

**REGULAR COUNCIL SESSION**  
**609 29<sup>th</sup> Street, Vienna, WV 26105**  
**January 12, 2023**  
**6:00 P.M.**

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

The Invocation was given by Rod Smith. The Pledge of Allegiance was led by Recorder Melissa Elam.

**CALL TO ORDER:**

The Vienna City Council met in Regular Session on January 11, 2023. Mayor Rapp called the meeting to order at 6:03pm.

**ROLL CALL:**

Attendance was taken by Mayor Randy Rapp with the following Council members present: Kim Williams, Tom Azinger, Jim Leach, Chris Mancuso, Recorder Melissa Elam, and Mayor Randy Rapp. Absent: Roger Bibbee and City Attorney Russell Skogstad.

**PUBLIC FORUM:**

**Henry Sasyn (1307 Greenmont Hills Dr.):** Gave an update on swim meets and extended invitation to upcoming YMCA swim meet.

**Charlie Taylor (911 51<sup>st</sup> Street):** Attended Park Board meeting last night. Still thinks there should be more transparency and communication from VRIA. Does not understand why their meetings are closed to the public. He wants Council to do something about it. He would also like to know what the terms are for Park Board members.

**Brenda Powell (1409 31<sup>st</sup> Street):** Doesn't know why the baby pool was moved. Still thinks a zero entry could have been possible. Thinks VRIA meetings should be open to the public.

**REPORT OF THE MINUTES:**

The minutes of the Special Council Sessions scheduled 12/1/2022 and 12/29/2022 and the Regular Council Session scheduled on 12/8/2022 have been printed, posted, and circulated. Approved as posted.

**REPORT OF THE TREASURER:**

Councilman Jim Leach reported that the city is financially sound and the accounts are in order.

**UNFINISHED BUSINESS:**

**1. ORDINANCE – SECOND READING: Approve The 2022 Replacement Pages To The Codified Ordinances**

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current State law; and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances, and

WHEREAS, Council has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council;

NOW, THEREFORE, BE IT ORDAINED BY COUNCIL OF THE CITY OF VIENNA, that:

Section 1. The ordinances of the City of Vienna, West Virginia, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, chapters, articles and sections within the 2022 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

Section 2. The following sections and articles are hereby added, amended or repealed as respectively indicated in order to comply with current State law:

Traffic Code

345.18 Special Restrictions on Lights. (Amended)

345.25 Tire Equipment Restrictions. (Amended)

345.35 Operation of Vehicles with Safety Belts. (Amended)

351.02 Registration Card. (Amended)

- 351.06 Driver or Motorcycle License Required. (Amended)
- 357.01 Autonomous Vehicles and Devices Definitions. (Added)
- 357.02 Rules for Personal Delivery Devices and Mobile Carriers. (Added)
- Part Five - General Offenses Code
- 501.05 Impersonating an Official or Law Enforcement Officer. (Amended)
- 501.99 Administration and Law Enforcement Penalty. (Amended)
- 521.04 Unlawful Sale or Possession by Alcoholic Licensee. (Amended)
- 521.07 Acts Prohibited by Non-Intoxicating Beer Licensee. (Amended)
- 521.09 Acts Prohibited by Private Club Licensee. (Amended)
- 521.11 Acts Prohibited by Wine Dealers. (Amended)
- 521.15 Hard Cider. (Added)
- 521.16 Off-Premises Sales Not Required to be Bagged. (Added)
- 529.03 Controlled Substances. (Amended)
- 545.01 Weapons and Explosives Definitions. (Amended)

Section 3. Pursuant to West Virginia Code 8-11-4(b):

(a) Notice of the proposed adoption of the current replacement pages to the City Code shall be given by publication as provided in West Virginia Code 8-11-4(a)(2);

(b) Through authentication of this Ordinance the Mayor shall certify the current replacement pages to the City Code which shall be filed as a permanent record in the office of the City Clerk.

This Ordinance shall take effect immediately upon passage.

**Councilman Tom Azinger moved to approve the Ordinance – Second Reading Approving The 2022 Replacement Pages To The Codified Ordinances. Motion seconded by Councilman Chris Mancuso.**

No further discussion.

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

**2. ORDINANCE – SECOND READING: Providing For A Manner Of Service Of Notice Of Sidewalk Repair Or Repavement Upon Nonresident Property Owners With No Agent In The City And Implementing A Program For Shared Repair And Relaying Of Sidewalks And Curbs Abutting Residential Properties**

As per the plenary power and authority granted it by West Virginia Code 8-12-5(1) and 8-12-5(2), general powers of every municipality and the governing body thereof, Vienna City Council amends Article 909, Construction and Repair of Sidewalks, as follows:

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

**909.06 MANNER OF SERVING NOTICE TO REPAIR SIDEWALK FOR NONRESIDENT OWNERS WITH NO AGENT IN THE CITY.**

Where Council has determined that a curb, sidewalk, or footway needs repair or replacement and the sidewalk, footway, or curb is adjacent to or abutting property owned by a nonresident owner with no known agent in the City, such notice, in the form set out in 909.04 of this Article, may be given by Class II legal notice in a newspaper circulated in the City.

**909.07 PROGRAM FOR SHARED REPAIR AND RELAYING OF SIDEWALKS AND CURBS ABUTTING RESIDENTIAL PROPERTIES**

The City may provide by resolution a program to aid residential property owners in repairing and relaying sidewalks, footways, and curbs along City Streets within the residential districts of the City of Vienna. Should the City appropriate funds in a fiscal year for the implementation of said program, it shall be implemented as follows:

1. All residential property owners participating in such program shall be required to pay all costs of materials utilized in the repair or relaying of the sidewalks and curbs abutting their property.
2. The City of Vienna shall bear all associated labor costs.
3. The participation of residential property owners in such program shall be voluntary.
4. The City shall conduct such program as a City project as, when, and if funds become or are made available.
5. All fees owed to the City of Vienna or the Vienna Utility Board in the property owner's name must be paid in full to qualify for the sidewalk program.

**Councilman Chris Mancuso moved to approve the Ordinance – Second Reading Providing For A Manner Of Service Of Notice Of Sidewalk Repair Or Repavement Upon Nonresident Property Owners With No Agent In The City And Implementing A Program For Shared Repair And Relaying Of Sidewalks And Curbs Abutting Residential Properties. Motion seconded by Councilman Jim Leach.**

Councilman Jim Leach shared that Craig Metz reached out to him and supports the ordinance. He also clarified that it is for repair and relay only, not for new sidewalks.

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

#### **NEW BUSINESS:**

##### **1. BID APPROVAL: Parks Department ¾ Ton Truck**

Sealed bids for the purchase of a ¾ ton truck for the Parks Department were opened on January 4, 2023, at 10:00 am with the following results:

Matheny Motors \$46,732.00

After careful review of the bid proposals, the recommendation for Council approval from the Budget & Finance Committee for the purchase of a ¾ ton truck is:

Matheny Motors \$46,732.00

Funding the project: Funding for this vehicle is pending financing. The payments for this truck are in account 01-540-19 as this vehicle was to be bought and paid for in the prior budget year but never came in.

**Councilwoman Kim Williams moved to approve the Bid Approval for the Parks Department ¾ Ton Truck. Motion seconded by Councilman Tom Azinger.**

No further discussion.

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

##### **2. DISCUSSION: Preliminary Map for Vienna Trail Network**

Councilman Chris Mancuso introduced Tracy Brown, Director of WWW. The Wood County Alternative Transportation Commission is developing a Trail Network. Parkersburg would be mile 0 for the system. She provided a map and provided examples of signage and shared-use with vehicular traffic. Williamstown is interested in connecting.

Recorder Melissa Elam asked about challenges and pointed out the Parkersburg Connector. Ms. Brown agreed there is a lot of work to do to progress the network. She has come up with some alternatives to make it happen and is waiting for cities to be ready.

Councilman Chris Mancuso likes the idea of incorporating local businesses into the map.

Councilwoman Kim Williams suggested incorporating the Trek Vienna Project into the trail.

Councilman Jim Leach asked if the route to Williamstown would include Rt. 14 or River Road. Ms. Brown said it has not been determined yet. Department of Highways is looking at connections having to do with Harbor Point.

### **3. RESOLUTION: Suspending The Administration Of All Vienna Youth Sports By VRIA**

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA, as per its authority, in part, under Vienna Municipal Code 137.07(e):

Whereas the Vienna Park Board transferred the administration of multiple youth sports programs to the Vienna Recreational Improvement Association (VRIA) by vote at a regular meeting of the Vienna Park Board. Council desires to review whether VRIA has the resources to administer all the City of Vienna youth sports programs adequately. Therefore, Council suspends the administration of all youth sports programs by the VRIA until a plan is presented to Council for its consideration and approval setting forth the VRIA's plan to administer these programs.

**Councilman Chris Mancuso moved to approve the Resolution Suspending The Administration Of All Vienna Youth Sports By VRIA. Motion seconded by Councilwoman Kim Williams.**

Councilwoman Kim Williams does not think the public's concerns have been addressed. She wants to know what the plan is to administer the sports programs.

Mayor Randy Rapp stated he attended the instructional basketball games last weekend and they are working well. He thinks it is insulting that Council would consider this after a 70-year partnership with Vienna Rec.

Councilman Chris Mancuso is not comfortable with suspending the administration of the sports. Thinks this process has been confusing. He would like VRIA to present a plan to the city within the next two months.

Recorder Melissa Elam reshared a portion of the letter that Vienna Rec sent to the mayor... "This is to inform you and city of Vienna that Vienna Recreational and Improvement Association is interested in running all sports programs and concessions for the city of Vienna. We are prepared to do so immediately." She pointed out that Vienna Rec had not requested them until now because they were not ready until now. Reminded Council that Vienna Rec used to run all programs and the city only ran baseball, softball, football, cheer, and concessions for six years beginning in 2016. Stated the number of people on the board does not reflect the number of people that are on the team of volunteers that are running the programs. She told Council that Rob Graham is the Baseball Commissioner and has been a college softball coach and so Vienna Rec is prepared to lead baseball and softball. Stated that passing this resolution would be reckless because the city does not have the capacity to run all the sports. Some sports are currently being played while others are in the preparation stage. Believes this resolution is a really sad way of not getting on board. Vienna Rec wants people on board and they are being fought every step of the way.

Councilman Jim Leach said his experience in youth sports is there are those that contribute and those that complain. Does not think this resolution is in the best interest of the kids. Encouraged people to get involved and be positive.

Mayor Randy Rapp said we have to get past this and prioritize the kids.

Councilwoman Kim Williams said there were concerns that programs would be cut or eliminated. Said the way it was handled from the beginning did not instill confidence in folks and that people want to be involved. Issues were created that didn't need to be there.

Recorder Melissa Elam agreed with Councilwoman Williams that it was handled poorly from the beginning but stated it was not Vienna Rec's fault. Paid city employees stirred the pot and spread false narratives. They said that programs would be cut and kids wouldn't be able to play.

**Roll call vote taken by Recorder Melissa Elam. Councilwoman Kim Williams voting "yes". Councilman Tom Azinger, Councilman Jim Leach, Councilman Chris Mancuso, Recorder Melissa Elam, and Mayor Randy Rapp voting "no". Vote: 1-5.**

### **4. RESOLUTION: Appointing William Morehead Or, In The Alternative, Janette Hart, To The Vienna Board Of Parks And Recreation As The VRIA Representative**

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA, based upon the recommendation of the Vienna Recreation and Improvement Association Board, WILLIAM MOREHEAD, a resident of the City of Vienna, is hereby appointed to fill the unexpired term of BRANNON TURNER to the Vienna Board of Parks and Recreation as the Vienna Recreation and Improvement Association Board representative.

As per Vienna Municipal Code, the alternate recommendation of the Vienna Recreation and Improvement Association Board is JANETTE HART, a resident of the City of Vienna, to fill the same, unexpired term.

**Recorder Melissa Elam moved to approve the Resolution Appointing William Morehead Or, In The Alternative, Janette Hart, To The Vienna Board Of Parks And Recreation As The VRIA Representative. Motion seconded by Councilman Tom Azinger.**

**Councilman Jim Leach moved to table. Seconded by Councilwoman Kim Williams.**

Councilman Leach would like more information about the way the board operates.

Mayor Rapp said he knows Bill Morehead

**Roll call vote taken by Recorder Melissa Elam. Councilwoman Kim Williams, Councilman Tom Azinger, Councilman Jim Leach, Councilman Chris Mancuso, and Mayor Randy Rapp voting "yes". Recorder Melissa Elam voting "no". Vote: 5-1.**

Councilman Leach wants to know who the other candidates for the Vienna Rec Board are and how the process works.

**Councilman Tom Azinger moved to reconsider the passed vote. Seconded by Recorder Elam.**

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

#### **5. UPDATE: Vienna Rec**

Rob Graham is the new baseball and softball commissioner. He has had one meeting with coaches already and will hold another this coming Tuesday, January 17 at 6:00 at the Rec Building. He will hold coaches classes in February. Player development will be scheduled for early March. She shared a picture of two fields with 100 ft outfields that will be built on the baseball side of the Rosemar Fields. Plans are currently underway to begin work on them. The Parks trailer and storage building will be removed and dirt will be moved very soon. The fences, backstops, and dugouts can be reused from Fields 5 and 6. The Park Board supports this development. We have a commissioner with great leadership and new ballfields that can be worked on right away.

Basketball is off to a strong start. There are 314 total players with 153 being in the instructional division. Jason Lee is the new commissioner.

Mayor Rapp gave an update on the Kayak Launch. We should have the grant from the federal government in April. Hoping to have the kayak launch open this summer. The RFQ was in the paper today.

#### **6. RESOLUTION: Approving An Expenditure Of \$117,300.00 As Payment To Omni For Architectural And Engineering Services Fees**

**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 \$117,300 and authorizes the expenditure of the same.

**Recorder Melissa Elam moved to approve the Resolution Approving An Expenditure Of \$117,300.00 As Payment To Omni For Architectural And Engineering Services Fees. Motion seconded by Councilman Tom Azinger.**

No further discussion.

**Roll call vote taken by Recorder Melissa Elam. Councilman Tom Azinger, Councilman Jim Leach, Councilman Chris Mancuso, Recorder Melissa Elam, and Mayor Randy Rapp voting "yes". Councilwoman Kim Williams voting "no". Vote: 5-1.**

#### **7. UPDATE: Jackson Pool**

Recorder Melissa Elam reported that in July, Phase 1 for Omni was documents for main pool, decking, equipment room, and bathhouse and concepts for slides and baby pool. Now, Phase 2 covers documents for slides and baby pool. The Opinion of Probable Cost is for construction. A&E services are designs and documents from Omni and Martin Aquatic. Martin will have their portion complete by the end of January. Omni will finalize mid-February. Omni will meet with the Design Team before the end of January to review

materials being used. We will also determine what if anything the city will be responsible for concerning demolition and construction. Once the documents are completed we are bid-ready. Omni does the process. They will advertise and conduct a pre-bid meeting. They also assist in reviewing the bids and can make a recommendation on who we should go into contract with. The contractor phase is when colors will be chosen.

Councilwoman Kim Williams is concerned that Omni will only be on site every two weeks during construction. She asked what other A&E costs may be coming. Recorder Melissa Elam said she will check.

Councilman Chris Mancuso stated that Omni was right in requesting the additional Phase 2 fee. He also said the industry standard of being on site is every two weeks so he is not concerned about it.

**COUNCIL COMMENTS:**

Councilman Jim Leach would like the Planning Commission issue with 57<sup>th</sup> Street to be on the next agenda.

Melissa Elam thanked Henry Sasyn for inviting Council to the swim meets and that she attended the meet at the Boys and Girls Club. She was impressed with how the meet was run and it was exciting.

Councilman Chris Mancuso would like VRIA give a presentation at council especially since budget season is coming up and we will need to decide how much money to give to them.

Councilwoman Kim Williams thanked all those who put up Christmas decorations and lights. Thought the city looked phenomenal.

**Meeting adjourned at 7:28pm.**

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Melissa Elam, Recorder

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Randall C. Rapp, Mayor

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