

July 26, 2022

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 26th 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:

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

Absent:

First District	Joshua D. (Josh) Rice
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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
Director of Planning	Shae Strait

IN RE: COUNCILMEMBER RICE EXCUSED

Mayor Mainella stated that Councilmember Rice was absent due to an illness in the family.

Motion:

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

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

IN RE: OPENING CEREMONIES

Rev. Dr. Mark Staples gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Kennedy.

IN RE: PROCLAMATION PRESENTED FOR NATIONAL NIGHT OUT

The Mayor presented a proclamation to Police Chief Steve Shine in honor of August 2, 2022 being recognized as National Night Out in the City of Fairmont.

Chief Shine then explained that National Night Out is a community-oriented event to bring together information about police and what we do and how we can help, setting up neighborhood watches. He said that it's going to be geared toward children but it's going to have all kinds of information. The event will have all kinds of organizations from within the community, civic organizations people helping out, games, door prizes, raffles, DJ with music, K9 demonstration and lots of other items. He said this event is to bring everyone together for sense of the community and look at what Marion County has to offer as far as resources that are available but people might not be aware of and for people to feel safe. He said National Night Out will take place on Tuesday, August 2nd, at Veterans Plaza from 6:00 p.m. to 8:30 p.m.

APPROVAL OF MINUTES

Mayor Mainella noted that each member of Council had received a copy of the minutes from the Regular Meeting held on July 12, 2022. He asked if there were any corrections, deletions, or amendments.

Councilmember Deasy 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 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

Pursuant to a notice duly published in the Times-West Virginian on July 15, 2022, a public hearing was convened to obtain citizen input on an ordinance amending Article 3.0 of the Planning and Zoning Code to accommodate changes relating to Accessory Dwelling Units.

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

SHAE STRAIT, Director of Planning, spoke in favor of the proposed ordinance. He presented each Councilmember with a copy of the zoning map showing what districts ADUs will be permitted. He said that this ordinance amends the permitted uses chart and will make the land uses outright permitted.

There being no one else to speak, the public hearing was called to a close at 7:15 p.m.

IN RE: 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

Pursuant to a notice duly published in the Times-West Virginian on July 15, 2022, a public hearing was convened to obtain citizen input on an ordinance amending Article 4.0 of the Planning and Zoning Code to create use standards for Accessory Dwelling Units.

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

SHAE STRAIT, Director of Planning, also spoke in favor of this proposed ordinance. He said this is the Use Standards or regulations that decide which district Accessory Dwellings Units are permitted in. These are the standards in which this use must abide by in all circumstances. He mentioned that he thought the City has written one of the most robust Accessory Dwelling Unit ordinances in the State of WV. He said that we wanted to create more versatile housing options for the people who want to live here, however, we wanted to make sure that we maintained required yard areas, setbacks and clearances, etc. He mentioned that Councilmember Bolyard asked last meeting about conditionally permitted ADUs and there is one circumstance that we did create that. He said that we wanted to make sure this was as flexible as possible. He said that we gave property owners the right to take an existing building and convert it into an accessory dwelling unit. We have a number of rules around that, however, if that building that currently exists does not meet our requirements, they would have to go to the Board of Zoning Appeals and have a public hearing, notify all of their neighbors, and then have a conversation about it and review those standards to make sure that we do our checklist.

There being no one else to speak, the public hearing was called to a close at 7:20 p.m.

ANNOUNCEMENTS

IN RE: HOMETOWN MARKET

Councilmember Blood stated that she did not attend the last Hometown Market but she understood it was really good. She announced that the new market coming up will be on August 20th and it will be the Tomato Fest.

Councilmember Blood also mentioned that Main Street Fairmont is accepting

applications for a grant for the facade of buildings. She noted that it is up to \$5,000 to help businesses in the downtown district to make their place look better.

Councilmember Bledsoe said the Hometown Market on July 16th was the first one that he has been able to attend and he thought it was amazing.

IN RE: PALATINE PARK EVENTS

Councilmember Cinalli noted that several Councilmembers were at Palatine Park last weekend and it was a good time. He noted this weekend should be the same.

The Mayor also mentioned that it was a wonderful night, however, the threat of rain kept the crowd down a little bit but there was still a lot of people there. He said that it was a good show.

IN RE: COMMENTS REGARDING GOING BACK TO SCHOOL

Councilmember Deasy recognized and thanked those helping with the school's security checkups, Sheriff Riffle, Fire Chief Simmons, Police Chief Shine, and Chris McIntire from Homeland Security. He said that they came around to the schools to make sure they are safe to go back to school.

Family Resource Network is getting their backpacks ready for the backpack give-a-way. She said if anyone needs to sign up for a backpack or wants to donate for a backpack since it's going to be more difficult for parents to prepare to go back to school and have backpack supplies.

Councilmember Deasy reported that every student in Marion County is eligible for breakfast and lunch at no cost this next school year because of the community eligibility provision.

IN RE: SHAWNA SANTEE COMMENDED

Councilmember Bledsoe thanked Shawna Santee and her crew for the clean-up work on Fairmont Avenue.

Councilmember Bolyard also thanked everyone that worked cleaning up the trash on Fairmont Avenue.

IN RE: PASSING OF MUNICIPAL COURT JUDGE ANTHONY JULIAN

Councilmember Bledsoe said that he was sad about the passing of our Municipal Judge, Anthony Julian. He noted that he will certainly be missed.

Mayor Mainella stated that he, too, was very sad about the passing of Anthony Julian. He said that he was a very compassionate Judge and would help people by putting them on a payment plan and he thought that was very kind of him. He said that he will

be sorely missed.

IN RE: HAYMOND STREET

Councilmember Kennedy reported a pothole on Haymond Street. He said the water line was dug up and it needs to be completed and repaired.

IN RE: CONGRATULATIONS TO EAST SIDE MCDONALDS MANAGER

Councilmember Bolyard extended congratulations to the General Manager of the East Side McDonalds. She received an outstanding General Manager award in 2021 by the Director of Operations.

CITIZENS PETITIONS

There were no citizens petitions for this meeting.

CITY MANAGER 'S REPORT

IN RE: PASSING OF ANTHONY JULIAN

Ms. Means said that she sends her heartfelt condolences to the family, friends, and co-workers of Judge Julian. She noted that his passing was a great loss to the City and the community and he will surely be missed.

IN RE: COUNCIL FILING PERIOD

Ms. Means reminded everyone that the filing period for the municipal election is open until August 10th.

IN RE: POLICE OFFICER WRITTEN EXAM

The City Manager mentioned that we had a police entrance exam on July 23rd. She noted that 12 candidates took the test and the tests have been sent off for grading.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, 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 adoption of an ordinance amending Article 3.0 of the Planning and Zoning Code to accommodate changes relating to Accessory

Dwelling Units.

Motion:

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

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

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

The Mayor declared the ordinance adopted by majority vote of those Councilmembers present and the ordinance designated as Ordinance No. 1962 was duly adopted.

IN RE: ADOPTION, 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 adoption of an ordinance amending Article 4.0 of the Planning and Zoning Code to create use standards for Accessory Dwelling Units.

Motion:

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

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

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

The Mayor declared the ordinance adopted by majority vote of those Councilmembers present and the ordinance designated as Ordinance No. 1963 was duly adopted.

IN RE: ADOPTION, A RESOLUTION PROVIDING FOR AN AMENDMENT TO THE CITY OF FAIRMONT 'S 2022-2023 ANNUAL BUDGET: GENERAL FUND

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

Motion:

Councilmember Blood moved for the adoption of the proposed resolution. Councilmember Bledsoe 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: A RESOLUTION BY THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA, CERTIFYING ITS APPROVAL OF SHELTER ACTIVITIES OF NORTH CENTRAL WEST VIRGINIA COMMUNITY ACTION AGENCY - SCOTT PLACE SHELTER AND AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER THE LOCAL GOVERNMENT CERTIFICATION

Mayor Mainella entertained a motion for the adoption of a resolution certifying Council's approval of a Shelter Activities Grant for Scott Place Shelter and authorizing the Mayor to sign the Local Government Certification.

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 those Councilmembers present.

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 Bledsoe.

The Mayor declared the meeting adjourned to Executive Session by voice vote of Council at 7:32 p.m.

IN RE: MEETING RECONVENED

The Mayor declared the meeting reconvened at 8:36 p.m.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT APPOINTING A MUNICIPAL JUDGE FOR THE CITY OF FAIRMONT FROM THE EFFECTIVE DATE OF THIS RESOLUTION AND FOR THE UNEXPIRED TERM TO END JUNE 30, 2025

Mayor Mainella entertained a motion for the adoption of a resolution appointing a Municipal Judge for the City of Fairmont for the unexpired term to end June 30, 2025.

Motion:

Councilmember Cinalli moved for the adoption of the proposed resolution and the appointment of Sean Murphy. Councilmember Bledsoe seconded the motion.

The Clerk read the proposed resolution by synopsis.

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

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

The Mayor declared the resolution adopted by majority vote of Council, appointing Sean Murphy as Municipal Judge for the unexpired term to end June 30, 2025.

ADJOURNMENT

The Mayor entertained a motion for adjournment.

Motion:

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

The Mayor declared the meeting adjourned by voice vote of Council at 8:41 p.m.