

**CITY OF VIENNA**  
Regular Council Session  
Council Chambers  
609 29<sup>th</sup> Street, Vienna, WV  
6:00pm

**AGENDA**  
**January 25, 2024**

**Invocation and Pledge of Allegiance**

**Call to Order**

**Roll Call**

**Public Forum**

**Report of the Minutes**

**Unfinished Business**

1. None.

**New Business**

1. RESOLUTION: Authorizing An Election For Renewal Of An Existing Levy Under The Provisions Of West Virginia Code Chapter 11, Article 8, Section 16, To Provide For The Continued Operation Of The Mass Transportation (Bus) System  
(Sponsors: Mayor Randy Rapp and Recorder Melissa Elam)
2. PRESENTATION: North Star Child Advocacy Center
3. PRESENTATION: Workforce WV
4. RESOLUTION: Appointing Carl Tanner To The City Of Vienna Planning Commission  
(Sponsors: Mayor Randy Rapp and Recorder Melissa Elam)
5. RESOLUTION: Appointing Jim Sims To The City Of Vienna Planning Commission  
(Sponsors: Mayor Randy Rapp and Recorder Melissa Elam)
6. RESOLUTION: Appointing Jamie Witkosky To The City Of Vienna Planning Commission  
(Sponsors: Mayor Randy Rapp and Recorder Melissa Elam)
7. RESOLUTION: Approving An Expenditure From Opioid Settlement Funds For The Purchase Of A Dual Purpose K9 Officer And For Training The K9 Officer And Its Handler, For A Sum Not To Exceed \$13,000.00  
(Sponsors: Mayor Randy Rapp and Recorder Melissa Elam)
8. RESOLUTION: Creating The Position Of Evidence Technician/Criminal Investigator  
(Sponsors: Mayor Randy Rapp and Recorder Melissa Elam)
9. DISCUSSION: Formation Of An Economic Development Advisory Body
10. RESOLUTION: Forming An Economic Development Advisory Committee  
(Sponsors: Councilwoman Kim Williams and Councilman Chris Mancuso)
11. ORDINANCE – FIRST READING: Creating The City Of Vienna Economic Development Authority  
(Sponsors: Councilman Jim Leach and Mayor Randy Rapp)
12. UPDATE: Jackson Pool

**Council Comments**

**Announcements**

**AN ORDER AUTHORIZING AN ELECTION FOR RENEWAL OF AN EXISTING LEVY  
UNDER THE PROVISIONS OF WEST VIRGINIA CODE  
CHAPTER 11, ARTICLE 8, SECTION 16, TO  
PROVIDE FOR THE CONTINUED OPERATION OF THE  
MASS TRANSPORTATION (BUS) SYSTEM**

**IT IS HEREBY RESOLVED AND ORDERED** by the City Council of the City of  
Vienna:

Section 1:

The Council of the City of Vienna, West Virginia, is of the opinion and does hereby find:

(a) That the existing mass transportation system operated by the Mid Ohio Valley Transit Authority is funded for operations in the municipalities of Parkersburg and Vienna only in an amount which will permit operation of said system until June 30, 2025.

(b) That for the existing mass transportation system to be operated beyond June 30, 2025, additional revenues are needed.

(c) That for the good of the public welfare it is necessary that an existing additional levy be renewed, extended and utilized to fund the operation of the mass transportation system in the future.

Section 2:

The purpose for which the renewal of the existing additional levy funds are needed is to continue the operation of the mass transit (bus) system in the cities of Parkersburg and Vienna, West Virginia, at a total cost of approximately \$3,193,541.35 per year for two (2) years, of which the sum of \$928,174.82 per year for two (2) years would be derived from the City of Vienna.

Section 3:

The total amount of funds needed for the purpose above stated is approximately \$3,193,541.35 per year for two (2) years, of which \$928,174.82 per year for two (2) years would be funded by the City of Vienna. These funds will be used to provide for the continued operation of the mass transit (bus) system in the cities of Parkersburg and Vienna, West Virginia, provided, however, that in the event the additional levy is approved by the voters of the City of Vienna, but disapproved by the

voters of the City of Parkersburg, funds obtained from the levy may be used for the operation of the mass transit (bus) system for routes which originate or terminate within the geographical confines of the City of Vienna.

Any surplus funds received by the City of Vienna may be utilized for the same purposes during the fiscal year so received.

In the event any funds may be obtained from the United States of America, the State of West Virginia, or any other legal source, by gift, grant or otherwise, in aid of furtherance of the aforesaid purposes, the City of Vienna is authorized to match such funds from the proceeds of the additional levy.

Section 4:

The separate and aggregate assessed valuation of each class of taxable property within the City of Vienna as shown by the records of the Assessor of Wood County, West Virginia, as of March 1, 2023, for State, County and City taxation is as follows:

Class I	\$	-0-
Class II		366,709,786.00
<u>Class IV</u>		<u>214,457,047.00</u>
Total		\$581,166,833.00

Section 5:

The proposed additional rate of renewal levy in cents on each One Hundred Dollars (\$100.00) assessed valuation of taxable property in the City of Vienna is as follows:

Upon Class I Properties	\$0.05833
Upon Class II properties	\$0.11666
Upon Class IV properties	\$0.23332

Said rates may be reduced for all classes of property for each levy tax year so as to cause such rate of levy to produce no more than approximately \$928,174.82.

Section 6:

The proposed years to which the renewed additional levy shall apply are the two (2) fiscal years beginning July 1, 2025, and July 1, 2026.

Section 7:

The City of Vienna shall not issue bonds for the purposes set forth in this Order.

Section 8:

The question of laying such renewal of existing additional levy shall be submitted to the voters of the City of Vienna at an election to be held in said City on the 14<sup>th</sup> day of May, 2024, in accordance with the election laws of the State of West Virginia.

Section 9:

The registration of voters and the use of registration books shall be governed by the permanent registration law of the State of West Virginia and the registration lists of Wood County, West Virginia, as amended and corrected according to law, shall be the official registration list for such election. It appears that the provisions of West Virginia Code, Chapter 3, Article 3, relating to absentee and early voting are clearly adaptable to this election. Except to the extent expressly herein provided, this election shall be governed by the general election laws of the State of West Virginia.

Section 10:

The Notice calling such election shall be given by publication of this Order as a Class II-0 legal advertisement in compliance with provisions of Article 3 of Chapter 59 of the Code of West Virginia of 1931, as amended, being published once a week for two (2) successive weeks prior to the date of the election in two (2) qualified newspapers, of opposite politics if two (2) such newspapers are available, or, if only one (1) such qualified newspaper is available, in that qualified paper, and of general circulation in Wood County, West Virginia.

Section 11:

The form of the ballot for such election shall be as follows:

Election to authorize the renewal of existing additional levies for the fiscal years beginning July 1, 2025, and July 1, 2026, for the purpose of providing for the continued operation of the mass transit (bus) system in the cities of Parkersburg and Vienna, West Virginia, according to the Order of the Council of the City of Vienna adopted on the 25<sup>th</sup> day of January, 2024. In the event renewal of existing additional levies are approved by the voters of the City of Vienna but disapproved by the voters of the City of Parkersburg, the funds from said additional levy may be used for the operation of the mass transit (bus) system for routes which originate and terminate within the geographical limits of the City of Vienna.

The renewal of the existing additional levy per \$100.00 valuation shall be on Class I property, \$0.05833; on Class II property, \$0.11666; and on Class IV property, \$0.23332. Said rates shall be reduced for each levy year so that the proceeds of the additional levy shall be approximately \$928,174.82 per year.

- ( ) Yes, for renewal of levy for continued mass transit (bus) service
- ( ) No, against renewal of levy for continued mass transit (bus) service

**Now Therefore**, be it resolved and **ORDERED** that the Mayor and the Common Council of the City of Vienna by virtue of the authority vested in us by the Constitution, and the Laws of the State of West Virginia and the Order creating the Levy do hereby the Order as set out above on this the \_\_\_\_\_ of \_\_\_\_\_, 2024

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

ATTEST:

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

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

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

Sponsors:

\_\_\_\_\_

\_\_\_\_\_



**RESOLUTION APPOINTING CARL TANNER TO THE CITY OF VIENNA PLANNING COMMISSION**

**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 three-year term of the **City of Vienna Planning Commission**.

Dated this \_\_\_\_\_ day of JANUARY 2024

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

**ATTEST:**

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

Sponsors:

\_\_\_\_\_  
\_\_\_\_\_



**RESOLUTION APPOINTING JIM SIMS TO THE CITY OF VIENNA PLANNING COMMISSION**

**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 three-year term of the **City of Vienna Planning Commission**.

Dated this \_\_\_\_\_ day of JANUARY 2024

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

**ATTEST:**

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

Sponsors:

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\_\_\_\_\_



**RESOLUTION APPOINTING JAMIE WITKOSKY TO THE CITY OF VIENNA PLANNING COMMISSION**

**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 three-year term of the **City of Vienna Planning Commission**.

Dated this \_\_\_\_\_ day of JANUARY 2024

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

**ATTEST:**

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

Sponsors:

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**RESOLUTION APPROVING AN EXPENDITURE FROM OPIOID SETTLEMENT FUNDS FOR THE PURCHASE OF A DUAL PURPOSE K9 OFFICER AND FOR TRAINING THE K9 OFFICER AND ITS HANDLER, FOR A SUM NOT TO EXCEED \$13,000.00**

**BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA that:**

Dual-purpose K9 officers are invaluable assets necessary to assist police officers in investigating and prosecuting criminal drug activity. Council recognizes that the current K9 officer, Ronin, is approximately nine years old and nearing the end of his working life. Council further acknowledges that it takes considerable time and resources to select and train K9 officers. Because of the importance of K9 officers to law enforcement and the citizens of Vienna, the council authorizes an expenditure of up to thirteen thousand dollars (\$13,000) from opioid litigation settlement funds to purchase a dual-purpose K9 officer and to train both the K9 officer and its handler.

Further, council authorizes the Vienna Police Chief to acquire the K9 officer from Pine Grove Kennel, a qualified provider exempt from competitive bidding as a single source provider under Vienna Municipal Code 105.04, and exempt under 105.05 Professional Services, for training (consulting).

Dated this \_\_\_\_ day of \_\_\_\_\_, 2024

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

**ATTEST:**

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

Sponsors:  
\_\_\_\_\_  
\_\_\_\_\_

**RESOLUTION CREATING THE POSITION OF EVIDENCE TECHNICIAN/CRIMINAL INVESTIGATOR**

**BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA** that it hereby creates the position of **EVIDENCE TECHNICIAN/CRIMINAL INVESTIGATOR** in the Vienna Police Department. The position is a full-time, non-exempt civilian position. The salary for this position is **\$52,000-\$55,000** per year, contingent upon experience, with full benefits. The job description for the position is attached but is subject to change based upon review and recommendations by the Vienna Police Chief and Human Resources. The position is a non-civil service position.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2024

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

**ATTEST:**

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

Sponsors:

\_\_\_\_\_  
\_\_\_\_\_

## JOB DESCRIPTION

**Job Title:** Evidence Technician/Criminal Investigator      **New Job**   X    
**Dept:** Police      **Rewrite** \_\_\_\_\_  
**Reports to:** Police Chief      **Reappraisal** \_\_\_\_\_  
**Grade:** Non-exempt Civilian

**Statement of Duties:** Responsible for a variety of investigative and administrative duties including processing evidence to support the Vienna Police Department as an unarmed civilian.

### **Essential Duties and Responsibilities:**

1. Interview victims/witnesses.
2. Receive, collect, and process evidence.
3. Maintain chain of custody of evidence.
4. Write reports.
5. Perform background checks.
6. Research cases for disposition.
7. Appear and testify in court.
8. Complete inventory audits.
9. All other duties assigned by the police chief.

### **Required Knowledge, Skills, and Abilities:**

1. Ability to mitigate conflict.
2. Ability to make sound judgements.
3. Ability to be comfortable in a sworn police arena as a civilian employee.
4. Ability to be flexible, resourceful, and comfortable in a fast-paced environment.
5. Possess strong communication and writing skills.
6. Possess high organizational skills.
7. Knowledge and principles of record keeping.
8. Ability to obtain CJIS Limited Access User Certification.
9. Ability to maintain strict confidentiality and maintain personal privacy.
10. Ability to be on call.

### **Required Experience and Training:**

1. Graduation from a standard high school or GED equivalent.
2. Knowledge of office procedures, methods, and computer equipment.
3. Minimum of 15 years in law enforcement (Investigative and supervisory experience preferred).

### **Special Requirements:**

1. Possession of a valid driver's license.

**Tools and Equipment used:**

Motor vehicles and all office equipment including computer, scanner, copier, and others deemed necessary.

**Physical Requirements**

1. Ability to work outdoors and tolerate proximity to a variety of substances.
2. Ability to lift and or move up to 40 pounds.
3. Ability to climb a ladder.
4. Hand/eye coordination to operate office equipment.
5. Ability to sit, stand, walk, carry, stoop, bend, squat, climb, kneel, crawl and balance.
6. Ability to see at close and distance ranges, and to distinguish colors.
7. Ability to use hands to finger, handle, feel or operate objects, tools, or controls.
8. Ability to reach with hands and arms.
9. Ability to talk and hear.

This job description excludes the marginal functions of the position that are not significant to the performance of fundamental job duties. All duties and requirements are essential job functions.

All job requirements are subject to possible modification to reasonably accommodate individuals with disabilities. Some requirements may exclude individuals who pose a direct threat or significant risk to their health and safety or the health and safety of other employees.

This job description in no way implies that these are the only duties to be performed by the employee occupying the position. Employees will be required to follow any other job-related instructions and to perform any other job-related duties requested by their supervisor.

This document does not create an employment contract, implied or otherwise, other than an "at will" employment relationship.

Drafted 01/2024

**RESOLUTION FORMING AN ECONOMIC DEVELOPMENT ADVISORY COMMITTEE**

**BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA**, that it hereby creates an Economic Development Advisory Committee (EDAC) for the for the purpose of working closely with the Wood County Development Authority (WCDA) to help facilitate the goals and objectives of economic development within the City of Vienna.

The Economic Development Advisory Committee is the stakeholder group that will assist the Wood County Development Authority with priority setting and long-term planning efforts. The EDAC will convene at least monthly or as requested by the WCDA.

All members of the EDAC shall serve a one-year term which will coincide with the Wood County Development Authority’s proposed one-year pilot program. The City of Vienna may choose to extend the Wood County Development Authority’s proposal and the Economic Development Advisory Committee on an annual basis.

The EDAC shall consist of seven members who qualify by having knowledge and experience in matters pertaining to business, industry, entrepreneurship, real estate, non-profit organizations, technology, and education. Three-fifths of all members shall be residents of Vienna.

Members of the EDAC may be recommended by the WCDA and Council. All nominations shall be approved by Council.

A majority of EADC membership constitutes a quorum necessary for the transaction of business. Meetings of the EDAC are open to the public.

The EDAC shall choose its own officers consisting of a chairperson, vice chairperson, and secretary. The EADC shall keep a record of its proceedings in accord with the West Virginia Open Meetings Act.

This committee shall only be in effect for as long there is an active Economic Development agreement between the City of Vienna and the WCDA.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2024

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

**ATTEST:**

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

Sponsors:  
\_\_\_\_\_



## **ORDINANCE CREATING THE CITY OF VIENNA ECONOMIC DEVELOPMENT AUTHORITY**

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF VIENNA THAT:** it hereby creates the Vienna Economic Development Authority (VEDA) for the for the purpose facilitating economic development within the City of Vienna.

### **CHAPTER 5**

#### **ARTICLE 154**

#### **VIENNA ECONOMIC DEVELOPMENT AUTHORITY**

##### **154.01 CREATED**

There is hereby established a Vienna Economic Development Authority

##### **154.02 PURPOSE OF ARTICLE**

It is the intent of this article to create a committee to identify, investigate, plan, and facilitate economic development opportunities within the City of Vienna.

##### **154.03 COMPOSITION, MEMBERSHIP, VACANCIES**

The Vienna Economic Development Authority shall consist of five (5) members, one of which shall be the mayor, and one of which shall be a sitting member of Vienna City Council. The term of the mayor and council member shall be coextensive to the term of office to which he or she has been elected or appointed, unless the Mayor and Council, at the first regular council meeting of each year, appoint others to serve as the City's representatives. The remaining three members shall be appointed for terms of three years each, except those members first appointed as provided in Section 154.04. Of the three remaining members, only two shall be required to be a qualified voter entitled to vote for members of City's governing body. These members shall be nominated by the mayor and confirmed by Council. Vacancies shall be filled by appointment for the unexpired term only.

##### **154.04 ORIGINAL APPOINTMENTS**

For the original appointment of the five members of the Vienna Economic Development Authority provided for in Section 154.04, one member shall be appointed for one year, one member for two years and one member for three years.

##### **154.05 OFFICERS**

At its first regular meeting in each year, the Vienna Economic Development Authority shall elect from its members a president and vice-president. The Vienna Economic Development Authority may, at its discretion, appoint a secretary.

##### **154.06 OFFICES, FACILITIES AND EXPENSES.**

Council shall provide the Vienna Economic Development Authority with suitable offices and facilities and provide by appropriation a sum sufficient to defray the reasonable expenses of the Authority to enable it to carry out its duties.

##### **154.07 MEETINGS; QUORUM.**

The Vienna Economic Development Authority shall fix the time for holding regular meetings, but it shall meet at least once in the months of January, April, July, and October. These meetings are public meetings which shall comply with the West Virginia Open Meetings Act.



**154.08 POWERS AND DUTIES**

This group shall identify, investigate, plan, and otherwise facilitate economic development opportunities in efforts to promote the expansion of industrial, commercial, service, manufacturing, and tourist activity in the City of Vienna. This group has the authority to meet with businesses, governmental bodies, grant writers, and the like, to develop plans, in the furtherance of economic development within the City of Vienna. However, this Authority is a planning and recommending body only. Any plan or recommendation developed or generated by this body is subject to the review and approval of Vienna City Council.

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Randall C. Rapp, Mayor

**ATTEST:**

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Melissa Elam, Recorder

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

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

Sponsors:

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