

REGULAR COUNCIL SESSION
609 29th Street, Vienna, WV 26105
January 11, 2024
6:00 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE:

The Invocation was given by Randy Rapp. The Pledge of Allegiance was led by Councilman Jim Leach.

CALL TO ORDER:

The Vienna City Council met in Regular Session on January 11, 2024. Mayor Rapp called the meeting to order at 6:01pm.

ROLL CALL:

Attendance was taken by Mayor Randy Rapp with the following Council members present: Kim Williams, Tom Azinger (via phone), Jim Leach, Roger Bibbee, Chris Mancuso, Recorder Melissa Elam, Mayor Randy Rapp. Absent: City Attorney Russell Skogstad.

PUBLIC FORUM:

Chief Mike Pifer: Briefed Council on how the police department handled the pit bull that had been out and causing problems in the Greenmont Hills area throughout December. He and the mayor met with the Humane Society. They still respond to vicious dogs and cats. Better communication will be worked on between the department and the Humane Society because there were occasions that the department was not notified there was an incident. The protocol is clear now. The dog is no longer in the area.

Andrew Woofter: Represents the Mid-Ohio Valley Transit Authority. Also joined by Michael Kesterson. Let council know that the levy rate will not be raised. They will be approaching council soon about allowing the voters decide whether they will continue to support the MOVTA on the ballot in May.

Chad Emrick (303 39th Street): Addressed concerns about the ordinance establishing a Development Authority. Does not think five members are enough. Would like small businesses represented. Would like see the purposes of the Development Authority be more clearly defined.

REPORT OF THE MINUTES:

The minutes of the Regular Council Session scheduled on 12/14/2023 and 12/28/2023 have been printed, posted, and circulated. Councilwoman Kim Williams submitted several corrections to Recorder Elam for the 12/14/23 minutes. They will be submitted at the next Council. The minutes from 12/28/23 were approved as posted.

REPORT OF THE TREASURER:

Councilman Jim Leach reported that reconciliation of funds have been reviewed and accounts are in order.

UNFINISHED BUSINESS:

1. None.

NEW BUSINESS:

1. **RESOLUTION: Donating A Used 2009 Dodge Charger Police Cruiser To The City Of Pennsboro, West Virginia (Sponsors: Mayor Randy Rapp and Councilman Tom Azinger)**

WHEREAS, the Vienna Police Department has a 2009 DODGE CHARGER/POLICE CRUISER that is in excess of its need; and

WHEREAS, the said Vienna Police Department wishes to donate said vehicle to the City of PENNSBORO, WEST VIRGINIA for its use; and

WHEREAS, the City of Pennsboro, West Virginia desires to accept said cruiser for its Police Department for such use as may benefit the City of Pennsboro, West Virginia and its residents;

WHEREAS, the City of Vienna exercises its authority to donate property to another governmental body as per WV Code 8-12-18(a);

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA, that Vienna Mayor Randall C. Rapp is hereby authorized to donate that certain police cruiser to the City of Pennsboro, West Virginia more completely identified as set out below, and is hereby authorized to execute for and on behalf of the City of Vienna that certain Equipment Transfer/Donation Agreement, a copy of which is attached

hereto, incorporated by reference, and made a part thereof and any other documents as are necessary to facilitate the transfer of the said police cruiser.

The description and/or identifying number for the police cruiser are as follows: 2009 Dodge Charger; VIN # 2B3KA43V49H638217.

Councilman Tom Azinger moved to approve the Resolution Donating A Used 2009 Dodge Charger Police Cruiser To The City Of Pennsboro, West Virginia. Motion seconded by Councilwoman Kim Williams.

No further discussion.

Roll call vote taken by Recorder Melissa Elam. Councilwoman Kim Williams, Councilman Jim Leach, Councilman Roger Bibbee, Councilman Chris Mancuso, Mayor Randy Rapp, and Recorder Melissa Elam voting "yes". Councilman Tom Azinger's phone connection was lost. Vote: 6-0.

2. RESOLUTION: Adopting The 2024 Amendments To The ByLaws Of The Vienna Volunteer Fire Department (Sponsors: Councilman Roger Bibbee and Mayor Randy Rapp)

Chief Steve Scholl said they had an organization that wanted to donate money to them but the department needed to have an anti-terrorism clause in the bylaws that stated they would not give any funds to terror organizations.

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA AS FOLLOWS:

WHEREAS a quorum of the VIENNA VOLUNTEER FIRE DEPARTMENT BY-LAWS COMMITTEE, duly elected, properly convened, and by majority vote, recommended that the attached changes to the Vienna Volunteer Fire Department by-laws be submitted to the body of the department for its consideration and

WHEREAS at two consecutive regular business meeting of the Vienna Volunteer Fire Department, the first held at 7:00PM on December 7, 2023, and the second held at 7:00PM on December 14, 2023, both meetings having been held at the Vienna Fire Department, by a simple majority vote at said meetings, approved the proposed attached changes to the by-laws and,

WHEREAS, per Vienna Municipal Code, said changes were submitted to the Vienna City Council for its consideration and,

UPON due consideration of the public health, safety, and welfare, the wishes of the Vienna Fire Department, and upon recommendation of the City of Vienna Fire Chief, the Common Council of the City of Vienna does hereby adopt the attached changes and ORDERS that they be incorporated into the Fire Department by-laws, effective immediately.

Councilman Roger Bibbee moved to approve the Resolution Adopting The 2024 Amendments To The ByLaws Of The Vienna Volunteer Fire Department. Motion seconded by Councilman Chris Mancuso.

No further discussion.

Roll call vote taken by Mayor Randy Rapp. Councilwoman Kim Williams, Councilman Jim Leach, Councilman Roger Bibbee, Councilman Chris Mancuso, Mayor Randy Rapp, and Recorder Melissa Elam voting "yes". Vote: 6-0.

3. 2023-24 GENERAL FUND BUDGET REVISION #5

MEMORANDUM

TO: JIM LEACH
 FROM: Amy Roberts
 SUBJECT: 23-24 GENERAL FUND BUDGET REVISION #5
 DATE: 01/04/2024

DEPT	ACCT #	ACCT DESCRIPTION	EXPLANATION	CURRENT BUDGET	INCREASE (DECREASE)	REVISED BUDGET
	369	Contrib from other Funds	Contribution from Capital Reserve	3,155,339	300,730	3,456,069
			NET INCREASE / (DECREASE) TO REVENUE		300,730	
Pool	542-19	Equip Rents/Lease Pymnts	Bond Payments	0	225,730	225,730
Econ Development	704-68	Contribution	Additional Amount to the Wood County Dev Authority entering into added agreement	8,000	75,000	83,000
CONTINGENCIES	699		COVER THE ABOVE REVISIONS			
			NET INCREASE / (DECREASE) TO EXPENDITURES		300,730	

Councilman Jim Leach moved to approve the 2023-24 General Fund Budget Revision #5. Motion seconded by Recorder Melissa Elam.

Councilman Jim Leach supports this revision because we are interested in moving forward with the WV Economic Development and this needs to be funded for the bond payments.

Councilwoman Kim Williams asked if this encumbers the funds for the current budget year. Mayor Rapp answered “yes”.

Roll call vote taken by Mayor Randy Rapp. Councilwoman Kim Williams, Councilman Jim Leach, Councilman Roger Bibbee, Councilman Chris Mancuso, Mayor Randy Rapp, and Recorder Melissa Elam voting “yes”. Vote: 6-0.

4. RESOLUTION: Transferring The Balance Of American Rescue Plan (ARP) Funds Allocated To The City Of Vienna To The Vienna Utility Board For The Rehabilitation Of Water Well Fields Nine (9) And Ten (10) (Sponsors: Councilwoman Kim Williams and Mayor Randy Rapp)

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA, that it hereby assigns the balance of the American Rescue Plan (ARP) funds received by, or allocated to, the City of Vienna by the federal government under the American Rescue Plan Act of 2021, consisting of approximately \$153,897.00 along with any accrued interest, presently approximately \$32,000 for an approximate total of \$190,000.00, to the Vienna Utility Board (VUB).

The allocation of said funds to the VUB is for the purpose of planning, purchasing and/or leasing equipment, hiring personnel (if necessary) and funding a necessary water infrastructure project, specifically to rehabilitate water well fields nine (9) and (10), which is to be undertaken by the VUB.

These funds are to only be applied to infrastructure projects as are contemplated by the ARP.

Councilman Jim Leach explained that the language of the resolution is written in such a way because the interest accrues and at whatever point the funds are taken, it will include that.

Mayor Randy Rapp explained that the sum plus the interest will allocate all the money we have been assigned through ARP.

Councilwoman Kim Williams moved to approve the Resolution Transferring The Balance Of American Rescue Plan (ARP) Funds Allocated To The City Of Vienna To The Vienna Utility Board For The Rehabilitation Of Water Well Fields Nine (9) And Ten (10). Motion seconded by Councilman Roger Bibbee.

No further discussion.

Roll call vote taken by Recorder Melissa Elam. Councilwoman Kim Williams, Councilman Tom Azinger (phone connection restored), Councilman Jim Leach, Councilman Roger Bibbee, Councilman Chris Mancuso, Mayor Randy Rapp, and Recorder Melissa Elam voting “yes”. Vote: 7-0.

5. RESOLUTION: Forming An Economic Development Advisory Committee (Sponsors: Councilwoman Kim Williams and Councilman Chris Mancuso)

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA, that it hereby creates an Economic Development Advisory Committee (EDAC) for the for the purpose of working closely with the Wood County Development Authority (WCDA) to help facilitate the goals and objectives of economic development within the City of Vienna.

The Economic Development Advisory Committee is the stakeholder group that will assist the Wood County Development Authority with priority setting and long-term planning efforts. The EDAC will convene at least monthly or as requested by the WCDA.

All members of the EDAC shall serve a one-year term which will coincide with the Wood County Development Authority’s proposed one-year pilot program. The City of Vienna may choose to extend the Wood County Development Authority’s proposal and the Economic Development Advisory Committee on an annual basis.

The EDAC shall consist of seven members who qualify by having knowledge and experience in matters pertaining to business, industry, entrepreneurship, real estate, non-profit organizations, technology, and education. Three-fifths of all members shall be residents of Vienna.

Members of the EDAC may be recommended by the WCDA and Council. All nominations shall be approved by Council.

A majority of EDAC membership constitutes a quorum necessary for the transaction of business. Meetings of the EDAC are open to the public.

The EDAC shall choose its own officers consisting of a chairperson, vice chairperson, and secretary. The EDAC shall keep a record of its proceedings in accord with the West Virginia Open Meetings Act.

This committee shall only be in effect for as long there is an active Economic Development agreement between the City of Vienna and the WCDA.

Councilwoman Kim Williams moved to approve the Resolution Forming An Economic Development Advisory Committee. Motion seconded by Councilman Chris Mancuso.

Councilman Jim Leach moved to table the resolution in order to discuss this effort further. Seconded by Mayor Rapp.

Councilwoman Kim Williams is opposed to tabling because the discussion has been going on since July.

Mayor Randy Rapp supports tabling the resolution because some of the language in the resolution and the following ordinance is contradicting. The city attorney is out of town and he would prefer to have him present so he can clarify the language.

Councilwoman Kim Williams would like to clear everything up through discussion.

Councilman Chris Mancuso asked about the contradictions and does not support tabling the resolution. Concerning about continued delaying.

Mayor Randy Rapp said the money is allocated and would like to get further clarification from Mr. Skogstad.

Roll call vote taken by Recorder Melissa Elam. Councilman Tom Azinger, Councilman Jim Leach, Councilman Roger Bibbee, Mayor Randy Rapp, and Recorder Melissa Elam voting “yes”. Councilwoman Kim Williams and Councilman Chris Mancuso voting “no”. Vote: 5-2. Motion tabled.

6. ORDINANCE – FIRST READING: Creating The City Of Vienna Economic Development Authority (Sponsors: Councilman Jim Leach and Mayor Randy Rapp)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF VIENNA THAT: it hereby creates the Vienna Economic Development Authority (VEDA) for the for the purpose facilitating economic development within the City of Vienna.

CHAPTER 5

ARTICLE 154

VIENNA ECONOMIC DEVELOPMENT AUTHORITY

154.01 CREATED

There is hereby established a Vienna Economic Development Authority

154.02 PURPOSE OF ARTICLE

It is the intent of this article to create a committee to identify, investigate, plan, and facilitate economic development opportunities within the City of Vienna.

154.03 COMPOSITION, MEMBERSHIP, VACANCIES

The Vienna Economic Development Authority shall consist of five (5) members, one of which shall be the mayor, and one of which shall be a sitting member of Vienna City Council. The term of the mayor and council member shall be coextensive to the term of office to which he or she has been elected or appointed, unless the Mayor and Council, at the first regular council meeting of each year, appoint others to serve as the City's representatives. The remaining three members shall be appointed for terms of three years each, except those members first appointed as provided in Section 154.04. Of the three remaining members, only two shall be required to be a qualified voter entitled to vote for members of City's governing body. These members shall be nominated by the mayor and confirmed by Council. Vacancies shall be filled by appointment for the unexpired term only.

154.04 ORIGINAL APPOINTMENTS

For the original appointment of the five members of the Vienna Economic Development Authority provided for in Section 154.04, one member shall be appointed for one year, one member for two years and one member for three years.

154.05 OFFICERS

At its first regular meeting in each year, the Vienna Economic Development Authority shall elect from its members a president and vice-president. The Vienna Economic Development Authority may, at its discretion, appoint a secretary.

154.06 OFFICES, FACILITIES AND EXPENSES

Council shall provide the Vienna Economic Development Authority with suitable offices and facilities and provide by appropriation a sum sufficient to defray the reasonable expenses of the Authority to enable it to carry out its duties.

154.07 MEETINGS; QUORUM

The Vienna Economic Development Authority shall fix the time for holding regular meetings, but it shall meet at least once in the months of January, April, July, and October. These meetings are public meetings which shall comply with the West Virginia Open Meetings Act.

154.08 POWERS AND DUTIES

This group shall identify, investigate, plan, and otherwise facilitate economic development opportunities in efforts to promote the expansion of industrial, commercial, service, manufacturing, and tourist activity in the City of Vienna. This group has the authority to meet with businesses, governmental bodies, grant writers, and the like, to develop plans, in the furtherance of economic development within the City of Vienna. However, this Authority is a planning and recommending body only. Any plan or recommendation developed or generated by this body is subject to the review and approval of Vienna City Council.

Councilwoman Kim Williams moved to approve the Ordinance – First Reading Creating The City Of Vienna Economic Development Authority. Motion failed for lack of a second.

7. RESOLUTION: Authorizing The Acceptance Of An Agreement Between The Wood County Economic Development Authority And The City Of Vienna In The Amount Of \$75,000 (Sponsors: Councilwoman Kim Williams and Councilman Chris Mancuso)

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA, that it hereby accepts and authorizes the mayor or his designee to execute any documents as are reasonably necessary to enter into a one-year economic development agreement with the Wood County Development Authority (WCDA). The purpose of this agreement is to secure the assistance of the WCDA to identify and pursue development incentives, resources and opportunities, as well as to coordinate the logistics of applying and implementing said resources, information, and opportunities to facilitate meetings to prepare for or respond to the economic development opportunities, with a particular focus on the former OVU property, the former Johns Manville

property, the downtown business district, and any other opportunities that may arise within the City for business development consideration.

In exchange for the services more completely specified in the attached draft copy of the agreement, the City of Vienna will pay the WCDA the total sum of \$75,000 to be paid in four equal quarterly installments of \$18,750. This agreement can be terminated at any point for any reason.

This agreement is exempt from the competitive bid process under Vienna Municipal Code 105.05 as it is a professional service.

Councilman Jim Leach moved to table the resolution. Motion seconded by Recorder Melissa Elam.

Recorder Melissa Elam is in favor of the agreement and having a team of people from the city. She said there are similar but competing options and would like to get it cleared up before the next council.

Councilwoman Kim Williams reviewed how the city business is conducted and thinks these items are no different than usual agenda items.

Roll call vote taken by Recorder Melissa Elam. Councilman Tom Azinger, Councilman Jim Leach, Councilman Roger Bibbee, Mayor Randy Rapp, and Recorder Melissa Elam voting "yes". Councilwoman Kim Williams and Councilman Chris Mancuso voting "no". Vote: 5-2. Motion tabled.

Mayor Randy Rapp made a motion to go into Executive Session to discuss a real estate matter. Seconded by Councilman Jim Leach. Recorder Melissa Elam polled Council and all were in favor.

Dismissed to Executive Session at 6:55pm.

Returned from Executive Session at 7:12pm.

8. RESOLUTION: Authorizing The Mayor To Enter Into An Agreement With Merritt/Chase In An Amount Not To Exceed \$32,000 (Sponsors: Councilman Chris Mancuso and Mayor Randy Rapp)

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA, that:

Whereas the City of Vienna desires to remediate and restore the Spencer's Landing property for the riverfront and to explore various designs for riverfront improvements that will be of the most benefit to the citizens of the City of Vienna, it hereby authorizes the mayor and/or his designee to take all steps as are reasonably necessary to enter into an agreement with Merritt/Chase to develop a detailed, phased concept design for Spencer's Landing, building off of existing programming needs and concept design sketches provided by the City of Vienna.

The objective of this project is to create a design for the Vienna riverfront inclusive of Spencer's Landing, the 12th Street property, and the Johns Manville site; to align priorities of various landowners and uses focusing on riverfront access, programming, circulation, ecological restoration, phasing, and development opportunities.

The design will also take into consideration existing conditions, the site's full history, and the work that has been done to-date. Further, Merritt/Chase will collect and synthesize all available information to identify gaps in information and to inform concept design options.

Merritt/Chase will create concept design options for spatial organization, circulation, materials, character, and connectivity.

The total expenditure for the design agreement shall not exceed \$32,000, including reimbursable expenses.

Councilman Chris Mancuso moved to approve the Resolution Authorizing The Mayor To Enter Into An Agreement With Merritt/Chase In An Amount Not To Exceed \$32,000. Motion seconded by Councilwoman Kim Williams.

Councilman Jim Leach moved to table the resolution. Seconded by Mayor Randy Rapp.

Councilman Chris Mancuso said there is a lot of opportunity in Vienna and wants to see Council take actionable items to help improve the community.

Councilwoman Kim Williams does not support tabling.

Councilman Jim Leach said there are actions being taken now such as the Economic Impact Study.

Roll call vote taken by Recorder Melissa Elam. Councilman Tom Azinger, Councilman Jim Leach, Councilman Roger Bibbee, Mayor Randy Rapp, and Recorder Melissa Elam voting “yes”. Councilwoman Kim Williams and Councilman Chris Mancuso voting “no”. Vote: 5-2. Motion tabled.

9. UPDATE: Jackson Pool

Mayor Rapp said the weather has not slowed the project down. No delays on equipment or materials.

Recorder Melissa Elam shared that there have been two incidents of break-ins. It appears to be teenagers and nothing major was taken but the police will be making more passes through that area. Asked the community to let the police know if they see anything.

COUNCIL COMMENTS:

Recorder Melissa Elam gave a reminder that the filing period to run for mayor, recorder, and council is open. Last day to file is January 27. Filing packets are available at the city building during business hours.

Mayor Randy Rapp shared highlights from 2023. Vienna Utility Board completed infrastructure projects: 45th Place water main improvement project, River Road water main upgrade, 12th Street sewer lift station pumps (3) were replaced. Applied for and were awarded the funds to replace bridges (5) in Vienna. Purchased three new snow removal trucks. Awarded an earmark from Senator Manchin’s office allowed us to have Pond Run surveyed and mapped and when the funding arrives the dredging can begin. Spent \$627,954.39 on concrete and asphalt for repair and replacement of streets. Building permit fees were almost \$16 million. New fire truck will arrive in two months. New officers hired for the police department. New pickleball courts were built. Pool construction began. Another successful Freedom Festival. Selected to receive a new elementary school. Thanked city departments for their diligence.

Councilwoman Kim Williams gave an invitation for a Town Hall hosted by her and Councilman Mancuso, Tuesday evening at the Community Building at 6:30pm.

Mayor Randy Rapp shared that items from the Heritage Room will be displayed at the Vienna Public Library.

Mayor Randy Rapp is going to put out an invitation to all former employees of the Johns Manville plant. Notices will be advertised.

Councilman Tom Azinger told Mayor Rapp that Jim Kaufman was a machinist at Johns Manville and would be a good resource.

Meeting adjourned at 7:33pm.

Melissa Elam, Recorder

Randall C. Rapp, Mayor

APPROVED: _____
 Initials Date