



**City of Fairmont
Municipal Home Rule Plan
Application for Amendment - 2021**

*City of Fairmont
200 Jackson St, 3rd Floor
P.O. Box 1428
Fairmont, WV 26554
304 - 366 - 6211
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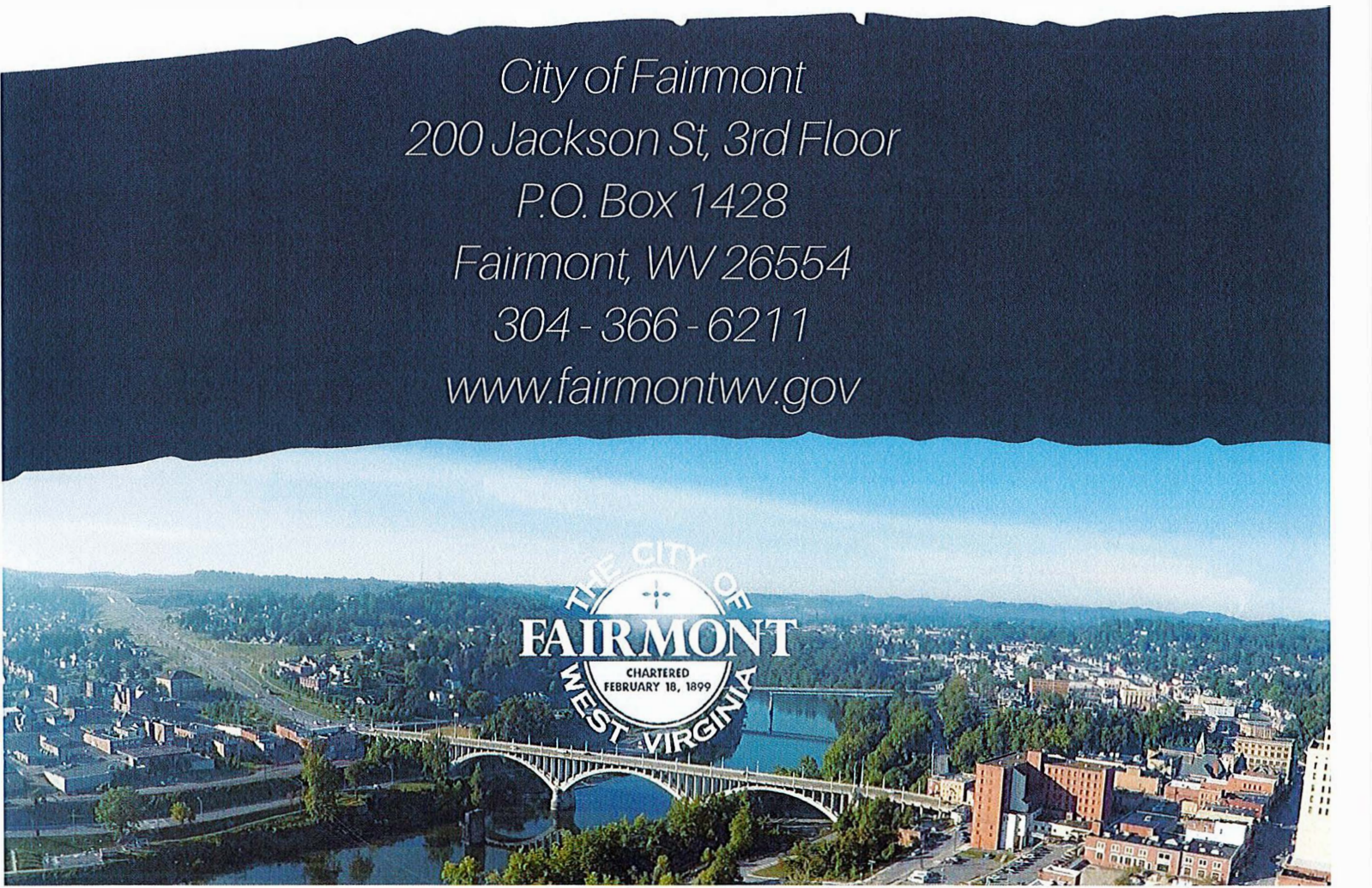
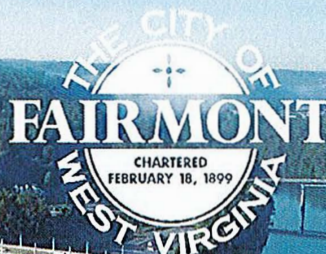


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CITY OF FAIRMONT, WV

VALERIE A. MEANS

City Manager

200 Jackson Street, Fairmont WV 26554

(304) 366-6212 Ext 308

vmeans@fairmontwv.gov

March 9, 2021

West Virginia Municipal Home Rule Board

P.O. Box 11360

Charleston, WV 25339-1360

Re: City of Fairmont's application for an amendment to the Municipal Home Rule Plan

Dear Members of the Municipal Home Rule Board:

The City of Fairmont respectfully submits an application for an amendment to our Home Rule Plan. On behalf of my office and the elected officials of the City of Fairmont, I send our appreciation for your consideration of our Application for a Home Rule Plan Amendment. The City has been able to utilize the benefits of being a part of the Home Rule program since our original application was approved in October of 2014. The current Home Rule Plan has had a positive impact to our Community. We believe this amendment will further these positive impacts in the way of residential development.

The proposed amendment is further described in more detail in the enclosed narrative and application. You will find that this amendment is an extension of one of our approved original plan categories, the expansion of B&O tax credits. As you review the application for amendment, you will learn how the City and its residents will be impacted, and we believe you will understand why we chose this B&O tax expansion as a priority issue.

The City of Fairmont will continue to take a responsible approach to ensure that our Home Rule Plan and this amendment if approved, continues to be a viable tool in providing efficient and quality services to our residents and businesses. We proudly accept the additional responsibilities afforded us by being a part of the Home Rule program. We commit to abiding by all the procedural rules and regulations of the program and to keep our Citizens well informed as we move forward.

Thank you for your time and consideration of our amendment and for your commitment to the Board. Please contact me with any questions and we look forward to discussing this amendment with you in April 2021.

Sincerely,

Valerie A. Means

City Manager

304-366-6212 x308

vmeans@fairmontwv.gov

HOME RULE APPLICATION, PLAN AND AMENDMENT CHECKLIST

- X Class II legal advertisement of Public Hearing, p. 30

- X Dates 01/15/2021 & 01/22/2021

- X Notice of Public Hearing to Municipal Home Rule Board (MHRB) and Cabinet Secretary of every State department, pp. 31-41

- X Plan available for public inspection 30 days prior to Public Hearing (Affidavit of Municipal Clerk), p. 27, ¶17

- X Hearing, p. 47

- X Date 02/23/2021, at 7:00 pm

- X Ordinance authorizing plan or amendment, p. 58

- 1st reading date 01/12/2021

- 2nd reading date 01/26/2021

- Date of adoption 02/23/2021

- X Required narrative presentation of each separate proposal (see Sample Form Application), p. 6

ATTACHMENTS

- X Affidavit of legal notice of Public Hearing, p. 30

- X Minutes of Public Hearing, including comments, p. 48

- X Certified copy of ordinance authorizing plan or amendment, p. 58

- X Fiscal statement demonstrating municipality's ability to manage costs or liabilities associated with proposals, p. 8

- X Affidavit that municipality owes no outstanding State fees, p. 64

- X Attorney opinion letter that application and plan or amendment complies with applicable State law, p. 62

- X Submit eight (8) originals and one (1) electronic copy of application plan or amendment to the MHRB

THE CITY OF FAIRMONT MUNICIPAL HOME RULE PLAN

SECTION I: APPLICANT INFORMATION

A. General Information

Name of Municipality: City of Fairmont
Certifying Official: Valerie A. Means
Title: City Manager
Contact Person: Valerie A. Means
Title: City Manager
Mailing Address: 200 Jackson Street, Room 305,
P.O. Box 1428
Fairmont, WV 26554-1428
Telephone Number of Contact Person: 304-366-6211 ext. 308
Fax Number of Contact Person: 304-366-0228
E-mail Address of Contact Person: vmeans@fairmontwv.gov

B. Municipal Classification

Class I Class II Class III Class IV

C. Category of Issues to be addressed:

Tax Organization Administration Personnel

Additional Expanded Business and Occupation Tax Credits (Tax) - The City of Fairmont desires via its proposed Home Rule Plan Amendment to expand its business and occupation tax credits to provide for credits which are unrelated to new and/or expanding businesses and which are not otherwise constrained by the provisions of West Virginia Code §8-13-5(f) and §11-13C-1 et seq. The City of Fairmont created expanded B&O Tax Credits through our original approved Home Rule Plan in 2014 and now desires, via this proposed Home Rule Plan Amendment, to offer additional credits against B & O Taxes for:

1. Residential Development within the City of Fairmont

THE CITY OF FAIRMONT MUNICIPAL HOME RULE PLAN AMENDMENT

SECTION II. WRITTEN PLAN NARRATIVE- Introduction

In 2014 when the City of Fairmont made its application to become a Home Rule City under Phase II of the Municipal Home Rule Pilot Program, the City found itself trapped by the workings of Dillon's Rule in its day-to-day operations. Since the City was approved into the program, we followed the plan and gained solutions for assistance with job creation, clean up of vacant & blighted properties and long-term liabilities.

The City is very thankful for admission to the program and has had positive impacts through the use of the original Ordinances; most especially by our expansion of B&O tax credits for: Re-occupancy of vacant or dilapidated structures, Longevity of business operations, and Rehabilitation and preservation of contributing historic structures in the City's Downtown Historic District.

The following is some history and demonstrates the use of the original expansion of B&O tax credits:

In fiscal 2016, through June 30, 2016, three businesses took advantage of the "New and Expanded Business Tax Credit" for total credits of \$290,724. One business was approved under the new legislation for "Historic District Tax Credits" and received \$575 in tax credit in fiscal 2016 for one quarter of B&O Tax. The taxpayer was eligible for additional credits in fiscal 2017.

In fiscal 2017, through June 30, 2017, three businesses that were approved in fiscal 2016 continued to take advantage of the "New and Expanded Business Tax Credit" for additional credits of \$291,128. The business approved for "Historic District Tax Credits" in fiscal 2016 received \$1,531 in tax credit in fiscal 2017 and one additional business was approved for this credit and received \$129 in credits in fiscal 2017. Additionally, one business celebrated their one-hundredth anniversary and received 100% credit against B&O tax in the amount of \$203 under the "Milestone Anniversary Tax Credit" legislation.

In fiscal 2018, through June 30, 2018, under the "Milestone Anniversary Tax Credit" legislation, one business continued to receive 100% credit against B&O tax for three quarters in the amount of \$1,222 in celebration of their one-hundredth anniversary. One additional business received credit of \$158 in celebration of their fifth-year anniversary. "Historic District Tax Credits" continued for an annual filing for one business in the amount of \$106. However, the most significant credits were received using the "New and Expanded Business Tax Credit". Two taxpayers received credits of \$268,897 in fiscal 2018.

In fiscal 2019, through June 30, 2019, "Historic District Tax Credits" continued for an annual filing for one business in the amount of \$111. The most significant credits were received using the "New and Expanded Business Tax Credit". Three taxpayers received credits of \$230,656 in fiscal 2019.

In FY2020, through June 30, 2020, one business received \$97,705.63 under the “New Jobs and Job Expansion Tax Credit”. “Historic District Tax Credits” were given to two businesses in the amount of \$361.78.

The expansion of B&O tax credits has been fruitful in fulfilling the City’s goals as stated above. Now the City wishes to include additional expansion of B&O tax credits in the area of residential development. As the City’s Plan Amendment demonstrates, great thought has been taken to fully utilize the powers of municipal home rule in the area of B&O tax credits to address the impediments to new housing in the City.

THE CITY OF FAIRMONT MUNICIPAL HOME RULE PLAN AMENDMENT

SECTION II WRITTEN NARRATIVE

ADDITIONAL EXPANDED BUSINESS AND OCCUPATION TAX CREDITS (Tax)

Specific state laws, policies, rules or regulations

West Virginia Code §8-13-5(f) and West Virginia Code §11-13C-1, et seq.

Problem: The provisions of West Virginia Code §8-13-5 provide municipalities with the power and authority to impose, by ordinance, a similar business and occupation tax on business activities or occupations for which the State of West Virginia imposed its annual business and occupation or privilege tax under West Virginia Code §11-13-1 et seq., prior to July 1, 1987.

As part of said taxing power, a municipality is provided with the authority to offer tax credits; however, such authority is constrained by the provisions of West Virginia Code §8-13-5(f), which provide that “[w]here the governing body of a municipality imposes a tax authorized by this section, such governing body shall have the authority to offer tax credits from such tax as incentives for new and expanding businesses located within the corporate limits of the municipality.”

Given that municipalities may only exercise the power and authority conferred by statute or reasonably implied or fairly incidental thereto, (*WVC 8-1-6; McAllister v. Nelson 186 W.Va. 131; 411 S.E.2d 456, 1991; and Hock v City of Morgantown 162 W.Va. 853; 253 S.E.2d 386, 1979*), and in light of the limiting language contained in West Virginia Code §8-13-5(f), municipalities that impose a business and occupation tax may only offer credits from tax for business investment and job expansion similar to and consistent with those found in West Virginia Code §11-13C-1, et seq. *Business Investment and Job Expansion Tax Credits*.

The City of Fairmont was able to partially remedy this problem via its approved Home Rule Plan in 2014 and was able to expand its business and occupation tax credits by implementation of new B&O Tax credits for: Re-occupancy of vacant or dilapidated structures, Longevity of business operations, and Rehabilitation and preservation of contributing historic structures in the City’s Downtown Historic District. These expanded tax credits have had a positive impact to the City’s goals of economic stability and revitalization and renewal.

The City of Fairmont desires to concentrate efforts in attraction of residential housing development. This goal was not an area of focus when making application for our original Home Rule Plan in 2014 and the City did not include any proposal for expansion of these credits at that time. The City realizes that housing development is a very important piece of the overall goal of Community revitalization, renewal and attraction of new residents.

Like many West Virginia towns, the City of Fairmont finds itself positioned with a stock of older homes built long in the past. With the average age of a home in the City being 69 years, Fairmont has been left with available homes needing considerable updates for the health and safety of the

occupants as building codes have changed. Not every homeowner is willing to take on a “fixer upper”. 78.5% of homes were constructed prior to 1970. Less than 4% were constructed since 2000. Though Fairmont’s population remains fairly steady, the city continues to experience a decline in overall housing units. Further, many residents complain about the condition of the available housing stock.

According to a 2016 public survey, the number one reason people choose to live in Fairmont is the affordability of housing—particularly as compared to other nearby cities. The median list price per square foot in Fairmont is \$94, which is slightly lower than the Clarksburg area average of \$98 and significantly lower than the Morgantown area average of \$134.

The majority of homes are single-family (73%), with 13% small apartment buildings, 10% apartment complexes and less than 2% townhouses. The average cost of rent in Fairmont was \$851 a month in May 2019, which compares to \$885 in Clarksburg area and \$1,122 in the Morgantown area. The median monthly rent cost ranges from \$791 to \$1,007- the lowest being for studio apartments and the highest for 4-bedroom homes or apartments. Additionally, a declining homeownership rate among Millennials means more young professionals will be renting property for longer periods of time. For these reasons and more, the development of high-quality market-rate housing is a reasonable development or redevelopment option for Fairmont.

Previously, the City of Fairmont strengthened initiatives to remove blighted structures, made possible through our Home Rule Plan. The problem now is-- how does the City attract developers to the area to build new developments with modern homes to replace the ones removed?

The provisions of West Virginia Code §8-13-5(f) and §11-13C-1 et seq., still stand as an impediment to the City’s goal of residential housing development, community revitalization, renewal and attraction of new residents.

Solution:

The City of Fairmont is seeking approval for an amendment to the original Home Rule Plan approved in October of 2014 to include a B&O Tax Credit for residential development to attract developers to Fairmont to strengthen the quality of available housing, which in turn will give Fairmont the ability to attract new residents to the area, repurpose existing vacant structures, and to beautify the City.

The following illustration is supportive of the City’s proposal to expand its business and occupation tax credits and demonstrate the potential fiscal impact on the City’s revenues.

Illustration A. B&O Tax Credit for Residential Development- Fiscal Impact Worksheet

Illustration B. Example of possible Residential Development

Illustration C. Proposed new B&O Tax credit Ordinance

The proposed tax credit is uniform and equal within the various classifications to be created and the classifications bear some real and substantial relationship to the aforementioned government objectives sought to be accomplished. *United Fuel Gas Company v. Battle*, 167 SE 2d. 890 (W.Va. 1969); *Town of Burnsville v. Cline*, 188 W.Va. 510, 425 S.E.2d 186 (1992).

Fiscal Impact Worksheet

FISCAL IMPACT WORKSHEET FOR PROBLEM AND PROPOSED SOLUTION

Municipality: Fairmont, West Virginia

Person who prepared fiscal statement: Priscilla Hamilton

Telephone number: 304-366-6211 ext 322

Email address: phamilton@fairmontwv.gov

Problem Number: 1 and Solution Number: 1

Category of Issue:

Tax Organization Administration Personnel

Type of Solution:

Ordinance Act Resolution Rule Regulation

A. Fiscal Note Summary

1. Summarize in a clear and concise manner what impact this solution would have on costs and revenues of the municipality if the proposed solution is implemented as written.

The proposed expanded B&O Tax Credit would initially reduce revenues of the City, but through the adoption of a residential development tax credit the City projects revenue to increase as a result of new residents locating in Fairmont. Existing businesses could expand due to increased demand for goods and services and new businesses will be drawn to the area due to the increase in population. The implementation of a B&O Tax Credit for residential development would ultimately yield increased revenue for the City in the form of ad valorem receipts.

2. Summarize in a clear and concise manner what impact this solution would have on residents and/or persons doing business in the municipality if the proposed solution is implemented as written.

The solutions proposed by the City and the resulting residential development would have beneficial impacts to both the residents and businesses of the City with the expansion of the B&O Tax Credit. Existing businesses would have an increased customer base. Residents would have new options if they desire to upgrade their housing and their current home values would increase. Developers will see a benefit in this proposal through the elimination of the 2% construction B&O tax rate.

Fiscal Impact Worksheet

B. Fiscal Impact Detail – Municipality

Show overall effect in Item 1 and in Item 2 or 3.

In Item 4, explain the numbers entered in Items 1 and 2 or 3.

Effect of Solution	First Fiscal Year In Which Implemented	Second Fiscal Year
1. Estimated Total Cost	<u>Minimal</u>	<u>Minimal</u>
a. Personal Services	<u>N/A</u>	<u>N/A</u>
b. Current Expenses	<u>Minimal</u>	<u>Minimal</u>
c. Repairs & Alterations	<u>N/A</u>	<u>N/A</u>
d. Assets	<u>N/A</u>	<u>N/A</u>
e. Other	<u>N/A</u>	<u>N/A</u>
2. Estimated Total Revenue Gain	<u>\$72,000</u>	<u>\$177,645</u>
3. Estimated Total Revenue Loss	<u>\$111,000</u>	<u>\$175,300</u>

4. Explanation of How Estimates Were Determined. Include the formula used or attach the worksheet.

Without knowing how many developers may choose to take advantage of the tax credit

it is impossible to estimate the amount of total revenue the City will gain or lose.

A worksheet illustrating the potential benefit to the taxpayer has been prepared and is

attached. Ultimately, the City expects a positive fiscal impact on the revenues

of the City.

Fiscal Impact Worksheet

C. Community Assessment – Estimated Impact of Solution on Residents and Businesses During First Full Fiscal Year of Operation.

1. What groups will be affected by this solution?

Existing residents, new residents, developers and existing businesses.

2. What will be the impact(s) on these groups?

The City anticipates the impacts of the proposed solutions to be beneficial to developers, area businesses and residents.

3. What evidence was used to form this opinion view?

Areas located adjacent to the corporate limits of Fairmont currently do not have a B&O Tax system which encourages developers to build housing developments outside of Fairmont.

4. What plans do you have, if any, to mitigate any negative impacts identified?

There are no perceived negative impacts at this time.

D. Additional Information

The credit will be claimed on forms developed by the collector. Example Attached.

City of Fairmont
 Example of B&O Tax Credit for Residential Development Tax Credit
 Home Rule Amendment

	<u>Vacant Property Class IV Rate</u>	
Assessed Value 4 parcels =	\$	764,800.00
2020 County Rate =		0.024576
2020 Municipal Layer =		0.005
2020 County Tax Due =	\$	11,277.43
2020 City Tax Due =	\$	2,294.40

State	\$	112.77	1.00%
County	\$	2,481.04	22.00%
School	\$	8,119.75	72.00%
Excess Levy	\$	563.87	5.00%
	\$	11,277.43	100.00%
Municipal	\$	2,294.40	
Total Property Tax Due	\$	<u>13,571.83</u>	

	<u>Residential Property Class II Rate</u>	
Assessed Value 4 parcels =	\$	4,514,800.00
2021 County Rate =		0.024576
2021 Municipal Layer =		0.005
2021 County Tax Due =	\$	66,573.43
2021 City Tax Due =	\$	13,544.40

State	\$	665.73	1.00%
County	\$	14,646.16	22.00%
School	\$	47,932.87	72.00%
Excess Levy	\$	3,328.67	5.00%
	\$	66,573.43	100.00%
Municipal	\$	13,544.40	
Total Property Tax Due	\$	<u>80,117.83</u>	

Increase in Yearly Taxes Collected		
2021 Add'l County Tax Due =	\$	55,296.00
2021 Add'l City Tax Due =	\$	<u>11,250.00</u>
Total Add'l Property Tax Due:	\$	66,546.00

One Time Fees	\$	52,500.00
Annualized Monthly City Services Fees	\$	8,250.00
	\$	<u>60,750.00</u>

B&O Tax Credits on 100 Units or More Completed in a 10 year period

Infrastructure Costs Year 1	Residential Units Completed			Year	Credit	
	Sngl Fmly	Twn Homes	Patio			
\$ 1,800,000	15			1	\$ 111,000	100%
	20	20	5	2	\$ 175,300	100%
	20	20	5	3	\$ 175,300	100%
	20	20	5	4	\$ 175,300	100%
	9	20	5	5	\$ 90,225	75%
		15	5	6	\$ 30,300	50%
		15	5	7	\$ 24,240	40%
			5	8	\$ 4,950	30%
			5	9	\$ 3,300	20%
			5	10	\$ 1,650	10%
					<u>\$ 791,565</u>	

City of Fairmont
 Example of B&O Tax Credit for Residential Development Tax Credit
 Home Rule Amendment

Year 1

	Residential Property Class II Rate
Assessed Value 4 parcels =	\$ 4,514,800.00
2021 County Rate =	0.024576
2021 Municipal Layer =	0.005
2021 County Tax Due =	\$ 66,573.43
2021 City Tax Due =	\$ 13,544.40

State	\$ 665.73	1.00%
County	\$ 14,646.16	22.00%
School	\$ 47,932.87	72.00%
Excess Levy	\$ 3,328.67	5.00%
	\$ 66,573.43	100.00%
Municipal	\$ 13,544.40	
Total Property Tax Due	\$ 80,117.83	

Year 2

	Residential Property Class II Rate
Assessed Value 4 parcels =	\$ 13,279,800.00
2022 County Rate =	0.024576
2022 Municipal Layer =	0.005
2022 County Tax Due =	\$ 195,818.62
2022 City Tax Due =	\$ 39,839.40

State	\$ 1,958.19	1.00%
County	\$ 43,080.10	22.00%
School	\$ 140,989.41	72.00%
Excess Levy	\$ 9,790.93	5.00%
	\$ 195,818.62	100.00%
Municipal	\$ 39,839.40	
Total Property Tax Due	\$ 235,658.02	

Increase in Yearly Taxes Collected

2022 Add'l County Tax Due =	\$ 129,245.18
2022 Add'l City Tax Due =	\$ 26,295.00
Total Add'l Property Tax Due:	\$ 155,540.18

One Time Fees	\$ 126,600.00
Annualized Monthly City Services Fees	\$ 24,750.00
	\$ 151,350.00

Estimated B&O Tax Credits on 100 Units or More Completed in a 10 year period

Infrastructure Costs Year 1	Residential Units Completed			Year	Credit	
	Sngl Fmly	Twn Homes	Patio			
\$ 1,800,000	15			1	\$ 111,000	100%
	20	20	5	2	\$ 175,300	100%
	20	20	5	3	\$ 175,300	100%
	20	20	5	4	\$ 175,300	100%
	9	20	5	5	\$ 90,225	75%
		15	5	6	\$ 30,300	50%
		15	5	7	\$ 24,240	40%
			5	8	\$ 4,950	30%
			5	9	\$ 3,300	20%
			5	10	\$ 1,650	10%
					\$ 791,565	

City of Fairmont
 Example of B&O Tax Credit for Residential Development Tax Credit
 Home Rule Amendment

<u>Vacant Property Class IV Rate</u>	
Assessed Value 4 parcels =	\$ 764,800.00
2020 County Rate =	0.024576
2020 Municipal Layer =	0.005
2020 County Tax Due =	\$ 11,277.43
2020 City Tax Due =	\$ 2,294.40

State	\$ 112.77	1.00%
County	\$ 2,481.04	22.00%
School	\$ 8,119.75	72.00%
Excess Levy	\$ 563.87	5.00%
	\$ 11,277.43	100.00%
Municipal	\$ 2,294.40	
Total Property Tax Due	\$ 13,571.83	

<u>Year 10 Residential Property Class II Rate</u>	
Assessed Value 4 parcels =	\$ 44,190,000.00
2030 County Rate =	0.009788
2030 Municipal Layer =	0.005
2030 County Tax Due =	\$ 259,519.03
2030 City Tax Due =	\$ 132,570.00

State	\$ 2,595.19	1.00%
County	\$ 57,094.19	22.00%
School	\$ 186,853.70	72.00%
Excess Levy	\$ 12,975.95	5.00%
	\$ 259,519.03	100.00%
Municipal	\$ 132,570.00	
Total Property Tax Due	\$ 392,089.03	

Increase in Yearly Taxes Collected

2030 Add'l County Tax Due =	\$ 248,241.60
2030 Add'l City Tax Due =	\$ 130,275.60
Total Add'l Property Tax Due:	\$ 378,517.20

One Time Fees	\$ 526,260.00
Annualized Monthly City Services Fees	\$ 208,834.90
	\$ 735,094.90

B&O Tax Credits on 100 Units or More Completed in a 10 year period

Infrastructure Costs Year 1	Residential Units Completed			Year	Credit	Credit
	Sngl Fmly	Twn Homes	Patio			
\$ 1,800,000	15			1	\$ 111,000	100%
	20	20	5	2	\$ 175,300	100%
	20	20	5	3	\$ 175,300	100%
	20	20	5	4	\$ 175,300	100%
	9	20	5	5	\$ 90,225	75%
		15	5	6	\$ 30,300	50%
		15	5	7	\$ 24,240	40%
			5	8	\$ 4,950	30%
			5	9	\$ 3,300	20%
			5	10	\$ 1,650	10%
					\$ 791,565	



THE CITY OF FAIRMONT, WV
 BUSINESS & OCCUPATION TAX RETURN (GROSS RECEIPTS)

Annual Tax Reporting Period:

SCHEDULE H - RESIDENTIAL DEVELOPMENT TAX CREDIT

There shall be allowed to taxpayers a credit against the business and occupation tax imposed by this Article for residential development within the corporate limits of Fairmont. The following prerequisites must be met before a credit will be allowed: The taxpayer must be current in the payment of all municipal fees, charges, and taxes. The taxpayer must demonstrate that all necessary permits, authorizations, and licenses have been issued and are current, including any authorization that may be required by the City of Fairmont Planning & Zoning Board. City Code 761.12., Subsection ().

Amount of Qualified Investment:

Description of Qualified Investment:

Periods B&O Tax Credit Allowed:

Year Claiming Credit:

Beginning balance of remaining Qualified Investment:

Housing Units	Period of B&O Tax Credit	Reporting Year	Percentage of Credit	Gross Tax Due	Credit Taken
10 Units	1 year	Year 1	100%		
11-20 Units	2 years	Year 1	100%		
		Year 2	50%		
21-50 Units	4 years	Year 1	100%		
		Year 2	50%		
		Year 3	50%		
		Year 4	50%		
51-99 Units	5 years	Year 1	100%		
		Year 2	50%		
		Year 3	50%		
		Year 4	50%		
		Year 5	50%		
100 Units or More	10 years	Year 1	100%		
		Year 2	100%		
		Year 3	100%		
		Year 4	100%		
		Year 5	75%		
		Year 6	50%		
		Year 7	40%		
		Year 8	30%		
		Year 9	20%		
		Year 10	10%		

Total Credit Claimed in current reporting period:

City Of Fairmont
Business And Occupation Tax Application for Credit
Residential Development

Qualified Investment (To be completed if applying for a Residential Development Tax Credit):

Residential Development Tax Credit: There shall be allowed to taxpayers a credit against the business and occupation tax imposed by this Article for residential development within the city limits of Fairmont. The taxpayer must provide evidence satisfactory to the Collector that the improvements or work described on the Application for Building Permit/Plan Examination filed by or on behalf of the taxpayer with the City of Fairmont relative to the work for which the taxpayer is seeking a credit is complete and that all costs therefore have been fully paid and satisfied.

Qualified Investment:

Development Costs

\$

Other (Specify):

\$

Certification:

The taxpayer must apply for the credit using this form and submit together with all necessary documentation to support the credit and to permit the Collector to make a determination that all prerequisites have been satisfied. The taxpayer must be current in the payment of all municipal fees, charges, and taxes. The taxpayer must demonstrate that all necessary permits and licenses have been issued and are current.

I certify that the information contained in this application is true and accurate to the best of my knowledge. I understand that the credit, if granted, may be terminated or decreased for excessive lay-offs and work stoppages caused by Labor, Management or natural causes.

Signature

Date

Title

“Sample” Project

Three parcels of land have been placed under contract by Developer with the intention of creating a multi-unit housing development utilizing the City of Fairmont’s Planned Development Area section of the city’s code. Contractor, an affiliate owned by the same ownership as Developer will be the general contractor over the development and construction of the housing in the project.

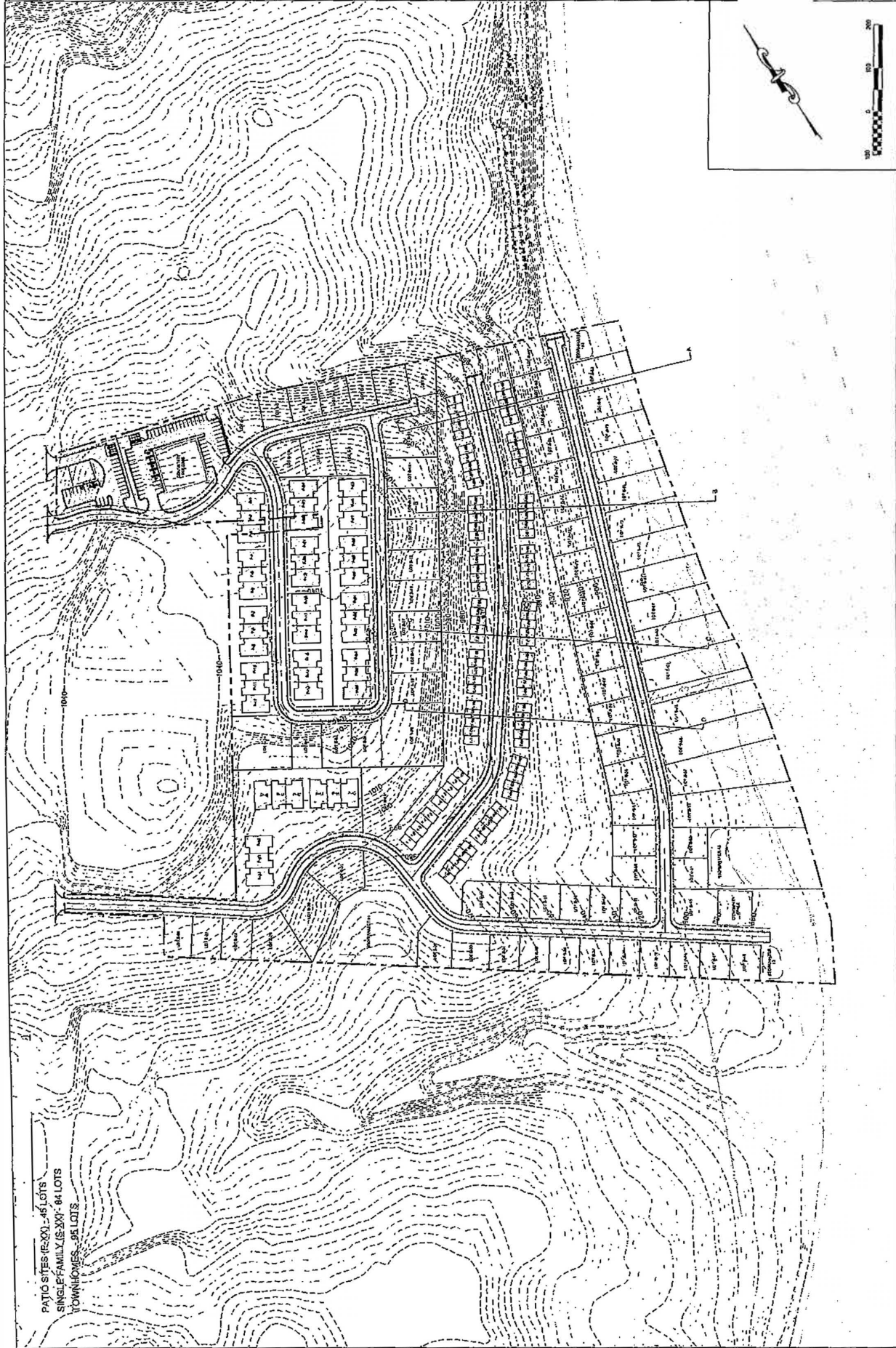
The project will be multi-phased over approximately five to seven years of construction with 84 single family house, 94 townhomes, and 45 patio homes being constructed per the preliminary layout. In addition, a single commercial outparcel at the entrance to the community will house a commercial establishment as well as some neighborhood amenities. A community dock and a river clubhouse will be placed on the property for use by the property owners.

Developer believes the project will appeal to the demographic markets of professionals, retirees/“right-sizers”, families with small children as well as older children depending upon the housing unit. The common thread will be the desire to be in a district with solid city municipal services, reliable broadband, and the desire to be near the river.

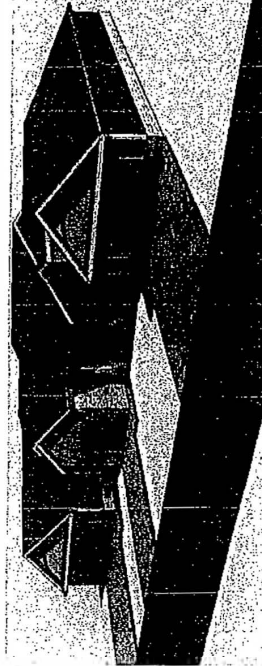
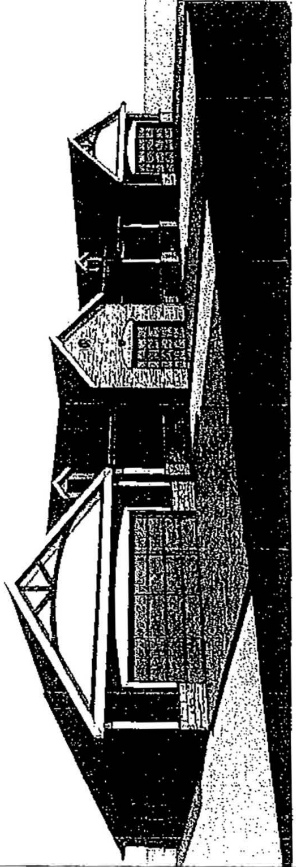
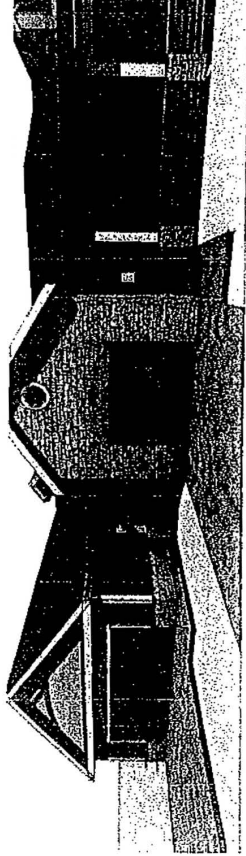
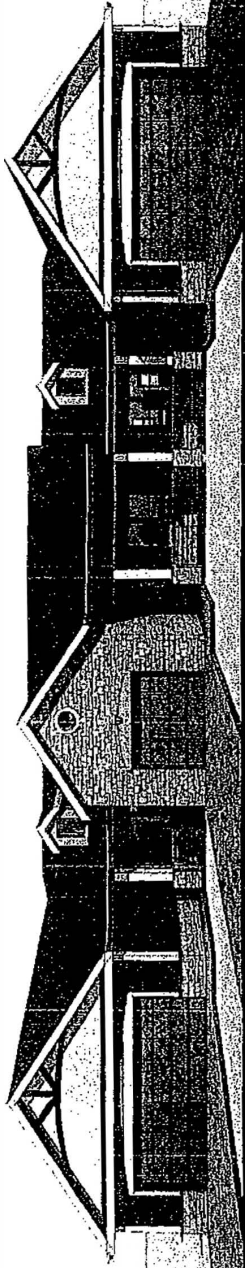
The three parcels which would be developed would require extensive infrastructure investment for any residential development. These improvements would be installation of water and sewer lines through the property; installation of fire hydrants; installation of a storm water management system; installation of electric and communication lines; construction of roads; extension of a turn-lane of Fairmont Avenue/Route 250; creation of a secondary egress/ingress to the community; and the likely addition of traffic light at the primary entrance to the community.

NO.	DATE	BY

PROJECT NUMBER	DATE
PROJECT NAME	DATE
PROJECT ADDRESS	DATE
PROJECT CITY	DATE
PROJECT STATE	DATE
PROJECT ZIP	DATE
PROJECT COUNTY	DATE
PROJECT TOWN	DATE
PROJECT WARD	DATE
PROJECT DISTRICT	DATE
PROJECT NEIGHBORHOOD	DATE
PROJECT BLOCK	DATE

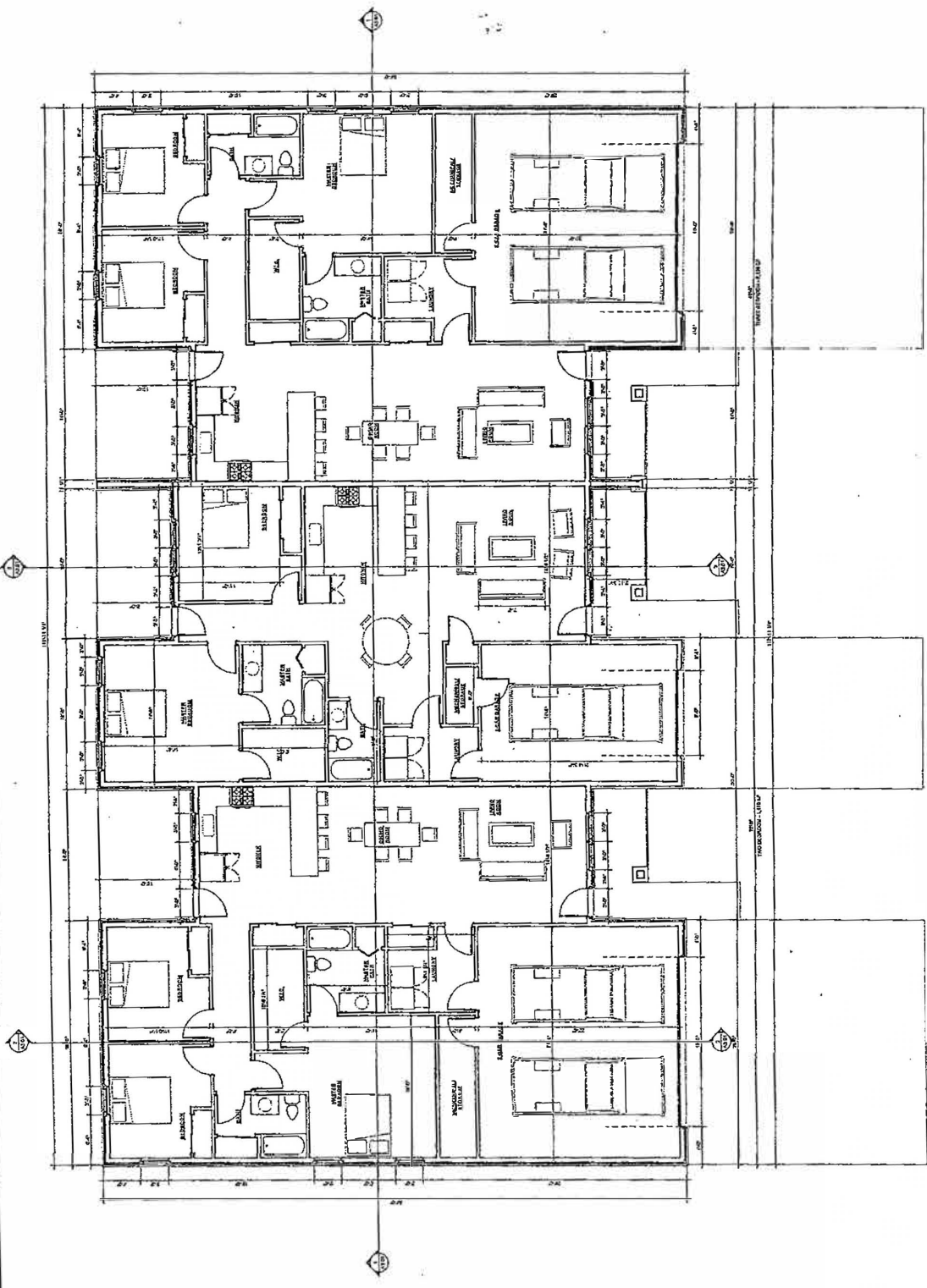


PATIO SITES (E2XX) - 46 LOTS
 SINGLE-FAMILY (S2XX) - 84 LOTS
 TOWNHOMES - 35 LOTS



251 N. W. 10th St. MIAMI, FLORIDA 33136 PROJECT ADDRESS SCHOOL NO. 10200N		DATE DRAWN BY CHECKED BY IN CHARGE		SCALE SHEET NO. TOTAL SHEETS	
251 N. W. 10th St. MIAMI, FLORIDA 33136 PROJECT ADDRESS SCHOOL NO. 10200N		DATE DRAWN BY CHECKED BY IN CHARGE		SCALE SHEET NO. TOTAL SHEETS	
251 N. W. 10th St. MIAMI, FLORIDA 33136 PROJECT ADDRESS SCHOOL NO. 10200N		DATE DRAWN BY CHECKED BY IN CHARGE		SCALE SHEET NO. TOTAL SHEETS	

A9.01



OVERALL FLOOR PLAN

1/8" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION

THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

OVERALL FLOOR PLAN
BELLA TRINIA TOWNHOMES
PHASE 1
SCHEDULE 1
SCHEMATIC DESIGN

NO.	REVISION	DATE

NO.	NAME	DATE

NO.	NAME	DATE

A1.01

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT ENACTED PURSUANT TO THE PROVISIONS OF WEST VIRGINIA CODE §8-1-5a MUNICIPAL HOME RULE PILOT PROGRAM, AND THE CITY OF FAIRMONT'S AMENDED HOME RULE PLAN APPROVED _____, 2021, TO PROVIDE RELIEF FROM THE PROVISIONS OF WEST VIRGINIA CODE §8-13-5 WHICH LIMIT THE CITY OF FAIRMONT'S AUTHORITY TO OFFER TAX CREDITS FROM ITS BUSINESS AND OCCUPATION TAX TO BUSINESS EXPANSION CREDITS AND TO PROVIDE AUTHORITY FOR A TAX CREDIT FROM THE BUSINESS AND OCCUPATION TAX IMPOSED BY THE PROVISIONS OF SECTION 761.07 *CONTRACTING* OF THE CITY OF FAIRMONT'S BUSINESS AND OCCUPATION TAX CODE FOR CERTAIN RESIDENTIAL DEVELOPMENT.

WHEREAS, in 2013, the West Virginia Legislature expanded the Municipal Home Rule Pilot Program created pursuant to the provisions of West Virginia Code §8-1-5a, "the Home Rule Statute" to allow participation by additional municipalities;

WHEREAS, the City of Fairmont submitted its Home Rule Plan, "the City's Home Rule Plan" to the Home Rule Board, which plan was approved by the Board on October 6, 2014;

WHEREAS, the City of Fairmont submitted a First Amendment to its Approved Home Rule Plan on _____, which amendment was approved by the Home Rule Board on _____, 2021.

WHEREAS, on April 14, 1987, the Council for the City of Fairmont enacted Ordinance No. 742, as amended, to provide for the business and occupation taxes authorized by the provisions of West Virginia Code §8-13-5, which ordinance is codified as Article 761 Business and Occupation Tax of Part Seven Business and Taxation Code of the Fairmont City Code;

WHEREAS, Section 761.07 *Contracting* of said Business and Taxation Code imposes upon every person engaging or continuing within the City of Fairmont in the business of contracting, a rate of tax on gross income of two dollars (\$2.00) per one hundred dollars (\$100.00) of gross income.

WHEREAS, West Virginia Code §8-13-5(f) provides that "[w]here the governing body of a municipality imposes a tax authorized by §8-13-5, such governing body shall have the authority to offer tax credits from such tax as incentives for new and expanding businesses located within the corporate limits of the municipality";

WHEREAS, pursuant to the aforementioned authority, the City of Fairmont enacted legislation authorizing and permitting certain incentives and tax credits for new and expanding business, which legislation is codified as Section 761.12 of the Fairmont City Code;

WHEREAS, like many West Virginia cities and towns, the City of Fairmont finds itself positioned with a stock of older homes built long in the past, with the average of said homes being 69 years, with 78.5% of said homes being constructed prior to 1970, and although the City of Fairmont's population has remained fairly steady, the City continues to experience a decline in the number of overall housing units.

WHEREAS, in order to attract new residents, young professionals and others, and provide for an increase in population, it is necessary to attract developers willing to build residential developments with modern quality homes.

WHEREAS, the City of Fairmont desires to provide for a different and additional tax credit which is unrelated to new and/or expanding business, which tax credit shall be from the tax imposed by Section 761.07 *Contracting* of said Code and shall be based on the construction of new owner occupied housing units within the City of Fairmont. .

WHEREAS, West Virginia Code §8-13-5 stands as an impediment to said credits;

WHEREAS, the proposed tax credit bears a real and substantial relationship to the legitimate government objectives of revitalizing and renewing of the City of Fairmont by increasing population, providing new modern housing stock, and diversifying the City's economy in an effort to avoid the boom/bust economy associated with its former manufacturing and industrial base, among others;

WHEREAS, the proposed tax credits are in the public interest and will promote the general welfare of the City and her citizens;

WHEREAS, the proposed tax credits are uniform and equal within the various classifications herein created and the classifications bear some real and substantial relationship to the aforementioned government objectives sought to be accomplished. United Fuel Gas Company v. Battle, 167 SE 2d. 890 (W.Va. 1969); Town of Burnsville v. Cline, 188 W.Va. 510, 425 S.E.2d 186 (1992); and

WHEREAS, this ordinance is, in part, adopted pursuant to the authority of the Home Rule Statute and in furtherance of the City's Amended Approved Home Rule Plan.

NOW THEREFORE BE IT ORDAINED THAT:

Section 761.07 *Contracting* of Article 761 *Business and Occupation Tax*, Part Seven, *Business and Taxation Code* of the Fairmont City Code be and is hereby amended to provide for a credit from said tax for certain residential development as follows: (Old matter bracketed; new matter double underlined)

SECTION 761.07 CONTRACTING.

Section 761.07.1 TAX IMPOSED: Upon every person engaging or continuing within this City in the business of contracting, the rate of tax on gross income is re-established at two dollars (\$2.00) per one hundred dollars (\$100.00) of the gross income of the business.

Section 761.07.2 RESIDENTIAL DEVELOPMENT TAX CREDIT: (a) Purpose: In order to encourage relocation and thereby increase population, provide for new modern housing stock, and diversify the City's economy in an effort to avoid the boom/bust economy associated with its former manufacturing and industrial base, among others, there is hereby provided a credit from the tax imposed by Section 761.07.1 for the development of new owner occupied dwelling units within this City.

(b) Definitions: When used in this section:

(1) "Taxpayer" means any person, natural individual, firm, corporation, limited liability company, partnership, limited partnership, or any other legal entity liable for the tax exercising the privilege taxable under Section 761.07.1 of this Article and who is also the developer and/or a wholly owned subsidiary of the developer or for whom the developer owns 100% of the interests of said taxpayer, whether as, including but not limited to, a stockholder, an individual, a member, a managing member, a partner, a limited partner, or otherwise.

(2) "Developer" means the legal title holder of 100% of the legal interests, as evidenced by a deed or other instrument of record in the Office of the Clerk of the County Commission of Marion County, West Virginia, of the land or real estate situate in the proposed residential development. A holder of an equitable interest in the land or real estate in the proposed residential development fails to satisfy the requirement or meet the definition of a developer for purposes of this ordinance.

(2) "Owner occupied" means that one of the permanent full time residents of the dwelling unit holds the legal title to the dwelling unit.

(3) "Dwelling Unit" means and is limited to one or single family dwelling; condominium, duplex, and townhouse, as those terms are defined by the City of Fairmont Planning and Zoning Code.

(3) "Residential Development" means the construction of dwelling units within a subdivision of real estate or that meets all of the requirements and conditions of Article 6.0 Development Procedures, Article 7.0 Subdivision Regulations, 3.1.12 Planned Development Area and/or otherwise satisfies all of the rules and regulations of the City of Fairmont Planning and Zoning Code, and has been approved by the City of Fairmont Planning Commission, and which subdivision otherwise satisfies all other rules and regulations and ordinances of the City of Fairmont.

(4) Any other term used in this ordinance shall have the same meaning as when used in comparable context in the Fairmont City Code unless a different meaning is clearly required by the context or by definition in this section.

(c). Amount of Credit Allowed:

There shall be allowed to taxpayers a credit against the business and occupation tax imposed by this Article for the development of new owner occupied dwelling units within a residential development. The allowable credit will be measured by the number of new dwelling units constructed within the residential development.

(1) Prerequisite. The following prerequisites must be met before a credit will be allowed: The taxpayer must apply for the credit on forms provided by the Collector together with all necessary documentation to support the credit and to permit the Collector to make a determination that all prerequisites have been satisfied; The taxpayer must be current in the payment of all municipal fees, charges, and taxes; The taxpayer must demonstrate that all necessary permits and licenses have been issued and are current.

(2) Amount of the Credit. The amount of the credit will be a set percentage of the taxpayer's total City tax obligation under this article provided that the total credits allowed, however, for a single year or cumulatively, shall not exceed the total cost of the taxpayer's tax obligation resulting exclusively from the tax imposed from the business of constructing new dwelling units within the residential development.

Credit excess of tax liability in one estimate period may be applied to the tax liabilities in other estimate periods in the same taxable year. The life or length of the credit and the percentage of credit received by the taxpayer or allowable is based on the number of dwelling units constructed as defined by Section (c(3) of this article.

The allowable tax credit year(s) are calculated upon the business's operational year(s), beginning with the first taxable period after the commencement of construction. It is possible for two tax credits to run concurrently; however, any credit in excess of the tax liability is not refundable and cannot be carried over into the next tax year.

(3) Measuring the Credit. The length of time that the credit is to be allowed and the percentages of the credit and therefore the total credit allowable is to be measured by the minimum number of new dwelling units constructed within the residential development in the corporate city limits. As set forth below, the period of years and percentages for which a credit will be allowed is directly related to the minimum number of said dwelling units constructed and completed by the taxpayer and for which a certificate of occupancy has been issued by the Building Inspector.

<u>DWELLING UNITS COMPLETED</u>	<u>PERIOD OF B&O TAX CREDIT</u>	<u>% OF CREDIT</u>
<u>Minimum 10</u>	<u>1 year</u>	<u>100%</u>
<u>11-20</u>	<u>2 years</u>	<u>Year 1 100%</u> <u>Year 2 100%</u>
<u>21-50</u>	<u>4 years</u>	<u>Year 1 100%</u> <u>Year 2 100%</u> <u>Years 3-4 50%</u>
<u>51-99</u>	<u>5 years</u>	<u>Year 1 100%</u> <u>Year 2 100%</u> <u>Year 3 100%</u> <u>Years 4-5 50%</u>
<u>100 and over</u>	<u>10 years</u>	<u>Year 1 100%</u> <u>Year 2 100%</u> <u>Year 3 100%</u> <u>Year 4 100%</u> <u>Year 5 75%</u> <u>Year 6 50%</u> <u>Year 7 40%</u> <u>Year 8 30%</u> <u>Year 9 20%</u> <u>Year 10 10%</u>

(4) Forfeiture of Credit: If the taxpayer fails to obtain a certificate of occupancy for the number of units so as to entitle the taxpayer to any such credit, such credit shall be forfeited for the estimate period in which such event occurs and all ensuing estimate periods, unless and until such taxpayer satisfies all the pre-requisites for such credit.

761.07.3 MISCELLANEOUS PROVISIONS:

(a) ADMINISTRATION: The credit provided for by this section shall be administered in accordance with the general administration of Article 761, as provided by Section 761.28 of this code.

(b): Savings: Nothing in this ordinance shall be construed to affect any tax credit, suit or proceeding in any court, or right acquired or liability incurred, or any cause or causes under any act or ordinance repealed, nor shall any just or legal right or remedy of any character be lost, impaired by such repeal and to that extent the provisions repealed shall be saved.

(c): Severability: If any section, sentence, clause, section or phrase of this ordinance shall be declared invalid or rendered inoperable for any reasons whatsoever, such invalidity or inoperability shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

This ordinance shall become effective thirty (30) days after adoption.

Adopted this the _____ day of _____, 2021.

MAYOR

ATTEST:

CITY CLERK

AFFIDAVIT OF MUNICIPAL CLERK
PUBLIC HEARING MANDATE VERIFICATION

STATE OF WEST VIRGINIA
COUNTY OF MARION, TO WIT:

This day personally appeared before the undersigned Notary Public in and for the County and State aforesaid, Janet Keller, who, being first duly sworn, upon her oath, deposes and says:

1. That she is the Clerk for the City of Fairmont and that as such she has personal knowledge of the facts set forth in this affidavit;
2. That on January 12, 2021, at a duly noticed regular meeting of the Council of the City of Fairmont, in Council Chambers, an ordinance authorizing the submission of the City of Fairmont's Amendment to Its Approved Home Rule Plan, together with said amendment, was introduced and read for the first time, and a public hearing thereon was set for February 23, 2021, at 7:00 p.m. or as soon thereafter as the matter could be heard.
3. That on January 26, 2021, at a duly noticed regular meeting of the Council of the City of Fairmont, in Council Chambers, said ordinance was read for the second time.
4. That on February 23, 2021, at 7:00 p.m., in Council Chambers, the Council for the City of Fairmont, at a regular meeting duly called for such purpose, held a public hearing on the City of Fairmont's Amendment to Its Approved Home Rule Plan pursuant to the provisions of West Virginia Code §8-1-5a(g);
5. That prior to said public hearing, she caused a notice of said public hearing to be published as a Class II legal advertisement in the Times West Virginian, a newspaper in general circulation in the City Fairmont and Marion County West Virginia, with dates of publication being January 15, 2021, and January 22, 2021 (**Exhibit i**);
6. That prior thereto, the notice of the above proposed public hearing on said amendment

was mailed to the West Virginia Municipal Home Rule Board and to each Cabinet Secretary of the State of West Virginia by United States Certified Mail, postage pre-paid, return receipt requested, as evidenced by the attached copies of said, (collectively **Exhibit ii**).

7. That since January 12, 2021, a copy of the City of Fairmont's Amendment to Its Approved Home Rule Plan has been available for public inspection at her office in Room No. 312, City County Complex, 200 Jackson Street, Fairmont, West Virginia;

8. That prior to the meeting, she prepared an agenda for the meeting and provided a copy of the Agenda (**Exhibit iii**) and the Meeting Notice, (**Exhibit iv**), to local media outlets on February 17, 2021 in accordance with Council's Rules of Order and the provisions of West Virginia Code §6-9A-1, the Open Government Proceedings Act;

9. That the February 23, 2021, meeting of the Council for the City of Fairmont was called pursuant to Rule 1.4 of Council's Rules of Order, and all provisions of said Rule have been satisfied;

10. That a copy of the minutes of the February 23, 2014, meeting and public hearing relating to the City of Fairmont's Amendment to Its Approved Home Rule Plan is attached (**Exhibit v**).

11. That following the public hearing on February 23, 2021, the Council for the City of Fairmont adopted by a unanimous vote of Council, Ordinance No 1883, authorizing the submission of the City Fairmont's Amendment to Its Approved Home Rule Plan to the West Virginia Municipal Home Rule Board, a certified copy of which Ordinance is attached as **Tab G**.

And further affiant sayeth naught.

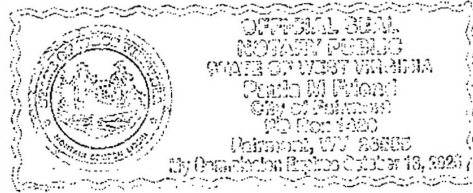
Janet L. Keller
AFFIANT

Taken, subscribed and sworn to before me, the undersigned authority, this the 8th day of March, 2021.

Paula M. Freund
NOTARY PUBLIC

My Commission Expires:

October 13, 2025



Seal:



**NOTICE OF
PUBLIC HEARING
ON PROPOSED
AMENDMENT TO THE
CITY OF FAIRMONT,
WEST VIRGINIA'S
APPROVED HOME
RULE PLAN**

The City of Fairmont's Municipal Home Rule Plan approved by the West Virginia Municipal Home Rule Board, authorizes, in part, expanded business and occupational tax credits. The City of Fairmont now desires to amend its approved home rule plan to provide for the further expansion of its business and occupation tax credits and has prepared a written amendment to said plan to provide for a certain credit from the tax imposed by Section 761.07 Contracting of the Fairmont City Code to encourage the development of new owner-occupied residential dwelling units within the City.

West Virginia Code §8-1-5a(g) requires that the City of Fairmont hold a public hearing on the written amendment to its approved home rule plan prior to submitting the amendment to the Municipal Home Rule Board.

NOW, THEREFORE, PLEASE TAKE NOTICE THAT THE COUNCIL FOR THE CITY OF FAIRMONT WILL HOLD A PUBLIC HEARING ON THE CITY OF FAIRMONT'S PROPOSED WRITTEN AMENDMENT TO ITS APPROVED HOME RULE PLAN ON FEBRUARY 23, 2021, at 7:00 O'CLOCK P.M., WHICH PUBLIC HEARING SHALL BE HELD IN COUNCIL CHAMBERS, AT THE CITY OF FAIRMONT PUBLIC SAFETY BUILDING, 500 QUINCY STREET, FAIRMONT, MARION COUNTY, WEST VIRGINIA.

Copies of the City of Fairmont's proposed written amendment to the City's approved home rule plan is available for public inspection at the Office of the Clerk of the City of Fairmont, Room No. 312, Third Floor, City-County Complex, 200 Jackson Street, Fairmont, Marion County, West Virginia.

At the public hearing anyone interested in the matter may appear and be heard.

Dated at Fairmont, West Virginia this the 12th day of January, 2021.

**JANET L. KELLER,
CLERK OF THE
CITY OF FAIRMONT**
Times: January 15, 22,
2021

AFFIDAVIT OF PUBLICATION

State of West Virginia

County of Marion

To-wit:

I, Beverly Miller of the Times West Virginian, a daily newspaper published in the City of Fairmont, Marion County, West Virginia, do certify that the notice attached hereto under the caption; PUBLIC HEARING - AMENDMENT was published in the said Times West Virginian Newspaper 2 (TWO) TIME(S) on the following day (s), namely, JANUARY 15, 22, in the year 2021

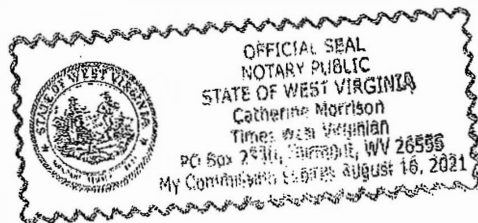
Publication Fee: \$85.47

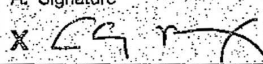

Signature: Beverly Miller

Taken, subscribed and sworn to before me in said county this 22nd day of JANUARY, 2021.

My commission expires AUGUST 16, 2021.



Catherine Morrison
Notary Public of Marion County, West Virginia



SENDER - COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<input checked="" type="checkbox"/> Complete items 1, 2, and 3. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) BELLING C. Date of Delivery 3 FEB 21
WV Municipal Home Rule Board P. O. Box 11360 Charleston, WV 25339-1360	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
 9590 9402 3611 7305 3433 36	3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery
2. Article Number (Transfer from service label) 7015 3430 0000 7862 7443	Restricted Delivery (over 500g)
PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt	

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For delivery information, visit our website at www.usps.com	
OFFICIAL USE	
Certified Mail Fee \$	
Extra Services & Fees (check box, add fee as appropriate)	2nd letter mailed
<input type="checkbox"/> Return Receipt (hardcopy) \$	Postmark Here 2/1/2021
<input type="checkbox"/> Return Receipt (electronic) \$	
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Total \$	
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PS Form 3800, April 2015 PSN 7530-02-000-9057 See Reverse for Instructions	

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1. Article Addressed to: The Hon Byrd White, Cabinet Secretary West Virginia Department of Transportation/Commissioner of Highways 1900 Kanawha Boulevard East Charleston, WV 25305	B. Received by (Printed Name)	C. Date of Delivery
 9590 9402 3611 7305 3432 51	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (transfer from service label) 7015 3430 0000 7862 7382	3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery	
PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt		



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For delivery information, visit our website at www.usps.com	
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Postage \$ _____	
Total Postage and \$ _____	
Sent To	The Hon Byrd White, Cabinet Secretary
Street and Apt. N	West Virginia Department of Transportation/Commissioner of Highways
City, State, ZIP+4	1900 Kanawha Boulevard East Charleston, WV 25305
PS Form 3800, April 2015 PSN 7530-02-000-7007 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<input checked="" type="checkbox"/> Complete items 1, 2, and 3. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature  <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) _____ C. Date of Delivery _____
1. Article Addressed to: The Hon. C. Edward Gaunch, Cabinet Secretary West Virginia Department of Commerce 1900 Kanawha Boulevard East, STE 600 Charleston, WV 25305	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
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2. Article Number (Transfer from service label) 7015 3430 0000 7862 7351	Restricted Delivery
PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt	


U.S. Postal Service CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com	
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Postage \$ _____	
Total Postage and Fees \$ _____	
Sent To _____	The Hon. C. Edward Gaunch, Cabinet Secretary
Street and Apt. No. _____	West Virginia Department of Commerce 1900 Kanawha Boulevard East, STE 600
City, State, ZIP+4 _____	Charleston, WV 25305
PS Form 3800, April 2015 PSN 7530-02-000-5017 See Reverse for Instructions	

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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
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1. Article Addressed to: The Hon. Jeff Sandy, Cabinet Secretary WV Department of Military Affairs and Public Safety 1900 Kanawha Boulevard East Building 1, Suite W-400 Charleston, WV 25305	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
 9590 9402 3611 7305 3432 44	3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery
2. Article Number (Transfer from service label): 7015 3430 0000 7862 7399	<input type="checkbox"/> Restricted Delivery
PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt	

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Extra Services & Fees (check box, add fee as appropriate) <input type="checkbox"/> Return Receipt (hardcopy) \$ _____ <input type="checkbox"/> Return Receipt (electronic) \$ _____ <input type="checkbox"/> Certified Mail Restricted Delivery \$ _____ <input type="checkbox"/> Adult Signature Required \$ _____ <input type="checkbox"/> Adult Signature Restricted Delivery \$ _____	Postmark Here
Postage \$ _____	
Total Postage and Fees \$ _____	
Sent To _____	
Street and Apt. No. _____	
City, State, ZIP+4 _____	
The Hon. Jeff Sandy, Cabinet Secretary WV Department of Military Affairs and Public Safety 1900 Kanawha Boulevard East Building 1, Suite W-400 Charleston, WV 25305	
PS Form 3800, April 2015 PSN 7530-02-000-9040 See Reverse for Instructions	

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<input checked="" type="checkbox"/> Complete items 1, 2, and 3. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: The Hon. Dennis Davis, Cabinet Secretary West Virginia Department of Veterans' Assistance 1900 Kanawha Boulevard East, STE 205 Charleston, WV 25301	B. Received by (Printed Name)	C. Date of Delivery
 9590 9402 3611 7305 3432 37	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label) 7015 3430 0000 7862 7405	3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery	
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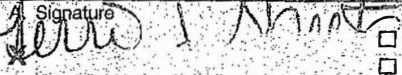

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1. Article Addressed to: The Hon. Allan McVey, Cabinet Secretary West Virginia Dept. of Administration 1900 Kanawha Boulevard East, STE 119 Charleston, WV 25305	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
 9590 9402 3611 7305 3432 99 2. Article Number. (Transfer from service label) 7015 3430 0000 7862 7344	3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery
PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt	

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PS Form 3800, April 2015 PSN 7530-02-000-017 See Reverse for Instructions	

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<p><input checked="" type="checkbox"/> Complete items 1, 2, and 3.</p> <p><input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you.</p> <p><input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature </p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery _____</p>
<p>1. Article Addressed to:</p> <p>The Hon. Dave Hardy, Cabinet Secretary West Virginia Department of Revenue 1900 Kanawha Boulevard East Building 1, Suite W-400 Charleston, WV 25305</p>  <p>9590 9402 3611 7305 3433 05</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label)</p> <p>7015 3430 0000 7862 7337</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt</p>	

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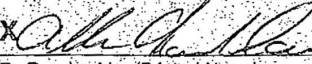

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<p>Certified Mail Fee \$ _____</p> <p>Extra Services & Fees (check box, add fee as appropriate)</p> <p><input type="checkbox"/> Return Receipt (hardcopy) \$ _____</p> <p><input type="checkbox"/> Return Receipt (electronic) \$ _____</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery \$ _____</p> <p><input type="checkbox"/> Adult Signature Required \$ _____</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery \$ _____</p> <p>Postage \$ _____</p> <p>Total Postage \$ _____</p>	<p>Postmark Here</p>
<p>Sent To: The Hon. Dave Hardy, Cabinet Secretary West Virginia Department of Revenue</p> <p>Street or PO Box: 1900 Kanawha Boulevard East</p> <p>City, State, ZIP+4®: Building 1, Suite W-400 Charleston, WV 25305</p>	

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1. Article Addressed to: The Hon. Bill Couch, Cabinet Secretary West Virginia Department of Health and Human Resources One Davis Square, Suite 300 Charleston, WV 25301	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
 9590 9402 3611 7305 3432 68	3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery
2. Article Number (Transfer from service label) 7015 3430 0000 7862 7375	<input type="checkbox"/> Restricted Delivery

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Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$ _____	
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<input type="checkbox"/> Adult Signature Restricted Delivery \$ _____	
Postage \$ _____	
Total Postage and \$ _____	
Sent To _____	
Street and Apt. No. _____	
City, State, ZIP+4 _____	

The Hon. Bill Couch, Cabinet Secretary
 West Virginia Department of
 Health and Human Resources
 One Davis Square, Suite 300
 Charleston, WV 25301

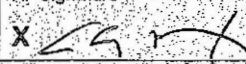
PS Form 3800, April 2015 PSN 7530-02-000-9093 See Reverse for Instructions

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SENDER COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p><input checked="" type="checkbox"/> Complete items 1, 2, and 3.</p> <p><input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you.</p> <p><input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature WV DEP <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) HQ MAILROOM C. Date of Delivery</p>
<p>1. Article Addressed to: The Honorable Cabinet Secretary West Virginia Department of Environmental Protection 601 57th Street, SE Charleston, WV 25304</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p> <p style="text-align: center;">JAN 29 2021</p>
 9590 9402 3611 7305 3432 75	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation™</p>
<p>2. Article Number (Transfer from service label)</p> <p>7015 3430 0000 7862 7368</p>	<p><input checked="" type="checkbox"/> Restricted Delivery <input type="checkbox"/> Signature Confirmation™ Restricted Delivery</p>
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt</p>	

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Street and Apt. No.	601 57 th Street, SE
City, State, ZIP+4	Charleston, WV 25304
PS Form 3800, April 2015 PSN 7530-02-000-9053 See Reverse for Instructions	

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<p>1. Article Addressed to:</p> <p>West Virginia Municipal Home Rule Board P. O. Box 11360 Charleston, WV 25339-1360</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label)</p> <p>7015 3430 0000 7862 7429</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt</p>	

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Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postage \$ _____

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West Virginia Municipal Home Rule Board
P. O. Box 11360
Charleston, WV 25339-1360

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CITY OF FAIRMONT
CITY/COUNTY COMPLEX
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Fairmont, West Virginia 26555-14

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<input type="checkbox"/> Return Receipt (hardcopy)	\$	
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Total Postage and	\$	
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Street and Apt. No.		
City, State, ZIP+4		

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7015 3430 0000 7862 7412

FAIRMONT CITY COUNCIL
REGULAR MEETING
TUESDAY, FEBRUARY 23, 2021
7:00 P.M.

MEETING TO BE HELD VIRTUAL DUE TO COVID-19
TO JOIN, PLEASE FOLLOW INSTRUCTIONS LISTED AT
THE END OF THE AGENDA

- I. CALL TO ORDER – Mayor Mainella
- II. ROLL CALL OF MEMBERS – Janet L. Keller, City Clerk

III. OPENING CEREMONIES

- A. Prayer/Meditation - Rev. James Norton
- B. Pledge Of Allegiance – Councilmember Bolyard

IV. APPROVAL OF MINUTES –

Regular Meeting – February 9, 2021

V. PUBLIC HEARINGS AND ANNOUNCEMENTS

A. PUBLIC HEARINGS

A Public Hearing To Concurrently Satisfy the Public Hearing Requirements of §2.13 Of The Charter Of The City Of Fairmont And The Provisions Of West Virginia Code §8-1-5a(g) Relating To The Following:

1. An Ordinance Of The Council Of The City Of Fairmont Adopted Pursuant To The Provisions Of West Virginia Code §8-1-5a Authorizing The City Of Fairmont To Submit To The West Virginia Municipal Home Rule Board An Amendment To Its Approved Home Rule Plan, A Copy Of Which Amendment Is Attached Hereto And Made A Part Hereof; And
2. A Proposed Written Amendment To The City Of Fairmont's Approved Home Rule Plan To Provide For The Further Expansion Of Its Business And Occupation Tax Credits To Provide For Certain Credits From The Tax Imposed By Section

761.07 Contracting Of The Fairmont City Code To Encourage The Development Of Owner-Occupied Residential Dwelling Units Within The City.

B. ANNOUNCEMENTS

VI. CITIZENS PETITIONS

VII. CITY MANAGER'S REPORT

VIII. CONSIDERATION OF COUNCIL BUSINESS

1. Adoption, An Ordinance Of The Council Of The City Of Fairmont Adopted Pursuant To The Provisions Of West Virginia Code §8-1-5a Authorizing The City Of Fairmont To Submit To The West Virginia Municipal Home Rule Board An Amendment To Its Approved Home Rule Plan, A Copy Of Which Amendment Is Attached Hereto And Made A Part Hereof.
2. Adoption, A Resolution Of The Council Of The City Of Fairmont, West Virginia Designating June 19, 2021, As Juneteenth Celebration Day In The City Of Fairmont, West Virginia.

IX. ADJOURNMENT

If anyone from the public wishes to speak at the February 23rd Council meeting regarding City business, please email City Clerk Janet Keller at jkeller@fairmontwv.gov before Tuesday, February 23rd at 4:30 p.m. Please include the topic you wish to speak about, however, please keep in mind that as per Section 6.2(b) of Council's Rules of Order and Procedure, only matters of City business shall be discussed.

Instructions to join the virtual February 23rd City Council Meeting:

You can log in starting at 6:30 p.m. The Council meetings will be recorded.

Returning participants

To join via PC or Mac

- Open the WebEx program
- Enter in the meeting number **126 396 5072**
- Click on Join
- (If prompted) Enter in the password 1234
- Click on Join Meeting
- Both the microphone and camera can be toggled on or off at any time using the microphone and camera buttons at the bottom of the screen. The join by phone instructions (below) may be used if you experience trouble with your audio connection
- **To see multiple video feeds at once follow the instructions here**

To join from a mobile device—Smart phone or tablet

- Open the WebEx app from your device
- Tap on JOIN MEETING
- Enter in the meeting number **126 396 5072**
- Verify your name and email address are shown properly and tap JOIN at the top right
- (If prompted) Enter in the password 1234
- By default, you will be muted and your camera will be off. Both the microphone and camera can be toggled on or off at any time using the microphone and camera buttons at the bottom of the screen
- **To see multiple video feeds at once turn your device sideways**

New participants

To join via PC or Mac

- Navigate to <https://webex.com/>
- Click on Join a meeting at the top right of the page
- Enter in the meeting number **126 396 5072**
- (If prompted) Enter in the password 1234
- Click on Join Meeting
- Either run through the install prompt or use the join from your browser link. (This link may not appear for a few seconds.)
- From here you will be given basic instructions for connecting to the meeting audio and for showing your video
- Both the microphone and camera can be toggled on or off at any time using the microphone and camera buttons at the bottom of the

screen. The join by phone instructions can be used here if you experience trouble with your audio connection

To join from a mobile device—Android/Apple phone or tablet

- Navigate to <https://webex.com/>
- Tap on the hamburger menu (two lines) at the top right of the screen
- Select Join a meeting
- Enter in the meeting number **126 396 5072**
- If shown a page displaying *No meetings today* tap on Join by Number at the top left and enter in the meeting number again
- Tap on Download from the top right of your screen
- Install the app from the Google play store by tapping *install* or Apple store by tapping *get*, then *install*
- Once the install completes go back to your browser and tap on Join
- If prompted tap on allow, accept the license agreement and allow any requests for permissions
- From here the app will show basic instructions.
- Select JOIN
- (If prompted) Enter in the password 1234
- By default, you will be muted and your camera will be off. Both the microphone and camera can be toggled on or off at any time using the microphone and camera buttons at the bottom of the screen
- To see multiple video feeds at once turn your device sideways

To join by mobile or landline phone (audio only):

- Dial 1-415-655-0001 (toll)
- Enter in the meeting number **126 396 5072**
- (If prompted) Enter in the password 1234
- **Please announce your name when joining**

Below is information regarding the maximum number of video streams that can be shown on certain devices:

	iPhone older than 5s	iPhone 5s and newer	iPad	iPad Pro 12.9" screen	Android Phone	Android Tablet (Council tablets)	High-end Android tablet (4 core processor and at least 3GB of ram)
Default number of video streams shown in portrait mode	2	2	6	6	2	6	6
(Grid view) Maximum number of video streams shown in portrait mode	Not supported	4	8	21	4	8	21
Default number of video streams shown in landscape mode	2	4	6	6	4	6	6
(Grid view) Maximum number of video streams shown in landscape mode	Not supported	9	9	25	9	9	25

<https://help.webex.com/en-us/nhuie12/Grid-View-Layouts-for-the-Webex-Meetings-Mobile-App>

NOTICE OF PUBLIC HEARING
ON PROPOSED AMENDMENT TO THE
CITY OF FAIRMONT, WEST VIRGINIA'S
APPROVED HOME RULE PLAN

The City of Fairmont's Municipal Home Rule Plan approved by the West Virginia Municipal Home Rule Board, authorizes, in part, expanded business and occupational tax credits. The City of Fairmont now desires to amend its approved home rule plan to provide for the further expansion of its business and occupation tax credits and has prepared a written amendment to said plan to provide for a certain credit from the tax imposed by Section 761.07 *Contracting* of the Fairmont City Code to encourage the development of new owner-occupied residential dwelling units within the City.

West Virginia Code §8-1-5a(g) requires that the City of Fairmont hold a public hearing on the written amendment to its approved home rule plan prior to submitting the amendment to the Municipal Home Rule Board.

NOW, THEREFORE, PLEASE TAKE NOTICE THAT THE COUNCIL FOR THE CITY OF FAIRMONT WILL HOLD A PUBLIC HEARING ON THE CITY OF FAIRMONT'S PROPOSED WRITTEN AMENDMENT TO ITS APPROVED HOME RULE PLAN ON FEBRUARY 23, 2021, at 7:00 O'CLOCK P.M., WHICH PUBLIC HEARING SHALL BE HELD IN COUNCIL CHAMBERS, AT THE CITY OF FAIRMONT PUBLIC SAFETY BUILDING, 500 QUINCY STREET, FAIRMONT, MARION COUNTY, WEST VIRGINIA.

Copies of the City of Fairmont's proposed written amendment to the City's approved home rule plan is available for public inspection at the Office of the Clerk of the City of Fairmont, Room No. 312, Third Floor, City-County Complex, 200 Jackson Street, Fairmont, Marion County, West Virginia.

At the public hearing anyone interested in the matter may appear and be heard.

Dated at Fairmont, West Virginia this the 12th day of January, 2021.

JANET L. KELLER,
CLERK OF THE CITY OF FAIRMONT

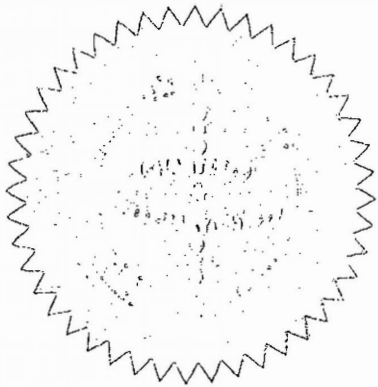
Publish: January 15 and January 22, 2021

CERTIFICATION

STATE OF WEST VIRGINIA,
COUNTY OF MARION,
CITY OF FAIRMONT, TO-WIT:

I, Janet L. Keller, Clerk of the City of Fairmont, West Virginia, keeper of the official records of said City, do hereby certify that the attached is a true copy of the Fairmont City Council Minutes from the February 23, 2021 meeting showing where the public hearing and vote was held on the Home Rule Amendment.

Given under my hand and seal this the 2nd day of March, 2021.



Janet L. Keller
CITY CLERK

February 23, 2021

The regular meeting of the City Council of the City of Fairmont was held virtual at 7:00 p.m. on the 23rd day of February, 2021 due to the COVID-19 Pandemic.

Mayor Mainella called the meeting to order.

Councilmembers present were:

First District	Joshua D. (Josh) Rice
Second District	Anne E. Bolyard
Third District not be heard for roll call)	Karl (David) Kennedy (was not present or could
Fourth District	Richard (Rick) Garcia
Fifth District	Barry H. Bledsoe
Sixth District	Gia Deasy
Seventh District	Blair Montgomery
Eighth District	Thomas (Tom) Mainella
Ninth District	Donna M. Blood

Also present were:

City Manager	Valerie A. Means
City Attorney	Kevin Sansalone
City Clerk	Janet L. Keller
Fire Chief	Ed Simmons

IN RE: OPENING CEREMONIES

Rev. Jim Norton 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 February 9, 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 Rice.

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

IN RE: BLACK HISTORY MONTH

The Mayor re-read a statement on behalf of Fairmont City Council, the employees of the City of Fairmont and all of the citizens of Fairmont pertaining to Black History Month which was first read at the February 9, 2021 Council meeting. He said that on behalf of the City of Fairmont he wanted to remind all citizens that February 2021 is Black History Month and he encouraged all citizens to celebrate with us in our Nation's diverse heritage and culture and continue in the movement to create a world that is more just, peaceful and inclusive and prosperous for all.

PUBLIC HEARINGS

IN RE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT ADOPTED PURSUANT TO THE PROVISIONS OF WEST VIRGINIA CODE §8-1-5a AUTHORIZING THE CITY OF FAIRMONT TO SUBMIT TO THE WEST VIRGINIA MUNICIPAL HOME RULE BOARD AN AMENDMENT TO ITS APPROVED HOME RULE PLAN, A COPY OF WHICH AMENDMENT IS ATTACHED HERETO AND MADE A PART HEREOF

Pursuant to a notice duly published in the Times-West Virginian on January 15, 2021 and January 22, 2021, a public hearing was convened to obtain citizen input on a proposed ordinance authorizing the City of Fairmont to submit to the WV Municipal Home Rule Board an amendment to its approved Home Rule Plan.

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

Ms. Means said that she wanted to make sure that the public understands what we are doing in this amendment, therefore, she spoke in favor of the proposed ordinance and on behalf of the amendment itself. She then gave a description of the plan amendment. Ms. Means said that the City of Fairmont desires via its proposed Home Rule plan amendment to expand its Business and Occupation Tax Credits to provide credits for which are unrelated to new and expanding businesses and which are not otherwise constrained by the provisions of WV Code 8-13-5(f) and WV Code 11-13(c)-1. The City of Fairmont created expanded B&O Tax Credits through our original approved Home Rule Plan in 2014 and we now desire via this proposed Home Rule amendment to offer additional credits against the construction B&O Taxes for residential development within the City of Fairmont. The City is very thankful for admission to the program and has had positive impacts through the use of the original ordinances, most especially by our expansion of B&O Tax Credits

for re-occupancy of vacant and dilapidated structures, longevity of business operations and rehabilitation and preservation of contributing historic structures. The City of Fairmont desires to concentrate efforts in attraction of residential housing development. This goal was not an area of focus when making application for our original Home Rule plan in 2014 and the City did not include any proposals for expansion of these credits at that time. The City realizes that housing development is a very important piece of the overall goal of community revitalization, renewal and attraction of new residents. Like many WV towns, the City of Fairmont finds itself positioned with a stock of older homes being built in the past. With the average age of a home in the City being 69 years, Fairmont has been left with available homes needing considerable updates for the health and safety of the occupants as building codes have changed. Not every home owner is willing to take on a fixer-upper while 78.5% of homes were constructed prior to 1970. Less than 4% were constructed since 2000. Though Fairmont's population remains fairly steady, the City continues to experience a decline in overall housing units further many residents complain about the condition of available housing stock. The proposed Home Rule Plan amendment provides for further expansion of the City of Fairmont's Business and Occupation Tax credits to provide a credit from the tax imposed by Section 761.07 Contracting from the City of Fairmont City Code. This will help to encourage the development of new owner-occupied residential dwelling units within the City in an effort to increase population, provide for new modern housing stock, and further diversify the City's economy in the continuing effort to avoid the boom/bust economy associated with the City's former manufacturing and industrial history. The proposed plan amendment includes the draft ordinance that details the new B&O Tax Credit. The Credit will be issued on a graduated scale depending on the number of dwelling units completed within a certain amount of time.

The City Manager further stated that tonight Council has two public hearings on the same topic. She stated that we wanted to make sure that the public was aware of what we were doing and the actual ordinance tonight, which she also asks for Council's support, the ordinance, if adopted, provides for the approval to make the application to the Home Rule Board for the plan amendment. If adopted, staff will submit the required information on the amendment to the State Home Rule Board and we will attend the April 14, 2021 meeting of the Board to present our planned amendment. If the Home Rule Board approves our amendment, we will bring the actual B&O Tax Credit ordinance legislation before Mayor and Council for introduction, public hearing, and consideration of adoption at a later time.

There being no one else to speak, the public hearing was called to a close at 7:18 p.m.

IN RE: A PROPOSED WRITTEN AMENDMENT TO THE CITY OF FAIRMONT'S APPROVED HOME RULE PLAN TO PROVIDE FOR THE FURTHER EXPANSION OF ITS BUSINESS AND OCCUPATION TAX CREDITS TO PROVIDE FOR CERTAIN CREDITS FROM THE TAX IMPOSED BY SECTION 761.07 CONTRACTING OF THE FAIRMONT CITY CODE TO ENCOURAGE THE DEVELOPMENT OF OWNER-OCCUPIED RESIDENTIAL DWELLING UNITS WITHIN THE CITY

Pursuant to a notice duly published in the Times-West Virginian on January 15, 2021 and again on January 22, 2021, a public hearing was convened to obtain input on the proposed amendment to the City of Fairmont's approved Home Rule Plan. As per the legal ad published, the City of Fairmont's Municipal Home Rule Plan approved by the West Virginia Municipal Home Rule Board, authorizes, in part, expanded business and occupational tax credits. The City of Fairmont now desires to amend its approved home rule plan to provide for the further expansion of its business and occupation tax credits and has prepared a written amendment to said plan to provide for a certain credit from the tax imposed by Section 761.07 *Contracting* of the Fairmont City Code to encourage the development of new owner-occupied residential dwelling units within the City. West Virginia Code §8-1-5a(g) requires that the City of Fairmont hold a public hearing on the written amendment to its approved home rule plan prior to submitting the amendment to the Municipal Home Rule Board.

Mayor Mainella asked if anyone had comments about the plan, either in favor or against.

There being no one to speak, the public hearing was called to a close at 7:19 p.m.

ANNOUNCEMENTS

IN RE: LOCAL 15 BRICKLAYERS UNION THANKED

Councilmember Rice thanked Local 15 Bricklayers Union for laying the cornerstone in the new Ease Side Fire Station last week. He noted that it was a team effort with all of those involved and it finally got done.

IN RE: FIRE DEPARTMENT COMMENDED

Councilmember Rice stated that Deputy Tony Veltri called him because he wanted to give out appreciation to our Fire Department. He stated that his wife was in a car accident near Dairy Crème Corner on February 16th and the firefighters stayed with his wife, transferred the car seat from one car to the

next and even one of the firefighters gave a stuffed animal to his son. He added that the firefighters could have left the scene but stayed there with his wife until Deputy Veltri could get there. He wanted to thank the firefighters, Chief Simmons and the whole department for assisting his wife and son. He then asked for the names of the firefighters that were at the scene so Deputy Veltri could send them a thank you note.

Chief Simmons replied that he would get the names of the firefighters that responded.

Councilmember Bledsoe also commended the Fire Department and all of their great efforts.

IN RE: PROPOSED CLOSING OF MANCHIN HEALTHCARE CENTER

Councilmember Bolyard encouraged everyone in Fairmont to approach our leaders in Charleston in opposition to the closing of the Manchin Healthcare Center.

Councilmember Deasy also encouraged everyone to step up and let their voices be heard about how important that facility is to our area.

Councilmember Blood read a statement about House Bill 2626 regarding the proposed closing of the Manchin Healthcare Facility. "I want thank Delegates Garcia, Ward, and Mallow for touring the John Manchin Long Term Care Facility and highlighting the current threat, once again, against this facility. House Bill 2626 seeks to close this much needed healthcare facility and leave the residents with nowhere to go and employees with the loss of their jobs. Not only does the John Manchin Clinic care for 30 disabled and elderly patients, but, according to the Times West Virginia, it served an additional 394 patients through Telehealth this last year. It also provides at least 36% of the meals to our community's shut-in disabled and elderly people through Meals on Wheels. It has been noted that the John Manchin Long Term Care facility is in good condition and not in the need of costly repairs, contrary to the language in the bill. Our City cannot afford to lose this valued and important Clinic and the services it provides to our community. I would urge the citizens of Fairmont to call or write WV state legislators and tell them to reject this bill once again".

The Mayor stated that Council will be voting on a formal resolution at the next Council meeting regarding the support of the John Manchin Clinic.

Councilmember Bledsoe asked if it is possible for Council to actually draft a letter that they can each individually sign and send it to whatever agencies it

needs to be sent to. He said that it may make more of an impact if we actually had our signatures on it and sent it to every delegate, every senator and the Governor.

The Mayor said that we can explore that suggestion.

IN RE: CLEARING OF SIDEWALKS

Councilmember Garcia stated that over the years and when Joe Feltz was the Public Works Director, the City had an ATV with a blade that was used to clean the sidewalks. He asked if the City still had this vehicle to clear the sidewalks since there is a lot of foot traffic on the bridges.

IN RE: FY22 BUDGET WORK SESSION

Councilmember Bledsoe stated that the public does not know what goes into creating a budget and trying to provide all of the services that the City provides and to try to, hopefully, do that without taking any more money out of people's pockets. He commended the City Manager, Finance Director, and others who were involved in preparing the budget to still provide services without interruption and provide pay raises that are desperately needed and do so without raising any further taxes.

Councilmember Deasy also thanked the City Manager and Finance Director for taking the time to explain the budget especially to the new Councilmembers. She said that she appreciates all of the hard work that goes into that budget.

Councilmember Blood stated that she was asked by Main Street Fairmont to thank the City for including them in the budget. They are extremely grateful and looking forward to working with the City to improve the City of Fairmont and to bring businesses in and help the beautification process.

IN RE: DILAPIDATED STRUCTURES

Councilmember Bledsoe also mentioned that regarding the dilapidated structures, he wanted the public to know that there are several Councilmembers who are joined together and desire to see us do more and we are doing now to be working toward that end.

Councilmember Deasy said that many of the Councilmembers are concerned about the buildings and houses that are in such disrepair and they are concerned about demolition and hope to work forward on helping that come to some kind of resolution so we can demolish some of the dangerous and dilapidated buildings.

Commissioner Montgomery echoed Councilmember Deasy's comments about the buildings that are in disrepair. He said that it seems to him that we can do more than we are currently doing. He then asked what does Clarksburg do to get so many of their houses torn down. He suggested that maybe we need to be in communication with them to see what they are doing that we could possibly emulate.

IN RE: HUMAN RIGHTS COMMISSION MEETING

Councilmember Deasy reminded everyone that the next Human Rights Commission meeting will be held Wednesday evening. She noted that they will be welcoming some of the new Commissioners that were recently appointed.

IN RE: PUBLIC WORKS COMMENDED

Councilmember Montgomery stated that he continued to appreciate the good work of the city maintenance folks on taking care of the roads. He said that they have done a remarkable job at keeping the roads clear as possible and he thanked them for that.

IN RE: ANNUAL MEETING OF SHALOM

Mayor Mainella reported that he was invited to attend the annual meeting of the Community of Shalom. He said that they have a wonderful mission and you can tell by who the members are that it is a good organization. He thanked them for their gracious invitation to attend their meeting and for their part in making this a better, more peaceful, community to live in.

IN RE: COUNCILMEMBER KENNEDY NOT YET JOINED THE MEETING

At this time, the Mayor asked Councilmember Kennedy if he ever joined the meeting. There was no response.

CITIZENS PETITIONS

IN RE: 2021 JUNETEENTH CELEBRATION

JOHN SHABAZZ, a resident of Morgantown, spoke in favor of June 19, 2021 being designated as Juneteenth Celebration Day in the City of Fairmont. He said that is he currently the Acting National Chairman of WV Black Unity Coalition which they started in 2007 and in 2011, they organized and hosted the first Juneteenth Celebration here in Fairmont at Windmill Park. He said

that Attorney Ron L. Tucker agreed to paid the \$75 pavilion fee for the June 19, 2021 Juneteenth celebration given the good work that they have put in on the celebration. Mr. Shabazz then asked Council to endorse and adopt the resolution that is on the agenda for this meeting.

CITY MANAGER’S REPORT

IN RE: FY22 BUDGET

The City Manager thanked the Mayor and Council for the successful budget work session that was held on February 16th. She thanked them for their time, attention and support of the budget. She went on to say that the budget is finalized except for the official assessment number for the Ad Valorem Taxes in which these numbers will come in by March 3rd. They will be put through the calculation and the Ad Valorem Taxes will be added to the budget. The budget will then be advertised as required by State Code and then the public hearing and adoption of the resolution will be held at the March 23rd meeting.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT ADOPTED PURSUANT TO THE PROVISIONS OF WEST VIRGINIA CODE §8-1-5a AUTHORIZING THE CITY OF FAIRMONT TO SUBMIT TO THE WEST VIRGINIA MUNICIPAL HOME RULE BOARD AN AMENDMENT TO ITS APPROVED HOME RULE PLAN, A COPY OF WHICH AMENDMENT IS ATTACHED HERETO AND MADE A PART HEREOF

Mayor Mainella entertained a motion for the adoption of an ordinance authorizing the City of Fairmont to submit to the WV Municipal Home Rule Board an amendment to its approved Home Rule Plan.

Motion:

Councilmember Montgomery moved for the adoption of the proposed ordinance. Councilmember Rice seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of Council and the ordinance designated as Ordinance No. 1883 was duly adopted.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL OF THE CITY OF FAIRMONT, WEST VIRGINIA DESIGNATING JUNE 19, 2021, AS JUNETEENTH CELEBRATION DAY IN THE CITY OF FAIRMONT, WEST VIRGINIA

Mayor Mainella entertained a motion for the adoption of a resolution designating June 19, 2021 as Juneteenth Celebration Day in the City of Fairmont.

Motion:

Councilmember Blood moved for the adoption of the proposed ordinance. 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 Council.

IN RE: COUNCILMEMBER KENNEDY PRESENT AT MEETING

At this time, Councilmember Kennedy stated he was present and that he had voted yes on both agenda items. He said that he thought the mic is going out of his telephone but he has heard Council loud and clear and somehow now he can talk at the meeting.

IN RE: MARCH 9TH COUNCIL MEETING

Mayor Mainella announced that the March 9th meeting will be held virtually and if the Covid numbers continue to go down in Marion County, we are planning to meet again in person at the March 23rd meeting. He said that hopefully that will happen so we can all get together for that meeting.

ADJOURNMENT

The Mayor entertained a motion for adjournment.

Motion:

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

The Mayor declared the meeting adjourned by voice vote of Council at 7:46 p.m.

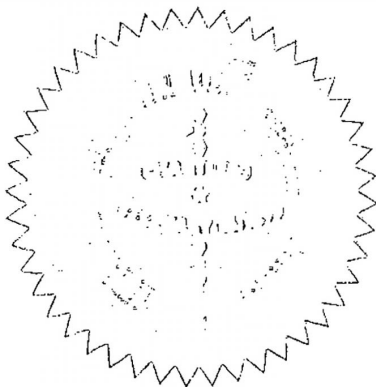
CERTIFICATION

STATE OF WEST VIRGINIA,
COUNTY OF MARION,
CITY OF FAIRMONT, TO-WIT:

I, Janet L. Keller, Clerk of the City of Fairmont, West Virginia, keeper of the official records of said City, do hereby certify that the attached is a true copy of Ordinance No. 1883 being AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT ADOPTED PURSUANT TO THE PROVISIONS OF WEST VIRGINIA CODE §8-1-5a AUTHORIZING THE CITY OF FAIRMONT TO SUBMIT TO THE WEST VIRGINIA MUNICIPAL HOME RULE BOARD AN AMENDMENT TO ITS APPROVED HOME RULE PLAN, A COPY OF WHICH AMENDMENT IS ATTACHED HERETO AND MADE A PART HEREOF.

The Ordinance was adopted by the City Council of the City of Fairmont, West Virginia, at a regular meeting held on January 26, 2021.

Given under my hand and seal this the 2nd day of March, 2021.



Janet L. Keller
CITY CLERK

ORDINANCE NO. 1883

AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT ADOPTED PURSUANT TO THE PROVISIONS OF WEST VIRGINIA CODE §8-1-5a AUTHORIZING THE CITY OF FAIRMONT TO SUBMIT TO THE WEST VIRGINIA MUNICIPAL HOME RULE BOARD AN AMENDMENT TO ITS APPROVED HOME RULE PLAN, A COPY OF WHICH AMENDMENT IS ATTACHED HERETO AND MADE A PART HEREOF

WHEREAS, the City of Fairmont's Municipal Home Rule Plan was approved by the West Virginia Municipal Home Rule Board, which plan authorized, in part, expanded business and occupational tax credits to encourage: the location of new business; the expansion of existing businesses; the creation of jobs; the re-occupancy of vacant structures; the restoration of historical structures; and reward business longevity.

WHEREAS, the ordinances adopted pursuant to said plan have provided reasonable success as evidenced by the City's annual Municipal Home Rule Pilot Program Progress Reports.

WHEREAS, the City of Fairmont desires to provide for the further expansion of its business and occupation tax credits to provide for a credit from the tax imposed by Section 761.07 *Contracting* of the Fairmont City Code so as to encourage the development of new owner occupied residential dwelling units within the City in an effort to increase population, provide for new modern housing stock, and further diversify the City's economy in the continuing effort to avoid the boom/bust economy associated with the City's former manufacturing and industrial history.

WHEREAS, The City of Fairmont has prepared an amendment to its approved written home rule plan, which amendment complies with the provisions of the West Virginia Code §8-1-5a, et seq.

WHEREAS, a public hearing on said amendment was slated for February 23, 2021, at 7:00 p.m., or as soon thereafter as the matter could be heard at 500 Quincy Street, Fairmont, West Virginia, and a notice of said public hearing was published as a Class II legal advertisement in the Times West Virginia, a newspaper in general circulation in Fairmont and Marion County, West Virginia, on January 14, 2021, and January 22, 2021, all as required by the aforementioned code.

WHEREAS, all other general notice requirements relating to said public hearing were satisfied; and

WHEREAS, following the public hearing, the Council for the City of Fairmont by a vote of unanimous, approved said amendment.

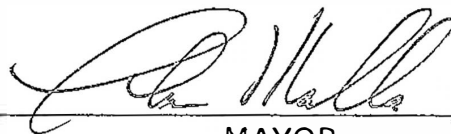
NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FAIRMONT THAT:

SECTION 1. APPROVAL: The Council for the City of Fairmont, after a review of same and following public hearing duly noticed, does hereby manifest its approval of the amendment to the City of Fairmont's Approved Home Rule Plan, a copy of which amendment is attached hereto and the terms of which are made a part hereof as if fully set forth verbatim herein.

SECTION 2. AUTHORIZATION The City Manager for the City of Fairmont be and is hereby authorized, empowered and directed to submit the Home Rule Plan Amendment approved hereunder to the Municipal Home Rule Board for approval, and the City Manager is further authorized, empowered and directed to do all acts and things as may be necessary and appropriate to carry out the purpose and intent of this Ordinance, all with such change or changes from the form of the amendment or its attachments as approved hereunder as the City Manager executing the same may approve.

SECTION 3. EFFECTIVE DATE: This Ordinance shall take effect thirty days after adoption.

Adopted this the 23rd day of February, 2021.



MAYOR

ATTEST:


CITY CLERK

WE, the undersigned officials of the City of Fairmont, West Virginia, do hereby certify that Ordinance No. 1883:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF FAIRMONT ADOPTED PURSUANT TO THE PROVISIONS OF WEST VIRGINIA CODE §8-1-5a AUTHORIZING THE CITY OF FAIRMONT TO SUBMIT TO THE WEST VIRGINIA MUNICIPAL HOME RULE BOARD AN AMENDMENT TO ITS APPROVED HOME RULE PLAN, A COPY OF WHICH AMENDMENT IS ATTACHED HERETO AND MADE A PART HEREOF

was introduced and publicly read in its entirety at the Regular Meeting of Council held January 12, 2021 and was published in the Times-West Virginian on January 15, 2021 and again on January 22, 2021 pursuant to Charter provisions Section 2.13(d); a public hearing was held on February 23, 2021. The Ordinance was duly adopted pursuant to the Charter of the City of Fairmont and West Virginia Code; signed by the undersigned officials and filed in the office of the City Clerk.

Adopted by Council of the City of Fairmont, West Virginia, this the 23rd day of February, 2021.


MAYOR

ATTEST:


CITY CLERK

A TRUE COPY:


MAYOR, CITY OF FAIRMONT, WEST VIRGINIA


CLERK, CITY OF FAIRMONT, WEST VIRGINIA

APPROVED AS TO FORM:


ATTORNEY, CITY OF FAIRMONT, WEST VIRGINIA



CITY OF FAIRMONT

CITY/COUNTY COMPLEX
P.O. Box 1428
200 Jackson Street
Fairmont, West Virginia 26555-1428
(304) 366-6211
(304) 366-0228 FAX
www.fairmontwv.gov

March 4, 2021

West Virginia Municipal Home Rule Board

City of Fairmont's Amendment (First) to Its Approved Home Rule Plan

OPINION OF CITY ATTORNEY

Ladies and Gentlemen:

I have represented the City of Fairmont, West Virginia (the "City"), in connection with the City of Fairmont's Amendment (First) to its Approved Home Rule Plan prepared pursuant to the provisions of West Virginia Code 8-1-5a, et seq., the West Virginia Municipal Home Rule Program.

In this connection, I have reviewed (a) the Constitution of the State of West Virginia and other applicable law, in particular the provisions of West Virginia Code §8-1-5a et seq., the West Virginia Municipal Home Rule Program statute; (b) certain other provisions of the West Virginia Code reference in proceedings taken by the City, including a public hearing on the "Amendment to the City of Fairmont's Approved Home Rule Plan" which was held on February 23, 2021 at 7:00 p.m., ("the Public Hearing"), an ordinance of the Council for the City of Fairmont, being Ordinance No. 1883, authorizing the submission of the Amendment to the City of Fairmont's Home Rule Plan to the West Virginia Municipal Home Rule Board (the "Ordinance") adopted on February 23, 2021 following said public hearing; (c) a complete copy of the written Amendment to the City of Fairmont's Approved Home Rule Plan; and (d) such other information and documents as I have deemed relevant in order to render this opinion.

Based upon the foregoing, it is my opinion that:

1. The City is a political subdivision of the State of West Virginia existing pursuant to and constrained by the Constitution and laws of the State of West Virginia, including Chapter 8 of the West Virginia Code.
2. The City has duly conducted the Public Hearing and all statutory notice and publication requirements in connection therewith appear to have been satisfied.
3. The City has duly adopted the Ordinance and all statutory notice and publication requirements in connection therewith appear to have been satisfied.

4. The proposed Amendment to the City of Fairmont's Approved Home Rule Plan does not violate any of the provisions of West Virginia Code §8-1-5a, et seq., the West Virginia Municipal Home Rule Program.

5. To the best of my knowledge after reasonable investigation, neither (a) the adoption of the Ordinance, nor (b) the submission of the Amendment to the City of Fairmont's Approved Home Rule Plan, nor (c) the fulfillment of or compliance with the terms and conditions of the West Virginia Home Rule Program, breaches or violates any provision of any law, rule, regulation, contract, lease, instrument or other agreement or any judgment, order or decree of any court or other governmental authority to which the City is a party or by which the City is bound.

6. There is no litigation or any proceeding before any governmental agency pending or, to the best of my knowledge after reasonable investigation, threatened against the City (or any official thereof in an official capacity) with respect to (a) the City's organization or existence, (b) the City's authority to participate in the West Virginia Home Rule Program, (c) the adoption of the Ordinance or the conduct of the Public Hearing of other proceeding relating to the Amendment to the City of Fairmont's Approved Home Rule Plan, (d) the title to office of any City governing board member or any other City officer, or (e) any proposed aspect of said Amendment to the City's Approved Home Rule Plan.

In reporting, the foregoing, I have, in part, relied upon information and statements provided by others and have not formed an independent opinion as to the accuracy of the information and statements provided; however, I do not believe that such information or statements omit or fail to disclose any material fact and were not misleading in any material respect in light of the circumstances under which they were made.

This opinion is intended solely for the benefit of the addressee and may not be relied upon by any other person or entity without, in each such case, my express written consent.

Very truly yours,



Kevin V. Sansalone, Esq.
Council to the City of Fairmont

KVS/me

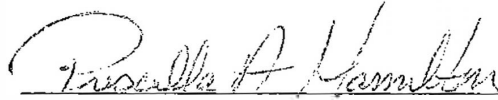
AFFIDAVIT OF CITY FINANCE DIRECTOR
STATE OF WEST VIRGINIA FEES STATEMENT

STATE OF WEST VIRGINIA
COUNTY OF MARION, TO WIT:

This day personally appeared before the undersigned Notary Public in and for the County and State aforesaid, Priscilla Hamilton, who, being first duly sworn, upon her oath, deposes and says:

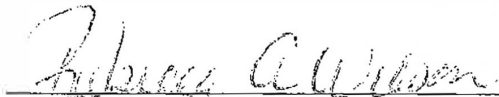
1. That she is the Finance Director for the City of Fairmont and that as such she has personal knowledge of the facts set forth in this affidavit; and
2. That as of the date of this affidavit, all fees, assessments and charges due from the City of Fairmont to the State of West Virginia, which may have been due and owing, have been paid in full.

And further affiant sayeth naught.



AFFIANT

Taken, subscribed and sworn to before me, the undersigned authority, this the 4th day of March, 2021.



NOTARY PUBLIC

My Commission Expires:

February 5, 2024

