

**July 25, 2023**

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 25<sup>th</sup> day of July, 2023, at the Public Safety Building located at 500 Quincy Street in Fairmont, West Virginia.

Mayor Bolyard called the meeting to order.

Councilmembers present were:

First District	Joshua D. (Josh) Rice
Second District	Anne E. Bolyard
Third District	Rebecca Moran
Fourth District	Richard (Rick) Garcia
Fifth District	Charles (Chuck) Warner
Sixth District	Gia Deasy
Seventh District	Nicholas (Nicky) Cinalli
Eighth District	Bruce McDaniel
Ninth District	Kandice (Kandi) Nuzum

Also present were:

City Manager	Valerie A. Means
City Attorney	Kevin V. Sansalone
City Clerk	Janet L. Keller
Building Inspector	Scott Jolliff
Finance Director	Priscilla Hamilton
Director of Planning	Shae Strait
Marketing & Communications	David Kirk

**IN RE:        OPENING CEREMONIES**

Rev. Wesley Dobbs gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Nuzum.

**APPROVAL OF MINUTES**

Mayor Bolyard noted that each member of Council had received a copy of the minutes from the Regular Meeting held on July 11, 2023. She asked if there were any corrections, deletions, or amendments.

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

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

**PUBLIC HEARING S**

There were no public hearings for this meeting.

### **ANNOUNCEMENTS**

#### **IN RE: DRIVE A BUS CAMPAIGN**

Councilmember Deasy announced that on Saturday, July 29<sup>th</sup>, the Board of Education is hosting a “Drive a Bus Campaign” at an attempt to recruit bus drivers. She said the event will be held at the Field House located on Mary Lou Retton Drive. She noted that it will be an all-day event.

#### **IN RE: PROMOTIONS IN THE FIRE DEPARTMENT**

Mayor Bolyard extended congratulations to three firefighters that were recently promoted to the rank of Lieutenant in the Fairmont Fire Department. Those promoted were: B.J. Gower, John Lemasters, and Mark Delbrook. She extended congratulations to the new Lieutenants.

### **CITIZENS PETITIONS**

#### **IN RE: CONSTRUCTION OF A POOL WITHOUT A PERMIT**

**MELISSA SATTERFIELD**, a resident of 808 Ohio Avenue, addressed Council regarding a pool that was recently installed at her son’s house on Ohio Avenue. She presented the following information:

- Her 18-year-old son bought this house in March and works 12-hours per day.
- They put up the pool over the 4<sup>th</sup> of July holiday and did not obtain a building permit for the pool because City Hall offices were closed on July 4<sup>th</sup>.
- After offices re-opened on July 5<sup>th</sup>, a notice was sent to the previous owner at another address about installing the pool without a permit.
- The pool was put in the side yard and the plat shows two different lots.
- The prior owner had a survey done and one lot went to a different buyer.
- She was told that the City could not authorize a permit because it was put on a vacant lot.
- She said that she was threatened by Shae Strait that a warrant would be issued for her arrest.
- The property was deeded to her son as one lot.
- Went to the Assessor’s Office and Mr. Trach determined that it was not a vacant lot so she came back to the City to get the permit and was met with the same brick wall.
- She was told that Shae Strait was the only one that could approve the permit and he was not going to approve it.
- She met with the City Manager and Mr. Strait on this issue and did not get the matter resolved. She brought in the deeds but they refused to look at them.
- She then received a letter from the Assessor’s Office stating that Parcel 77 is

vacant, Parcel 78 is the lot with the home, and Parcel 77 is listed as the side yard and will be combined with Parcel 78 to make one lot so there should be no reason Mr. Strait should deny the permit.

- She asked Council to take this into consideration and let her son enjoy the fruits of his labor. She noted that he just fell into a bad situation.

Councilmember Rice stated that Council needs to look into this situation further.

**IN RE: FAIRMONT ARBOR COMPLAINTS**

**RAQUEL WARNER**, a resident of the Fairmont Arbors, addressed Council regarding the fire safety codes at the Arbors. She said that negligence puts lives at risk. She explained that the Manager has been there for 30 years and overlooks their concerns. She said that she is a human being with rights. She went on to say that there are holes in the walls, 119 people live there and the elevator is down and residents cannot leave their apartments. She added that the law allowed them to violate her civil rights. She said that management came in and recorded her apartment and asked why are they not held accountable. Ms. Warner said that she has lived there for three years and some people do not come out of their apartment. People are committing suicide there and are always fighting.

Mayor Bolyard stated that the City will do what we can with Code Enforcement.

Councilmember Rice thanked her for addressing Council.

Ms. Means stated that the City is doing everything possible that we can do.

**IN RE: CODE ENFORCEMENT COMPLAINTS IN BELLVIEW**

**BUTCH THORNE**, a resident of Edison Street in Bellview, addressed Council regarding Code Enforcement issues. He said that he had a house in Bellview that had a rotten tree on the property. He said it cost him \$3,500 to cut the tree down and the logs are there. He had been told by two or three people that they would come and pick up the logs. In the meantime, he received a letter from the City stating that if he did not clean it up, they were going to have somebody clean it up and bill him for it and if he did not pay it, they were going to put a lien on his house. He said that he went to Code Enforcement to talk to them and they took a defensive attitude. He then went on to say that he had a gas leak in his yard between the meter and the curb. He said luckily, he had the insurance to pay for it because it was \$3,700 and took them seven days. On July 3<sup>rd</sup>, a licensed contractor came from Pennsylvania to repair the gas leak. He noted that Hope Gas hired the contractor. Code Enforcement came and they did not like his language. He said that he did not threaten him but he got mad, threw a little fit, and shut the job down. He said that he and his wife have not had hot water or been able to cook for seven days. The Gas Company then came back out and showed a little class because they brought a tank of gas with regulators and said let the City shut this down. He asked why he would need a permit to repair a gas line and asked if the City needed money that bad. Mr. Thorne then said to come down Pennsylvania Avenue, look at 510 Pennsylvania Avenue, it has been

a sight for years and all we hear is excuses. There have been three overdoses in that one house in the past couple of years and Code Enforcement needs to be going around and hitting these crack houses. He said that when Bruce McDaniel was the City Manager, he and Nick Fantasia made arrangements for him to buy the house from hell right beside him after he could not get the City to do one thing about that house. He said that he bought the house just to clean it up. He asked the Council if they ever drive down Pennsylvania Avenue and look and see what is going on there. There is even a house with a tree growing through the roof but nothing is being done about that house. He said that instead of worrying about these bicycle trails, how about clean up the City first, it needs so much but all he ever hears is that we are building another park or another bicycle trail. He then said that his recommendation is to re-do Code Enforcement because they like to bully people. He closed by saying that he has already put a retainer down on an attorney and that he is not going to be bullied any more.

**IN RE: CO-NAMING MAPLE AVENUE**

**REV. WESLEY DOBBS**, addressed Council to request the co-naming of Maple Avenue in honor of Catherine Taylor. He said that Daniel Taylor and Mary Tate is requesting that Maple Avenue be co-named for Catherine Taylor who lived in her home for 50 years. He also said that perhaps the City could put up something on the street in honor of Mrs. Taylor. He asked Council to consider this request.

**CITY MANAGER'S REPORT**

**IN RE: PROMOTIONS AT FIRE DEPARTMENT**

Ms. Means also recognized B.J. Gower, John Lemasters, and Mark Delbrook on their recent promotions to the rank of Lieutenant in the Fire Department.

**IN RE: REMINDER- ARPA FUNDING WORK SESSION**

The City Manager reminded Council of the work session tomorrow evening, July 26<sup>th</sup>, at 5:45 p.m. to discuss the final two categories of the ARPA Funding.

**CONSIDERATION OF COUNCIL BUSINESS**

**IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT AUTHORIZING THE PURCHASE OF A TRACT OF REAL ESTATE OF APPROXIMATELY 6.036 ACRES, MORE OR LESS, FROM STEPHEN L. BARNES AND LINDA S. BARNES, SPOUSES, AND JOHN W. CARPENTER AND KAREN D. CARPENTER, SPOUSES, FOR THE DEVELOPMENT OF A PORTION 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**

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

Mayor Bolyard entertained a motion for the introduction of an ordinance authorizing the purchase of real estate from Stephen L. Barnes and Linda S. Barnes and John W. Carpenter and Karen D. Carpenter for the development of the West Fairmont Rail-Trail System.

Motion:

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

The Mayor declared the public hearing set for August 8, 2023.

**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 DEFINITIONS FOR LIVESTOCK AND POULTRY**

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

Mayor Bolyard entertained a motion for the introduction of an ordinance amending Article 2.0 Definitions and Measurements of the City's Planning and Zoning Code to add definitions for livestock and poultry.

Motion:

Councilmember Warner moved for the introduction of the proposed ordinance. Councilmember Moran seconded the motion.

The Mayor declared the public hearing set for August 8, 2023.

**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 HOME GARDEN; ZONING PERMIT REQUIRED; AND BEE KEEPING REGULATIONS**

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

Mayor Bolyard entertained a motion for the introduction of an ordinance amending Article

4.0 Use Standards of the City’s Planning and Zoning Code to create use standards for home gardens and beekeeping regulations.

Motion:

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

The Mayor declared the public hearing set for August 8, 2023.

**IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT EXPRESSING ITS APPROVAL OF THE BELTLINE DISTRICT BROWNFIELD REVITALIZATION PLAN DATED JANUARY 12, 2023**

The City Clerk read the proposed resolution by synopsis for the first time.

Mayor Bolyard entertained a motion for the adoption of a resolution expressing approval of the Beltline District Brownfield Revitalization Plan dated January 12, 2023.

Motion:

Councilmember Deasy moved for the adoption of the proposed resolution. Councilmember McDaniel seconded the motion.

Discussion:

Councilmember Moran asked when it comes to the one-way streets on Gaston and Virginia, will this item come before Council for discussion or have we discussed this with the Board of Education about the effect of that around East-West Stadium.

Councilmember Rice noted that he had the same question.

**SHAE STRAIT**, Director of Planning, responded by saying yes. He said that when there is a change in the infrastructure, there would be further discussion necessary and potentially a traffic study and other matters that will be brought before the City Manager as well as the Public Works Director. There will also be collaboration with any stakeholders and emergency services as well before any such changes are implemented. There will be a pretty good amount of work done but this is something that has been thought of and an idea for a number of years and is something that we will have to discuss further with our partners and stakeholders.

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

Councilmember McDaniel	Yes	Councilmember Nuzum	Yes
Councilmember Warner	Yes	Councilmember Deasy	Yes
Councilmember Cinalli	Yes	Councilmember Moran	Yes
Councilmember Rice	No	Councilmember Garcia	Yes

Mayor Bolyard

Yes

The Mayor declared the resolution adopted by majority vote of Council.

**IN RE: ADOPTION, A RESOLUTION PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT 'S 2023-2024 ANNUAL BUDGET: GENERAL FUND**

The City Clerk read the proposed resolution by synopsis for the first time.

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

Motion:

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

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 APPROVING AND APPOINTING TETRICK & BARTLETT, PLLC, TO CONDUCT SINGLE AUDITS FOR THE CITY OF FAIRMONT FOR FISCAL YEAR 2023 AND FISCAL YEAR 2024, PURSUANT TO THE PROCEDURES MANUAL FOR PROCURING AND CONDUCTING AUDITS AND REVIEWS OF LOCAL GOVERNMENTS**

The City Clerk read the proposed resolution by synopsis for the first time.

Mayor Bolyard entertained a motion for the adoption of a resolution approving and appointing Tetrick & Bartlett, PLLC to conduct audits for Fiscal Year 2023 and Fiscal Year 2024.

Motion:

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

Roll call was taken by the Clerk.

The Mayor declared the resolution adopted by unanimous vote of Council.

**IN RE: ONE RE-APPOINTMENT, ICC BOARD OF APPEALS, FIVE-YEAR TERM TO END AUGUST 24, 2028**

Mayor Bolyard entertained a motion for one re-appointment to the ICC Board of Appeals

for a five-year term ending August 24, 2028.

Mayor Bolyard moved to re-appoint Ronald Nichols to the ICC Board of Appeals for a five-year term ending August 24, 2028. The motion was seconded by Councilmember Warner.

Roll call was taken by the Clerk.

The Mayor declared Ronald Nichols re-appointed to the ICC Board of Appeals for a five-year ending August 24, 2028 by unanimous vote of Council.

**IN RE: WELCOME TO SCOTT JOLLIFF**

Mayor Bolyard extended a hearty welcome to Scott Jolliff, the new Building Inspector for the City of Fairmont. She said that he will be leading Code Enforcement and Building Inspection.

Mr. Jolliff thanked City Council for the opportunity to serve and he is glad to be back to the City of Fairmont. He said, hopefully, he can take some of these headaches back off Council's plate.

**ADJOURNMENT**

The Mayor entertained a motion for adjournment.

Motion:

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

The Mayor declared the meeting adjourned by voice vote of Council at 7:45 p.m.