

**REGULAR COUNCIL SESSION**  
**609 29<sup>th</sup> Street, Vienna, WV 26105**  
**June 22, 2023**  
**6:00 P.M.**

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

The Invocation was given by Rod Smith. The Pledge of Allegiance was led by Councilman Roger Bibbee.

**CALL TO ORDER:**

The Vienna City Council met in Regular Session on June 22, 2023. 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, Tom Azinger, Jim Leach, Roger Bibbee, Chris Mancuso, Recorder Melissa Elam, City Attorney Russell Skogstad, and Mayor Randy Rapp. Absent: None.

**PUBLIC FORUM:**

**Chad Emrick (2806 10<sup>th</sup> Ave.):** Spoke about the agenda item regarding increasing the bid purchases amounts.

**Brenda Powell (1409 31<sup>st</sup> Street):** She noted how helpful Council's use of microphones is for the public. She asked for an update on funding for the pool. Expressed that the Vienna Senior Center needs a Facebook page.

**REPORT OF THE MINUTES:**

The minutes of the Regular Council Session scheduled on 6/8/2023 will be available at the next council meeting.

**UNFINISHED BUSINESS:**

1. None.

**NEW BUSINESS:**

1. **RESOLUTION: Approving And Authorizing The City Of Vienna To Engage Burgess And Niple To Perform Engineering Services In Conjunction With The Design Of The Kayak Launch (Sponsored by: Mayor Randy Rapp and Councilman Jim Leach)**

Mayor Rapp explained that Burgess and Niple was selected through the RFQ process but he had missed bringing a formal resolution to Council.

Councilman Chris Mancuso recused himself due to his employer having also been interviewed in the RFQ.

**BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA**, based upon the interview and scoring process undertaken by the Kayak Committee formed with the purpose of interviewing potential qualified engineering candidates, that it hereby approves Burgess & Niple, the highest scoring firm, a qualified and credentialed engineering firm, to perform engineering and design services related to the City of Vienna Kayak Launch project. Further, the mayor, and/or his designee is authorized to execute any agreements or related documentation necessary to engage Burgess & Niple for engineering services related to the design of said project.

**Recorder Melissa Elam moved to approve the Resolution: Approving And Authorizing The City Of Vienna To Engage Burgess And Niple To Perform Engineering Services In Conjunction With The Design Of The Kayak Launch. Motion seconded by Councilman Roger Bibbee.**

Councilman Tom Azinger asked about the studies that have been done regarding the currents. Mayor Rapp stated the current at 12<sup>th</sup> Street is much slower than Spencer's Landing.

Councilwoman Kim Williams asked if work has already begun and if there has been any payment. Mayor Rapp responded that yes work has begun on preliminary plans and no there has not been any payment yet.

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

**2. ORDINANCE – FIRST READING: Amending 105.02 Open Market Purchases; Competitive Bidding Purchases Increasing The Amount Triggering The Competitive Bid Requirement From \$10,000.00 To \$25,000; Increasing The Non-Competitive Bid, Non-Three Price Purchasing Limit For Materials And Equipment From \$1,000 To \$2,500**

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

**105.02(b)** of the Vienna Municipal Code is hereby amended as follows:

(b)(1) “Except as otherwise provided herein, all purchases of materials, supplies and equipment for procurement by the City shall be by competitive bidding where the estimated cost or value of such materials, supplies or equipment exceeds the amount of twenty-five thousand dollars (\$25,000).”

(b)(2) “For the purchase of materials, supplies, and equipment for procurement by the City of a value more than twenty-five hundred dollars (\$2,500) and less than twenty-five thousand dollars (\$25,000), the purchasing agent shall obtain and submit three prices from the open market of said materials, supplies, and equipment, unless said materials, supplies and equipment are only obtainable from two or fewer sources. In any event, the purchasing agent shall purchase the lowest price qualifying material, supply, and/or equipment.

**Councilman Tom Azinger moved to approve the Ordinance – First Reading: Amending 105.02 Open Market Purchases; Competitive Bidding Purchases Increasing The Amount Triggering The Competitive Bid Requirement From \$10,000.00 To \$25,000; Increasing The Non-Competitive Bid, Non-Three Price Purchasing Limit For Materials And Equipment From \$1,000 To \$2,500. Motion seconded by Recorder Melissa Elam.**

Councilman Roger Bibbee asked if there was an issue that prompted the increase. Mayor Rapp explained that the cost of materials has increased and with the bidding process taking up to 6 months it has become cumbersome. Clarified that department heads find three bids for the \$2,500-\$25,000.

Councilman Chris Mancuso asked for specific instances to justify the increase. Plastic pipe was given as an example. Councilman Mancuso asked when the last time it was increased. Councilwoman Kim Williams stated that it was June 2019. Councilman Mancuso also doesn't feel the increase from \$1,000 to \$2,500 for purchasing agents to make purchases without approval is necessary.

Recorder Melissa Elam stated that Council still has to approve the budget for department heads that they have to abide by. She believes we are giving them the ability to make the judgments within their department that are best going to serve them. She thinks increases are warranted.

Councilwoman Kim Williams referenced South Charleston, Martinsburg, and Wheeling being comparable to Vienna's size and all have lower limits. She said a lot of discretionary spending is going to open up that won't get Council's approval. Spoke about the cost for fencing for the new baseball fields violating the bid process recently.

Mayor Rapp expressed support of department heads and their ability to make these decisions.

Councilman Chris Mancuso asked if department heads have been saying the \$10,000 threshold is a problem. Mayor Rapp replied 'yes'.

Councilman Roger Bibbee complimented department heads for being good stewards. He thinks an increase is necessary.

**Councilman Roger Bibbee moved to amend the Ordinance to \$20,000 instead of \$25,000. Motion seconded by Councilman Tom Azinger.**

**Roll call vote taken by Mayor Rapp. Councilman Tom Azinger, Councilman Jim Leach, Councilman Roger Bibbee, Councilman Chris Mancuso, Mayor Randy Rapp, and Recorder Melissa Elam voting “yes”. Councilwoman Kim Williams voting “no”. Vote: 6-1.**

Councilman Jim Leach spoke about checks and balances. Also noted that many times when competitive bids come back, we get one bid back. He thinks this ordinance helps streamline city operations. Expressed frustration with Ms. Williams not copying him on emails to the Finance Director.

**Councilman Jim Leach moved to amend the Ordinance to \$17,500 instead of \$20,000 and \$2,000 instead of \$2,500. Motion seconded by Recorder Melissa Elam.**

Councilwoman Kim Williams is not in favor of the amendments because she believes the current limits are working fine. Councilwoman Kim Williams responded to Mr. Leach’s email concern and stated she is the liaison to Tree and Beautification and she contacted the Finance Director with questions about the pollinator garden.

**Roll call vote taken by Mayor Rapp. Councilman Tom Azinger, Councilman Jim Leach, Councilman Roger Bibbee, Councilman Chris Mancuso, Mayor Randy Rapp, and Recorder Melissa Elam voting “yes”. Councilwoman Kim Williams voting “no”. Vote: 6-1.**

**Roll call vote taken by Mayor Rapp. 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.**

**3. INTERNAL BUDGET REVISION #6**

<b>INTERNAL BUDGET REVISION FORM</b>						
CITY OF VIENNA			STATE APPROVAL NOT REQUIRED			
FUND: GENERAL			REVISION WITHIN SAME ACCOUNT CATEGORY			
FISCAL YR: 22-23						
REV NO: 6						
DATE: 6/14/2023						
DEPT	ACCT #	ACCT DESCRIPTION	EXPLANATION	BUDGET BEFORE CHANGE	EXPEN-DITURE CHG AMT	BUDGET AFTER CHANGE
Recreation	541-58 541-68	Capital Outlay - Other Contributions	Move money to contributions to send to VRIA. They have other money that was given in honor and memory of Darrell Dotson and will complete the arch project.	33,000 23,000	-12,000 12,000	21,000 35,000
TOTALS				56,000	0	56,000

**Councilman Jim Leach moved to approve Internal Budget Revision #6. Motion seconded by Councilman Roger Bibbee.**

Councilwoman Kim Williams sees a lot of money going to VRIA from the city and thinks this is a lot of money for the city to have to contribute.

Recorder Melissa Elam clarified that the Park Board is the one that wanted to do the project but the funds were held by VRIA because that is who the funds had been given to.

Mayor Rapp explained that ironworkers are hard to find and so it was not possible to get a competitive bid.

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

**4. ORDINANCE – FIRST READING: Amending 951.01, Definitions, To Include The Pollinator Garden And Walking Trail Park Located At 28th Street And 1st Avenue Into The Vienna Park System**

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

**WHEREAS**, it is the intent of this ordinance to incorporate the pollinator garden and walking trail park located at 28<sup>th</sup> St. and 1<sup>st</sup> Ave. into the Vienna Park System, for purposes of regulation, as per Vienna Municipal Code Article 951 (Park Regulations):

951.01(a) is hereby amended as follows:

“(a) “Park” means Jackson Memorial Park, Spencer Park, McDonough Wildlife, Maplewood Park, the Walking Trail Park and Pollinator Garden located at 28<sup>th</sup> St. and 1<sup>st</sup> Ave., and all land controlled or managed by the Board of Parks and Recreation and Director of Parks.”

Further, ARTICLE 955, Spencer’s Landing, is hereby REPEALED.

**Councilwoman Kim Williams moved to approve the Ordinance – First Reading Amending 951.01, Definitions, To Include The Pollinator Garden And Walking Trail Park Located At 28th Street And 1st Avenue Into The Vienna Park System. Motion seconded by Councilman Roger Bibbee.**

Councilwoman Kim Williams requested this ordinance. Spoke favorably about the added value of the pollinator park and walking trail. Feels it should be included in the park system.

Councilman Chris Mancuso agreed with Councilwoman Williams. Supports this ordinance.

Mayor Rapp spoke against the ordinance because the public works department currently maintains it and is doing a good job. He does not believe the parks department has the manpower to maintain the additional parks.

Councilwoman Kim Williams does not think the mowing situation is a challenge to the change.

Councilman Chris Mancuso expressed that the land is clearly being developed to be a park.

Councilman Tom Azinger asked if discussion with department heads of public works and parks department has happened. Mayor Rapp explained that he assigns duties and thinks it works fine.

Councilman Jim Leach also wanted to know what the department heads say. Mayor Rapp said if the parks department takes over, an employee from public works will have to be transferred to the parks department. The public works department is already three people short so they don’t have the employees to give.

**Councilman Tom Azinger moved to table the Ordinance – First Reading Amending 951.01, Definitions, To Include The Pollinator Garden And Walking Trail Park Located At 28th Street And 1st Avenue Into The Vienna Park System. Motion seconded by Recorder Melissa Elam.**

**Roll call vote taken by Mayor Rapp. Councilwoman Kim Williams, Councilman Tom Azinger, Councilman Jim Leach, Councilman Chris Mancuso, Mayor Randy Rapp, and Recorder Melissa Elam voting “yes”. Councilman Roger Bibbee voting “no”. Vote: 6-1.**

**Ordinance is tabled.**

**5. ORDINANCE – FIRST READING: Codifying A Procedure For The Acceptance Of Gifts, Loans, Services, Or Goods Of A Value More Than \$1,000 From A Governmental Or Non-Profit Organization**

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

Whenever any Federal or State government or non-profit organization, agency, or officer thereof shall offer to the City services, equipment, supplies, materials, or funds over one thousand dollars (\$1,000) in value by way of gift, grant, or loan, the City, acting only with the consent of City Council, may accept such offer by resolution.

Upon Council’s acceptance, the mayor may authorize any officer of the City to receive such services, equipment, supplies, materials, or funds on behalf of the City, and, subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.

**Councilwoman Kim Williams moved to approve the Ordinance – First Reading Codifying A Procedure For The Acceptance Of Gifts, Loans, Services, Or Goods Of A Value More Than \$1,000 From A Governmental Or Non-Profit Organization. Motion seconded by Councilman Chris Mancuso.**

Councilwoman Kim Williams isn’t sure why the city doesn’t have a procedure for accepting gifts. She appreciates the money that is being given however when it doesn’t come before council it circumvents the system. She thinks it is a good policy to make sure we know how the money is being spent.

Councilman Chris Mancuso would like the city to be able to celebrate money that is gifted. He thinks it is important to be aware of the flow of money.

Councilman Roger Bibbee summarized that this is simply an acceptance and statement of the intended purpose.

Mayor Randy Rapp does not think any grant should be applied for without Council's approval if there is a required match from the city. He believes that any grant we apply for would have to come before Council under this ordinance.

Councilman Jim Leach thinks this adds layers to the process.

Councilwoman Kim Williams said the issue is that grant money is being put into the budget without Council's knowledge.

Recorder Melissa Elam sees the problem but doesn't feel this ordinance fully resolves it.

Councilwoman Kim Williams would like Council to have the opportunity to be grateful to the organizations that give the city money. Council should have a clear idea of how that money affects the budget and oversight to make sure it is used that way.

Attorney Russ Skogstad confirmed that this ordinance would state that money over \$1,000 can't be accepted until Council votes on it. Upside is Council knows what is going on. Downside is how the giving institution feels about the process for their donation. He does not believe anything illegal was done in the walking trail situation but sees that communication was a problem.

Councilwoman Kim Williams pointed out that \$45,000 is in the new budget for a walking trail that has already been built and we don't know what the budgeted funds will be used for.

**Councilwoman Kim Williams moved to table the Ordinance – First Reading Codifying A Procedure For The Acceptance Of Gifts, Loans, Services, Or Goods Of A Value More Than \$1,000 From A Governmental Or Non-Profit Organization. Motion seconded by Councilman Tom Azinger.**

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

**Ordinance is tabled.**

## **6. UPDATE: Jackson Pool**

Recorder Melissa Elam said the project is out to bid. A mandatory pre-bid meeting will be held July 5 with Omni and final bids are due July 26.

Councilman Tom Azinger asked if the whole project will have one total. Recorder Elam said yes.

Councilman Chris Mancuso asked if we put alternates in the bid so we could accept or reject portions of the project. Recorder Elam could not recall.

Councilman Jim Leach asked if Council could have access to the bid specs. Recorder Elam said she will email them to everyone.

## **COUNCIL COMMENTS:**

Councilman Roger Bibbee has gotten feedback that people don't know when council meetings are and how they can be a part of them. He would like to do a better job of publicizing meetings. Mayor Randy Rapp said he will put a section in the newsletter about it and we are also working on improving the website. A special page may be created for the senior center.

Councilwoman Kim Williams spoke about the senior center picnic. Turnout was great. Linda, Liz, and the Parks Department did a great job. Thinks Facebook page for senior center is a good idea.

Mayor Rapp asked Councilman Bibbee to tell the Fire Department that their ice cream social was wonderful and thank them for their hard work.

Councilman Jim Leach noted that some of the things discussed tonight would be fulfilled by a city advocate/economic development position. It is in the budget for next year to consider developing that position. We

have great elements and need someone to help the city. He thinks we may need to use a consultant to help develop the position. He would like discussion about the position to be on the next agenda.

Mayor Rapp promoted the Freedom Festival that is taking place next weekend and hopes to see everyone there.

**Meeting adjourned at 7:47pm.**

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Melissa Elam, Recorder

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Randall C. Rapp, Mayor

APPROVED: \_\_\_\_\_  
                  Initials                    Date