

REGULAR COUNCIL SESSION
609 29th Street, Vienna, WV 26105
July 28, 2022
6:00 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE:

The Invocation was given by John Dawson. The Pledge of Allegiance was led by Mayor Randy Rapp.

CALL TO ORDER:

The Vienna City Council met in Regular Session on July 28, 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, Tom Azinger, Roger Bibbee, Chris Mancuso, Recorder Melissa Elam, and Mayor Randy Rapp. Absent: Jim Leach and City Attorney Russell Skogstad.

PUBLIC FORUM:

Robert Lockhart (307 41st Street): Recently cited by code enforcement for a nuisance condition (odorous). They have raised rabbits for 13 years. Thinks he is being targeted because of the recent requests for hens to be allowed in the city.

REPORT OF THE MINUTES:

The minutes of the Regular Council Session scheduled on 7/14/2022 have been printed, posted, and circulated. Approved as posted.

UNFINISHED BUSINESS:

1. **ORDINANCE – SECOND READING:** Amending And Supplementing The Ordinances Of The City Of Vienna Building Standards And Codes Codified As Section 1721, “State Building Code.” This Ordinance Incorporates The Changes To The West Virginia State Building Codes Promulgated By The West Virginia State Fire Commission And Established By Legislative Rule As Set Out In Title 87, Series 4, (87-04) Of The West Virginia Code Of State Rules

Councilman Tom Azinger moved to approve the Ordinance – Second Reading Amending And Supplementing The Ordinances Of The City Of Vienna Building Standards And Codes Codified As Section 1721, “State Building Code.” This Ordinance Incorporates The Changes To The West Virginia State Building Codes Promulgated By The West Virginia State Fire Commission And Established By Legislative Rule As Set Out In Title 87, Series 4, (87-04) Of The West Virginia Code Of State Rules. Motion seconded by Recorder Melissa Elam.

No discussion.

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

NEW BUSINESS:

1. **RESOLUTION:** To Accept The Proceeds From The Sale Of A Firetruck And To Direct That They Be Applied To The Purchase Of A Custom 1500 GPM Fire Department Pumper Truck

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA, that it hereby accepts the proceeds from the sale of a Vienna Volunteer Fire Department titled fire truck in the amount of \$120,000 and **ORDERS and DIRECTS** that the proceeds be applied to the purchase of a CUSTOM 1500 GPM FIRE DEPARTMENT PUMPER TRUCK.

Councilman Roger Bibbee moved to approve the Resolution To Accept The Proceeds From The Sale Of A Firetruck And To Direct That They Be Applied To The Purchase Of A Custom 1500 GPM Fire Department Pumper Truck. Motion seconded by Councilwoman Kim Williams.

No further discussion.

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

Councilwoman Kim Williams requested that Agenda Items 2 and 3 be switched. Council agreed.

Councilman Roger Bibbee asked what prompted the move of the Kayak Launch from Spencer's Landing to 12th Street. Mayor Rapp briefly recapped the reasoning.

2. PRESENTATION: Spencer's Landing and 12th Street Concept Designs

Councilman Chris Mancuso presented.

He used the results of community surveys and focus groups and came up with the following inclusions for Spencer's Landing: ½ mile walking/biking trail, botanical gardens, amphitheater with green lawn to seat 5,500, food truck/market area, fishing/boating docks, game lawn and volleyball courts, event shelter, picnic shelters, playground, water features, restrooms/concessions area, and solar panel covered parking and bike racks.

His proposed design for the 12th Street Property would include the kayak launch, 1/8 mile bike pump track loop, soccer fields for U6-U12, concessions/restrooms, picnic shelters, and trailer parking.

He provided images from a bird's eye view to show the potential layouts and designs.

Council took a break at 6:40pm.

Council returned at 6:52pm.

3. RESOLUTION: Selecting The Location Of A Proposed Kayak Launch

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA, that it hereby selects

1. A location to be determined on a parcel of property located at 12th St., Vienna, or
2. A location to be determined at Spencer's Landing, Vienna

As the future sight of a proposed kayak launch.

Councilman Tom Azinger moved to choose the 12th Street property for the location of the proposed kayak launch. Motion seconded by Councilwoman Kim Williams.

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

By majority vote, council chooses: 12th Street

No vote for Spencer's Landing was needed.

4. RESOLUTION: Approving The Architectural And Engineering Services Fee Proposal From OMNI For Jackson Pool

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA, that it hereby approves the Architectural and Engineering Services Fee Proposal submitted by OMNI in the lump sum amount of \$285,500.00.

Councilman Chris Mancuso recused himself and left Council Chambers.

Recorder Melissa Elam moved to approve the Resolution Approving The Architectural And Engineering Services Fee Proposal From OMNI For Jackson Pool. Motion seconded by Councilman Tom Azinger.

Councilman Roger Bibbee asked Recorder Melissa Elam if Omni met what we are looking for and if there is a timeline for completion. She responded that yes Omni is able to deliver what we want and that the timeline will be dictated by things such as placing orders and bidding projects out. However, the whole design will be completed and if construction needs to be phased out to meet certain deadlines it can be done.

Councilwoman Kim Williams felt the proposal was vague. She is concerned about the pool being in good structural condition. She wants us to make sure the baby pool is open when the pool opens next year. She feels Omni is fully qualified but is very uncomfortable with spending the money without more details on the work.

Mayor Rapp shared that the good news is the pool's concrete itself and gutter system is sound. However everything else needs redone.

Councilman Bibbee thinks the proposal is giving us what we have asked for.

Councilwoman Williams made a motion to table the resolution. There was no second.

Roll call vote taken by Mayor Randy Rapp. Councilman Tom Azinger, Councilman Roger Bibbee, Recorder Melissa Elam, and Mayor Randy Rapp voting "yes". Councilwoman Kim Williams voting "no". Vote: 4-1

Councilman Mancuso returned to Council Chambers.

5. UPDATE: Jackson Pool

Discussion during previously agenda item covered the update.

6. ORDINANCE – FIRST READING: AMENDING 105.05, PROFESSIONAL SERVICES, REQUIRING PROFESSIONAL SERVICE AGREEMENTS IN EXCESS OF TEN THOUSAND DOLLARS TO BE APPROVED BY COUNCIL

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF VIENNA THAT, article 105.05 of the Vienna Municipal Code, "**Professional Services,**" be amended as follows:

"105.05 PROFESSIONAL SERVICES.

Procurement of the following described services shall not be required to be obtained by competitive bidding, to wit: legal, engineering, accounting, financial and investment, architectural, drafting, and consulting services; provided, however, that nothing contained herein shall prevent or prohibit procurement of any of the aforementioned services upon competitive bids, as may be directed from time to time by Council. ***All professional service contracts of a value of ten thousand (\$10,000.00), or more, shall be presented to council for consideration and approval."***

Councilwoman Kim Williams moved to approve the Ordinance – First Reading Amending 105.05, Professional Services, Requiring Professional Service Agreements In Excess Of Ten Thousand Dollars To Be Approved By Council. Motion seconded by Councilman Chris Mancuso.

Councilman Roger Bibbee is concerned about how professional services is defined and wants to make sure everyone understands what the services are as indicated by the ordinance. Mayor Rapp gave three examples of the difference in professional services and a typical item that needs bid out.

Councilwoman Kim Williams stated Council's job is oversight and as the system is now there is no oversight.

Mayor Rapp spoke with almost all the department heads and they were all against it because of the delay it would add to the procedures.

Councilwoman Williams doesn't feel the \$17,000 for the pool assessment followed the protocol for professional services. Mayor Rapp explained why the maintenance, building, and grounds were the right place to pay for the services.

Councilman Azinger also spoke with department heads and he believes this ordinance will make their job more difficult.

Councilman Roger Bibbee isn't aware of any problems with the current system.

Councilman Chris Mancuso clarified that professional services require a specific skill set. He believes the community needs to know how that money is being spent.

Roll call vote taken by Mayor Randy Rapp. Councilwoman Kim Williams and Councilman Chris Mancuso voting "yes". Councilman Tom Azinger, Councilman Roger Bibbee, Recorder Melissa Elam, and Mayor Randy Rapp voting "no". Vote: 2-4

COUNCIL COMMENTS:

Mayor Rapp spoke to Council about the citation that Mr. Lockhart brought up during public comment. They are neighbors. Other neighbors have been complaining about excessive flies and so he asked Code Enforcement to go check it out. Mr. Parrish observed rabbit pins overfilled with rabbit droppings and unkept conditions. Since then, Mrs. Lockhart rinsed the pins out in front of his back gate to his yard and rabbit droppings have been dumped over his fence into his yard. "You can't legislate good neighbors." He

wanted to share what was going on so that when it goes to court people will know he is not against 4H or FHA.

Meeting adjourned at 7:54pm.

Melissa Elam, Recorder

Randall C. Rapp, Mayor

APPROVED: _____
 Initials Date