

City Of Vienna
REGULAR COUNCIL SESSION

Council Chambers
609 29th Street, Vienna, WV
6:00pm

AGENDA
February 23, 2023

Invocation and Pledge of Allegiance

Call to Order

Roll Call

Public Forum

Report of the Minutes

Unfinished Business

1. ORDINANCE – SECOND READING: Creating Utility Restoration Details – Setting Out Utility Restoration Details For Sidewalk Replacement; Asphalt Overlay And Resurfacing Heel-In, Type E; Pavement Trench, Concrete Pavement; Type C Pavement Trench, Asphalt Concrete Pavement; Type A Pavement Trench, Asphalt Over Concrete Or Brick
Sponsored by: Mayor Randy Rapp, Councilman Jim Leach, and Councilman Tom Azinger
2. ORDINANCE – SECOND READING: Amending 923.01(A) “Public Utilities” Changing The Continuing Bond Amount From \$10,000 To \$50,000
Sponsored by: Mayor Randy Rapp, Councilman Jim Leach, and Councilman Tom Azinger

New Business

1. GENERAL FUND BUDGET REVISION #4
2. ORDINANCE – FIRST READING: Amending 505.06, “Keeping Livestock,” And Adding Regulations Related To Raising Hens On R-1, R-2, And R-3, Single-Family Zoned Residential Property As Well As Related Structures, And The Penalty For Violating Said Regulations
Sponsored by: Recorder Melissa Elam and Mayor Randy Rapp
3. DISCUSSION: Comprehensive Plan
4. UPDATE: Jackson Pool

Council Comments

Announcements

AN ORDINANCE CREATING UTILITY RESTORATION DETAILS – SETTING OUT UTILITY RESTORATION DETAILS FOR SIDEWALK REPLACEMENT; ASPHALT OVERLAY AND RESURFACING HEEL-IN, TYPE E; PAVEMENT TRENCH, CONCRETE PAVEMENT; TYPE C PAVEMENT TRENCH, ASPHALT CONCRETE PAVEMENT; TYPE A PAVEMENT TRENCH, ASPHALT OVER CONCRETE OR BRICK

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF VIENNA THAT:

Whereas the City of Vienna does not presently have specifications for the repair, replacement, or restoration of asphalt over concrete or brick, asphalt concrete pavement, concrete pavement, resurfacing heel-ins, and sidewalk replacement as it relates to roads, streets, or ditches that are to be repaired, restored, or replaced due to infrastructure and utility related projects, it hereby adopts the following:

913.04 – UTILITY RESTORATION DETAILS; SPECIFICATIONS AND REQUIREMENTS

A. INTENT

1. This ordinance intends to set out specifications and requirements for the repair, replacement, and restoration of asphalt over concrete or brick, asphalt concrete pavement, concrete pavement, resurfacing heel-ins, and sidewalk replacement as it relates to roads, streets, sidewalks, or drainage channels that need to be repaired, restored or replaced due to utility related infrastructure construction, repair, restoration, or replacement.

B. TYPE A PAVEMENT TRENCH – ASPHALT OVER CONCRETE PAVEMENT OR ASPHALT OVER BRICK PAVEMENT

1. Each concrete edge shall bear on twelve inches (12") minimum of undisturbed soil. If, during excavation of the trench, the removal of large rock results in a void within the twelve-inch (12") zone, the contractor shall fill the void with compacted backfill or compacted granular backfill (same as trench backfill specified).
2. All concrete must be a minimum of three thousand (3,000) psi, six (6) bag mix, and air entrained.
3. The asphalt-wearing course cap shall be installed when cold milling and full-width asphalt overlay are not to be provided. In areas where a full-width pavement overlay is specified, the contractor may, at their option, mill the existing pavement before trenching for the proposed sewer installation: provided that existing pavement protrusions (valve boxes, manholes. etc.) are provided with temporary asphalt around these protrusions to eliminate hazards to vehicles immediately following milling of the existing pavement. The asphalt-wearing course cap may be deleted if milling is performed before trenching. However, the asphalt-wearing course cap must

be provided if the existing pavement is not milled before trenching. It shall be substituted with concrete during cold weather periods when hot mix asphalt is unavailable.

4. All areas where the pavement has been removed during construction shall be restored in accordance with these details within thirty (30) calendar days following the pavement removal unless otherwise approved by the city. If it is determined that such restoration is not feasible within this time frame, the contractor shall install a temporary, hard, drivable, and maintainable surface (asphalt or concrete), which will be subject to the approval of the City.

C. TYPE C PAVEMENT TRENCH – ASPHALT CONCRETE PAVEMENT (DRIVEWAYS AND PARKING LOTS)

1. Each edge of asphalt concrete shall bear on twelve inches (12") minimum of undisturbed soil. If, during the excavation of the trench, the removal of large rock results in a void within the twelve-inch (12") zone, the contractor shall fill the void with impacted backfill or compacted granular backfill (same as trench backfill specified).
2. All areas where the pavement has been removed during construction shall be restored per these specifications within thirty (30) calendar days following the pavement removal unless otherwise approved by the city. If it is determined that such restoration is not feasible within this time frame, the contractor shall install a temporary, hard, drivable, and maintainable surface (asphalt or concrete), subject to the city's approval.

D. TYPE E PAVEMENT TRENCH – CONCRETE PAVEMENT

1. Concrete pavement sections removed or impacted during excavation shall require the replacement of the entire length of the concrete slab from the edge of the road to the joint at the center of the roadway. No partial slabs of concrete are to remain.
2. Each concrete edge shall bear on twelve inches (12") minimum of undisturbed soil. If, during excavation of the trench, the removal of large rock results in a void within the twelve-inch (12") zone, the contractor shall fill the void with compacted backfill or compacted granular backfill (same as trench backfill specified).
3. All concrete must be at least three thousand (3,000) psi, six (6) bag mix, air-entrained.
4. Final pavement replacement saw cuts before pavement restoration shall be perpendicular to the sides of the drives.

5. All areas where the pavement has been removed during construction shall be restored per these specifications within thirty (30) calendar days following pavement removal unless otherwise approved by the city. If it is determined that such restoration is not feasible within this time frame, the contractor shall install a temporary, hard, drivable, and maintainable surface (asphalt or concrete) which shall be subject to the approval of the City.

E. COLD MILLING AND FULL-WIDTH ASPHALT OVERLAY

1. Overlay is to be placed utilizing a paving machine approved by the WV Department of Transportation (WVDOT).
2. If the existing pavement is striped, striping must be replaced per WVDOT requirements.
3. If cold milling of the concrete in the pavement restoration items is necessary, such concrete shall have cured at least twenty-eight (28) days before cold milling.
4. Milling shall be performed per the current edition of the **West Virginia Division of Highways Standard Specifications, Roads and Bridges**, Section 415. Hot mix asphalt wearing course shall be per section 401. A tack coat shall be applied to the milled surface before placement of the overlay per item 408.
5. Asphalt wearing course overlay shall have one and one-half inch (1 ½") thickness.
6. Limits for pavement restoration with roadway shall be twenty (20) linear feet beyond the installation of any infrastructure.

F. SIDEWALK REPLACEMENT DETAILS

1. CONCRETE SIDEWALK

a. The following specifications shall be met:

1. Concrete – shall be three thousand five hundred (3,500) psi min., seven and one quarter (7 ¼) bag mix, air-entrained
2. WWF 6 x 6 / 10
3. Concrete shall be at least four (4") inches thick unless otherwise noted and six inches (6") thick where the walk crosses the driveway with a two-inch minimum thickness in either instance.
4. Tooled joints at four (4) feet o.c.
5. Expansion joints at twenty (20) feet o.c.
6. Four (4) inch aggregate base.

2. ASPHALT CONCRETE

a. The following minimum specifications shall be met:

1. Asphalt concrete shall be poured at a minimum of two inches (2") thick.
2. The base shall be a four (4") inch-thick aggregate base.
3. Minimum thicknesses are shown for concrete and asphalt sidewalks. If actual thicknesses are greater, the contractor shall match the existing sidewalk thickness.
4. For replacement of existing concrete removed during construction, if an existing control joint is located within two (2) feet of the edge of the disturbed area, the existing concrete shall be removed and replaced with the additional width to the existing control joint.

G. **DIAGRAMS AND TECHNICAL DRAWINGS** – Diagrams and technical drawings clarifying the above specifications are on file with the City of Vienna Public Works Department. They shall be consulted for clarification before any repair, restoration, or replacement work.

H. **PENALTY** – In addition to any civil remedy, including injunctive relief, civil damages, and the like, violation of this ordinance is a misdemeanor. It shall result in a fine through the Vienna Municipal Court of five hundred dollars (\$500) per day per incident.

Randall C. Rapp, Mayor

ATTEST:

Melissa Elam, Recorder

First Reading: _____

Second Reading: _____

AN ORDINANCE AMENDING 923.01(a) "PUBLIC UTILITIES" CHANGING THE CONTINUING BOND AMOUNT FROM \$10,000 TO \$50,000

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF VIENNA THAT IT AMENDS "923.01 PUBLIC UTILITY TO POST BOND TO PAY FOR DAMAGES TO PUBLIC PROPERTY; CITY NOTIFICATION REQUIRED" AS FOLLOWS:

- (a) Every public utility provider shall execute a continuing bond in a form prescribed and accepted by the City Finance Director, with satisfactory corporate surety, in the amount of **FIFTY THOUSAND DOLLARS (\$50,000.00)**, payable to the City of Vienna.

The remainder of the Ordinance remains unchanged.

RANDALL C. RAPP, MAYOR

ATTEST:

MELISSA ELAM, RECORDER

First Reading: _____

Second Reading: _____

Sponsors: _____

MEMORANDUM

TO: JIM LEACH
 FROM: Amy Roberts
 SUBJECT: 22-23 GENERAL FUND BUDGET REVISION #4
 DATE: 02/14/2023

DEPT	ACCT #	ACCT DESCRIPTION	EXPLANATION	CURRENT BUDGET	INCREASE (DECREASE)	REVISED BUDGET
			NET INCREASE / (DECREASE) TO REVENUE		0	
CIVIC PROMOTIONS	912-12	PRINTING	MOVE MONIES WITHIN THE CIVIC PROMOTIONS	2,500	-2,000	500
	912-19	RENTS	LINE ITEMS THAT ARE NOT NEEDED FOR	38,830	-800	38,030
	912-20	LEGAL PUBLICATIONS	REMAINING EVENTS AND TRANSFER TO	10,000	-9,000	1,000
	912-23	PROFESSIONAL SERVICES	FRIENDS OF VIENNA FOR THE FREEDOM	9,900	-6,800	3,100
	912-30	CONTRACT SERVICES	FESTIVAL RODEO	2,550	-1,400	1,150
	912-41	MATERIALS & SUPPLIES		10,200	-7,000	3,200
FRIENDS OF VIENNA	607-68	CONTRIBUTIONS	REFERENCE ABOVE	25,000	27,000	52,000
CONTINGENCIES	699		COVER THE ABOVE REVISIONS			
			NET INCREASE / (DECREASE) TO EXPENDITURES		0	

AN ORDINANCE AMENDING 505.06, “KEEPING LIVESTOCK,” AND ADDING REGULATIONS RELATED TO RAISING HENS ON R-1, R-2, and R-3, SINGLE-FAMILY ZONED RESIDENTIAL PROPERTY AS WELL AS RELATED STRUCTURES, AND THE PENALTY FOR VIOLATING SAID REGULATIONS

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF VIENNA THAT it hereby amends the **KEEPING LIVESTOCK ORDINANCE** as follows:

505.06 KEEPING LIVESTOCK.

No person shall keep, raise, or maintain live hogs, outdoor rabbits, alpacas, cattle, or other ruminants, sheep, goats, fowl, or flightless birds other than as set out elsewhere in this code in any manner whatsoever within the City.

Further, the City also enacts an Ordinance governing how hens may be raised on residential property as follows:

505.06a – HENS ON RESIDENTIAL PROPERTY

1. PERMIT

- a) A building permit from the City of Vienna is required before placing any henhouse on any property.
- b) An annual permit from the City of Vienna is required for keeping hens on residential property. The permit shall begin on July 1st of each year and end on June 30th of the following year.

2. LOCATION

- a) Hens may be kept on R1, R2, and R3 zoned properties occupied by single-family residences only.
- b) The parcel must have an occupied single-family residence on site.
- c) This use shall be prohibited on any parcel that is unoccupied, vacant, or occupied by any multifamily unit or dwelling or any lot having more than one single-family dwelling or unit.

3. STRUCTURE AND LOCATION

- a) Hens may only be kept with a henhouse and enclosed pen.
- b) Henhouses are subject to accessory structure setback requirements.
- c) Henhouses, lots, and related fences shall be subject to building code requirements and applicable rules and regulations, including limitations on fence height.
- d) Hens and henhouses are not permitted in front yards.
- e) Henhouses or pens shall be situated at least twenty-five (25) feet from any inhabited structure.
- f) Henhouses, pens, or lots shall not create a nuisance due to noise, smoke, electrical interference, dust, or obnoxious odor.
- g) No part of the henhouse shall exceed a height of six feet.

4. LIMITATIONS

- a) Ownership, care, and control of the hens shall be the responsibility of a resident, the owner of the dwelling on the lot, or both.
- b) A maximum of four (4) hens may be kept on a lot (although health regulations may further limit the number and/or manner of keeping of hens).

- c) Keeping roosters is strictly prohibited.
- d) Hens must be confined to a lot.
- e) Roosters and other fowl species, other than chickens, are prohibited.
- f) The flock shall be kept for personal use only.
- g) Commercial raising of chickens or eggs is prohibited.
- h) Any dead animals, or parts thereof, shall be promptly and properly disposed of in a legal fashion that does not create odors or spread to other properties via wind or storm-water runoff.
- i) The flock shall always be confined to the parcel,
- j) The flock shall be confined to a henhouse not exceeding 150 square feet in area during nighttime hours.
- k) Stored feed shall be securely stored in a container that prevents access by vermin.
- l) The flight feathers on at least one wing must be clipped regularly to prevent flight.
- m) Any person owning or keeping or harboring any hen which runs at large within the City shall be guilty of a misdemeanor.
- n) Any other violation of this ordinance shall be a misdemeanor.

5. ENFORCEMENT

- a) This Ordinance may be enforced by either the City of Vienna Code Enforcement Official or the Vienna Police Department.

6. VARIANCES

- a) Variances may be granted by Code Enforcement as to structures

7. PENALTY

- a) Upon conviction, the fine for a violation of this section is:
 - i. seventy-five dollars (\$75.00) for the first offense,
 - ii. one hundred dollars (\$100.00) for the second offense, and
 - iii. one hundred twenty-five dollars (\$125.00) for every violation thereafter.
 - iv. prior convictions may be used to enhance the penalty under this section if the date of the issuance of the previous citation or complaint is one year or less from the date of the current violation. If the date of the citation for the prior conviction is more than one year old, it is not available to enhance a subsequent offense.

Randall C. Rapp, Mayor

ATTEST:

Melissa Elam, Recorder

First Reading: _____

Second Reading: _____

Sponsors: _____