

REGULAR COUNCIL SESSION
609 29th Street, Vienna, WV 26105
May 26, 2022
6:00 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE:

The Invocation was given by Hunter Turner. The Pledge of Allegiance was led by Councilman Jim Leach.

CALL TO ORDER:

The Vienna City Council met in Regular Session on May 26, 2022. Mayor Rapp called the meeting to order at 6:02pm.

ROLL CALL:

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

PUBLIC FORUM:

Warren Peascoe (5607 Greenmont Place): Spoke about the need to make sure the new swimming pool is handicapped friendly. He spoke about specific ideas. (His complete, printed presentation is included in the minute book.)

Judy Peascoe (5607 Greenmont Place): Hopes Council will develop public water access at Spencer's Landing. Also, asked Council to consider installing a frisbee golf course. (Handout provided.)

Tamara Rhodes (4604 6th Ave.): Disappointed that a portion of the 12th Street property is going to be sold. Asked what the terms of the forbearance agreement were. Thinks VIA has no demonstrable need for that property as defined by Home Rule. Thinks the property should revert back to the city. Asks Council to keep the public included in the conversation about 12th Street.

Nichole Aguilar (605 33rd Street): Commented on the ordinance about livestock. Would like it amended to allow two hens. Would like urban dwellers to be encouraged to be more self-reliant. Taking care of chickens is just as easy as taking care of dogs (eat less, less waste, quieter, and provide nutrition). They can also be pets for children who are allergic to cats and dogs. (Handout provided.)

Brenda Powell (1409 31st Street): Spencer's Landing: Kayak launch in city limits is good no matter where it is located. Jackson pool: Thinks a baby pool is better than a zero grade entry into the large pool. Would like to see it separate from the pool.

Recognition of new PHS Senior Class President, Hank Poole, Jr.: Recorder Elam introduced Mr. Poole and asked what made him interested in running for office. He has aspirations of getting involved on the federal level someday.

REPORT OF THE MINUTES:

The minutes of the Regular Council Session scheduled on 5/12/2022 have been printed, posted, and circulated. Approved as posted.

The minutes of the Special Council Session scheduled on 5/20/2022 have been printed, posted, and circulated. Approved as posted.

UNFINISHED BUSINESS:

1. None.

NEW BUSINESS:

1. **UPDATE: Jackson Pool**

RFQ packets are being requested and sent out. Good response so far.

An interview team has been assembled.

Flyers are going out in backpacks, Facebook, and the city website giving details on the shuttle to City Park pool, The Hangout run by the YMCA, and info on Family Fun Weekends.

Mr. Azinger asked for clarification on how we determine if the price given to Council is reasonable. The firm chosen first from the RFQ process will present costs to Council and it becomes Council's decision how to proceed.

2. DISCUSSION: Payment Options for Pool Project

Attorney Skogstad gave clarification on the Budget and Finance Committee's roll and if they need the information first or if it can go straight to Council. If Council would like to bypass the Committee for this process, it can be done.

Mayor Rapp gave an update on getting bond counsel. It was advised that a bond is not necessary for funding. Financing is best. When we have actual project costs, we will put it out to bid.

Attorney Skogstad did further research on the issue of city officials soliciting funds. The response he got from the Ethics Commission stated that fundraising by public servants for a pool used for a charitable purpose such as recreation is not a violation.

Councilwoman Williams asked who determines what amenities will be included in the final design. Council will approve the plan.

3. UPDATE: Spencer's Landing Planning

Recorder Elam gave a summary of the students' presentation from Jackson Middle School. Her take away was "simple is more". The students talked about a lot of good ideas that were considered. They highly recommend a pavilion that would act as a hub and could be used for a variety of functions. They stressed the overall design should be adaptive and flexible. Councilwoman Williams liked that they recognized the need for water and sewer before we can do anything else down there.

Mayor Rapp said there seems to be a consensus between the various groups that he is meeting with. Councilwoman Williams asked who is putting together the plans. Mayor Rapp stated the groups working on it will put together a plan and present it to Council. Ms. Williams volunteered to be a part of the team.

Councilwoman Williams asked about details on the dirt being brought down to Spencer's Landing. Craig Metz was in attendance and said approximately 2000 truckloads of dirt will be brought down to Spencer's Landing. He was asked to provide an estimate of how much it costs to do the project. Ms. Williams believes the expenditures for this project should come before Council.

Councilman Mancuso is concerned we are making moves at Spencer's Landing without a plan. Mayor Rapp invited Mr. Mancuso to participate in getting it designed. In reference to "killing two birds with one stone" being filling in a hole with dirt from a hillside we want to remove, Mr. Mancuso said he just wants to make sure we want to kill both of those birds.

Recorder Elam asked Councilwoman Williams if her request for costs is based on how she follows the numbers because it is a budget issue. Ms. Williams doesn't believe we are being good stewards of tax payer money if we don't even know how much it costs.

4. DISCUSSION: 12th Street Pump and 28th Street Storm Drainage

Craig Metz updated Council on the effects debris has on the pumps and impellers. Presented the need for three new pumps. Asked for \$334,690.00 from ARP funds and would like the request to be on the agenda for next Council.

Mayor Rapp called for a break at 7:29pm.

Council resumed at 7:38pm.

Mike Davis reviewed the feedback received from residents and storm drainage issues. The Utility Board determined that the 28th Street project was the project to start with. Many areas affected by the 28th Street project need larger pipe. Water retention basin locations have been planned. The project is mapped out in three phases. The task order will involve design for all three phases and detailed design will only be for the first phase. Total cost for proposed task order is \$160,500. The project would begin in June 2023.

Councilman Azinger expressed concern for doing it in phases since cost of materials and interest rates will continue to rise. Mr. Metz agreed but also stated it would be easier on residents because it won't inconvenience them as much.

Mayor Rapp stated we are trying to get grants that are available on the state and federal level. A bond would have to be approved by the voters.

Councilman Leach would like to know from Craig Richards how far we need to go to get numbers that we can use for grant applications.

Recorder Elam would like to tackle this project and get it off the list because there are other projects we need to do also. She asked what is currently located where the basins are being proposed. There is an open lot, church property, and one close to Pond Run.

Craig Metz informed Council that the River Road project will begin Tuesday. He also said that there is considerable stream erosion at 51st Street and 8th Avenue. He is going to barricade the road until they can rechannel the water. The Soil Conservation Department inspected dry dams and Pond Run. They noted Pond Run has a lot of silt in it. No money has been committed to dredging yet. Recorder Elam asked Mr. Metz to bring a request to complete the dredging.

5. RESOLUTION: Authorize the Purchase of 21 Microsoft Surface Tablets Outside of the Competitive Bid Process

As per Vienna Municipal Code Article 105.02(j) which reads:

“If, after due and proper notice, as prescribed in subsection (c) hereof, no bids are received or, all bids so received are rejected, the Purchasing Agent shall again solicit bids in accordance with the provisions of this section, and, if, after which, no bids are received pursuant thereto, or, if all of the bids so received are rejected, then, upon the unanimous vote of Council, the department head or the Purchasing Agent, as directed by Council, shall purchase such materials, supplies, or equipment, or contract for services, as the case may be, in the open market, as if the adherence to the provisions of this section regarding competitive bidding would render the interest of the City better served by noncompliance than by compliance with this section.”

Be it resolved by the common council of the City of Vienna that:

Whereas the City of Vienna has solicited bids for the purchase of 21 Microsoft Surface Tablets for the Vienna Police Department on two separate occasions in accord with the City competitive bidding process, and whereas the City of Vienna has received no bids for the purchase of said tablets on either occasion.

The Finance Director or the Vienna Police Chief, or either’s designee, is authorized to purchase up to 21 Microsoft Surface Tablets in the open market.

It is, further, the recommendation of Council that either the Police Chief or Finance Director or their designee(s) obtain three prices for similarly equipped Microsoft tablets from three different vendors.

The Police Chief and/or finance director or his or her designee is authorized to purchase up to 21 tablets from the lowest responsible vendor or vendors.

Council recognizes that no single provider may have all 21 tablets in stock and authorizes the purchase of the tablets from any single vendor or combination of vendors.

Further, Council authorizes the purchase of any number of tablets up to 21 from any vendor or vendors with preference for a vendor or vendors who may make delivery of the tablets earlier even if the vendor(s) cannot provide the tablet at the lowest cost so long as the price difference is reasonable.

Mayor Rapp stated we have done the bid process twice but no bids have come in.

Attorney Skogstad clarified the last paragraph helps us get the tablets as quickly as we can.

Councilman Tom Azinger moved to approve the Resolution Authorize the Purchase of 21 Microsoft Surface Tablets Outside of the Competitive Bid Process. Motion seconded by Recorder Melissa Elam.

Recorder Elam asked if the grant specified an actual dollar amount or a quantity of tablets. The grant will cover the total amount of the tablets and we just need to turn in our receipts and documentation.

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

COUNCIL COMMENTS:

Recorder Melissa Elam responded to Mrs. Peascoe and said we do have a frisbee golf course. We may need to do

ANNOUNCEMENTS:

Mayor Randy Rapp said Flags of Honor will be at Spencer’s Landing starting Friday and will remain all week.

Ice Cream Social is June 10th.

Meeting adjourned at 8:08pm.

Melissa Elam, Recorder

Randall C. Rapp, Mayor

APPROVED: _____
 Initials Date