

**REGULAR COUNCIL SESSION**  
**609 29<sup>th</sup> Street, Vienna, WV 26105**  
**May 25, 2023**  
**6:00 P.M.**

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

The Invocation was given by Mayor Randy Rapp. The Pledge of Allegiance was led by Attorney Russ Skogstad.

**RECOGNITION:** Mayor Rapp introduced Chief Pifer and Sgt. Greg Britton. Chief Pifer shared that at the Governor's Highway Safety Program Awards' Luncheon, Sgt. Britton was recognized as the most productive enforcement officer out of 555 police officers that participate in the Governor's Safety Grant. The Vienna Police Department was also the number one agency in the state.

**CALL TO ORDER:**

The Vienna City Council met in Regular Session on May 25, 2023. Mayor Rapp called the meeting to order at 6:08pm.

**ROLL CALL:**

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

**PUBLIC FORUM:**

**None.**

**REPORT OF THE MINUTES:**

The minutes of the Regular Council Session scheduled on 5/11/2023 have been printed, posted, and circulated. Approved as posted.

**UNFINISHED BUSINESS:**

**1. None.**

**NEW BUSINESS:**

**1. ORDINANCE – FIRST READING: Amending 1145.01, Definitions, 1145.05 Authority To Take Possession Of Abandoned Vehicle, And 1145.10, Junk On Private Property Of The Vienna Municipal Code Changing The Definition Of Junk Motor Vehicles And Requirements For Property Owners To Cover Or House Junk Motor Vehicles On Personal Or Private Property**

**(Sponsored by: Mayor Randy Rapp and Councilman Tom Azinger)**

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF VIENNA THAT Vienna Municipal Code 1145.01, 1145.05, and 1145.10 are amended as follows:

1145.01 DEFINITIONS.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(g) "Junk Motor Vehicle" means a motor vehicle, or any part thereof, other than an on-premises farm utilities vehicle, which:

(1) Is discarded, wrecked, ruined, scrapped or dismantled, or

(2) Cannot pass the state inspection required by West Virginia Code 17C-16-1 et seq., fails to display a state inspection sticker, or displays a state inspection sticker which has been expired for more than sixty days, or

(3) Fails to display a valid registration plate, or

(4) Is either not serving a functional purpose or use, or is not in an enclosed building, a licensed salvage yard, or in actual possession of a demolisher.

(H) "Car Cover" - is any product that is specifically designed to provide coverage of the entirety of a vehicle from and including the roof of the vehicle to the ground. Said cover shall be kept in good repair, free from

holes, rips or tears. A car cover expressly does not include a tarp or any other product not specifically designed for car coverage.

**1145.05 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES; ENFORCEMENT; NOTIFICATION TO OWNER.**

Any enforcement agency which has knowledge of, or discovers, or finds, any abandoned motor vehicle, any junk motor vehicle, old vehicle tire or inoperative or abandoned household appliance on either public or private property may take the same into its custody and possession. For that purpose, the enforcement agency shall employ its own personnel, equipment and facility or hire persons, equipment and facilities for the purpose of removing, preserving and storing abandoned motor vehicles, junk motor vehicles, old vehicle tires, or inoperative or abandoned household appliances. Before taking any abandoned motor vehicle or junk motor vehicle into custody and possession from private property, the enforcement agency shall give the private property owner and the owner of such motor vehicle, if ascertainable, ten days notice by registered or certified mail, that such action shall be taken unless such motor vehicle is restored to a functional use.

**1145.10 JUNK ON PRIVATE PROPERTY WITH PERMISSION OF OWNER.**

(a) It is hereby declared to be a nuisance and no person shall store or allow to be stored, to accumulate or to exist on any real property within the City any junk, junk motor vehicle as defined in 1145.01(g), automobile bodies, automobile parts and other debris.

(b) In addition to the penalty provided below, the City, in order to abate such nuisance, shall have the power and authority to order the removal of such nuisance by giving the owner of the property, or the person in lawful possession thereof, ten days' notice and in the event such nuisance is not abated within ten days, the City shall have such right to abate such nuisance and remove any junk, junk motor vehicle as defined in 1145.01(g), automobile bodies, automobile parts or other debris and charge the expense thereof against such property, and the expense of removing and abating such nuisance shall constitute a lien against such property.

(C) Any owner of a vehicle or the owner of any public or private property that allows a junk vehicle as defined in 1145.01(g) to be placed upon it shall, unless the owner is actively and presently servicing or repairing said vehicle, keep the vehicle under a car cover.

(D) Any vehicle that has been removed and impounded under the authority of this article shall be disposed of as provided under West Virginia Code 17-24A-1 et seq.

**Councilwoman Kim Williams moved to approve the Ordinance – First Reading Amending 1145.01, Definitions, 1145.05 Authority To Take Possession Of Abandoned Vehicle, And 1145.10, Junk On Private Property Of The Vienna Municipal Code Changing The Definition Of Junk Motor Vehicles And Requirements For Property Owners To Cover Or House Junk Motor Vehicles On Personal Or Private Property. Motion seconded by Recorder Melissa Elam.**

Mayor Rapp stated this will allow Code Enforcement to better deal with abandoned vehicles in the city.

Councilwoman Kim Williams asked for clarification on items that are different between the original and the new ordinance. Discussed definitions of junk vehicle and motor vehicle with Attorney Skogstad. She also asked if keeping a car cover would allow owners to comply. It does.

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

**2. RESOLUTION: Establishing Salary Increases For Full-Time, Permanent Employees; Salary Increases For Non-Seasonal Part Time Employees; And To Increase The Starting Wages For All New, Full-Time Employees  
(Sponsored by: Mayor Randy Rapp and Recorder Melissa Elam)**

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA THAT:

All full-time permanent employees and all non-seasonal part time employees, as well as the starting rate for permanent full-time employees, shall receive a wage increase for the fiscal year ending June 30, 2024, as follows:

All current, full-time, permanent employees shall receive an hourly wage increase of sixty-five cents, in addition to the annual hourly longevity pay increase of thirty-five (0.35) cents per hour, for a total of one dollars (\$1.00) per hour.

All current, non-seasonal, part time employees shall receive an hourly wage increase of one dollar (\$1.00) per hour.

All new hire full-time employee positions shall receive a starting pay increase of one dollar (\$1.00) per hour.

**Councilman Jim Leach moved to approve the Resolution Establishing Salary Increases For Full-Time, Permanent Employees; Salary Increases For Non-Seasonal Part Time Employees; And To Increase The Starting Wages For All New, Full-Time Employees. Motion seconded by Councilwoman Kim Williams.**

No further discussion.

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

**3. UPDATE: Jackson Pool**

Recorder Melissa Elam shared that the questions and information that needed to be answered and gathered from the Final Review Meeting have been completed. We are waiting for approval from the Health Department and Fire Marshal.

**COUNCIL COMMENTS:**

Councilman Tom Azinger requested that police recruitment be added as a discussion item for the next agenda.

Councilman Jim Leach gave an update on Johns Manville. The Remedial Action Work Plan has been approved by the DEP.

**Meeting adjourned at 6:22pm.**

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Melissa Elam, Recorder

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Randall C. Rapp, Mayor

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