

**REGULAR COUNCIL SESSION**  
**609 29<sup>th</sup> Street, Vienna, WV 26105**  
**February 25, 2021**  
**7:00 P.M.**

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

The invocation was given by Bill Brown. The Pledge of Allegiance was led by Councilwoman Kim Williams.

**PUBLIC FORUM:**

Mark Wagner (604 42<sup>nd</sup> St.) would like to know if the bad road in front of his home can be fixed. Mayor Rapp stated that he looked at it and talked to Craig Metz and they will look into repairing it temporarily until the weather allows for something more permanent.

Brenda Powell (1409 31<sup>st</sup> St.) is happy about the kayak launch. She would like a priority to be put on getting good restrooms at Spencer’s Landing. She also feels more needs to be done to secure competitive bidding.

**CALL TO ORDER:**

The Vienna City Council met in Regular Session on February 25, 2021. Mayor Randy Rapp called the meeting to order at 7:07 p.m.

**ROLL CALL:**

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

**REPORT OF THE MINUTES:**

The minutes of the Special Council Session scheduled on 2/18/2021 have been printed, posted, and circulated. With no corrections, the minutes were approved as posted.

**UNFINISHED BUSINESS:**

- None.

**NEW BUSINESS:**

**1. GENERAL FUND BUDGET REVISION #3**

<b>MEMORANDUM</b>							
TO:		JIM LEACH					
FROM:		Amy Roberts					
SUBJECT:		20-21 GENERAL FUND BUDGET REVISION #3					
DATE:		01/28/2021					
DEPT	ACCT #	ACCT DESCRIPTION	EXPLANATION	CURRENT BUDGET	INCREASE (DECREASE)	REVISED BUDGET	
			NET INCREASE / (DECREASE) TO REVENUE		0		
Tree Commission	600-68	Contributions	Trek Vienna Project	19,000	20,000	39,000	
CONTINGENCIES	699		COVER THE ABOVE REVISIONS	116,025	-20,000	96,025	
			NET INCREASE / (DECREASE) TO EXPENDITURES		0		

Councilman Jim Leach moved to approve the General Fund Budget Revision #3. Motion seconded by Councilman Mike Elam.

There was no discussion.

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

**2. INTERNAL BUDGET REVISION #1: Tree Commission and Data Processing**

INTERNAL BUDGET REVISION FORM				BUDGET BEFORE CHANGE	EXPEN-DITURE CHG AMT	BUDGET AFTER CHANGE
CITY OF VIENNA		STATE APPROVAL NOT REQUIRED				
FUND: GENERAL		REVISION WITHIN SAME ACCOUNT CATEGORY				
FISCAL YR: 20-21						
REV NO: 1						
DATE: 01/28/2021						
DEPT	ACCT #	ACCT DESCRIPTION	EXPLANATION	BUDGET BEFORE CHANGE	EXPEN-DITURE CHG AMT	BUDGET AFTER CHANGE
Tree Commission	600-30 600-68	Contract Service Contributions	Transfer to Contributions for TREK Vienna	44,400 39,000	-19,000 19,000	25,400 58,000
Data Processing	439-23 439-59	Professional Service Capital Outlay-Equip	Switches for new Network	23,175 55,275	-15,000 15,000	8,175 70,275
TOTALS				161,850	0	161,850
RESULTS OF COUNCIL REVIEW:						
_____ AUTHORIZED SIGNATURE			_____ APPROVED BY COUNCIL			
_____ DATE			_____ DISAPPROVED BY COUNCIL			
FINANCE DEPT USE ONLY:						
REVISION COMPILED BY: _____ / _____						
REVISION POSTED TO LOTUS BY: _____ / _____						
REVISION POSTED TO BUDGETARY BY: _____ / _____			SIGNATURE DATE			

Councilman Mike Elam moved to approve the Internal Budget Revision #1. Motion seconded by Councilman Jim Leach.

There was no discussion.

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

**3. BID APPROVAL: General Fund – Flower Planting and Maintenance**

Sealed bids for the flower planting and maintenance of the various areas of the city were opened on January 29, 2021 at 10:00am with the following results:

Scots Landscaping      \$22,689.00

After careful review of the bid proposals, the recommendation for approval from the Budget and Finance Committee for Flower Planting and Maintenance is: Scots Landscaping for \$22,689.00. Funding for the project will be from the City's General Fund line item 01-579-55-41.

**Recorder Melissa Elam moved to approve the Bid Approval for Flower Planting and Maintenance. Motion seconded by Councilman Mike Elam.**

There was no discussion.

**Roll call vote taken by Recorder Melissa Elam. Councilman Mike Elam, Councilman Jim Leach, Councilwoman Kim Williams, Recorder Melissa Elam, and Mayor Randy Rapp voting "yes". Vote: 5-0. Councilman Tom Azinger did not vote.**

**4. BID APPROVAL: General Fund – Street Sweeper**

Sealed bids for the purchase of a Mid-Size Street Sweeper were opened on January 29, 2021 at 9:00am with the following results:

Golden Equipment      \$194,625.00

After careful review of the bid proposals, the recommendation for approval from the Budget and Finance Committee for purchasing a Mid-Size Street Sweeper is: Golden Equipment for \$194,625.00. Funding for this project will be from the General Fund 01-570-65-59.

**Councilman Jim Leach moved to approve the Bid Approval for the Street Sweeper. Motion seconded by Councilman Mike Elam.**

There was no discussion.

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

**5. RESOLUTION: Approving Updating the Signature Pages of the City of Vienna Emergency Plan to Reflect the Names of the Current Members of Council**

**BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA**, that the mayor, or his designee, is authorized to update the signature pages of the City of Vienna Emergency Plan to reflect the names of the members of Vienna City Council as are serving for the 2021-2025 Council term.

**Councilman Mike Elam moved to approve the Resolution Approving Updating the Signature Pages of the City of Vienna Emergency Plan to Reflect the Names of the Current Members of Council. Motion seconded by Councilman Tom Azinger.**

There was no discussion.

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

**6. ORDINANCE – FIRST READING: Amending 1325.03, District I Area and Yard Regulations, to Require a Minimum of 900 Square Feet of Habitable Space on Ground Level Set Upon a Permanent Foundation; 1329.06 Multiple Dwellings and Apartment Houses to Require a Minimum of 900 Square Feet of Habitable Space on Ground Level Set Upon a Permanent Foundation; 1322.07 R-3 Single Family and Two Family Residential District with Conditional Uses to Regulate the Conversion of Single-Family Dwellings to Duplex Usage; Amending the Definition of Dwelling Unit as Set Out in 1371.03 of the Subdivision Regulations**

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF VIENNA THAT** it hereby amends the Vienna Municipal Code as follows:

1. **1325.03 District I Area and Yard Regulations.**
  - a. Adding to 1325.03, paragraph (h) as follows:

“(h) All newly constructed single, two family (duplexes), and apartments - ten (10) units per building maximum of two (2) buildings per project with two (2) projects per acre maximum, shall have a minimum of 900 square feet of habitable space situated on ground level set upon a permanent foundation and will exclude garages, basements, upper levels, and attics (this provision does not pertain to existing structures).”

**2. 1329.06 Multiple Dwellings and Apartment Houses**

- a. Adding to 1329.06, paragraph (e) as follows:  
“(e) All newly constructed single, two family (duplexes), and apartments - ten (10) units per building maximum of two (2) buildings per project with two (2) projects per acre maximum, shall have a minimum of 900 square feet of habitable space situated on ground level set upon a permanent foundation and will exclude garages, basements, upper levels, and attics (this provision does not pertain to existing structures).”

**3. 1322.07 R-3 SINGLE FAMILY AND TWO-FAMILY RESIDENTIAL DISTRICT WITH CONDITIONAL USES.**

- a. It is the purpose of the R-3 District to protect existing residential neighborhoods and to provide for efficient use of public facilities. It is not intended that this district shall be used in any newly annexed areas or other large undeveloped lands. This district permits a mixture of old and new residential dwellings. This district will **regulate the conversion of existing single-family dwellings to duplex usage.**
- b. Permitted Uses:
- i. All permitted uses in R-1 and R-2.
  - ii. Single family dwellings.
  - iii. Two family dwellings (duplexes).
- c. Conditional Uses Requiring Planning Commission Approval with Public Hearing.
- i. Child day care center, nursery.
  - ii. Convalescent, nursing home.
  - iii. Family care home.
  - iv. Group care home.
  - v. Bed and Breakfast.
  - vi. Planned Unit Development (PUD).
  - vii. High Density Apartment Projects.
  - viii. Modular Homes.
  - ix. Underground Homes.
  - x. Apartments - ten (10) units per building maximum of two (2) buildings per project with two (2) projects per acre maximum.
- d. Off-Street Parking:
- i. In accordance with Section [1329.05](#) and [1329.06](#).
- e. Dimensional and Density Requirements.
- i. Single family dwellings: In accordance with Section [1325.03](#).
  - ii. Multi-family dwellings: In accordance with Section [1329.06](#).
- f. Mobile Homes:
- i. No mobile homes permitted.

*\* NOTE (THIS IS NOT PART OF THE ORDINANCE BUT IS AN EXPLANATION OF THE ABOVE AMENDMENT). THIS AMENDMENT PREVENTS CONVERTING A SINGLE-FAMILY DWELLING INTO MORE THAN A DUPLEX WITHOUT PLANNING COMMISSION REVIEW AND A PUBLIC HEARING.*

*THE CURRENT ORDINANCE ALLOWS A “LARGE OLDER HOME” TO BE CONVERTED INTO A DUPLEX OR AN APARTMENT BUILDING CONTAINING UP TO 10 UNITS PER BUILDING WITHOUT ANY OVERSIGHT OF THE PLANNING COMMISSION OR A PUBLIC HEARING (THERE ARE SOME BUILDING AND ACREAGE RESTRICTIONS).*

**4. 1371.03 DEFINITIONS**

(20) "**Dwelling unit**" means space, within a building, comprising living, dining, sleeping room or rooms, storage closets, as well as one full bathroom and one full kitchen, all occupants having unimpeded access to all interior and exterior areas defined by plotted lot lines and within the footprint of all structures.

**Councilman Jim Leach moved to approve the ORDINANCE – FIRST READING: Amending 1325.03, District I Area and Yard Regulations, to Require a Minimum of 900 Square Feet of Habitable Space on Ground Level Set Upon a Permanent Foundation; 1329.06 Multiple Dwellings and Apartment Houses to Require a Minimum of 900 Square Feet of Habitable Space on Ground Level Set Upon a Permanent Foundation; 1322.07 R-3 Single Family and Two Family Residential District with Conditional Uses to Regulate the Conversion of Single-Family Dwellings to Duplex Usage; Amending the Definition of Dwelling Unit as Set Out in 1371.03 of the Subdivision Regulations. Motion seconded by Councilman Mike Elam.**

Discussion: Mayor Rapp noted that this was forwarded to us from the Planning Commission as their recommendation. Councilman Jim Leach thinks the guidelines provide good balance for those who want to develop properties, for neighborhoods, and for residents. Councilwoman Kim Williams likes that there will be a public hearing.

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

**7. RESOLUTION: To Increase the Hourly Wage for All Sworn Vienna Law Enforcement Officers in the Amount of Two Dollars Per Hour and the Equivalent of a Two Dollar Per Hour Wage Increase for the Vienna Police Chief, a Salary Position, Based Upon a 2080 Hour Work Year and Setting a Starting Rate for New Law Enforcement Officer Hires**

**BE IT RESOLVED BY THE COMON COUCIL OF THE CITY OF VIENNA**, that it hereby authorizes, effective beginning at the next regular full pay period, an increase in the hourly pay rate for all Vienna Police Department sworn law enforcement officers in the amount of two dollars (\$2.00) per hour. Further, council authorizes an increase in the salary of the Vienna Chief of Police in an amount equivalent to two dollars (\$2.00) per hour based upon a two thousand and eighty (2080) hour work year said total to be determined by the City of Vienna Finance Director. Council further authorizes the starting hourly rate for new law enforcement officers hired after passage of this resolution at twenty (\$20) dollars per hour.

**Recorder Melissa Elam moved to approve the Resolution to Increase the Hourly Wage for All Sworn Vienna Law Enforcement Officers in the Amount of Two Dollars Per Hour and the Equivalent of a Two Dollar Per Hour Wage Increase for the Vienna Police Chief, a Salary Position, Based Upon a 2080 Hour Work Year and Setting a Starting Rate for New Law Enforcement Officer Hires. Motion seconded by Councilman Mike Elam.**

Discussion: Councilman Tom Azinger says it is long overdue and will help recruit and retain officers and that it shows the department we are behind them. Councilman Mike Elam asked if it took effect immediately. It was confirmed the answer is yes.

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

**8. RESOLUTION: Adopting the Top Ten Best Practices for Newly Elected Officials**

**BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA** that it hereby adopts the following top ten best practices for newly elected officials:

1. Commit sufficient time to your office but be mindful of the need for rest (body and mind).
2. Learn as much and as quickly as you can about your municipal government and its operations by reading its municipal ordinances and reading the council minutes from the previous year.
3. Understand the form of government for your Municipality. Respect the roles and responsibilities of the Municipal officials and staff in the approved form of government.
4. Realize that effective Councils operate as a team. Develop and maintain a positive working relationship with other Municipal elected officials and staff.
5. Voice your opinion on issues, defend your position; however, don't be disrespectful or engage in personal attacks. If you lose a vote, move on – prepare for the next issue. Public decorum is key to success.
6. Don't make promises you cannot deliver alone. You have one vote, and a majority vote of Council is necessary to accomplish anything.
7. Avoid rushing to judgment. Make decisions based on research and good public policy. You may hear from the vocal interests often, but remember, much of your constituency may not be as outspoken or passionate on the issue.
8. Always act in an ethical and transparent manner. Respect the Open Governmental Proceedings Act. Do and say (e-mails and texts included) only what you don't mind reading above the fold in the newspaper.
9. Remember that a majority vote establishes a policy position for your Municipality. After the vote, respect and communicate the adopted position regardless of your individual position prior to passage.
10. Communicate, communicate, communicate – With fellow Officials, staff and your Citizens.

**Councilman Jim Leach moved to approve the Resolution to Adopt the Top Ten Best Practices for Newly Elected Officials. Motion seconded by Councilman Tom Azinger.**

Discussion: Councilwoman Kim Williams says because it was not unanimously signed before it came to Council, it should not be on the agenda. Mayor Randy Rapp stated that Councilwoman Kim Williams misunderstood.

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

**9. RESOLUTION: Approving the Re-Appointment of Steve Eaton to the Vienna Utility Board**

Mayor Randy Rapp provided a brief bio on Mr. Eaton.

**BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA**, that STEVE EATON, a qualified citizen of the City of Vienna, is hereby re-appointed to serve as a director of the Vienna Utility Board for one full term; said term set to begin upon expiration of his current term, ending 2/24/2021; the new full term will end February 24, 2025.

**Councilman Mike Elam moved to approve the Resolution Approving the Re-Appointment of Steve Eaton to the Vienna Utility Board. Motion seconded by Councilman Jim Leach.**

There was no discussion.

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

**10. RESOLUTION: Appointing Craig Richards to the City of Vienna Planning Commission**

Mayor Randy Rapp provided a brief bio on Mr. Richards.

**BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA**, that Craig Richards qualified by knowledge and experience in matters pertaining to the development of the City, shall be appointed to a full and regular three-year term of the City of Vienna Planning Commission.

**Councilman Jim Leach moved to approve the Resolution Appointing Craig Richards to the Vienna Planning Commission. Motion seconded by Councilman Mike Elam.**

There was no discussion.

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

**11. RESOLUTION: Appointing Craig Metz to the City of Vienna Planning Commission**

Mayor Randy Rapp provided a brief bio on Mr. Metz.

**BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA**, that Craig Metz qualified by knowledge and experience in matters pertaining to the development of the City, shall be appointed to a full and regular three-year term of the City of Vienna Planning Commission.

**Councilman Jim Leach moved to approve the Resolution Appointing Craig Metz to the Vienna Planning Commission. Motion seconded by Councilman Mike Elam.**

There was no discussion.

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

**12. RESOLUTION: Appointing Barbara Joyce to the City of Vienna Planning Commission**

Mayor Randy Rapp provided a brief bio on Mrs. Joyce.

**BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA**, that Barbara Joyce qualified by knowledge and experience in matters pertaining to the development of the City, shall be appointed to a full and regular three-year term of the City of Vienna Planning Commission.

**Councilman Jim Leach moved to approve the Resolution Appointing Barbara Joyce to the Vienna Planning Commission. Motion seconded by Councilman Mike Elam.**

There was no discussion.

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

**13. RESOLUTION: Appointing Carl Tanner to the City of Vienna Planning Commission**

Mayor Randy Rapp provided a brief bio on Mr. Tanner.

**BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA**, that Carl Tanner qualified by knowledge and experience in matters pertaining to the development of the City, shall be appointed to a full and regular two-year term of the City of Vienna Planning Commission.

**Councilman Jim Leach moved to approve the Resolution Appointing Carl Tanner to the Vienna Planning Commission. Motion seconded by Councilman Mike Elam.**

There was no discussion.

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

**14. RESOLUTION: Appointing Jamie Witkosky to the City of Vienna Planning Commission**

Mayor Randy Rapp provided a brief bio on Mrs. Witkosky.

**BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA**, that Jamie Witkosky qualified by knowledge and experience in matters pertaining to the development of the City, shall be appointed to a full and regular two-year term of the City of Vienna Planning Commission.

**Councilman Jim Leach moved to approve the Resolution Appointing Jamie Witkosky to the Vienna Planning Commission. Motion seconded by Councilman Mike Elam.**

There was no discussion.

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

**15. RESOLUTION: Appointing Jim Sims to the City of Vienna Planning Commission**

Mayor Randy Rapp provided a brief bio on Mr. Sims.

**BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA**, that Jim Sims qualified by knowledge and experience in matters pertaining to the development of the City, shall be appointed to a full and regular two-year term of the City of Vienna Planning Commission.

**Councilman Jim Leach moved to approve the Resolution Appointing Jim Sims to the Vienna Planning Commission. Motion seconded by Councilman Mike Elam.**

There was no discussion.

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

**16. RESOLUTION: Appointing Steve Middleton to the City of Vienna Planning Commission**

Mayor Randy Rapp provided a brief bio on Mr. Middleton.

**BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA**, that Steve Middleton qualified by knowledge and experience in matters pertaining to the development of the City, shall be appointed to a full and regular one-year term of the City of Vienna Planning Commission.

**Councilman Jim Leach moved to approve the Resolution Appointing Steve Middleton to the Vienna Planning Commission. Motion seconded by Councilman Mike Elam.**

There was no discussion.

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

**17. DISCUSSION: Council Committee Assignments for Year 2021-2022**

Mayor Randy Rapp explained why he chose the various council members for the assignments listed. Recorder Melissa Elam asked about Councilman Jim Leach’s name still being on the list for Vienna Utility Board. It was clarified that because Council voted him down already he will not serve in that capacity. Recorder Melissa Elam also asked if these items will come to a future council to be approved. Attorney Russ Skogstad explained that they will not come before council for approval. Councilwoman Kim Williams asked about other appointments such as the Vienna Utility Board, Planning Commission, etc. The difference between a liaison and a voting member of a board was explained.

**18. DISCUSSION: Utility Board**

This agenda item was not specifically covered, although some elements were brought up in the preceding discussion.

**19. RESOLUTION: Approving the Re-appointment of Randall C. Rapp to the Vienna Utility Board**

**BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA**, that RANDALL C. RAPP, a qualified citizen of the City of Vienna, Mayor, and the City of Vienna public works liaison, is hereby appointed to serve as a director of and on the Vienna Utility Board for one full term, said term to begin upon approval of council and ending December 31, 2024.

**Recorder Melissa Elam moved to approve the Resolution Approving the Re-Appointment of Randall C. Rapp to the Vienna Utility Board. Motion seconded by Councilman Mike Elam.**

There was no discussion.

**Roll call vote taken by Recorder Melissa Elam. Councilman Mike Elam, Councilman Jim Leach, Councilman Tom Azinger, Councilwoman Kim Williams, Recorder Melissa Elam voting “yes”. Vote: 5-0. Mayor Randy Rapp abstained from the vote.**

**20. RESOLUTION: Approving Kim Williams 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, Kim Williams, 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.

**Councilman Mike Elam moved to approve the Resolution Approving Kim Williams as Vienna City Council Appointee and Representative to the Vienna Utility Board. Motion seconded by Recorder Melissa Elam.**

Discussion: Councilman Jim Leach asked Council members to explain why they didn’t vote for him because he believes he has higher qualifications than Councilwoman Kim Williams. Councilwoman Kim Williams stated that the qualification is to be a duly elected member of council. She will also not take compensation and because of that she can vote for herself and plans to.

Councilman Jim Leach made a motion that the Resolution be tabled and to consider increasing the number of Vienna Utility Board members to 7 people. Motion seconded by Mayor Randy Rapp. **Roll call vote taken by Recorder Melissa Elam. Councilman Jim Leach and Mayor Randy Rapp voting “yes”. Councilman Mike Elam, Councilman Tom Azinger, Councilwoman Kim Williams, Recorder Melissa Elam voting “no”. Failed 2-4.**



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

**21. RESOLUTION: Changing the Start Time of the Regular and Special Vienna City Council Meetings from 7:00PM to 6:00PM**

**BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA**, that, as authorized by Vienna Municipal Code, 111.01 “REGULAR MEETINGS,” the start time of both the regular and special meetings of the Vienna City Council is hereby changed from 7:00 PM to 6:00 PM. The meeting days shall remain unchanged. This resolution shall remain in effect until changed by action of council.

Recorder Melissa Elam moved to approve the Resolution to Change the Start Time of the Regular and Special Vienna City Council Meetings from 7:00PM to 6:00PM. Motion seconded by Councilwoman Kim Williams.

Discussion: Councilwoman Kim Williams wanted to make council aware that WTAP will not send a reporter to the meetings during the news hour.

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

Attorney Russ Skogstad said we will eventually need to have the ordinance books formally changed to reflect the time change.

**22. ORDINANCE – FIRST READING: Setting Forth and Adopting Rules Governing the Public Comment Portion of Vienna City Council Meetings**

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF VIENNA** that it does hereby adopt the following rules governing the public comment portion of Public Meetings/Hearings/Proceedings in the City of Vienna.

**City of Vienna Public Comment Policy**

**1) GENERAL MATTERS**

a) **Presiding Officer** – is generally the Mayor or the chair of any Council, Board and/or Commission.

i) **Maintaining Order**-The following behaviors, when they actually cause disruption of a meeting are prohibited and provide grounds for the Presiding Officer to declare a speaker out of order. The Presiding Officer, with the assistance of the Vienna Police Department, may expel a person from any meeting if they refuse to cease their disruptive behavior and may call for security to physically remove or arrest any persons who persist in actual disruption. These types of disruptions may include but are not limited to:

- (1) creating or participating in a physical disturbance,
- (2) speaking out of turn or in violation of applicable rules (including time limits),
- (3) preventing or attempting to prevent others who have the floor from speaking,
- (4) preventing or impeding others from observing the meeting and
- (5) entering into or remaining in an area of the meeting room that is not open to the public.

ii) **Enforcement** - Disruptive behavior, as described more fully above, may result in removal from a meeting and/or arrest and prosecution. Any law enforcement officers on duty may serve as the Sergeant-at-Arms of meetings. The Sergeant-at-Arms shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order at meetings.

**2) PUBLIC COMMENT: SPEAKING AT CITY OF VIENNA MEETINGS**

**a) Public Comment: General Rules**

i) Public comment will only be made under the Public Comment portion of the agenda.

ii) The Presiding Officer has the authority to refer speakers to the appropriate department heads or council member, as necessary, for answers to questions asked during meetings. Discussion with city staff may occur after the meeting or during normal work hours but not during the public meeting itself.

iii) The public will not be permitted to ask questions or make comments during any other portion of the meeting, unless approved otherwise by the Presiding Officer.

iv) Any person desiring to address Council/City Staff/Board/Commission and/or Committee members must first sign-in prior to the start of the meeting as outlined below.

v) Speakers shall use the microphone provided for the public and speak in a recordable tone, either personally or with assistance, if necessary.

