

**August 10 , 2021**

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 10<sup>th</sup> of August, 2021, 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
Sixth District	Gia Deasy
Eighth District	Thomas (Tom) Mainella
Ninth District	Donna M. Blood

Absent:

First District	Joshua D. (Josh) Rice
Fifth District	Barry H. Bledsoe

Also present were:

City Manager	Valerie A. Means
City Clerk	Janet L. Keller
Fire Chief	Ed Simmons
Director of Planning	Shae Strait

**IN RE: EXCUSE COUNCILMEMBER S RICE AND BLEDSOE**

The Mayor entertained a motion to excuse Councilmembers Rice and Bledsoe from tonight's meeting.

Motion:

Councilmember Kennedy moved to excuse Councilmembers Rice and Bledsoe. The motion was seconded by Councilmember Garcia.

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

**IN RE: BLAIR MONTGOMERY RESIGNED AS 7TH DISTRICT COUNCILMEMBER EFFECTIVE AUGUST 10, 2021**

Mayor Mainella announced that we have received a written resignation from Councilmember Montgomery due to health reasons. He said that his resignation is

effective today, August 10, 2021.

The Mayor asked for a motion to accept his resignation.

Motion:

Councilmember Deasy moved to accept Councilmember Montgomery's resignation. The motion was seconded by Councilmember Blood.

The Mayor declared his resignation accepted by unanimous vote of those Councilmembers present. The Mayor noted that it was unfortunate. He thanked Councilmember Montgomery for his service and wished him the best.

Mayor Mainella then read a statement that will be in the newspaper and sent to the local media as far as applications to fill the unexpired term.

**IN RE: OPENING CEREMONIES**

Rev. D.D. Meighen gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Blood.

**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 27, 2021. He asked if there were any corrections, deletions, or amendments.

Councilmember Blood 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 TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE FAIRMONT CITY CODE**

Pursuant to a notice duly published in the Times-West Virginian on July 30, 2021, a public hearing was convened to obtain citizen input on a proposed ordinance to approve and adopt current replacement pages to the City Code.

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

The City Manager spoke in favor of the proposed ordinance. She said that the City Clerk updates the City Code Book twice a year and this updates our codes for any ordinances that Council may have passed.

There being no one else to speak, the public hearing was called to a close at 7:09 p.m.

**IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ARTICLE 2.0 DEFINITIONS OF THE PROVISIONS OF CLEARZONING®, THE CITY'S CODIFIED PLANNING AND ZONING CODE TO EXPAND THE INTENT OF THE SECTION; AMEND, SUPPLEMENT AND ADD ADDITIONAL DEFINITIONS; PROVIDE FOR AND ADD A MEASUREMENT SECTION; AND RENAME THE ARTICLE DEFINITIONS AND MEASUREMENTS**

Pursuant to a notice duly published in the Times-West Virginian on July 30, 2021, a public hearing was convened to obtain citizen input on a proposed ordinance to amend Article 2.0 Definitions of the Clearzoning Code.

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 said this is the definitions article within the Zoning Code and they are proposing a series of amendments and an expansion of this article to take it from definitions to definitions and measurements. This will be the one-stop shop for being able to understand the entirety of the rest of the ordinance rather than having to bounce around various sections. This ordinance will create new definitions and amend existing definitions, create the measurements exception section and creates additional clarifying language at the beginning of the article pertaining to various terminology.

There being no one else to speak, the public hearing was called to a close at 7: 12 p.m.

**IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ARTICLE 3.0 ZONING DISTRICTS OF THE PROVISIONS OF CLEARZONING®, THE CITY'S CODIFIED PLANNING AND ZONING CODE TO REFORM AND RE-ESTABLISH THE ZONING DISTRICTS, ELIMINATE THE PERMITTED USES, CONDITIONAL USES, PERMITTED WITH CONDITION USES, AND EXCLUSIONS FROM EVERY ZONING DISTRICT AND PLACING ALL USE RESTRICTION AND PERMISSIONS INTO A SINGLE PERMITTED USE CHART AT THE BEGINNING OF THE ARTICLE; REFORMATTING AND AMENDED THE DEVELOPMENT STANDARDS FOR ALL ZONING DISTRICTS, CREATING SEPARATE REGULATIONS BASED UPON USE TYPE SUCH AS SINGLE FAMILY, DUPLEX, TOWNHOUSES, MULTI-FAMILY DWELLINGS, CIVIC USES, AND COMMERCIAL USES, AND CREATING A SUPPLEMENTAL REGULATIONS SECTION WITHIN THE APPLICABLE ZONING DISTRICTS**

Pursuant to a notice duly published in the Times-West Virginian on July 30, 2021, a public hearing was convened to obtain citizen input on a proposed ordinance to amend Article 3.0 Zoning Districts of the Clearzoning Code.

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

**SHAE STRAIT** spoke in favor of the proposed ordinance. He said this ordinance is the beginning of the bulk of the changes that really start to make a difference. He explained that three months ago, he had a sit-down meeting with former Councilmember Montgomery and he brought to him some of his concerns about the issues our stakeholders were facing in the City, a lot of it around housing. He said that he is saddened that Councilmember Montgomery could not be here tonight to see the first of those steps in this ordinance. He said that one of the biggest concerns is the minimum lot size required to build a single-family home. He said this is one use that you can do in nearly every district in the City. You can build single family homes everywhere except for in a recreational district and in the technology district. He said that there are a significant number of parcels that do not meet the minimum lot size requirement so this is a barrier that prevents individuals from investing in new housing in our community. This was the point the comprehensive plan was making in its goal when it outlined affordable housing and access to housing. This ordinance will create a permitted use chart to make it quicker to determine where a use is permitted across the City, all uses will be removed from the individual district pages and relocated to the use chart at the front of the article. Uses will also have greater clarity. It will create use categories and also gives us more flexibility to talk about different use types and how we regulate them. It creates new use types to generate additional flexibility for land use across the City.

There being no one else to speak, the public hearing was called to a close at 7:19 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 CLEARZONING®, THE CITY'S CODIFIED PLANNING AND ZONING CODE TO ADJUST THE REGULATIONS FOR VARIOUS USES LISTED WITHIN THE ARTICLE INCLUDING BARS, RELIGIOUS USES, CIVIC USES, CONVENIENCE STORES, HOME OCCUPATION, MOBILE VENDING, WIRELESS COMMUNICATIONS, EMERGENCY SHELTERS, VEHICLE REPAIR, ANIMAL CARE ESTABLISHMENTS, WIND FARMS, SELF-STORAGE FACILITIES, AND GENERAL REQUIREMENTS, AND TO ELIMINATE "USES NOT EXPRESSLY PERMITTED OR CONDITIONAL "**

Pursuant to a notice duly published in the Times-West Virginian on July 30, 2021, a public hearing was convened to obtain citizen input on a proposed ordinance to amend Article 4.0 Use Standards of the Clearzoning Code.

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

**SHAE STRAIT** also spoke in favor of the proposed ordinance. He said this ordinance is amending our Use Standards. These are the extra supplemental regulations that apply to a specific use. Several are being added because they did not previously exist or they are being amended in order to accommodate future development within the City or to re-balance some of the regulations around particular uses.

There being no one else to speak, the public hearing was called to a close at 7:21 p.m.

**IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ARTICLE 4.0 USE STANDARDS TO CREATE AND ESTABLISH ADDITIONAL SECTIONS, NAMELY SECTION 4.38 AND SECTION 4.39 CAR WASHES AND TOWING, RESPECTIVELY, AND TO PROVIDE FOR CERTAIN REQUIREMENTS FOR BOTH USES**

Pursuant to a notice duly published in the Times-West Virginian on July 30, 2021, a public hearing was convened to obtain citizen input on a proposed ordinance to amend Article 4.0 Use Standards, namely 4.38 and 4.39 Car Washes and Towing, of the Clearzoning Code.

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 said that he separated these two out because of the specific nature of these two uses, towing and car washes. Previously, these were all under the umbrella of automotive sales and services. Restrictions will require buffer yards because we are a mixed-use City but often blends in commercial and residential together.

There being no one else to speak, the public hearing was called to a close at 7: 26 p.m.

**IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ARTICLE 5.0 SITE STANDARDS AND MORE PARTICULARLY SECTION 5.2 ARCHITECTURAL REQUIREMENTS TO MODIFY AND ADJUST CERTAIN ARCHITECTURAL REQUIREMENTS, LOT STANDARDS, ACCESSORY BUILDING AND STRUCTURE REGULATIONS, AND ENCROACHMENTS**

Pursuant to a notice duly published in the Times-West Virginian on July 30, 2021, a public hearing was convened to obtain citizen input on a proposed ordinance to amend Article 5.2 Architectural Requirements of the Clearzoning Code.

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

**MR. STRAIT** also spoke in favor of the proposed ordinance. He said they are looking at the architectural requirements, accessory buildings and encroachments. These are the three parts of this larger article that we are amending. Under this, they are changing a few different elements. They are eliminating a lot of the requirements here because they will be located in front of the ordinance in the definitions article. He went on to say that they are changing the minimum roof slope for residential buildings from 3/12 to 4/12 which is very standard for our region. They are setting a minimum depth of a home to 20 feet from 24 feet and reducing the minimum home size down to a possible 400 square feet. He said this is part of our initiative in order to create the opportunity for affordable housing where it might be desired. He then went over a few other changes that will be affected by the proposed ordinance.

There being no one else to speak, the public hearing was called to a close at 7: 30 p.m.

**IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ARTICLE 7.0 SUBDIVISION REGULATIONS AND MORE PARTICULARLY SECTION 7.5 DESIGN AND PLANNING STANDARDS TO ADJUST VARIOUS LOT, ACCESS, AND OFF-STREET PARKING REQUIREMENTS AND TO CLARIFY CERTAIN EXISTING PROVISIONS**

Pursuant to a notice duly published in the Times-West Virginian on July 30, 2021, a public hearing was convened to obtain citizen input on a proposed ordinance to amend Article 7.0 Subdivision Regulations, Section 7.5 Design and Planning Standards, of the Clearzoning Code.

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

**SHAE STRAIT** spoke in favor of the proposed ordinance. These amendments eliminate the universal minimum lot size requirement. He said this is one item within the comprehensive plan that was called for, the eliminating of the minimum lot size requirement. The minimum is now based upon the building type. He then went over some of the other standards that have been adjusted, like the size of the corner lots, side yards and hillside subdivisions. He added that these changes will make our neighborhoods more desirable, safe and adaptable in the future. This was an item that was called for in the comprehensive plan specifically the minimum lot size requirements. He closed by saying that this will make a large difference in our City.

There being no one else to speak, the public hearing was called to a close at 7: 36 p.m.

**IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ARTICLE 4.0 USE STANDARDS AND MORE PARTICULARLY, SECTION 4.25 MULTI FAMILY RESIDENCES; TOWNHOUSES AND DUPLEXES OF THE PROVISIONS OF CLEARZONING®, THE CITY'S CODIFIED PLANNING AND ZONING CODE TO ELIMINATE THE ADDITIONAL REGULATIONS PERTAINING TO MULTI FAMILY RESIDENCES; TOWNHOUSES AND DUPLEXES AND TO PROVIDE FOR, DEFINE AND REGULATE ACCESSORY DWELLING UNIT**

Pursuant to a notice duly published in the Times-West Virginian on July 30, 2021, a public hearing was convened to obtain citizen input on a proposed ordinance to amend Article 4.0 Use Standards, Section 4.25 Multi-Family Residences, of the Clearzoning Code.

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

**MR. STRAIT** spoke in favor of the proposed ordinance. He said that this ordinance does two things. It eliminates all of our additional requirements that are currently in place for all types of multi-family housing. These are significant burdens that exist on development and what they do right now is if you want to build anything beyond single-

family, you have to have a minimum of 6,000 square feet and for every dwelling unit beyond the first, you have to add another 1,000 square feet of land. It makes it very difficult to develop new higher density and medium density housing within our community. He said it was very important to eliminate the requirements. Staff has proposed that we replace this section which would be looking at the option of permitting accessory dwelling units, commonly referred to as a carriage house, garage apartment, etc. These are something that has historically existed in our community and are all across Fairmont. We would permit properties with either single-family home or duplex, that they would be able to, provided they have ample space and ample setbacks and room and to meet the minimum parking requirements and many other regulations, they would have the opportunity to consider constructing one of these whether it be above the garage or independent on its own. In order to encourage varying types of dwelling units across our City, these are very important especially for affordable housing, flexible housing, or folks trying to temporarily live while buying a house. It also can create the opportunity for our aging population to do “age in place” where they may not have to give up their property and leave their homestead but go to a more accessible and easier to maintain unit and maybe let the next generation live in the much larger home on the front of the property.

Mayor Mainella thanked Mr. Strait for his presentation and for the work session a few weeks ago. He said there was one part of this ordinance that Council had some concerns with. He said that if this ordinance were not to pass, there are some things that you could carve out of this and make it so that the good parts of it that we like would be there.

Mr. Strait said that this is something that we do even if there were specific amendments that Council requested. He said that if there were specific amendments that Council would like to request for this, he could propose many options or discuss those with Council. He mentioned that they could also change where this is permitted, maybe not in all districts in the City, maybe in just certain districts or maybe there are even exclusion zones. He said that he would like to hear from Councilmembers on what their ideal situation would be.

There being no one else to speak, the public hearing was called to a close at 7: 47 p.m.

**IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING AUTHORITY FOR AND EMPOWERING THE CITY OF FAIRMONT TO REESTABLISH AN ASSOCIATION WITH THE MARION REGIONAL DEVELOPMENT CORPORATION; APPROVING THE TERMS AND CONDITIONS OF THAT CERTAIN AGREEMENT DATED JULY 27, 2021, BY AND BETWEEN THE CITY OF FAIRMONT AND SAID MARION REGIONAL DEVELOPMENT CORPORATION; AND PROVIDING THE CITY MANAGER WITH THE AUTHORITY TO EXECUTE AND DELIVER SAID AGREEMENT ON BEHALF OF THE CITY OF FAIRMONT**

Pursuant to a notice duly published in the Times-West Virginian on July 30, 2021, a public hearing was convened to obtain citizen input on a proposed ordinance providing

authority to re-establish an association with the Marion Regional Development Corporation.

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

There was no one to speak to this proposed ordinance.

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

### **ANNOUNCEMENTS**

#### **IN RE: COUNCILMEMBER MONTGOMERY**

Councilmember Blood said that she was sad to not have Blair Montgomery on Council. She wished him the best.

#### **IN RE: SHAE STRAIT COMMENDED**

Councilmember Blood thanked Shae Strait for all of his hard work and for explaining all of the zoning amendments.

#### **IN RE: WV MUNICIPAL LEAGUE CONFERENCE**

Councilmember Deasy thanked the City for allowing Council to go to the WV Municipal League Conference. She noted that it was a good experience and the classes were excellent and everyone was so welcoming.

Councilmember Bolyard thanked Shae Strait for his presentation at the Municipal League Conference. It was a very enjoyable session.

#### **IN RE: PALATINE PARK EVENTS**

Councilmember Deasy mentioned that there was plenty to do in Fairmont over the weekend with the Palatine Park events and with the Main Street Fairmont event that was held in the downtown.

The Mayor reported that he attended the Main Street event on Saturday and it was packed with vendors and people. He mentioned that the music was good and the weather was great. It was a nice event that Main Street put on for the people.

#### **IN RE: REMINDER OF SCHOOL STARTING**

Councilmember Deasy reminded everyone that within the next couple of weeks we will be having students coming back to school full time and buses running and asked people to be mindful as our students come back to school.



**IN RE: CITY CLERK RECOGNIZED**

Councilmember Bolyard extended congratulations to City Clerk Janet Keller for the Municipal League acknowledging her Certified Municipal Clerk designation. Her hard work, passion and professional development is a credit to all of us and we appreciate her.

Mayor Mainella stated that Janet's role with the other Clerks from all around West Virginia, she is a gem of a City Clerk and very well respected by everyone at the Municipal League and she's more well respected by those of us in Fairmont.

**CITIZENS PETITIONS**

**IN RE: VEHICLE ACCIDENT INVOLVING A POLICE OFFICER**

**BRYAN WILLIAMS**, 703 Diamond Street, addressed Council regarding the accident on Country Club Road involving a police officer two years ago in which a Fairmont resident was killed in the accident. After his presentation, he called on Council for the resignation of the police officer involved in the accident.

**CITY MANAGER'S REPORT**

The City Manager reported the following:

- Wished Councilmember Montgomery all the best.
- Thanked Shae Strait for all of the work that he has done and for presenting at the Municipal League Conference.
- Thanked the Municipal League for a great conference last week. She said you always learn something and it is a wonderful opportunity for learning and for networking.
- The sharrows (shared lane markings) have been placed on the street sections that will mark the way through the community on a portion of the trail actually going through town. She thanked Public Works for getting those installed.
- The auditors will be on-site in the coming months to audit the City for the fiscal year ending June 30, 2021.

**CONSIDERATION OF COUNCIL BUSINESS**

**IN RE: ADOPTION, AN ORDINANCE TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE FAIRMONT CITY CODE**

Mayor Mainella entertained a motion for the adoption of an ordinance to approve and adopt current replacement pages to the Fairmont City Code.

Motion:

Councilmember Kennedy moved for the adoption of the proposed ordinance. Councilmember Deasy 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. 1905 was duly adopted.

**IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ARTICLE 2.0 DEFINITIONS OF THE PROVISIONS OF CLEARZONING®, THE CITY'S CODIFIED PLANNING AND ZONING CODE TO EXPAND THE INTENT OF THE SECTION; AMEND, SUPPLEMENT AND ADD ADDITIONAL DEFINITIONS; PROVIDE FOR AND ADD A MEASUREMENT SECTION; AND RENAME THE ARTICLE DEFINITIONS AND MEASUREMENTS**

Mayor Mainella entertained a motion for the adoption of an ordinance to amend Article 2.0 Definitions of the Clearzoning Code.

Motion:

Councilmember Garcia 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. 1906 was duly adopted.

**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 CLEARZONING®, THE CITY'S CODIFIED PLANNING AND ZONING CODE TO REFORM AND RE-ESTABLISH THE ZONING DISTRICTS, ELIMINATE THE PERMITTED USES, CONDITIONAL USES, PERMITTED WITH CONDITION USES, AND EXCLUSIONS FROM EVERY ZONING DISTRICT AND PLACING ALL USE RESTRICTION AND PERMISSIONS INTO A SINGLE PERMITTED USE CHART AT THE BEGINNING OF THE ARTICLE; REFORMATTING AND AMENDED THE DEVELOPMENT STANDARDS FOR ALL ZONING DISTRICTS, CREATING SEPARATE REGULATIONS BASED UPON USE TYPE SUCH AS SINGLE FAMILY, DUPLEX, TOWNHOUSES, MULTI-FAMILY DWELLINGS, CIVIC USES, AND COMMERCIAL USES, AND CREATING A SUPPLEMENTAL REGULATIONS SECTION WITHIN THE APPLICABLE ZONING DISTRICTS**

Mayor Mainella entertained a motion for the adoption of an ordinance to amend Article

### 3.0 Zoning Districts of the Clearzoning Code.

Motion:

Councilmember Blood moved for the adoption of the proposed ordinance. Councilmember Garcia 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. 1907 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 CLEARZONING®, THE CITY'S CODIFIED PLANNING AND ZONING CODE TO ADJUST THE REGULATIONS FOR VARIOUS USES LISTED WITHIN THE ARTICLE INCLUDING BARS, RELIGIOUS USES, CIVIC USES, CONVENIENCE STORES, HOME OCCUPATION, MOBILE VENDING, WIRELESS COMMUNICATIONS, EMERGENCY SHELTERS, VEHICLE REPAIR, ANIMAL CARE ESTABLISHMENTS, WIND FARMS, SELF-STORAGE FACILITIES, AND GENERAL REQUIREMENTS, AND TO ELIMINATE "USES NOT EXPRESSLY PERMITTED OR CONDITIONAL "**

Mayor Mainella entertained a motion for the adoption of an ordinance to amend Article 4.0 Use Standards of the Clearzoning Code.

Motion:

Councilmember Kennedy 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. 1908 was duly adopted.

**IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ARTICLE 4.0 USE STANDARDS TO CREATE AND ESTABLISH ADDITIONAL SECTIONS, NAMELY SECTION 4.38 AND SECTION 4.39 CAR WASHES AND TOWING, RESPECTIVELY, AND TO PROVIDE FOR CERTAIN REQUIREMENTS FOR BOTH USES**

Mayor Mainella entertained a motion for the adoption of an ordinance to amend Article 4.0 Use Standards, namely 4.38 and 4.39 Car Washes and Towing, of the Clearzoning Code.

Motion:

Councilmember Blood moved for the adoption of the proposed ordinance. Councilmember Deasy 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. 1909 was duly adopted.

**IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ARTICLE 5.0 SITE STANDARDS AND MORE PARTICULARLY SECTION 5.2 ARCHITECTURAL REQUIREMENTS TO MODIFY AND ADJUST CERTAIN ARCHITECTURAL REQUIREMENTS, LOT STANDARDS, ACCESSORY BUILDING AND STRUCTURE REGULATIONS, AND ENCROACHMENTS**

Mayor Mainella entertained a motion for the adoption of an ordinance to amend Article 5.0 Site Standards, Section 5.2 Architectural Requirements, of the Clearzoning Code.

Motion:

Councilmember Blood moved for the adoption of the proposed ordinance. Councilmember Deasy 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. 1910 was duly adopted.

**IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ARTICLE 7.0 SUBDIVISION REGULATIONS AND MORE PARTICULARLY SECTION 7.5 DESIGN AND PLANNING STANDARDS TO ADJUST VARIOUS LOT, ACCESS, AND OFF-STREET PARKING REQUIREMENTS AND TO CLARIFY CERTAIN EXISTING PROVISIONS**

Mayor Mainella entertained a motion for the adoption of an ordinance to amend Article 7.0 Subdivision Regulations of the Clearzoning Code.

Motion:

Councilmember Garcia 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. 1911 was duly adopted.

**IN RE: ORDINANCE DIED FOR A LACK OF A MOTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT AMENDING AND SUPPLEMENTING ARTICLE 4.0 USE STANDARDS AND MORE PARTICULARLY, SECTION 4.25 MULTI FAMILY RESIDENCES; TOWNHOUSES AND DUPLEXES OF THE PROVISIONS OF CLEARZONING®, THE CITY'S CODIFIED PLANNING AND ZONING CODE TO ELIMINATE THE ADDITIONAL REGULATIONS PERTAINING TO MULTI FAMILY RESIDENCES; TOWNHOUSES AND DUPLEXES AND TO PROVIDE FOR, DEFINE AND REGULATE ACCESSORY DWELLING UNIT**

Mayor Mainella entertained a motion for the adoption of an ordinance to amend Article 4.0 Use Standards, Section 4.25 Multi-Family Residences, of the Clearzoning Code.

Motion:

No motion was on the proposed ordinance.

The Mayor declared the ordinance died for a lack of a motion.

**IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING AUTHORITY FOR AND EMPOWERING THE CITY OF FAIRMONT TO REESTABLISH AN ASSOCIATION WITH THE MARION REGIONAL DEVELOPMENT CORPORATION; APPROVING THE TERMS AND CONDITIONS OF THAT CERTAIN AGREEMENT DATED JULY 27, 2021, BY AND BETWEEN THE CITY OF FAIRMONT AND SAID MARION REGIONAL DEVELOPMENT CORPORATION; AND PROVIDING THE CITY MANAGER WITH THE AUTHORITY TO EXECUTE AND DELIVER SAID AGREEMENT ON BEHALF OF THE CITY OF FAIRMONT**

Mayor Mainella entertained a motion for the adoption of an ordinance providing authority to re-establish an association with the Marion Regional Development Corporation.

Motion:

Councilmember Kennedy moved for the adoption of the proposed ordinance. Councilmember Bolyard 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. 1912 was duly adopted.

### **ADJOURNMENT**

The Mayor entertained a motion for adjournment.

Motion:

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

The Mayor declared the meeting adjourned by voice vote of Council at 8:14 p.m.