

REGULAR COUNCIL SESSION
609 29th Street, Vienna, WV 26105
August 10, 2023
6:00 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE:

The Invocation was given by Bryson Morlan. The Pledge of Allegiance was led by Recorder Melissa Elam.

CALL TO ORDER:

The Vienna City Council met in Regular Session on August 10, 2023. Mayor Rapp called the meeting to order at 6:02pm.

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, City Attorney Russell Skogstad, and Mayor Randy Rapp. Absent: Roger Bibbee.

PUBLIC FORUM:

Chad Emrick (2806 10th Ave.): Shared ideas for recruiting and retention initiatives for police. Believes cost to renovate Jackson Pool is too high and the city should pause and reconsider.

Anthony Harris (604 29th St.): Spoke about the pension system change. Requested the decision be tabled tonight. Would like there to be discussion with the police and pension board.

Kathy Stoltz (25 Lynnwood Dr.): Believes the police should be included in the conversation about the pension. Shared that Beckley recently gave their police an \$8,000/year raise. Emphasized that we are not starting a salary war because it is already going on.

REPORT OF THE MINUTES:

The minutes of the Regular Council Session scheduled on 7/27/2023 have been printed, posted, and circulated. Approved as posted.

REPORT OF THE TREASURER:

Councilman Jim Leach reported that the reconciliation of funds has been reviewed and the city is fiscally sound.

UNFINISHED BUSINESS:

- 1. ORDINANCE – SECOND READING: Adopting And Enacting The Updated City Of Vienna Employee Handbook (Personnel Manual)**
(Sponsored by: Mayor Randy Rapp and Recorder Melissa Elam)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF VIENNA THAT: It hereby adopts and enacts the attached City of Vienna Employee Handbook (Personnel Manual) as it is written. The Employee Handbook is effective upon adoption of this Ordinance.

Attorney Russ Skogstad read the amended portion of the handbook as it was amended at the previous council meeting. The application to elected officials was removed.

Councilwoman Kim Williams moved to approve the Ordinance – Second Reading Adopting And Enacting The Updated City Of Vienna Employee Handbook (Personnel Manual). Motion seconded by Councilman Tom Azinger.

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.**

NEW BUSINESS:

- 1. BID APPROVAL: Master Electrician Services**

The bids for Master Electrician Services were opened on July 20, 2023, at 4:00PM with the following results below:

Mountaineer Power and Fiber Optics LLC

M-F Reg Hrs	\$75.00/hr
After Hours & Weekends	\$148.50/hr
Holiday	\$198.00/hr
Assistant Rate	\$24.00/hr

It is the recommendation that the city proceed with the low bid submitted by:

Mountaineer Power and Fiber Optics LLC

Let this recommendation serve also as an authorization for the Mayor of the City of Vienna to execute the contract with the above vendor. This is a 3 year contract to be used by all departments

Councilman Jim Leach moved to approve the Bid Approval for Master Electrician Services. Motion seconded by Councilman Chris Mancuso.

Councilman Tom Azinger brought attention to the hourly rates.

**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.**

2. INTERNAL BUDGET REVISION #2

INTERNAL BUDGET REVISION FORM

CITY OF VIENNA
 FUND: GENERAL
 FISCAL YR: 23-24
 REV NO: 1
 DATE: 07/26/2023

STATE APPROVAL NOT REQUIRED
 REVISION WITHIN SAME ACCOUNT CATEGORY

DEPT	ACCT #	ACCT DESCRIPTION	EXPLANATION	BUDGET BEFORE CHANGE	EXPEN-DITURE CHG AMT	BUDGET AFTER CHANGE
Fire Dept	500-06 500-03	Retirement Capital Outlay - Equip	Move money to cover the additional cost of hiring an assistant safety inspector/fire department maintenance position	82,000 204,825	-8,000 8,000	74,000 212,825
TOTALS				286,825	0	286,825

Councilman Jim Leach moved to approve the Internal Budget Revision #2. 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. 2023-2024 GENERAL FUND BUDGET REVISION #1

MEMORANDUM

TO: JIM LEACH
 FROM: Amy Roberts
 SUBJECT: 23-24 GENERAL FUND BUDGET REVISION #1
 DATE: 08/02/2022

DEPT	ACCT #	ACCT DESCRIPTION	EXPLANATION	CURRENT BUDGET	INCREASE (DECREASE)	REVISED BUDGET
			NET INCREASE / (DECREASE) TO REVENUE		0	
MAYOR	409-03	SALARIES	CLASSIFICATION CHANGE FOR MAYOR'S ADMINISTRATED ASSISTANT C1-C3	32,594	2,060	34,654
CONTINGENCIES	699		COVER THE ABOVE REVISIONS	175,000	-2,060	172,940
			NET INCREASE / (DECREASE) TO EXPENDITURES		0	

Councilman Jim Leach moved to approve the 2023-2024 General Fund Budget Revision #1. Motion seconded by Councilwoman Kim Williams.

Mayor Rapp said he had inadvertently left his administrative assistant's wage at a C-1 which is a training rate. It should rightly be a C-3.

**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.**

**4. RESOLUTION: Authorizing The Mayor To Execute The Axon Master Services And Purchasing Agreement Along With The Price Quote For The Vienna Police Department (\$95,545.80)
 (Sponsored by: Mayor Randy Rapp and Recorder Melissa Elam)**

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA, that it hereby adopts The AXON Master Services and Purchasing Agreement between Axon and the City of Vienna. The total obligation for the five-year agreement in effect beginning January 2024 and ending August 2028 is \$95,545.80 as is set out in the attached quote. This agreement is for the purchase of Tasers for the officers of the Vienna Police Department. Council further authorizes the mayor and or his designee to execute any documents as are reasonably necessary to execute this agreement.

Recorder Melissa Elam moved to approve the Resolution Authorizing The Mayor To Execute The Axon Master Services And Purchasing Agreement Along With The Price Quote For The Vienna Police Department (\$95,545.80). Motion seconded by Councilwoman Kim Williams.

Chief Pifer explained that they are currently using X2 Tasers. They will soon not be able to get new parts or be able to be serviced because they are end of life. The new Tasers are Taser 10s. Tasers help them have an option other than lethal force.

**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.**

**5. RESOLUTION: To Authorize The Purchase Of The Black Cat II+ Radar Kit W/Starnext From Jamar Technologies, Inc. In The Amount Of \$4,650.00
(Sponsored by: Mayor Randy Rapp and Recorder Melissa Elam)**

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA, that it hereby authorizes the mayor and/or his designee to purchase the BLACK CAT II+ RADAR KIT WITH STARNEXT FROM JAMAR TECHNOLOGIES, INC. in the amount of \$4,650.00 and to execute any documents as are necessary to complete this purchase. This purchase is exempt from the competitive bid procedure set out in the City’s ordinances per Article 105.04, as this is a sole source purchase.

Recorder Melissa Elam moved to approve the Resolution: To Authorize The Purchase Of The Black Cat II+ Radar Kit W/Starnext From Jamar Technologies, Inc. In The Amount Of \$4,650.00. Motion seconded by Councilman Chris Mancuso.

Chief Pifer explained this equipment helps them radar monitor traffic. They are able to generate reports that address traffic complaints. This is an updated version of what they currently use.

**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.**

**6. RESOLUTION: To Become A Participating Employer Of The West Virginia Municipal Police Officers And Firefighters Retirement System For Municipal Police Officers
(Sponsored by: Councilman Jim Leach and Recorder Melissa Elam)**

Be it resolved that Vienna, West Virginia does hereby elect to join the Municipal Police Officers and Firefighters Retirement System pursuant to Chapter 8, Article 22A, Section 28 of the West Virginia Code, and thereby will include all its municipal police officers who are eligible for membership in the Municipal Police Officers and Firefighters Retirement System. This municipality hereby agrees to pay its employer contributions and withhold applicable employee contributions monthly and remit same to the Municipal Police Officers and Firefighters Retirement System no later than fifteen (15) days following the end of the calendar month. This municipality understands that if contributions are delinquent, the employer will be required to pay the actuarial rate of interest lost, on the total employee and employer contributions per day, with a minimum charge of fifty dollars. This municipality further understands that once it becomes a participating employer of the Municipal Police Officers and Firefighters Retirement System, the municipality may not withdraw from participation in the retirement system without express statutory authority.

This Resolution shall become effective on the first day of the month following receipt of the Resolution with all other required documentation and following acceptance of this Resolution by the Consolidated Public Retirement Board.

It is the duty of the Mayor of each municipality electing to become a participating public employer in the Municipal Police Officers and Firefighters Retirement System to certify this Resolution to the West Virginia Consolidated Public Retirement Board within ten (10) day following the vote of its city council.

Recorder Melissa Elam moved to approve the Resolution To Become A Participating Employer Of The West Virginia Municipal Police Officers And Firefighters Retirement System For Municipal Police Officers. Motion seconded by Councilman Jim Leach.

Councilman Tom Azinger believes the confusion that is out there about the change is not good.

Councilman Tom Azinger moved to table the resolution. Motion seconded by Councilwoman Kim Williams.

Councilman Jim Leach stated there will be adequate funds for their retirement. He believes the conversation about pension and the raise should be done together. If this item is tabled, he believes the pay raise will need to be tabled also.

Councilwoman Kim Williams is comfortable with closing the current plan to new hires. She doesn’t believe the two issues are tied together. She thinks we should communicate with the officers.

Mayor Randy Rapp explained that our current plan stays in place exactly as it is. The new plan is only for new hires.

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

**7. RESOLUTION: To Increase The Annual Salary Of All Vienna Certified Law Enforcement Officer Salaries By \$12,000 Per Year
(Sponsored by: Councilman Tom Azinger and Councilwoman Kim Williams)**

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA, that all certified law enforcement officer's salaries shall be increased by \$12,000 annually beginning September 1, 2023. This pay increase is \$5.77 per hour. The intent of this pay increase is to increase the base hourly wage rate by \$5.77.

Councilman Tom Azinger moved to approve the Resolution: To Increase The Annual Salary Of All Vienna Certified Law Enforcement Officer Salaries By \$12,000 Per Year. Motion seconded by Councilwoman Kim Williams.

Councilman Tom Azinger asked each member of Council to hold the bullet proof vest and a 15 lb. weight for 10 seconds to appreciate the kind of weight that police officers carry every day. He stated none of the officers asked him to present a pay raise. The dangers of the job make it different than any other. “From a moral standpoint we should pay them what they are worth.”

Councilwoman Kim Williams shared a spreadsheet displaying the salary study Chief Pifer presented at the previous council. She proposes a \$2.88 pay raise per hour which comes to \$6,000 per year. The raise would make our department the highest paid in the area.

Councilwoman Kim Williams moved to amend the resolution to read \$6,000 annually with the base salary increase being \$2.88 per hour. Motion seconded by Councilman Chris Mancuso.

Councilman Chris Mancuso likes that the increase will make Vienna competitive.

Councilman Jim Leach emphasized that retention and recruitment are our goals. He is fine with having tabled the pension conversation and is in support of moving forward on this increase.

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.

Councilman Tom Azinger moved to amend the resolution to read \$10,000 annually with it being paid \$3,500 on October 1st, \$3,500 on February 1st, and \$3,000 on May 1st. No second was given.

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.

8. PRESENTATION AND DISCUSSION: Pool Project Funding

Finance Director Amy Roberts presented pool financing options. Council will need to decide how much to spend out of Capital Reserves and how much to finance. Council also needs to appoint members to the Building Commission. Current municipal tax-free rate is 5.25%

Mayor Randy Rapp referenced the Reconciliation of Funds and the \$2.7 million in ARP funds and CARES Act that the city still has available for these projects. In regard to the Building Commission, our ordinance requires three to five members of opposing political parties. He will submit names at next council to be approved.

Councilwoman Kim Williams asked about going with a bond versus direct financing. Mrs. Roberts responded that having a building commission allows us to get the municipal tax free rate. Councilwoman Williams also cautioned using ARP funds because she would like to see it go towards stormwater projects.

Recorder Melissa Elam wants Council to consider that grant money will offset what is paid from capital reserves or the balance that is financed.

Councilman Jim Leach said this pool project is once in a generation or two. He asked Mrs. Roberts what option is best to pursue. She stated financing \$3 million but she is not bond council and they will make that recommendation.

Mayor Rapp noted that Senator Manchin has secured 1 million to upgrade our sewer line to Parkersburg. We also have no contribution toward the bridge projects.

Councilwoman Kim Williams summarized several projects that cost millions of dollars.

9. BID APPROVAL: Jackson Park Pool Renovation

The bids for the Jackson Park Pool Renovation were opened on August 2, 2023, at 11:00am with the following results below:

United Construction Company, Inc.	\$6,844,802
Grae-Con Construction, Inc.	\$7,474,000

After review by Omni Associates it is recommended that the city proceed with the low bid submitted by:

United Construction Company, Inc.	\$6,844,802
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This approval is pending financing and a budget revision. This will be budgeted in account # 01-542-65-58.

Recorder Melissa Elam moved to approve the Bid Approval for the Jackson Park Pool Renovation. Motion seconded by Councilman Jim Leach.

Recorder Melissa Elam gave Council comparisons between the two bids. The large differences were in C-1 and C-3. Omni confirmed that all submissions were complete and accurate. She shared the communication between Omni and UCCI confirming that the costs were correct.

Councilman Chris Mancuso cannot support the project design or the cost. He reviewed the project at Southwood Pool for comparison. Cost per sq ft is \$135 at Southwood. Cost per sq ft is \$241 at Jackson. He also said the bid is \$560,000 higher than the projection from Omni. His questions... why is our pool \$2 million more, why didn't we consider direct purchase of equipment, he doesn't think the pool can be completed in time, what qualifications did the firms have to have, how do we pay for something with no encumbered funds, can we go into contract without that money available. Can we get this done within 30 days to ensure prices for contractors can't increase the cost? Does the city know how much we currently have paid out to Omni? Is it too late to revisit the design?

Councilwoman Kim Williams has a problem with the cost of the slide. She said we need to balance this with other needs in our community. She cannot support this bid.

Councilman Tom Azinger can't support the project at the current cost.

Recorder Melissa Elam encouraged Council to move forward with the pool project. Stated that yes the project is a lot of money but for every complaint Council gets about the money, they will get 10 times the complaints that we don't have a pool. She reminded Council about the process that has taken place to get to this point. She believes this is going to be money well spent. She asked those opposed to the project to reconsider their position.

Councilman Jim Leach said the costs are unfortunate, but this project should move forward. He noted other opportunities we have for economic growth and what we can offer as a community.

Mayor Randy Rapp sees the federal money that came in was a gift and can't think of a better investment than to improve the pool.

Councilman Tom Azinger does not like the \$2 million slide.

Recorder Melissa Elam reminded Council about grant money. She expressed her frustration over discussion about design because the conversation now is about committing to pay for the pool. She is excited about providing programming for all ages.

Councilman Jim Leach moved to table the bid approval. Motion seconded by Mayor Randy Rapp.

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

Roll call vote taken by Mayor Rapp. Councilman Jim Leach, Mayor Randy Rapp, and Recorder Melissa Elam voting “yes”. Councilwoman Kim Williams, Councilman Tom Azinger, and Councilman Chris Mancuso voting “no”. Vote: 3-3.

Mayor Rapp requested an Executive session to discuss a legal matter. Councilman Jim Leach moved to go into Executive Session. Motion seconded by Recorder Melissa Elam. Vote: 6-0.

Dismissed for Executive Session at 7:55pm.

No decisions were made. Information only.

Returned from Executive Session at 8:17pm.

COUNCIL COMMENTS:

Councilman Jim Leach asked for Councilman Mancuso’s data. Asked for the bid to return to council when everyone is present.

Councilman Tom Azinger said a lot of good was done tonight.

Councilwoman Kim Williams thanked Recorder Melissa Elam for her work on the pool.

Meeting adjourned at 8:19pm.

Melissa Elam, Recorder

Randall C. Rapp, Mayor

APPROVED: _____
 Initials Date