

REGULAR COUNCIL SESSION
609 29th Street, Vienna, WV 26105
March 11, 2021
6:00 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE:

The invocation was given by Ryan Romine. The Pledge of Allegiance was led by Mayor Randy Rapp.

CALL TO ORDER:

The Vienna City Council met in Regular Session on March 11, 2021. Mayor Randy Rapp called the meeting to order at 6:03 p.m.

PUBLIC FORUM:

Brenda Powell (1409 31st St.): She would like to see an indoor sports complex at the warehouse for sale now on Rosemar Road for winter sports activities. Addressed Councilman Leach wanting an Economic Development Director. Feels qualifications would require a salary we would not want to pay. Her recommendation is to instead have an Outreach Coordinator like Parkersburg has implemented. Thinks Williamstown, Vienna, and Parkersburg should go before County Commission about making sure we have stricter guidelines for those coming here for drug rehab.

ROLL CALL:

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

REPORT OF THE MINUTES:

The minutes of the Special Council Session scheduled on 2/25/2021 have been printed, posted, and circulated.

Councilwoman Kim Williams moved to amend Item 19 in the minutes to remove the words “recused himself” and replace with “abstained from voting”. Councilman Mike Elam seconded. All members approved the amendment.

Discussion: There was no discussion.

Councilman Tom Azinger moved to approve the minutes as amended. Councilman Mike Elam seconded.

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

TREASURER’S REPORT:

Reconciliation of Funds have been printed and circulated and information provided has been expanded.

Councilwoman Kim Williams asked why the Reconciliation of Funds has been revised so that stormwater was taken out of the Proprietary Enterprise Fund and put with Special Revenue. Mayor Randy Rapp explained that the Enterprise Fund is water and sewer only and the General Fund is where stormwater is actually funded. Councilwoman Kim Williams wanted to know how the Vienna Utility Board and Council’s roles considering this fund would work. Finance Director Amy Roberts stated that the state does not consider stormwater to be a proprietary fund. It was placed there to be efficient. Funds are still managed by the Vienna Utility Board.

UNFINISHED BUSINESS:

1. ORDINANCE – SECOND 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 Roger Bibbee moved to approve the ORDINANCE – SECOND 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: There was no discussion.

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

NEW BUSINESS:

1. INSURANCE REVIEW AND PRESENTATION: Mark Schwendeman

Mr. Schwendeman gave a thorough presentation on Employee Benefits including Health Insurance, Dental, Vision, and Ancillary Benefits. They recommend employers consider the health insurance plan as part of the employees’ total compensation. The city’s current plan is with Highmark Blue Cross Blue Shield. The claims to premium loss ratio helps determine the real rates. For the past two years, the city’s claims paid have exceeded 100% of premium. The rate increase from Highmark was originally 9% but it was negotiated down to 5%. The HealthPlan plan’s prescription drug coverage was not as good as Highmark.

Councilman Mike Elam asked what the increase was last year. Mr. Schwendeman stated that it started at 9% but the overall was 2-4%. Overall for the past 6 years, the average increase has been 4%.

The premium cost goes up \$66,693.84 this year.

2. GENERAL FUND BUDGET REVISION #4

MEMORANDUM						
TO:		JIM LEACH				
FROM:		Amy Roberts				
SUBJECT:		20-21 GENERAL FUND BUDGET REVISION #4				
DATE:		02/23/2021				
DEPT	ACCT #	ACCT DESCRIPTION	EXPLANATION	CURRENT BUDGET	INCREASE (DECREASE)	REVISED BUDGET
	322	Contributions from Capital Reserve	Transfer to cover the capital items below	0	135,300	135,300
			NET INCREASE / (DECREASE) TO REVENUE		135,300	
Recreation	541-58	Capital Outlay Other	Vienna matching funds to complete pickleball and playground project. Money (\$105,000) to be donated by the Spartan Foundation	0	81,500	81,500
	541-59	Capital Outlay Equip	Money originally appropriated in the prior budget year for the resurfacing of the tennis and basketball courts. Not completed due to COVID	40,000	20,000	60,000
	541-41	Materials & Supplies	Originally the 40,000 was appropriated for the tennis and basketball courts in the prior year. Tennis and basketball courts bid came in under the original bid projection. Ask that the remaining be appropriated in this budget for Christmas lights	53,000	20,000	73,000
	540-59	Capital Outlay - equip	Money originally appropriated in the prior budget year for the purchase of a dump bed Not completed due to COVID	60,000	8,000	68,000
	540-59	Capital Outlay - equip	Money originally appropriated in the prior budget year for the purchase of a tractor. Tractor was Asked to reappropriate those funds not spent due to covid for a walk behind mower	68,000	5,800	73,800
	540-88	Contributions	Money originally appropriated to the Vienna Road Race to the Kid's First Program	5,000	-1,000	4,000
	596-88	Contributions	Money originally appropriated to the MOV Work camp to the Kid's First Program	3,000	-3,000	0
	450-88	Contributions	Above money appropriated as an additional contribution to the Kid's First Program	3,500	4,000	7,500
CONTINGENCIES	699		COVER THE ABOVE REVISIONS			0
			NET INCREASE / (DECREASE) TO EXPENDITURES		135,300	

Councilman Tom Azinger moved to approve the General Fund Budget Revision #4. Motion seconded by Councilman Roger Bibbee.

There was no discussion.

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

3. BID APPROVAL: General Fund – Concrete for 2021

Sealed bids for the purchase of concrete for 2021 were opened on February 12, 2021 at 9:00am with the following results:

Hanson Ready Mix	\$126/cubic yard
Smith Concrete	\$125/cubic yard
Well Group	\$130/cubic yard

After careful review of the bid proposals, the recommendation for approval from the Budget and Finance Committee for Concrete for 2021 is: Smith Concrete for \$125/cubic yard. Funding for the project will be from the City’s General Fund.

Councilman Tom Azinger moved to approve the Bid Approval for Concrete for 2021. Motion seconded by Councilman Mike Elam.

There was no discussion.

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

4. BID APPROVAL: General Fund and CDBG Fund – ADA Compliant Restroom in Spencer Park

Sealed bids for the construction of an ADA compliant restroom in Spencer Park were opened on February 26, 2021 at 10:00am with the following results:

Grae-Con Construction	\$164,900
Wingrove Construction	\$64,282

After careful review of the bid proposals, the recommendation for approval from the Budget and Finance Committee for the construction of an ADA compliant restroom in Spencer Park is: Wingrove Construction for \$64,282. Funding for the project is budgeted and will be from the General Fund line item 01-540-65-57 and the CDBG Fund.

Recorder Melissa Elam moved to approve the Bid Approval for the construction of an ADA compliant restroom in Spencer Park. Motion seconded by Councilman Mike Elam.

Councilman Tom Azinger and Councilman Roger Bibbee questioned the large difference in the bids. Finance Director Amy Roberts stated that Attorney Russ Skogstad was present for the bid openings and made sure it was clear what the bid was for and verified that it is a legitimate bid.

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

5. BID APPROVAL: General Fund – Resurfacing of the Tennis and Basketball Courts in Jackson Park

Sealed bids for the resurfacing of the tennis and basketball courts were opened on February 5, 2021 at 10:15am with the following results:

Total Tennis Inc.	\$104,035.00
Vasco Sports Contractors	\$60,000.00

After careful review of the bid proposals, the recommendation for approval from the Budget and Finance Committee for resurfacing the tennis and basketball courts is: Vasco Sports Contractors for \$60,000.00. Funding for the project will be from the General Fund line item 01-541-65-58.

Councilman Mike Elam moved to approve the Bid Approval for resurfacing of the tennis and basketball courts. Motion seconded by Councilman Roger Bibbee.

Councilman Roger Bibbee noted the difference in bid amounts but felt they were reputable.

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

6. BID APPROVAL: General Fund – 13 Person Cross Fitness Rig for Use in Jackson Park

Sealed bids for the purchase of a 13 person cross fitness rig for use in Jackson Park were opened on February 5, 2021 at 10:30am with the following results:

Davis Athletics	\$23,245.00
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After careful review of the bid proposals, the recommendation for approval from the Budget and Finance Committee for the purchase of a 13 person cross fitness rig for use in Jackson Park is: Davis Athletics for \$23,245.00. Funding for the project will be from the General Fund line item 01-540-65-58.

Councilman Tom Azinger moved to approve the Bid Approval for the purchase of a 13 Person Cross Fitness Rig for Use in Jackson Park. Motion seconded by Councilman Mike Elam.

There was no discussion.

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

7. BID APPROVAL: General Fund – Christmas Light Displays

Sealed bids for the purchase of various Christmas Light Displays were opened on February 5, 2021 at 10:45am with the following results:

Rileighs Outdoor Decor	\$37,032.00
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After careful review of the bid proposals, the recommendation for approval from the Budget and Finance Committee for the purchase of various Christmas Light Displays is: Rileighs Outdoor Decor for \$37,032.00. Funding for the project will be from the City’s General Fund line item 01-541-55-41.

Councilman Mike Elam moved to approve the Bid Approval for the purchase of various Christmas Light Displays. Motion seconded by Recorder Melissa Elam.

Councilman Roger Bibbee wanted to know where they would be displayed. Mayor Randy Rapp explained they would be for 28th Street down through the commercial district.

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

8. DISCUSSION: 2021 Budget – General Fund and Capital Expenditure Request

Finance Director Amy Roberts explained that two budgets were given to Council. One included the longevity pay raise, the Blue Cross Blue Shield 5% increase, and the police pay raise previously voted on. The other was for an additional \$.65 for all employees except police. Also, giving Council a capital expenditure form showing that a department head took a few things out that he was no longer requesting.

Councilman Tom Azinger asked why the fire fee was reduced by \$50,000. Amy has lowered because the county says there is a high rate of nonpayment and we are not going to meet that budget amount this year.

Finance Director Amy Roberts suggested considering balancing the budget by cutting from the paving.

Councilwoman Kim Williams asked why B&O and 1% sales tax have not changed. Finance Director Amy Roberts explained you have to meet revenue projections and it is difficult to predict it. She will raise them if we want to. Ms. Williams also asked if CARES Act money would just go in carryover. Ms. Roberts said yes and which would then go into Capital Reserve. Another option for CARES Act money is Contributions From Other Funds.

Councilman Tom Azinger confirmed that the Senior Center position was in the budget and it is.

Councilwoman Kim Williams asked how new CARES Act money that the city is expecting will be accounted for. The new money will be coming from the federal government and we have to wait to see what regulations come with it.

Mayor Rapp mentioned increasing raising incentives for fire department. It is in the budget.

Councilwoman Kim Williams asked about the car for Linda Kern. Mayor Randy Rapp stated she will drive the minivan that was a fleet vehicle. The Camry that was given to the Senior Center may be included in the next auction if we can't find another use for it.

Councilman Roger Bibbee wants \$850,000 in street repair. He wants to look further into camera issues and getting it resolved. He is not sure he wants to support the 25% increase for the health department. He also does not believe the city is getting \$31,000 worth of value from the Humane Society. Mayor Randy Rapp addressed Mr. Bibbee's concerns about outside agency requests. He does not believe the increase for the Health Department is significant and they provide great services. Mayor Rapp also does not think we can take on the responsibility of a dog kennel. Attorney Russ Skogstad referenced 507-07, an ordinance about the relationship between the mayor and the humane society.

Councilwoman Kim Williams asked about the cloud storage for the new security storage and where it would be found in the budget. Finance Director Amy Roberts will find out. Ms. Williams would also like the comparison of owning versus leasing the cameras.

Finance Director Amy Roberts explained FLAP matching money was added to line item 322. She felt we could budget \$100,000 from capital reserves.

9. ORDINANCE – FIRST READING: Codifying the Process for the Appointment and Approval of Council Liaisons to the City of Vienna Police Department, Fire Department, Public Works, Finance Department, and Vienna Senior Center

City Council liaisons serve as a communication link between Vienna City Council and each of the major departments each of which are necessary to perform the major functions of the City which can benefit from direct individual interaction with council. City Council liaisons should facilitate a good working relationship between the Department they serve and Council.

THEREFORE, be it ordained by the Common Council of the City of Vienna that it does hereby adopt the following rules governing city council liaisons:

- (a) There shall be two Public Safety liaisons, one liaison assigned to the Vienna Police Department and one liaison assigned to the Vienna Fire Department.
- (b) There shall be one Public Works liaison assigned to the Department of Public Works.
- (c) There shall be one liaison to the Senior Center.
- (d) There shall be one liaison to the Finance Department.
- (e) All liaisons shall be members of Vienna City Council.
- (f) All Liaisons shall be nominated by the Mayor and confirmed by a majority of Council.
- (g) Council liaisons terms shall be concurrent to the term of office to which he or she has been elected or appointed, unless the Mayor and Council, at the first regular meeting of each year, appoint others to serve as a Council Liaison.
- (h) The Planning Commission (Article 133 of the Vienna Municipal Code), the Vienna Utility Board (Article 130 of the Vienna Municipal Code), the Board of Parks and Recreation (Article 137 of the Vienna Municipal Code), and the Vienna Tree and Beautification Commission (Article 907 of the Vienna Municipal Code), are boards whose membership composition are governed independently by each of their respective ordinances, and which have an already established appointment process where at least one member of council serves on each board, shall not have council liaisons.

Councilwoman Kim Williams moved to approve the ORDINANCE – FIRST READING: Codifying the Process for the Appointment and Approval of Council Liaisons to the City of Vienna Police Department, Fire Department, Public Works, Finance Department, and Vienna Senior Center. Motion seconded by Councilman Roger Bibbee.

Discussion: There was no discussion.

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

Council Comments:

Councilman Mike Elam thanked Mayor Randy Rapp and Attorney Russ Skogstad for help with work on the hill removal.

Mayor Randy Rapp asked Brenda Powell which warehouse she was referencing. It is the REO Logistics building.

Meeting adjourned at 7:39 p.m.

Melissa Elam, Recorder

Randall C. Rapp, Mayor

APPROVED: _____
 Initials Date