Motion:

Councilmember Rice moved for the adoption of the proposed resolution. Councilmember Cinalli seconded the motion.

The Clerk read the proposed resolution by synopsis.

Roll call was taken by the Clerk.

The Mayor declared the resolution adopted by unanimous vote of those Councilmembers present.

IN RE: NOMINATION OF REPRESENTATIVE TO THE MARION COUNTY DEVELOPMENT AUTHORITY

Mayor Mainella entertained a motion for a nomination as the City's representative on the Marion County Development Authority.

Motion:

Councilmember Deasy moved to nominate Councilmember Josh Rice to be appointed as the City's representative on the Marion County Development Authority. The motion was seconded by Councilmember Bolyard.

Roll call was taken by the Clerk.

The Mayor declared that the name of Councilmember Josh Rice to be the City's representative on that Authority 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 Cinalli.

The Mayor declared the meeting adjourned by voice vote of Council at 7:31 p.m.