

**REGULAR COUNCIL SESSION**  
**609 29<sup>th</sup> Street, Vienna, WV 26105**  
**September 22, 2022**  
**6:00 P.M.**

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

The Invocation was given by Ron Bumgarner. The Pledge of Allegiance was led by Councilman Tom Azinger.

**CALL TO ORDER:**

The Vienna City Council met in Regular Session on September 22, 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 6<sup>th</sup> Ave.):** Presented idea for connecting Kelly Lane to Ann Street with a trail for biking or hiking.

**Kathy Stoltz (25 Lynnwood Dr.):** Civil Service Commission will be giving an entry level test on November 1. Asked that we spread the word that we are looking for new officers. This is the third test they have given this year.

**REPORT OF THE MINUTES:**

The minutes of the Regular and Special Council Sessions scheduled on 9/8/2022 and 9/15/2022 have been printed, posted, and circulated. Approved as posted.

**UNFINISHED BUSINESS:**

1. **ORDINANCE – SECOND 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 Tom Azinger moved to approve the Ordinance – Second 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 Councilman Roger Bibbee.**

Councilman Chris Mancuso asked for the city to look for ways to also help smaller business owners.

**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.**

**NEW BUSINESS:**

**1. PRESENTATION: Jack Mathers – Founders Park on 28<sup>th</sup> Street**

Mr. Mathers shared a picture board showing ideas for how they want to develop the property. It will contain a walkway, seating area, pollinator garden, and passive recreation space. Long term vision could include mounted binoculars.

Councilwoman Kim Williams asked if the property will be maintained by the Park Department. He said it hasn't been determined.

**2. PRESENTATION: Rohan Hamarani – Middle School Soccer**

Spoke about an initiative he started to begin a middle school soccer team and league. He has spoken to the school board about starting it. He is asking for financial support (\$5,000) from the city.

Recorder Elam asked if he had spoken to Vienna Rec about their program and if he already had the league organized and was just waiting on funding.

Mr. Hamarani said the Board of Education said funding is the issue.

Mayor Rapp asked if he had spoken to the other middle schools. He advocated for club sports.

Councilwoman Kim Williams believes he has identified a need in our community.

**3. RESOLUTION: Accepting Right of Way Agreements – Three Water and Sewer Line Right of Ways for 45<sup>th</sup> Place, Vienna, West Virginia**

**BE IT RESOLVED BY THE CITY OF VIENNA,** that it hereby accepts, without cost to the City, three right of ways agreements for the purposes of replacing, installing, and maintaining water and sewer lines over and across parcels of property located at 45<sup>th</sup> Place, Vienna, Wood County, West Virginia belonging to ARTHUR AND KAREN HARRIS, KEITH AND CYNTHIA POMRENKE, and SARA MORGAN as set out in the drafts of the deeds attached hereto for reference.

Further, the mayor and City Attorney are hereby authorized to take any steps as are reasonably necessary, including executing necessary documents, to accept and record these right of ways.

**Councilman Tom Azinger moved to approve the Resolution Accepting Right of Way Agreements – Three Water and Sewer Line Right of Ways for 45<sup>th</sup> Place, Vienna, West Virginia. Motion seconded by Councilwoman Kim Williams.**

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.**

**4. BID APPROVAL: Park SUV**

Sealed bids for the purchase of an SUV for the Parks Department were opened on Friday August 19, 2022, at 10:00 am with the following results:

Matheny Motors (2023 GMC Acadia)	\$34,692.00
Warner Kia (2023 Kia Sportage)	\$30,263.93

After careful review of the bid proposals, the recommendation for Council approval from the Budget & Finance Committee for a Parks Department SUV for the 2022-2023 budget year is:

Warner Kia (2023 Kia Sportage)	\$30,263.93
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**Funding the project:** Funding for this project is budgeted in the City’s General Fund account# 01-540-65-59 and is pending financing.

**Councilwoman Kim Williams moved to approve the Bid Approval for Park SUV. Motion seconded by Councilman Roger Bibbee.**

No further discussion.

**Roll call vote to table the resolution 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. BID APPROVAL: Park SUV Financing**

Sealed bids for the financing of a 2023 Kia Sportage for the Park Department were opened on Monday, September 12, 2022, at 10:00 am with the following results:

	<u>Rate</u>	<u>Total Cost</u>
United Bank	3yr – 3.90%	\$32,118.12
Country Roads Leasing	3yr – 2.495%	\$31,792.04
Wesbanco	3yr – 4.99%	\$33,038.00

After careful review of the bid proposals, the recommendation for Council approval from the Budget & Finance Committee for the financing of a 3/4 Ton GMC Sierra HD 2500 is:

Country Roads Leasing	3yr – 2.495%	\$31,792.04
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**Funding the project:** Funding for this project is budgeted in the City’s General Fund 01-540-65-59.

**Councilman Tom Azinger moved to approve the Bid Approval for Park SUV Financing. 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**

**6. BID APPROVAL: As Needed Asphalt Paving**

Sealed bids for as needed asphalt paving for the 2022-2023 budget year, were opened on September 1, 2022, at 9:00 am with the following results:

Brown Asphalt	3” Mill & Replace	\$216/Ton
	4” Edge Mill	\$187/ton
	Sewer Storm Catch Basin Riser	\$993 each
	Water Valve Riser	\$175 each

After careful review of the bid proposals, the recommendation for Council approval from the Budget & Finance Committee for as needed asphalt paving is:

Brown Asphalt	3” Mill & Replace	\$216/Ton
	4” Edge Mill	\$187/ton
	Sewer Storm Catch Basin Riser	\$993 each
	Water Valve Riser	\$175 each

**Funding the project:** Funding for this project is budgeted in the City’s General Fund account# 01-570-65-58.

**Councilman Roger Bibbee moved to approve the Bid Approval for As Needed Asphalt Paving. 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, Recorder Melissa Elam, and Mayor Randy Rapp voting “yes”. Councilman Chris Mancuso abstained from the vote. Vote: 6-0**

**7. BID APPROVAL: Asphalt Seal Coating and Road Striping**

Sealed bids for asphalt seal coating & road striping were opened on September 1, 2022, at 9:30 am with the following results:

Brown Asphalt	\$48,161.52
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After careful review of the bid proposals, the recommendation for Council approval from the Budget & Finance Committee for asphalt seal coating & road striping is:

Brown Asphalt	\$48,161.52
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**Funding the project:** Funding for this project is budgeted in the City’s General Fund account# 01-570-65-58.

After accepting the bids, Steve Black decided there were a few projects he wanted to add to it. Craig Metz shared what the Parks Department is asking to also have sealed. (McDonough walking trail and the walking trail over the hill behind Jackson Middle School)

Attorney Skogstad said since the addition is less than 10% of the overall project the bid approval could be amended to reflect the new total.

**Councilman Jim Leach moved to amend the bid approval by adding \$4,559. Amended total seconded by Councilman Tom Azinger.**

**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 Tom Azinger moved to approve the Bid Approval for Asphalt Seal Coating and Road Striping. Motion seconded by Recorder Melissa Elam.**

Councilman Chris Mancuso asked for clarification on the areas at 60<sup>th</sup> Street that will be sealed. Mr. Metz explained the need for sealing and the indications that show it should be done.

Councilwoman Kim Williams asked what the break down was for the portion at 60<sup>th</sup> Street. It was a bulk bid but Mr. Metz said probably around the cost of the walking trail.

**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**

**8. UPDATE: Jackson Pool**

Core borings began on Monday, September 19 and were completed on Wednesday, September 21. CEC will test and analyze them and we will receive their findings in about two weeks.

Omni and Martin Aquatic are still working on the concepts but asked to communicate that the baby pool will be installed when the pool is done and opened.

**COUNCIL COMMENTS:**

Councilman Tom Azinger asked if there is anything Council can do to enhance the chances of getting more good candidates. Chief Pifer stated he is bringing an idea to Budget and Finance.

Councilman Mancuso met with the people for the kayak launch. They like the location. The grant money will be sent to us in March of 2023. He also explained that he abstained from the vote on the “as needed” asphalt paving because he didn’t feel comfortable voting for it because he didn’t have a clear enough understanding of how it will be spent.

Councilman Jim Leach expressed that “as needed” can’t be predicted.

Craig Metz explained that “as needed” is quantity based which is how the state of West Virginia bids their jobs. He encouraged Council to let him know what roads need to be paved.

Mayor Rapp asked Craig Metz to show pictures of the stone that has been uncovered on the hill at the ballfields. They are setting the stone aside for those who can use it. Portions of it can also be used at Spencer’s Landing and the kayak launch.

Councilwoman Kim Williams expressed frustration that the resolution she asked Mr. Skogstad to prepare was not put on the agenda for this evening. She disagrees with Mayor Rapp’s decision to take the resolution to Budget and Finance first. She requested the resolution be placed on the agenda next time.

Mayor Rapp explained that Council operates on an abbreviated version of Roberts Rules of Order. Roberts Rules of Order designates him as the one that sets the agenda.

**Meeting adjourned at 7:00pm.**

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Melissa Elam, Recorder

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Randall C. Rapp, Mayor

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