

Fayetteville Town Council met in Regular Session on November 4, 2021 at 6:00 p.m. at Town Hall.

Present were Recorder Zenda Vance, Council Members Lori Tabit, Okey Skidmore, Gabe Pena, Brian Good, and Stanley Boyd. Also present were Town Superintendent Matt Diederich, Captain Glenn Chapman, Town Attorney Carl Harris, and Treasurer Kathy Williams. Mayor Cruikshank and Okey Skidmore were not present.

Prayer was offered by Stanley Boyd.

Recorder Zenda Vance called the meeting to order.

Pledge of Allegiance was led by Zenda Vance.

Recorder Zenda Vance asked for a motion to approve the minutes from October 7, 2021. Stanley Boyd moved to approve and Gabe Pena seconded the motion. Lori Tabit, and Brian Good approved the motion. Motion carries 4-0.

Review and Approve the Financial Report. Lori Tabit moved to approve and Stanley Boyd seconded the motion. Brian Good and Gabe Pena approved the motion. Motion carries 4-0.

Appointment of Wendy Bayes to the Historic Landmark Commission for a first 3 year term 11-4-2021 to 10-30-2024. Brian Good moved to approve and Gabe Pena seconded the motion. Stanley Body and Lori Tabit approved the motion. Motion carries 4-0.

Appointment of Dreama Carte to the Board of Park & Recreation Commission for an unexpired first 4 year term until October 30, 2024 . Lori Tabit moved to approve and Brian Good seconded the motion. Stanley Boyd and Gabe Pena approved the motion. Motion carries 4-0.

Proclamation

Christian Heritage Week in WV November 21-27, 2021. Zenda Vance read the Proclamation (see attachment

General Comments to Remind Everyone

Community Clean Up 2nd weekend of each month.

Winners for the Fall Decorating Contest: Residential, Laura O'Neal, Business Historic Morris House, Neighborhood, Windsor Lane. Thanks to everyone who participated.

COUNCIL COMMENTS:

Lori Tabit wanted to know when the State Road Paving would be complete. Matt said as soon as the weather warms up. Lori reminded everyone about the Gingerbread Festival and said a full schedule will be posted Monday or Tuesday next week.

Zenda Vance reminded everyone about the Veterans Day Parade on November 11 at 11 a.m. If you know a Veteran bring them in your vehicle and let them be a part of the Parade.

Stanley Boyd said if anyone would like to participate in the Community Clean-up and need supplies like vest, trash bags, pickers, ect just stop by Town Hall. He is very pleased that the Home Rule process is complete and the Town has been accepted. Halloween went very well this year. Good ideas closing the designated street because it makes trick or treating safer for the kids.

Brian Good commented about how spectacular the Historic Morris Harvey House looked this year with the Halloween decorations and he was pleased with the outcome of Trick or Treating night. Thanked the Home Rule Committee for all the hard work put into the process and he is pleased the Town is now Home Rule . Has been hearing visitors that stay in our town as well as sporting events participants and what they are saying about our Town. People brag about Fayetteville and love to visit here.

Gabe Pena said despite the weather he feels Halloween was a success. He commented about the Fayette County Youth Soccer and how much he appreciates all the hard work and dedication from Katie Johnson with the Health Department. She does a great job helping the kids stay involved in sports. Would like to see Fayette County, Fayetteville, Oak Hill and surrounding areas build a youth complex. Since cities are receiving ARPA funds it would be great if some money was put towards the health of our youth.

DEPARTMENT REPORT:

Fire Department: No Report

Police Department: Captain Chapman gave update on grants they had applied for. Wal-Mart denied the one they applied for and the other 2 grants are still pending.

TOWN SUPERINTENDENT:

See attachment

VISITOR'S AGENDA:

Frances Sizemore with Fayette County Emergency Food Assistance Center is seeking donations for maintenance cost for the building they have occupied for over 28 years. Brian asked if they were having to turn people away from because of lack of food and funds purchases. Frances said they had been blessed to have donations from United Way, local churches and individual donations and have never had to turn anyone away but need funds to maintain the building not food. Zenda said the request will be put on December agenda for a decision.

Kim Pauley with CIS site coordinator for Communities in Schools in WV and works at the PK-8 in Fayetteville. She is requesting donations for basic needs for children such as clothing, pantry items, school supplies etc. She would like to give students a basic needs bag. She ask Council and anybody that can to help. Brian works with Kim at the school and said her experience as a social worker can help a child in need quickly.

Gabe Pena addressed Council on behalf of the Fayette County Comprehensive Plan program. He encourages everyone to participate by giving their input for the Comprehensive Plan. The Town hosted a meeting in October for the public but attendance was low.

Bill Wells spoke about the noise ordinance. He has an event on Wednesday evenings called Pub and Play, which includes live music from 4 pm to 10 pm located on the porch and there are yard games and families attend with their children. They have had one complaint about the music and noise so he

changed the time for music from 5 pm to 8 pm and they still complained. He feels the noise is not going past the street level, but they want to be good neighbors and will try different ways to address the noise problems. During the winter months the music will be indoors.

UNFINISHED BUSINESS:

Budget Revision General Fund. Lori Tabit moved to approve and Stanley Boyd seconded the motion. Brian Good and Gabe Pena approved the motion. Motion carries 4-0.

Discuss and act on Second Reading of 1305.01 Definitions of Hostel. Gabe Pena moved to approve and Brian Good seconded the motion. Lori Tabit and Stanley Boyd approved the motion. Motion carries 4-0.

Discuss and act on Second Reading of 1333 Exceptions and Special Provisions for Hostel. Gabe Pena moved to approve and Stanley Boyd seconded the motion. Motion carries 4-0.

NEW BUSINESS:

Zenda Vance ask if #10 on the agenda could be move to the end of the meeting.

Discuss and act on Fayetteville Arts Coalition request for ABC letter of Endorsement for the 9th Annual Holiday Sampler. Lori Tabit moved to approve and Gabe Pena seconded the motion. Stanley Boyd and Brian Good approved the motion. Motion carries 4-0.

Dissolve Committee for school property. Stanley Boyd moved to approve and Gabe Pena seconded the motion. Brian Good and Lori Tabit approved the motion. Motion carries 4-0.

Discuss and act on amending 2022 legal holidays to include Election Days- May 10 and November 8, 2022. Gabe Pena moved to approve and Stanley Boyd seconded the motion. Brian Good and Lori Tabit approved the motion. Motion carries 4-0.

Discuss and act on first reading of ordinance creating 1% sales and Use Tax- Under Home Rule. Stanley Boyd moved to approve and Lori Tabit seconded

the motion. Gabe Pena and Brian Good approved the motion. Motion carries 4-0.

Discuss and act on first reading of Ordinance for On the spot Citations-Under Home Rule. Stanley Boyd moved to approve and Lori Tabit seconded the motion. Gabe Pena and Brian Good approved the motion. Motion carries 4-0.

Discuss and act on first reading of ordinance for Sale of Municipal Property without an Auction-Under Home Rule. Stanley Boyd moved to approve and Lori Tabit seconded the motion. Gabe Pena and Brian Good approved the motion. Motion carries 4-0.

Discuss and act on doing a survey of Fire Department/Town Shop Property. Gabe Pena moved to approve and Lori Tabit seconded the motion. Motion carries 4-0.

Discuss and act on ARPA relief to Historic Fayette Theater 501(c)(3). A 3 year average income for the Theater is \$25,000 year with expenses averaging \$41,000 per year. Gene Worthington is asking for \$20,000 to \$40,000 donations from the Town. He feels the Theater is a big asset to the Town. Brian ask if they have a winter plan and Gene said they have a 3 day event partnering with City of Oak Hill Amphitheater. Gabe moved to approve \$20,000 a year for 2 years would be out of the APR monies and Stanley Boyd seconded the motion. Lori Tabit and Brian Good approved the motion. Motion carries 4-0.

Discuss and act on first reading to Repeal Article 303 use of All-Terrain Vehicles. Gabe Pena moved to approve and Brian Good seconded the motion. Lori Tabit and Stanley Boyd approved the motion. Motion carries 4-0.

Discuss and act on first reading concerning metal detector or digging on Town Property. Carl presented two types of Ordinances. One that would allow metal detectors but no shovels and the other that would not allow metal detectors at all. Lori Tabit moved to no metal detectors and Gabe Pena seconded the motion. Stanley Boyd and Brian Good approved the motion. Motion carries 4-0.

Discuss and act on establishing a Noise Ordinance. Lori wanted to know if we already had a noise ordinance in place and Carl said no. Discussion and options were presented but Council agreed to table until the December Council meeting.

Discuss and act on proposal from WVAW on adding two fire hydrants on Route 16, part of ARP funds. The cost for both hydrants will be \$21,754. Lori Tabit moved to approve and Brian Good seconded the Bike Trail. Lori confirms with Carl Harris that everything has been resolved regarding deed restrictions. Cari explained the first time to be taken care of is the 90 day option from the Voslers before we order the survey to be done. Carl would prepare the deed with a restriction covenant that would prevent changing the use of the property and the restriction runs with the property, no closer than 25 ft from the back of the property rear boundary. Property on sides could be used for anything only affects people on backside. WV American Water and Jennifer Salvatore would need to be contracted for right-a-way. Brian Good moved to approve and Lori Tabit seconded the motion. Stanley Boyd and Gabe Pena approved the motion. Motion carries 4-0.

Discuss and act of Police Department Vehicles to be sold through GovDeals. Captain Chapman said the Town of Ansted was interested in purchasing the vehicles for \$15,000. Decision was tabled until Special meeting on November 16th since the agenda addressed the sale being on the agenda to be sold through Govedeals.gov instead of to the Town of Ansted.

Discuss and act on the hiring of 2 new Police Officers. Christopher McCall, Jr and Christian Wilson. Carl said this would have to be tabled because of the new regulations of new Officers.

Discuss and act on approval to purchase a new K-9 for Police Department. Glenn asked if it could be tabled until Chief Kinzer returns from vacation.

Discuss and act on use of Old Elementary School Gym by Fayetteville Youth Basketball League – including utilities. Danny Swank spoke on behalf of the League and Carl confirmed with him that the agreement would be contingent upon if the Town would need this location. The league would provide their own insurance and no keys would be given to them and a Town employee or official would have to open and close the building. The League would be responsible for cleaning up the area including the bathroom.

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Gabe Pena moved to go into Executive Session. Council went into Executive Session at 7:29 p.m. and reconvened at 7:45 p.m. with no decisions rendered.

Lori Tabit moved to approve the Fayetteville Youth Basketball League to use the Old Elementary School Gym and Brian Good seconded the motion. Gabe Pena and Stanley Boyd approved the motion. Motion carries 4-0.

Stanley Boyd moved to adjourn the meeting. Meeting adjourned at 7:51 p.m.

Mayor Sharon Cruikshank

Recorder Zenda L Vance