

REGULAR COUNCIL SESSION
609 29th Street, Vienna, WV 26105
January 27, 2022
6:00 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE:

The Invocation was given by Diane Wooten. The Pledge of Allegiance was led by Councilman Roger Bibbee.

CALL TO ORDER:

The Vienna City Council met in Regular Session on January 27, 2022. Mayor Randy Rapp called the meeting to order at 6:02pm.

ROLL CALL:

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

PUBLIC FORUM:

Brenda Powell (1409 36th Street): Asked if it is possible for Vienna to purchase a few buses and pay part-time bus drivers to just service Vienna. Suggests council contact county commission to see if they can bring protections from developers like the ones that built 45th Place. She would like to view the masterplan online even before it is approved. She hopes that Neale School can be preserved as a piece of history when it is closed.

REPORT OF THE MINUTES:

The minutes of the Regular Council Session scheduled on 1/13/2022 have been printed, posted, and circulated. Approved as posted.

UNFINISHED BUSINESS:

1. None.

NEW BUSINESS:

1. **ORDER: Authorizing an Election for Renewal of an Existing Levy Under the Provisions of West Virginia Code Chapter 11, Article 8, Section 16, to Provide for the Continued Operation of the Mass Transportation (Bus) System**

IT IS HEREBY RESOLVED AND ORDERED by the City Council of the City of Vienna:

Section 1:

The Council of the City of Vienna, West Virginia, is of the opinion and does hereby find:

- (a) That the existing mass transportation system operated by the Mid Ohio Valley Transit Authority is funded for operations in the municipalities of Parkersburg and Vienna only in an amount which will permit operation of said system until June 30, 2023.
- (b) That for the existing mass transportation system to be operated beyond June 30, 2023, additional revenues are needed.
- (c) That for the good of the public welfare it is necessary that an existing additional levy be renewed, extended and utilized to fund the operation of the mass transportation system in the future.

Section 2:

The purpose for which the renewal of the existing additional levy funds are needed is to continue the operation of the mass transit (bus) system in the cities of Parkersburg and Vienna, West Virginia, at a total cost of approximately \$3,042,417.78 per year for two (2) years, of which the sum of \$870,217.53 per year for two (2) years would be derived from the City of Vienna.

Section 3:

The total amount of funds needed for the purpose above stated is approximately \$3,042,417.78 per year for two (2) years, of which \$870,217.53 per year for two (2) years would be funded by the City of Vienna. These funds will be used to provide for the continued operation of the mass transit (bus) system in the cities of Parkersburg and Vienna, West Virginia, provided, however, that in the event the additional levy is approved by the voters of the City of Vienna, but disapproved by the voters of the City of Parkersburg, funds obtained from the levy may be used for the operation of the mass transit (bus) system for routes which originate or terminate within the geographical confines of the City of Vienna.

Any surplus funds received by the City of Vienna may be utilized for the same purposes during the fiscal year so received.

In the event any funds may be obtained from the United States of America, the State of West Virginia, or any other legal source, by gift, grant or otherwise, in aid of furtherance of the aforesaid purposes, the City of Vienna is authorized to match such funds from the proceeds of the additional levy.

Section 4:

The separate and aggregate assessed valuation of each class of taxable property within the City of Vienna as shown by the records of the Assessor of Wood County, West Virginia, as of May 13, 2021, for State, County and City taxation is as follows:

Class I	\$	-0-
Class II		338,362,354.00
<u>Class IV</u>		<u>203,790,504.00</u>
Total		\$542,152,858.00

Section 5:

The proposed additional rate of renewal levy in cents on each One Hundred Dollars (\$100.00) assessed valuation of taxable property in the City of Vienna is as follows:

Upon Class I Properties	\$0.05833
Upon Class II properties	\$0.11666
Upon Class IV properties	\$0.23332

Said rates shall be reduced for all classes of property for each levy tax year so as to cause such rate of levy to produce no more than approximately \$870,217.53.

Section 6:

The proposed years to which the renewed additional levy shall apply are the two (2) fiscal years beginning July 1, 2023, and July 1, 2024.

Section 7:

The City of Vienna shall not issue bonds for the purposes set forth in this Order.

Section 8:

The question of laying such renewal of existing additional levy shall be submitted to the voters of the City of Vienna at an election to be held in said City on the 10th day of May, 2022, in accordance with the election laws of the State of West Virginia.

Section 9:

The registration of voters and the use of registration books shall be governed by the permanent registration law of the State of West Virginia and the registration lists of Wood County, West Virginia, as amended and corrected according to law, shall be the official registration list for such election. It appears that the provisions of West Virginia Code, Chapter 3, Article 3, relating to absentee and early voting are clearly adaptable to this election. Except to the extent expressly herein provided, this election shall be governed by the general election laws of the State of West Virginia.

Section 10:

The Notice calling such election shall be given by publication of this Order as a Class II-0 legal advertisement in compliance with provisions of Article 3 of Chapter 59 of the Code of West Virginia of 1931, as amended, being published once a week for two (2) successive weeks prior to the date of the election in two (2) qualified newspapers, of opposite politics if two (2) such newspapers are available, or, if only one (1) such qualified newspaper is available, in that qualified paper, and of general circulation in Wood County, West Virginia.

Section 11:

The form of the ballot for such election shall be as follows:

Election to authorize the renewal of existing additional levies for the fiscal years beginning July 1, 2023, and July 1, 2024, for the purpose of providing for the continued operation of the mass transit (bus) system in the cities of Parkersburg and Vienna, West Virginia, according to the Order of the Council of the City of Vienna adopted on the 27th day of January, 2022. In the event renewal of existing additional levies are approved by the voters of the City of Vienna but disapproved by the voters of the City of Parkersburg, the funds from said additional levy may be used for the operation of the mass transit (bus) system for routes which originate and terminate within the geographical limits of the City of Vienna.

The renewal of the existing additional levy per \$100.00 valuation shall be on Class I property, \$0.05833; on Class II property, \$0.11666; and on Class IV property, \$0.23332. Said rates shall be reduced for each levy year so that the proceeds of the additional levy shall be approximately \$870,217.53 per year.

- () Yes, for renewal of levy for continued mass transit (bus) service
- () No, against renewal of levy for continued mass transit (bus) service

Attorney Andrew Woofter, representing the Mid Ohio Valley Transit Authority explained that the levy rate is the same as it has been and that they are asking Council to approve the order to put the levy on the ballot for the voters.

Attorney Russ Skogstad explained that the original date in the order was January 13, 2022 because it was originally scheduled to be on the agenda on that day. The date has been changed to today's date, January 27, 2022.

Councilman Roger Bibbee moved to approve the Order for Authorizing an Election for Renewal of an Existing Levy Under the Provisions of West Virginia Code Chapter 11, Article 8, Section 16, to Provide for the Continued Operation of the Mass Transportation (Bus) System. Motion seconded by Councilwoman Kim Williams.

No further discussion.

Roll call vote taken by Recorder Melissa Elam. Councilwoman Kim Williams, Councilman Roger Bibbee, Councilman Tom Azinger, Recorder Melissa Elam, and Mayor Randy Rapp voting "yes". Vote: 5-0.

2. Update – 45th Place Water Line Project

Burgess and Niple is working on the task order. The next step is to approve the task order (that will tell us what it will cost). Third, is to do the engineering order.

Councilwoman Kim Williams asked for clarification because she thought what happened at the Vienna Utility Board moved the project into phase two where Burgess and Niple can finish the design phase and put it out to bid. Mayor Rapp explained that we do not have a cost for the project... they are giving us a cost for how much work it's going to require them to prepare the documents to actually get it done. It does not go out to bid until we get a cost estimate.

3. Discussion – Masterplan for Parks

Tomorrow, Tim Roberts will meet with Jim Christie to make corrections and changes to the masterplan. The final masterplan will go out to the public after that.

Recorder Melissa Elam: Priorities should be the pool and low hanging fruit. Jackson Park: improve accessibility, sidewalks, and connectivity. Pool: Close pool this year and open next year. Not in favor of new proposed location. Likes Concept A the best. Keep the diving boards. Add zero entry and kiddie pool to splash pad area. Community Building: Needs to be updated, enlarged, and possibly resituated. Indoor Rec Facility: Good location would be where the current rec building is located. Sledding Hill: Not in favor of new concept but simple improvements would be nice (fencing and handrail). Corridor: Good to work towards and do underpass then. McDonough: Really likes observation tower and bike path. Jackson Park Recreation side: Not in favor of taking out baseball fields. Need to look at other acreage utilization for soccer. Spencer's Landing: Don't put soccer fields there. Keep competitive sports at Jackson. Use Spencer's Landing for free play and community use. Don't want splash pad. Asked if Jackson Middle School will be able to present their concepts. We need to start with our limitations and map out the areas that limit us (oil derrick, remediation areas, land covenants). Spencer Park: Keep the basketball court and just add the Bankshot pieces. Consider how loud the musical pieces would be to respect the neighbors.

Councilman Roger Bibbee: Pool first. No preference on concept. Wants us to focus on accommodating small children because it will increase attendance. Zero entry is important to him.

Mayor Rapp reached out to HUD to see if we could get help from them to build the bridges in Jackson Park but they won't fund it because they don't qualify. Community Building: Concerned about traffic flow if the building is resituated for Jackson Middle School after school pick up. Jackson Middle School project: Was scheduled to present but they had to reschedule. We are waiting on them to let us know when they can come. Spencer's Landing: Three areas were encapsulated and can now be used. Can't remove soil but can add dirt to it. He will have Councilman Jim Leach explain and show council all the areas that we can't use.

Not supportive of moving Gold Star Memorial. Likes the amphitheater, walking trails, and picnic shelters. Baseball fields: Would like to see a playground at the ballfields. McDonough: Asked Jack Mathers what covenants and restrictions would affect the bike paths. Wildlife refuge is defined as passive recreation such as walking, biking, etc. Wildlife gets the priority.

Councilwoman Kim Williams: Pool is number one on the priority list. Liked the new location but part of the water park is partially in the 100 year flood zone. Likes things about Concept A and B. May want to still consider the concept that Pickering came up with last year. Really feels splash pad is important. Thinks we need to look at updating the shower room/concession building. Spencer's Landing: Not in favor of soccer fields. What can we actually do? Asked about the oil derrick and what can be moved. (Mayor Rapp stated Mr. Dils owns it and it has a 200 ft right of way on both sides of it. It cannot be moved and we have to make sure he has access to it.) Asked about land covenants and process of using those sections of land. Concerned that we can't use portions of the land or disturb the current parking lot. Jackson Ballfields: Not in favor of getting rid of baseball fields.

Councilman Tom Azinger: Does not like the new location for the pool because of crossing 34th Street.

Attorney Russ Skogstad will send council the restrictions on Spencer's Landing.

COUNCIL COMMENTS:

Councilwoman Kim Williams glad we got a master plan for parks and a master plan for water and sewer. She feels strongly that we need a master plan for the city. The last time we had one was 2007. This budget season maybe we should come up with the money to invest in a master plan that is developed by us as leaders and get community input.

Recorder Melissa Elam asked for a schedule for budget presentations.

Recorder Melissa Elam reported that four people have filed for the vacant seat. All of them have filed for the temporary and for the election.

Meeting adjourned at 7:25 p.m.

Melissa Elam, Recorder

Randall C. Rapp, Mayor

APPROVED: _____
 Initials Date