

**CITY OF VIENNA**  
Regular Council Session  
Council Chambers  
609 29<sup>th</sup> Street, Vienna, WV

**AGENDA**  
**January 14, 2021**

**Invocation and Pledge of Allegiance**

**Public Forum**

**Call to Order**

**Roll Call**

**Report of the Minutes**

**Report of the Treasurer**

**Unfinished Business**

1. ORDINANCE – **2nd Reading** – REQUIRING A PUBLIC UTILITY TO POST BOND TO PAY FOR DAMAGES TO PUBLIC PROPERTY AND REQUIRING THEM TO NOTIFY THE CITY WHEN THEY ARE PRESENT TO WORK, WHERE THEY ARE WORKING, AND WHAT WORK THEY ARE PERFORMING

**New Business**

1. RESOLUTION – APPROVING JIM LEACH AS VIENNA CITY COUNCIL APPOINTEE AND REPRESENTATIVE TO THE VIENNA UTILITY BOARD
2. RESOLUTION – APPROVING THE USE OF GOVDEALS.COM AS AN ONLINE AUCTION PLATFORM
3. RESOLUTION – AUTHORIZING FOR SALE BY INTERNET AUCTION OF PERSONAL PROPERTY (NOT REAL ESTATE), INCLUDING VEHICLES, POLICE CRUISERS, AND OTHER PROPERTY ITEMS
4. GENERAL FUND BUDGET REVISION #2
5. STREET DEPARTMENT: APPROVAL TO BID STREET SWEEPER
6. IT: DISCUSSION ON PURCHASE OF SECURITY CAMERAS
7. FIRE DEPARTMENT CAPITAL EXPENDITURE: APPROVAL TO ORDER FROM STATE BIDS

**Council Comments**

**Announcements**

**AN ORDINANCE REQUIRING A PUBLIC UTILITY TO POST BOND TO PAY FOR DAMAGES TO PUBLIC PROPERTY AND REQUIRING THEM TO NOTIFY THE CITY WHEN THEY ARE PRESENT TO WORK, WHERE THEY ARE WORKING, AND WHAT WORK THEY ARE PERFORMING**

With authority granted to it by **WV Code 8-12-5(46)**, the City states as follows:

The City finds it benefits the citizens of the City of Vienna for the City to not interfere with a public utility's desire and ability to repair, replace, install, and maintain electric, water, sewerage, natural gas, cable television and/or telephone distribution systems;

When repair, replacement, installation, and maintenance of the said distribution systems takes place, it is sometimes necessary for the City to reroute pedestrian or vehicle traffic. It is occasionally necessary for the City to use street cleaning equipment or road maintenance and repair equipment to clean or repair a city street, sidewalk or another pathway, after the public utility has completed its work; and

Occasionally public utilities undertake repair, replacement, installation, and/or maintenance projects within the City without notifying the City.

On occasion, public utilities leave City streets and/or sidewalks in an unclean or unsanitary condition that inconveniences the public or poses a danger to the public health, safety, and welfare.

From time to time, equipment necessary to the public utility blocks traffic, both pedestrian and vehicle, inconveniencing citizens and potentially delaying emergency services from effectively responding to calls for service.

If the public utility makes contact with the City, the City can work with the public utility to minimize their impact upon the public and the City's ability to provide health, sanitation, and emergency services;

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

- (a) Every public utility provider as defined herein shall execute a continuing bond in a form prescribed and accepted by the City Finance Director, with satisfactory corporate surety, in the penalty of \$10,000.00, payable to the City of Vienna.
- (b) This bond is conditioned such that the public utility, as defined herein, shall pay damages to any entity, including the City, due to any act or action done, performed or taken by such public utility in or about the conduct of its business.
- (c) This bond is also conditioned such that the public utility shall notify the City not less than five business days before beginning any repair, replacement, installation, and/or maintenance project within the corporate limits of the City of Vienna. Notice shall include notifying the City of:

1. the nature of the work,
2. the location of the work,
3. and the date and time the work is scheduled,
  - i. provided that, in the event of an emergency repair, the public utility shall notify the Office of the Mayor, the manager of the Vienna Utility Board, the Public Works Director or the Vienna Police Department, as soon as is reasonably possible, but no later than 24 hours after the commencement of any work, unless such work begins on a weekend or a holiday, and then the next immediate business day during regular business hours.

(d) Cable television, satellite television, telephone, and Internet Service Providers are hereby excepted from the notice requirement of this ordinance for the installation and/or repair of service equipment or lines, i.e. the installation, repair, or replacement of cable boxes, modems, routers, satellite dishes or receivers, and/or phones, internet or cable lines or wires, connected to a residence or business for purposes of providing service to a customer.

(e) For purposes of this section, "public utility" includes any person or persons, or association of persons, however associated, whether incorporated or not, including municipalities, engaged in any business, whether herein enumerated or not, which is, or shall hereafter be held to be, a public service including, but not limited to, electric, gas, water, sewerage, telephone (wireless or plain old telephone service), and cable television service providers, their contractors, sub-contractors or assigns.

(f) Failure to post bond may result in a \$100 fine per day for any public utility as defined above operating within the City without said bond. In addition to the fine, the City of Vienna Code Enforcement Office may issue a stop work order to any non-compliant entity and, should the entity fail to comply with the stop work order, may petition the Wood County Circuit Court to enjoin the entity from performing work or continuing work without said bond.

\_\_\_\_\_  
Randall C. Rapp, Mayor

ATTEST:

\_\_\_\_\_  
Melissa Elam, Recorder

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

**RESOLUTION APPROVING JIM LEACH AS VIENNA CITY COUNCIL APPOINTEE AND  
REPRESENTATIVE TO THE VIENNA UTILITY BOARD**

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA, that Vienna Council Member, Jim Leach, is hereby appointed to serve as the Vienna Council Representative to the Vienna Utility Board for one full term, said term to begin upon approval of council and ending December 31, 2024.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Randall C. Rapp, Mayor

ATTEST:

\_\_\_\_\_  
Melissa Elam, Recorder

**RESOLUTION APPROVING THE USE OF GOVDEALS.COM AS AN ONLINE AUCTION PLATFORM**

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA, that it hereby approves govdeals.com as the City's online auction platform service for purposes of the selling, disposing, or conveying of City property and authorizes the Mayor and Finance Director to administer the same.

Further, the mayor, finance directory, their agents or assigns, are authorized to publish, as is required by WV Code 8-12-18(b), a class II legal notice, notifying the public of the location of the online auction sale and the list of items to be auctioned/sold.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Randall C. Rapp, Mayor

ATTEST:

\_\_\_\_\_  
Melissa Elam, Recorder

**Resolution Authorizing for sale by Internet Auction of personal property (not real estate), including vehicles, police cruisers, and other property items**

As per West Virginia Code 8-12-18(b) and Vienna Municipal Code 107.05(c), the City of Vienna hereby offers for sale the following items:

**1. LIST AND DESCRIPTION OF ITEMS**

Further, for all police cruisers/vehicles, if sold to a duly authorized state, county, district, municipality, or federal agency employing one or more persons whose responsibility is the enforcement of the laws of any state, county, or municipality or their equivalent, may be sold with lights, sirens, radios, cages, or any other law enforcement related equipment attached to or installed in the vehicle; should any police cruiser/vehicle be sold to an individual or entity that is not a law enforcement agency as set out above, then said vehicle shall be sold **WITHOUT** any of the law enforcement related equipment as set out above. Any solicitation of a police cruiser/vehicle shall reflect the same. Any law enforcement agency may, at the request of the City, be required to provide proof that they are a law enforcement agency.

Further, the mayor, finance director, their agents or assigns, are authorized to publish, as is required by WV Code 8-12-18(b), a class II legal notice, notifying the public of the location of the sale and the items to be auctioned/sold.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Randall C. Rapp, Mayor

ATTEST:

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Melissa Elam, Recorder