

September 13, 2022

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 13th day of September, 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:

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| First District | Joshua D. (Josh) Rice |
| Second District | Anne E. Bolyard |
| Third District | Karl (David) Kennedy |
| Fourth District | Richard (Rick) Garcia |
| Sixth District | Gia Deasy |
| Seventh District | Nicholas (Nicky) Cinalli |
| Eighth District | Thomas (Tom) Mainella |
| Ninth District | Donna M. Blood |

Absent:

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| Fifth District | Barry H. Bledsoe |
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Also present were:

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| City Manager | Valerie A. Means |
| City Attorney | Kevin V. Sansalone |
| City Clerk | Janet L. Keller |
| Director of Marketing | Hanna Turner |

IN RE: COUNCILMEMBER BLEDSOE EXCUSED

Mayor Mainella noted that Councilmember Bledsoe was out of town on a work obligation and asked to be excused.

Motion:

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

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

IN RE: OPENING CEREMONIES

Rev. Larry Buckland gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Garcia.

IN RE: OATH OF OFFICE - MUNICIPAL COURT JUDGE JEFFERY W. LILLY

City Clerk Janet Keller swore-in Jeffery W. Lilly as the newly-appointed Municipal Court Judge effective September 12, 2022.

IN RE: SCOUTS IN ATTENDANCE

The Mayor mentioned that two scouts, Evan Holbert and Robert Ranson, were in attendance. He noted that they are working on their Citizenship and Community Badges toward their Eagle Scout achievement. He said they are from Troop 120 from the First Presbyterian Church.

IN RE: 9/11 PLAQUE PRESENTED TO FIRE DEPARTMENT

Howard Brooks, Coordinator of Rising Stars and Reset Program, which is an after school program for students, presented Fire Chief Ed Simmons and several members of the Fire Department with a 9/11 plaque. He thanked them for meeting and exceeding all standards of their performance within the Fire Department. He thanked them for their bravery and commitment.

IN RE: PROCLAMATION PRESENTED - GOLD STAR MOTHER'S DAY

Mayor Mainella presented a proclamation to Retired Sgt. David Tucker in honor of September 25th being recognized as Gold Star Mother's Day. Mayor Mainella said that the City of Fairmont honors the sacrifices of all Gold Star Mothers who have lost a child in an armed conflict.

Mr. Tucker thanked the Mayor and Council for the proclamation. He said that mothers play an important part in the military.

APPROVAL OF MINUTES

Mayor Mainella noted that each member of Council had received a copy of the minutes from the Regular Meeting held on August 23, 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 Garcia.

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: DEDICATION OF FAIRMONT REGIONAL HOSPITAL

Councilmember Kennedy reported that on Tuesday he attended the dedication of Fairmont Regional Hospital. He said that it was a wonderful dedication and without them this town could not function.

IN RE: DEMOLITION ON PENNSYLVANIA AVENUE

Councilmember Garcia reported another demolition completed on Pennsylvania Avenue.

IN RE: NEW RESTAURANT TO OPEN SOON

Councilmember Garcia announced that a new restaurant, The Mason Jar, will soon be opening in Bellview.

IN RE: HOMETOWN MARKET

Councilmember Blood stated that September 17th will be the last Hometown Market for the year. She said that there will be vendors, food and music.

CITIZENS PETITIONS

IN RE: MOVIE TO BE FILMED IN MARION COUNTY

BOB AND JEFF TINNELL addressed Council and stated they are in the middle of production of a second television film for Lifetime shooting almost exclusively in Marion County. They just finished the first one three or four weeks ago and are mid-way through the production of the other film. He said there is a reason they like coming back and living in West Virginia. He wanted Council to know that almost 1,900 hotel rooms in this county in less than 90 days, they have contracted and been paying the Marion County Health Department and Transit Authority, local catering and real dollars are flowing into the city and they would not be going to the city if not for the unbelievable support from government at all levels. He said this includes emergency services, fire departments, police departments, and everyone they go to, the answer is yes. He stated that it is being noticed by the directors, by the network, by the stars and this is phenomenal and good press for a state that gets bad press because it is convenient to reduce us to cultural stereotypes. He said that he could not be more proud and grateful to live here. The movie will be aired the end of February or the first of March.

IN RE: WANTS TO PURCHASE PROPERTY ON DELAWARE AVENUE

CAROLE SAGO, 714 Delaware Avenue, addressed Council regarding a couple of items. She said that she had called the City of Fairmont to ask about how far to put a little kiddie pool from a right-of-way. Her neighbor then called the City of Fairmont to get Code Enforcement to come out and cut a tree down and they told her they didn't own

the property and could not cut the tree. When they came out, she had a car parked across the street on the property that she is talking about and then they tagged everything that they had on that property. She said that she went to the Tax Office and the Assessors Office and was told that the City of Fairmont did not own the property. She then asked if there was any way that she could obtain that piece of property since she has taken care of it for ten years. She said that she realizes that what she has on that property is in violation of City Code and she is willing to make it into compliance. She added that there is a right-of-way that goes on the right-hand side of the property and that the gentleman on the bottom street had gotten it closed off. She then reported that the gentleman on the left-hand side of them, they have a building sitting on the right-of-way and have wood piles sitting on the right-of-way and have a partial fence sitting on the right-of-way but when Code Enforcement came out that day, there was no mention of anything about the other violations but they tagged everything that she had all over a little kiddie swimming pool that was inflatable. She went on to say that when Code Enforcement came out, they told her that she did not need to put a fence around this little kiddie inflatable pool, however, Mr. Strait told her that she needed to up a fence. She said that she could not see putting a fence up around an \$88.00 little kiddie inflatable pool from Walmart.

The Mayor said that City Council cannot deal with this but the City Manager and staff can.

Ms. Means said for Ms. Sago to give her contact information to the City Clerk and she would get in touch with her. She said that if the City of Fairmont owns the property, there is a process for that and we can't necessarily just sell property, we normally have to auction it. Ms. Means said that she would schedule a meeting with Ms. Sago.

CITY MANAGER 'S REPORT

IN RE: PARKING AUTHORITY MEMBER EDDIE SNIDER

Ms. Means thanked and acknowledged Eddie Snider for serving on the Parking Authority for the past 24 years. She said that he recently resigned from the board and he will certainly be missed on that board.

IN RE: PLANNING DEPARTMENT COMMENDED

The City Manager acknowledged and commended Shae Strait and the Planning Department for receiving a 2022 WV Brownfield Local Leadership Award. She mentioned that he and two of his staff members are attending a Brownfield Conference in Huntington and will receive the award at the conference.

IN RE: TRAFFIC SIGNAL REPLACEMENT PROJECT

Ms. Means stated that the State has been paying a lot of attention to Fairmont. They have been doing a preliminary planning and design for a traffic signal replacement project. She said they will actually be replacing 28 traffic signals all along the main state

routes, Route 19, 250, 310 and the corridor. The City has been reviewing their initial plan and they are getting very close to having that project let out for bid.

IN RE: DEMOLITION PROGRAM

The Manager reported that the demolition program is moving along and it has worked very well with the contractor being on ready so when we have a house that's ready to go, we have the contractor already on board.

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 PERMIT OFFICE USE WITHOUT RESTRICTION AS TO SQUARE FOOTAGE, CHILD CARE CENTER AND CHILD CARE FACILITY AS USES PERMITTED BY RIGHT IN TECHNOLOGY DISTRICT.

Mayor Mainella entertained a motion for the introduction of an ordinance amending Article 3.0 Zoning Districts of the Planning and Zoning Code to permit office use without restrictions as to square footage, child care center and child care facility as uses permitted in Technology District.

Motion:

Councilmember Blood 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 September 27, 2022.

IN RE: INTRODUCTION, FIRST READING, SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT PROVIDING FOR PREMIUM PAY TO ELIGIBLE WORKERS PERFORMING ESSENTIAL WORK DURING THE COVID-19 PUBLIC HEALTH EMERGENCY FROM THE CITY OF FAIRMONT'S AMERICA RESCUE PLAN ACT (ARPA) STATE AND LOCAL FISCAL RECOVERY FUNDS (SLFRF) FUNDING ALLOCATION; AGREEMENT; LIMITATION; SEVERABILITY.

Mayor Mainella entertained a motion for the introduction of an ordinance providing for premium pay to eligible workers performing essential work during the Covid-19 public hearing emergency from the ARPA Funding.

Motion:

Councilmember Blood 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 September 27, 2022.

IN RE: ADOPTION, SUPPLEMENTAL RESOLUTION APPROVING CERTAIN TERMS OF THE RENEWAL OF THAT CERTAIN LETTER OF CREDIT, NO 2001-525 TO BE ISSUED BY WESBANCO BANK TO THE CITY OF FAIRMONT AUTHORIZED BY ORDINANCE NO. 1942, DULY ADOPTED MAY 24, 2022, AND MORE PARTICULARLY ESTABLISHING THE AMOUNT OF SAID LETTER OF CREDIT UPON RENEWAL UPON ITS MATURITY ON JUNE 30, 2022 AT \$250,000.00.

Mayor Mainella entertained a motion for the adoption of a resolution approving the terms of the renewal of the letter of credit for workers compensation.

Motion:

Councilmember Kennedy moved for the adoption of the proposed resolution. Councilmember Blood 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 an amendment to the Coal Severance Annual Budget.

Motion:

Councilmember Blood 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: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA, OPPOSING AN AMENDMENT TO THE WEST VIRGINIA CONSTITUTION WHICH WOULD GIVE THE STATE LEGISLATURE THE AUTHORITY TO EXEMPT BUSINESS MACHINERY AND EQUIPMENT, BUSINESS INVENTORY AND PERSONAL VEHICLES FROM PROPERTY TAXATION, SAID AMENDMENT BEING IDENTIFIED AS AMENDMENT TWO ALSO KNOWN AS THE PROPERTY TAX MODERNIZATION AMENDMENT.

Mayor Mainella entertained a motion for the adoption of a resolution opposing an amendment to the WV Constitution to exempt business machinery and equipment, business inventory and personal vehicles from property taxation.

Motion:

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

The Clerk read the proposed resolution by synopsis.

Discussion:

Councilmember Blood stated that this is really an important resolution. We could potentially lose a school if this passes and the City would not have control over their taxes anymore and it is a bad precedent to set.

Mayor Mainella said that he first got elected to City Council in 1998 so he has been watching the process for a lot of years. It seems like the last seven or eight years, for some reason, the legislature has done things to hurt cities and now they are trying to do something to hurt counties and cities. He said that if this Amendment Two passes, it's going to be the eleganza or bonanza of hurt that will be put on the Board of Educations, Counties, and Cities all over the state. He went on to say that nobody likes to pay taxes but everybody likes to get services. If they come up with something to take the place of this whole in the budget that they hope to create with Amendment Two, he thought that would be okay but he hasn't heard anything yet that is going to take the place of these taxes.

Councilmember Kennedy said this loss will be a temporary loss and this has been needed to bring industry to WV and all over the state. Just this week, Warren Buffet made the announcement that he's brining a \$600 million titanium factory to Jackson County. These items are going to be painful for a small time, but they are necessary to bring people here.

The Mayor said that was not his opinion.

Councilmember Blood said that in other states they have done this and it hasn't brought any new business and she thought there were better ways to attract big companies than cutting the people's taxes and not being able to provide for our kids for school and for the county and the city to take care of their employees and have the services that we provide.

Councilmember Deasy asked that what is on our agenda right now is to oppose the amendment and she also wanted everyone to know that when it comes time to vote they will have their own decision to make but sometimes it is confusing for voters when there is an amendment and you are voting to oppose it or to pass it. She said that language needs to be real clear whatever side of the fence you're on, you are clear that you voted for what your intention was. She said again, that what we are voting on is to oppose the amendment.

The Mayor replied exactly. He also said that we are voting to make a statement that we don't want the legislature to do anything else to hurt cities, counties, and boards of education.

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

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| Councilmember Cinalli | Yes | Councilmember Kennedy | No |
| Councilmember Deasy | Yes | Councilmember Rice | Yes |
| Councilmember Garcia | Yes | Councilmember Bolyard | Yes |
| Councilmember Blood | Yes | Mayor Mainella | Yes |

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

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL FOR THE CITY OF FAIRMONT ENDORSING THE SETH BURTON MEMORIAL DISC GOLF TOURNAMENT SPONSORED BY THE MARION COUNTY CONVENTION AND VISITORS' BUREAU, AMONG OTHERS, TO BE HELD AT MORRIS PARK FROM FRIDAY, SEPTEMBER 30, 2022 THROUGH SUNDAY, OCTOBER 2, 2022.

Mayor Mainella entertained a motion for the adoption of a resolution endorsing the Seth Burton Memorial Disc Golf Tournament to be held at Morris Park September 30, 2022 through October 2, 2022.

Motion:

Councilmember Rice moved for the adoption of the proposed resolution. Councilmember Blood 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.

ADJOURNMENT

The Mayor entertained a motion for adjournment.

Motion:

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

The Mayor declared the meeting adjourned by voice vote of Council at 7:55 p.m.