

REGULAR COUNCIL SESSION
609 29th Street, Vienna, WV 26105
August 25, 2022
6:00 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE:

The Invocation was given by Mayor Randy Rapp. The Pledge of Allegiance was led by Attorney Russ Skogstad.

CALL TO ORDER:

The Vienna City Council met in Regular Session on August 25, 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, Jim Leach, Roger Bibbee, Chris Mancuso, Recorder Melissa Elam, City Attorney Russell Skogstad, and Mayor Randy Rapp. Absent: None.

PUBLIC FORUM:

Henry Sasyn (1307 Greenmont Hills Dr.): Concerned about our area's lack of growth. He has been talking to various government and civic leaders about building a regional aquatic center. He is getting answers on if opioid money can be spent on proactive and preventative measures such as recreation facilities. He wants to get local leaders behind it so it can benefit our entire region.

REPORT OF THE MINUTES:

The minutes of the Regular Council Session scheduled on 8/11/2022 have been printed, posted, and circulated. Approved as posted.

UNFINISHED BUSINESS:

1. **None.**

NEW BUSINESS:

1. **RESOLUTION:** Appointing Amy Walsh to a Full Five-Year Term with the Vienna Public Library Board of Trustees

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA, that as per **Vienna Municipal Code 135.03, AMY WALSH**, a duly qualified resident of the City of Vienna, is hereby appointed to a full five-year term to serve as a member of the Vienna Public Library Board of Trustees (also referred to, by ordinance, as the Vienna Public Library Board of Directors) to begin retroactively July 1, 2022 and until such term expires on June 30, 2027 and until a successor is appointed and qualified. This is a position to be served without compensation.

Councilman Tom Azinger moved to approve the resolution appointing Amy Walsh to a Full Five-Year Term with the Vienna Public Library Board of Trustees. Motion seconded by Councilman Roger Bibbee.

No further discussion.

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

2. **COAL SEVERANCE FUND BUDGET REVISION #1**

MEMORANDUM

TO: Jim Leach
 FROM: Amy Roberts
 SUBJECT: 22-23 COAL SEVERANCE FUND BUDGET REVISION #1
 DATE: 08/18/2022

DEPT	ACCT #	ACCT DESCRIPTION	EXPLANATION	CURRENT BUDGET	INCREASE (DECREASE)	REVISED BUDGET
	299-02	UNENCUMBERED FUND BALANCE	Carryover	2,000	95,311	97,311
			NET INCREASE / (DECREASE) TO REVENUE		95,311	
Streets	570-58	Capital Outlay - Other	Carry over monies to use on street projects (\$80,000 of which will be designated for the Spencer's Landing Fill Project)	26,600	95,311	121,911
			NET INCREASE / (DECREASE) TO EXPENDITURES		95,311	

Councilman Jim Leach moved to approve the Coal Severance Fund Budget Revision #1. Motion seconded by Councilman Tom Azinger.

No further discussion.

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

3. RESOLUTION: To Accept the “Distributors West Virginia Subdivisions Settlement Agreement”

Mayor Rapp explained that this resolution is concerning the acceptance of the opioid settlement payments of \$90,000 each year for the next 12 years.

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA, that it hereby accepts the attached DISTRIBUTORS WEST VIRGINIA SUBDIVISIONS SETTLEMENT AGREEMENT” as well as the “EXHIBIT G SUBDIVISION SETTLEMENT PARTICIPATION FORM” as provided by the law offices of HBCP&D (Hill, Peterson, Carper, Bee, & Deitzler, PLLC), and authorizes the mayor or his designee to execute any and all documents necessary to adopt and implement this agreement.

Councilman Jim Leach moved to approve the resolution to Accept the “Distributors West Virginia Subdivisions Settlement Agreement”. Motion seconded by Councilman Roger Bibbee.

Councilman Jim Leach is in support of this resolution and is thankful for the work of those who got the settlement. He believes it will be helpful in supporting our community efforts to give our youth alternatives to drugs.

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

4. RESOLUTION: Allocating \$160,000 in American Rescue Plan (ARP) Funds Allocated to the City of Vienna for Fiscal Year 2021-2022 to the Vienna Utility Board for Infrastructure Projects

Mayor Rapp stated this is for the 28th Street stormwater project. This request comes from the Vienna Utility Board. He gave a reconciliation of the money in ARP funds.

In 2021, the city received \$1,318,671. In 2022, the city received the same amount. Total received is \$2,637,342. The city has committed \$705,000 to the River Road Project and \$334,690 to new sewer system pumps. Remaining funds of ARP money is \$1,597,652.

Mike Davis from Burgess and Niple explained the first phase. They will do the design for the whole system. First phase will include the discharge at Pond Run up 15th Ave to 30th Street.

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA, that it hereby assigns one hundred and sixty thousand (\$160,000.00) dollars of American Rescue Plan (ARP) funds received by, or allocated to, the City of Vienna for fiscal year 2021-2022 by the federal government under the American Rescue Plan Act of 2021 to the Vienna Utility Board. The allocation of said funds to the VUB is for the purpose of planning, purchasing and/or leasing equipment, hiring personnel (if necessary) and funding a necessary water infrastructure project, specifically the 28th Street Storm Drainage Improvements including the preliminary design of phases 1 through 3 and the final design and bidding of phase 1 as referenced or set out in the 28th St. Storm Drainage Improvement Technical Memorandum, undertaken by the Vienna Utility Board and as is contemplated by the ARP.

Councilwoman Kim Williams moved to approve the resolution to Accept the “Distributors West Virginia Subdivisions Settlement Agreement”. Motion seconded by Councilman Tom Azinger.

Councilwoman Kim Williams believes this will make a major difference and thanked Burgess and Niple.

Councilman Jim Leach is glad this need is being taken care of and thanked the Utility Board for addressing this need.

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

5. DISCUSSION: Spencer’s Landing and 12th Street Concept Designs

12th Street

Mayor Rapp stated that the city took full ownership of 12th Street this week. The riverbank has been cleaned up. Examination of the site from the river took place this week. Pictures were taken and depths were measured. Our first project will be the kayak launch.

Councilman Mancuso has been speaking with companies about dock designs. He will be working with Craig Metz about parking and accessing the dock area. Regarding the rest of the property designs, he emphasized that they are just concepts and appreciates feedback and will continue to work with the community to see what will work best.

Councilman Leach suggested possibly adding stone and sand to the area on either side of the dock so people can walk down to the water without sinking into the riverbed.

Mayor Rapp asked Councilman Mancuso and Craig Metz to get sketches done and estimates on materials so it can be sent to the state.

Spencer’s Landing

Councilman Mancuso is still open to ideas from the public. Mayor Rapp mentioned a meditation maze in the area of the proposed botanica garden. Councilwoman Williams shared that First Presbyterian has a maze if anyone wanted to go see it. Jack Mathers noted that a botanical garden is going to be created in the 28th Street property opposite of Spencer’s Landing as part of its development by the Tree and Beautification Committee.

Mayor Rapp suggested having an access road for bands and groups that will use the amphitheater stage.

Recorder Elam asked about the oil derrick and the area unavailable to development. Attorney Skogstad will check the easements.

Recorder Elam has concern about animal droppings in the sand for volleyball courts. Craig Metz is concerned about broken glass in the sand. He also emphasized that the property will flood and whatever is installed should be able to withstand flooding.

Mayor Rapp said we are working on Land and Conservation Fund grants and those require potential projects and approximate costs. We can use Councilman Mancuso's drawings as part of our applications.

6. UPDATE: Jackson Pool

Recorder Elam shared that Omni is working on a fee proposal for additional geotechnical services. Core borings are being recommended in 11 areas for subservice investigation. CEC would do the analyzation. Omni and Martin Aquatic are working on the concepts for the Design Team to review and give feedback on. The concepts and costs will then be brought to Council for a final decision.

COUNCIL COMMENTS:

Councilwoman Williams asked what is happening on Grand Central Ave where sections of the median have been scraped off. Mayor Rapp said the state is preparing to pave from 28th Street to Rosemar Road.

Councilman Jim Leach is requesting a resolution for next Council to copy liaisons on any communication with department heads.

Mayor Rapp will submit a resolution next time to raise the tax incentive from \$250,000 to \$400,000.

Meeting adjourned at 7:17pm.

Melissa Elam, Recorder

Randall C. Rapp, Mayor

APPROVED: _____
 Initials Date