

REGULAR COUNCIL SESSION
609 29th Street, Vienna, WV 26105
March 25, 2021
6:00 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE:

The Invocation was given by Stan Coberly. The Pledge of Allegiance was led by City Attorney Russ Skogstad.

CALL TO ORDER:

The Vienna City Council met in Regular Session on March 25, 2021. Mayor Randy Rapp called the meeting to order at 6:03 p.m.

PUBLIC FORUM:

Brenda Powell (1409 31st St.): She is concerned that the stucco on the city building and senior building. Only one person takes care of stucco. A different option may be better for future buildings so we are not in a situation where we only have one choice for repairs. Ms. Powell also asked if the caboose could be transferred to Spencer's Landing. She suggested restoring it and putting up a plaque with its history.

ROLL CALL:

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

REPORT OF THE MINUTES:

The minutes of the Special Council Session scheduled on 3/18/2021 have been printed, posted, and circulated. Minutes approved as posted.

REPORT OF THE TREASURER:

Mistakenly put on the agenda.

UNFINISHED BUSINESS:

1. ORDINANCE – SECOND READING: Codifying the Process for the Appointment and Approval of Council Liaisons to the City of Vienna Police Department, Fire Department, Public Works, Finance Department, and Vienna Senior Center

City Council liaisons serve as a communication link between Vienna City Council and each of the major departments each of which are necessary to perform the major functions of the City which can benefit from direct individual interaction with council. City Council liaisons should facilitate a good working relationship between the Department they serve and Council.

THEREFORE, be it ordained by the Common Council of the City of Vienna that it does hereby adopt the following rules governing city council liaisons:

- (a) There shall be two Public Safety liaisons, one liaison assigned to the Vienna Police Department and one liaison assigned to the Vienna Fire Department.
- (b) There shall be one Public Works liaison assigned to the Department of Public Works.
- (c) There shall be one liaison to the Senior Center.
- (d) There shall be one liaison to the Finance Department.
- (e) All liaisons shall be members of Vienna City Council.
- (f) All Liaisons shall be nominated by the Mayor and confirmed by a majority of Council.
- (g) Council liaisons terms shall be concurrent to the term of office to which he or she has been elected or appointed, unless the Mayor and Council, at the first regular meeting of each year, appoint others to serve as a Council Liaison.
- (h) The Planning Commission (Article 133 of the Vienna Municipal Code), the Vienna Utility Board (Article 130 of the Vienna Municipal Code), the Board of Parks and Recreation (Article 137 of the Vienna Municipal Code), and the Vienna Tree and Beautification Commission (Article 907 of the Vienna Municipal Code), are boards whose membership composition are governed independently by each of their respective ordinances, and which have an already established appointment process where at least one member of council serves on each board, shall not have council liaisons.

Councilwoman Kim Williams moved to approve the ORDINANCE – SECOND READING: Codifying the Process for the Appointment and Approval of Council Liaisons to the City of Vienna Police Department, Fire Department, Public Works, Finance Department, and Vienna Senior Center. Motion seconded by Councilman Mike Elam.

Councilman Jim Leach moved to amend (f) from “confirmed by a majority” to “unless at least five (5) members of council vote to disapprove”. Motion seconded by Mayor Randy Rapp.

Discussion: Councilman Tom Azinger spoke against the amendment. Councilman Jim Leach wants to give one vote deference to the executive of the city.

Roll call vote on amendment taken by Recorder Melissa Elam. Councilman Jim Leach and Mayor Randy Rapp voting “yes”. Councilman Mike Elam, Councilman Tom Azinger, Councilwoman Kim Williams, Recorder Melissa Elam voting “no”. Vote: 2-4.

Roll call vote taken by Recorder Melissa Elam. Councilman Mike Elam, Councilman Tom Azinger, Councilwoman Kim Williams, Recorder Melissa Elam, and Mayor Randy Rapp voting “yes”. Councilman Jim Leach voting “no”. Vote: 5-1.

NEW BUSINESS:

1. PROCLAMATION: Fair Housing Month

WHEREAS, April marks the anniversary of the passage of the Fair Housing Act of 1968, which sought to eliminate discrimination in housing opportunities and to affirmatively further housing choices for all Americans; and

WHEREAS, the ongoing struggle for dignity and housing opportunity for all is not the exclusive province of the Federal government; and

WHEREAS, vigorous local efforts to combat discrimination can be as effective, if not more so, than Federal efforts; and

WHEREAS, illegal barriers to equal opportunity in housing, no matter how subtle, diminish the rights of all;

NOW, THEREFORE, BE IT RESOLVED,

that in the pursuit of the shared goal and responsibility of providing equal housing opportunities for all men and women, the City of Vienna, West Virginia does hereby join in the national celebration of the 53rd Anniversary of the Fair Housing Act by proclaiming

APRIL 2021 as FAIR HOUSING MONTH

and encourages all agencies, institutions and individuals, public and private, in the City of Vienna, West Virginia to abide by the letter and the spirit of the Fair Housing law.

2. RESOLUTION: Appointing Cathy Smith to the Position of Vienna City Court Judge

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA, Cathy Smith, a qualified candidate and resident of the City of Vienna, is hereby appointed as Vienna City Court Judge, subject to all of the provisions and requirements of West Virginia Code 8-10-2(b) and (c) and further subject to the provisions of Vienna Municipal Code 173.01, et seq, to serve at the pleasure of Council.

City Attorney Russ Skogstad explained that Ms. Smith has been filling the position temporarily. He checked with the Ethics Commission and ethically there is no conflict with her being a police department employee.

Mayor Randy Rapp stated that Cathy Smith has trained every city judge since 1971 and is highly qualified.

Councilman Jim Leach moved to approve the Resolution Appointing Cathy Smith to the Position of Vienna City Judge. Motion seconded by Mayor Randy Rapp.

Discussion: Councilman Mike Elam said she won't get his vote because he thinks it doesn't look good for someone who works for the police department to also be the City Court Judge. Councilwoman Kim Williams agreed for the same reason. She stated that regardless of her qualifications the optics are not good.

Roll call vote taken by Recorder Melissa Elam. Councilman Jim Leach and Mayor Randy Rapp voting “yes”. Councilman Mike Elam, Councilman Tom Azinger, Councilwoman Kim Williams, Recorder Melissa Elam voting “no”. Vote: 2-4.

3. RESOLUTION: Increasing the Incentive Compensation Plan for the Vienna Volunteer Fire Department from \$1,500 to \$1,800

