

REGULAR COUNCIL SESSION
609 29th Street, Vienna, WV 26105
September 8, 2022
6:00 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE:

The Invocation was given by Chad Emrick. The Pledge of Allegiance was led by Chad Emrick.

CALL TO ORDER:

The Vienna City Council met in Regular Session on September 8, 2022. Mayor Rapp called the meeting to order at 6:01pm.

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:

Tami Rhodes (4604 6th Ave.): Presented ideas for passive recreation at the 12th Street property.

Brenda Powell (1409 31st Street): She would like to see soccer fields on the Neale School or Maplewood properties. She doesn't think soccer fields should be in our parks. Would like to see businesses be able to come and take dirt off the hill above the ballfields. Would like to see a temporary ramp placed in the pool that could be removed at the end of each season.

Jeff Slusher (5701 Grand Central Ave.): Jeff is a Volunteer Board Member of Vienna Recreation and Improvement Association. Offered insights to the proposed soccer locations. Last season, 450 students and 40 coaches participated. They are at maximum capacity because there is no designated field. Shared concerns about the current proposal for the design at 12th Street. Parking is not sufficient. He is requesting an area that could hold 2 or 3 large fields that would allow them to condense the schedule and make it easier for families and volunteers. He would like to see soccer fields developed in the area around the Rosemar Fields.

Mayor Rapp read the Proclamation for Constitution Week.

Proclamation

WHEREAS: September 17, 2022, marks the two-hundred thirty fourth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebration which will commemorate the occasion; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States designating September 17 through 23 as Constitution Week.

NOW, THEREFORE I, Randall C. Rapp, by virtue of the authority vested in me as Mayor of the City of Vienna, in the State of West Virginia, do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals of the Framers of the constitution had in 1787 by vigilantly protecting freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the City of Vienna to be affixed this 8th day of September of the year of our Lord two thousand twenty-two.



Randall C. Rapp, Mayor
City of Vienna

Recognition of Lucas Buskirk as a Hometown Hero for his years of volunteer service to the city of Vienna and for saving his brother's life as they were swimming this summer and he recognized the signs of drowning. He received a standing ovation.

REPORT OF THE MINUTES:

The minutes of the Regular Council Session scheduled on 8/25/2022 have been printed, posted, and circulated. Approved as posted.

REPORT OF THE TREASURER:

Councilman Jim Leach reported that he has reviewed the accounts and the city is financially sound.

UNFINISHED BUSINESS:

- 1. **None.**

NEW BUSINESS:

- 1. **ORDINANCE – FIRST READING: Amending Article 713.01, 713.02(a)(18), and 713.02(g) of the City of Vienna Economic Development Tax Credit, Increasing the Qualified Business Payroll Requirement from \$250,000 to \$500,000**

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF VIENNA THAT it amends the following sections of Article 713, Business and Economic Development Tax Credit, to reflect the Council's intent to increase the minimum payroll requirement for new or expanding businesses from \$250,000.00 to \$500,000.

ARTICLE 713

ECONOMIC DEVELOPMENT TAX CREDIT

713.01 PURPOSE.

The purpose of this article is to encourage businesses with an annual payroll of not less than five hundred thousand dollars (\$500,000) to open new businesses or expand existing businesses in the City of Vienna by allowing those businesses to take a business and occupation tax credit for the first three years of operation.

713.02 ECONOMIC DEVELOPMENT TAX CREDIT

713.02 (a)(18) "Qualified business" means any business subject to the business and occupation taxes imposed by Article 711 that, after the passage of this section, and in the first twelve (12) months of the business's existence in the City makes a qualified investment in a new business facility that results in the next succeeding twenty-four (24) months an annual payroll of at least five hundred thousand dollars (\$500,000): Provided, that if the qualified investment is in an expanded business facility, the qualified investment shall occur in the first twelve (12) months after approval is granted under subsection (k) of this section, and during the next succeeding twenty-four (24) months the qualified business' annual payroll is at least five hundred thousand dollars (\$500,000). "Qualified business" shall also include an affiliated group of taxpayers if such group elects to file a West Virginia consolidated corporation net income tax return under W. Va. Code § 11- 24-1 et seq.

713.02(g) Qualifying for Credit. For a business to qualify for this credit, the jobs created shall be located within the City and utilized in the qualified business's activities in the City that are taxable under Article 711. In addition, the jobs created shall be retained for the full three-year term of the credit to be applicable. If the annual payroll requirement in the preceding paragraphs drops below five hundred thousand dollars (\$500,000), the business shall lose the credit."

Councilman Roger Bibbee moved to approve the Ordinance – First Reading Amending Article 713.01, 713.02(a)(18), and 713.02(g) of the City of Vienna Economic Development Tax Credit, Increasing the Qualified Business Payroll Requirement from \$250,000 to \$500,000. Motion seconded by Recorder Melissa Elam.

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. **RESOLUTION: Approving the Consolidated Annual Performance and Evaluation Report (CAPER) for the City’s Community Development Block Grant Program for the period 7/1/2021-6/30/2022**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VIENNA, WEST VIRGINIA THAT the attached Consolidated Annual Performance and Evaluation Report (CAPER) for the City’s Community Development Block Grant Program for the period of July 1, 2021 – June 30, 2022 be approved as attached. This document is adopted following the completion of the necessary public notices and hearings.

Toni Tiano stated this past year has been one of the most productive years we've ever had.

Councilwoman Kim Williams moved to approve the Resolution Approving the Consolidated Annual Performance and Evaluation Report (CAPER) for the City's Community Development Block Grant Program for the period 7/1/2021-6/30/2022. Motion seconded by Councilman Jim Leach.

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: Requiring Council Liaisons to be Carbon Copied on any Email Communications between Council Members and the Department Head the Liaison Represents

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA that in all email correspondence between a council member and a department head, the council liaison to that department shall be carbon copied or otherwise included in the email communication.

Councilman Jim Leach moved to approve the Resolution Requiring Council Liaisons to be Carbon Copied on any Email Communications between Council Members and the Department Head the Liaison Represents. Motion seconded by Councilman Roger Bibbee.

Councilman Roger Bibbee asked for clarification. Mayor Rapp explained that it is intended to keep the liaisons in the loop of information sharing between council persons and department heads.

Councilman Jim Leach believes everyone that has an interest in the matter should be noticed. He would like it to be tabled to be reworded to reflect substantive council business and not about small matters.

Councilman Jim Leach made a motion to table the motion. Seconded by Councilman Tom Azinger.

Mayor Rapp moved to go into Executive Session to discuss a personnel matter. Councilman Leach seconded the motion. All were in favor. Council went into Executive Session at 6:40pm. Returned from Executive Session at 6:47pm.

Councilwoman Kim Williams explained that she believes this resolution is directed at her. She explained the situation about the budget that she was getting help with. She also referred to the ordinance passed in March 2021 about filling liaison positions.

Mayor Rapp stated he will go through past minutes to address Councilwoman Williams' concerns.

Councilman Jim Leach wants reasonable time given to department heads to respond to Council questions.

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

Motion tabled.

4. RESOLUTION: Adopting the Conceptual Plan for Spencer's Landing and 12th Street Parks

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA that it accepts the conceptual plans for Spencer's Landing and the parcel commonly referred to as the 12th Street Property as designed and drafted by councilperson Christopher Mancuso. The conceptual plan is to serve as a BASIS for the design of the future phased development and general layout of the park and recreational elements for the parks presently considered for the 12th Street and Spencer's Landing Properties. These proposed designs are attached hereto and incorporated by reference herein.

Councilman Tom Azinger moved to approve the Resolution Adopting the Conceptual Plan for Spencer's Landing and 12th Street Parks. Motion seconded by Councilman Chris Mancuso.

Mayor Rapp supports the Spencer's Landing plan. He wants to wait until the meeting with Brian Chapman from the state of West Virginia on September 16 takes place before moving forward with the concepts. He is concerned about parking if soccer fields are placed at 12th Street. He would like to split the properties and vote on them separately.

Councilman Chris Mancuso believes it is time to make decisions to move forward with these properties. The intent is to recognize them as parks and recreational areas. He would like to keep the properties together for the vote.

Recorder Melissa Elam asked if having official concepts would jeopardize the kayak grant. Mayor Rapp answered no.

Mayor Rapp asked Chuck Noffsinger if he has had input on the soccer location proposals. Mr. Noffsinger answered he has spoken with Councilman Mancuso and VRIA doesn't think 12th Street is optimal.

Councilman Mancuso wants to make sure we are prepared to begin moving forward and not let the properties sit without action.

Councilman Tom Azinger doesn't think we should approve 12th Street yet.

Councilman Jim Leach challenged Councilman Mancuso to find a place for a boat ramp.

Councilwoman Kim Williams doesn't think the properties need to be split for the vote.

Councilman Tom Azinger made a motion to split the properties for the vote. Motion seconded by Mayor Rapp.

No further discussion on splitting the properties for the vote.

Roll call vote taken by Mayor Randy Rapp. Councilman Tom Azinger, Councilman Jim Leach, Councilman Roger Bibbee, and Mayor Randy Rapp voting "yes". Councilwoman Kim Williams, Councilman Chris Mancuso, and Recorder Melissa Elam voting "no". Vote: 4-3

Spencer's Landing conceptual vote:

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

Councilman Jim Leach moved to amend the 12th Street plan reserving it for future recreational use. Seconded by Councilman Roger Bibbee.

No further discussion.

12th Street vote:

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. UPDATE: Jackson Pool

Omni and Martin Aquatic are working together on a coordinated site plan. We should have the rendering in around a week. They are providing options, pricing, and layouts. We will receive the fee proposal for the core borings tomorrow morning.

6. RESOLUTION: Adopting a Temporary Storage Agreement

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA, that it is the intent of council to allow the mayor to enter into an agreement with Hope Gas d/b/a Dominion Energy West Virginia to allow it to store equipment and materials on a 22,700 square foot portion of the industrial side of the John's Manville property and to authorize the mayor or his designee the authority to negotiate the final terms of the said agreement and to execute any documents necessary to accomplish the same.

Council hereby adopts the attached temporary storage agreement or any successor agreement that serves the same purpose. The mayor or his designee is expressly authorized to enter into and execute the said agreement or its successor and to negotiate or make any changes as are necessary to finalize the agreement so long as the changes are not material. Material changes are those that do not reflect the final intent of council.

Mayor Rapp explained that this is simply to allow Hope Gas to park their equipment and store supplies for their gas line replacement project in the fall. They will pay the city \$23,000 per year for the use of the property.

Attorney Russ Skogstad explained that any material changes would have to come to council. The mayor will be able to negotiate the agreement. Hope Gas may have changes and the agreement is not finalized.

Recorder Melissa Elam moved to approve the Resolution Adopting a Temporary Storage Agreement. Motion seconded by Councilman Roger Bibbee.

