

SPECIAL COUNCIL SESSION
609 29th Street, Vienna, WV 26105
August 17, 2023
6:00 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE:

The invocation was given by Dean Cole. The Pledge of Allegiance was led by Councilman Chris Mancuso.

CALL TO ORDER:

The Vienna City Council met in Special Session on August 17, 2023. Mayor Randy Rapp called the meeting to order at 6:01 p.m.

ROLL CALL:

Attendance was taken by Recorder Melissa Elam with the following Council members present: Councilwoman Kim Williams, Councilman Tom Azinger, Councilman Jim Leach, Councilman Roger Bibbee (via phone), Councilman Chris Mancuso, City Attorney Russell Skogstad, Recorder Melissa Elam, and Mayor Randy Rapp. Absent: None.

PUBLIC FORUM:

Chad Emrick (2806 10th Ave.): Spoke against the cost of the pool. Does not believe it meets the needs of the community.

Ethel Harris (3400 1st Ave.): Spoke against the cost of the pool. Would have liked to have given the police officers a higher raise.

Tami Rhodes (4604 6th Ave.): Spoke against the cost of the pool. Had questions about the wording in the resolution. Asked who the project manager will be from the city. Spoke about the 270 day completion period.

UNFINISHED BUSINESS:

1. None.

NEW BUSINESS:

1. RESOLUTION: Awarding The Bid For The Jackson Park Pool Project

WHEREAS, the City of Vienna (the "City") is empowered and authorized by Chapter 8, Article 16 of the West Virginia Code of 1931, as amended, to construct, reconstruct, establish, acquire, improve, renovate, extend, enlarge, increase, own, equip, repair, maintain and operate any municipal public works, together with all appurtenances necessary, appropriate, useful, convenient, or incidental for or to the maintenance and operation of such works;

WHEREAS, the City has, through the work of its design professional, Omni Associates – Architects, Inc. (the "Architect"), prepared plans and bid specifications, and solicited competitive bids from construction companies, for the acquisition, construction and equipping of additions, betterments, and improvements to the Jackson Park Pool Complex (the "Project") for the benefit, health, and welfare of the citizens of the City;

WHEREAS, the City has received proposals from qualified bidders as reflected on the bid tabulation sheet attached hereto as Exhibit A;

WHEREAS, the City desires, under and pursuant to the Act and based on the recommendation of the Architect, to award the acquisition, construction and equipping of the Project to United Construction Company, Inc. as the lowest responsible bidder;

WHEREAS, the cost of the design, acquisition, construction and equipping of the Project shall be paid from available funds of the City, proceeds of lease revenue bonds issued by the City of Vienna Building Commission (the "Building Commission") or a combination of both; and

WHEREAS, the City may pay a portion of the cost of the design, acquisition, construction and equipping of the Project from available funds and reimburse the City for such payments from the proceeds of such lease revenue bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VIENNA, AS FOLLOWS:

1. It is hereby found and determined that United Construction Company was the lowest responsible bidder and properly submitted all bid documents to the City.

2. The Architect has recommended that the contract for the acquisition, construction and equipping of the Project be awarded to United Construction Company, Inc.

3. The City hereby desires to award the contract for the acquisition, construction and equipping of the Project to United Construction Company, Inc. at the price reflected on Exhibit A attached hereto.

4. The Mayor, Recorder, City Attorney and all employees and agents of the City are hereby authorized to take such actions required to effectuate the actions approved herein.

5. The cost of the design, acquisition, construction and equipping of the Project shall be paid from available funds of the City, proceeds of lease revenue bonds issued by the Building Commission or a combination of both.

6. The City may pay a portion of the cost of the design, acquisition, construction and equipping of the Project from available funds and reimburse the City such payments from the proceeds of lease revenue bonds issued by the Building Commission.

7. This Resolution shall become effective immediately upon adoption.

Recorder Melissa Elam asked Mr. Skogstad to explain why this item could come back to Council after the 3-3 vote the previous week.

Attorney Russ Skogstad said something that fails to pass can come back to Council at a subsequent meeting. He and Mayor Rapp spoke with the Ethics Commission to make sure we were in compliance.

Recorder Melissa Elam introduced Mr. Taylor and shared thoughts on not comparing our project to others that have been done in the area. She reminded Council that the Opinion of Probable Cost from Omni was \$6.3 million and that it was accepted. The bid from UCCI is within 10% of that cost.

Charlie Taylor, Project Manager from UCCI: Explained substantial completion and final completion. The biggest reason our cost is higher is the bathhouse and pool equipment room. He walked Council through project differences between Jackson and Southwood. The Jackson project is not extravagant, it has needs that did not apply to the Southwood pool. He also addressed the question at the previous meeting about their qualification to complete this project.

Recorder Melissa Elam moved to approve the Resolution Awarding the Bid for the Jackson Park Pool Project. Motion seconded by Councilman Jim Leach.

Councilwoman Kim Williams asked a question about a difference in the opinion of the cost for the bathhouse and equipment room. She also does not think the cost for the design should be included in the comparison of total cost. She includes new deck space and pumps/filters for the total cost of the slide.

Councilman Chris Mancuso asked if it is appropriate for Council to hear from one contractor and not the other before a vote is taken. Mr. Taylor responded that he is here as a courtesy and not to sell themselves. Councilman Mancuso referenced a conversation he had with Mr. Taylor last week and then asked Mr. Taylor to share his opinion on if he were Mr. Mancuso would he vote to approve it. Mr. Taylor said he would have voted differently back in December but as far as tonight's vote goes he would vote no. Councilman Mancuso does not believe the pool is adequate to meet the community needs and thinks \$7 million is too much for a pool being used 10-12 weeks. He also has concerns about ensuring that the existing pool doesn't shift or crack during construction.

Recorder Melissa Elam said the reason Mr. Taylor is here is because Councilman Mancuso brought up numbers that were not the same as UCCI. She also felt it was unprofessional of Councilman Mancuso to criticize UCCI at the previous meeting. She said something that isn't measurable is function. She said the bathhouse will be much safer for children. She said the season will be longer than 12 weeks because we will have heaters and we can program the pool facility to offer activities. She does not think Jackson Pool should be bound by the school calendar. She sees the pool as a valuable part of providing a desirable way of life in Vienna.

Councilman Chris Mancuso defended his numbers and thinks they are still very close to what Mr. Taylor presented.

Councilman Roger Bibbee said he has had many citizens contact him in favor of the pool. He agrees the pool is expensive, but he thinks what has been proposed will last for a long time. He expressed his appreciation of the committee that put it together. He acknowledged the increased cost of materials such as concrete.

Councilman Jim Leach said a project of this magnitude should be voted on by every member and thanked Councilman Bibbee for being here tonight.

Councilman Tom Azinger said he will vote no because he does not believe the citizens want this pool or want to pay for it.

Councilwoman Kim Williams shared a handout with her analysis of financing costs. She recognizes that the pool is not an income generator and does not want it to be. Her primary reason for voting against it is the slide. Voting against this pool is hard for her but she does not want the cost to be a burden to our community. Does not believe the vote should take place tonight and wishes we could have a unanimous vote in favor.

Poll taken by Recorder Melissa Elam. Councilman Jim Leach, Councilman Roger Bibbee, Recorder Melissa Elam, and Mayor Randy Rapp voting “yes”. Councilwoman Kim Williams, Councilman Tom Azinger, Councilman Chris Mancuso voting “no”. Vote: 4-3.

2. RESOLUTION: Reimbursement For Possible Financing Of The Jackson Park Pool Project With The Proceeds Of Tax-Exempt Bonds

RESOLUTION STATING THE REASONABLE EXPECTATION OF THE CITY COUNCIL OF THE CITY OF VIENNA TO REIMBURSE THE CITY OF VIENNA, OR BOTH FOR CAPITAL EXPENDITURES IN CONNECTION WITH THE DESIGN, ACQUISITION, CONSTRUCTION AND EQUIPPING OF ADDITIONS, BETTERMENTS, AND IMPROVEMENTS TO THE CITY OF VIENNA JACKSON POOL COMPLEX MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT REVENUE BONDS OR OTHER OBLIGATIONS.

WHEREAS, the City of Vienna (the “City”) has determined to design, acquire, construct and equip additions, betterments and improvements to the City of Vienna Jackson Pool Complex (collectively, the “Project”), in aggregate amount not to exceed \$7,500,000;

WHEREAS, the City will finance all or a portion of the costs of design, acquisition, construction and equipping of the Project through the issuance of tax-exempt lease revenue bonds or other obligations in one or more series, in an aggregate amount estimated not to exceed \$7,500,000 (the “Bonds”), by the City of Vienna Building Commission (the “Building Commission”);

WHEREAS, the Building Commission will lease the Project to the City and the payments made by the City pursuant to such lease shall be not less than the debt service on the Bonds;

WHEREAS, the City expects to make certain capital expenditures relating to the Project prior to issuance of the Bonds by the Building Commission;

WHEREAS, such costs will be paid from the City’s General Fund or Capital Account; and

WHEREAS, the City reasonably expects to be reimbursed for a portion of the cost of the Project in an amount not to exceed \$4,000,000, for costs incurred prior to issuance of the Bonds, from the proceeds of sale of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VIENNA, AS FOLLOWS:

Section 1. The City reasonably expects that the Building Commission will reimburse the City for certain capital expenditures made not more than 60 days prior to the date of adoption of this resolution (and after the date of such adoption, but prior to the issuance of the Bonds) in connection with the Project, such capital expenditures to be undertaken or incurred prior to the execution and delivery of the Bonds, from the proceeds of such Bonds, which Bonds are reasonably expected to be executed and delivered within 18 months from the later of (i) the expenditure for payment of said costs or (ii) the placing of the Project in service.

Section 2. This Resolution is intended to constitute a “declaration of official intent” pursuant to Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended (the “Reimbursement Regulations”).

Section 3. The source of payment for such capital expenditures will be the City’s General Fund or Capital Account, and upon issuance of the Bonds, proceeds thereof not to exceed the amount of such capital expenditures will be applied by the Building Commission for the reimbursement of the General Fund or Capital Account, such allocation not to exceed \$4,000,000.

Section 4. The maximum principal amount of Bonds expected to be issued for the Project is \$4,000,000.

Section 5. The City shall provide the Building Commission with written evidence of all reimbursement allocations.

Section 6. This Resolution shall become effective on the date of its adoption.

Recorder Melissa Elam moved to approve the Resolution for Reimbursement for Possible Financing of the Jackson Park Pool Project with the Proceeds of Tax-Exempt Bonds. Motion seconded by Councilman Jim Leach.

Councilwoman Kim Williams said we don't know the total amount we will be spending on the project. Finance Director Amy Roberts said this is the process given by bond council.

Recorder Melissa Elam gave a simplified example of getting preapproved for a mortgage loan.

Councilman Roger Bibbee said we are not approving an operating budget for the pool, it is for the construction of the pool.

Poll taken by Recorder Melissa Elam. Councilman Jim Leach, Councilman Roger Bibbee, Recorder Melissa Elam, and Mayor Randy Rapp voting "yes". Councilwoman Kim Williams, Councilman Tom Azinger, Councilman Chris Mancuso voting "no". Vote: 4-3.

3. RESOLUTION: Appointing Three New Members To The Vienna Municipal Building Commission

Be it resolved by the Common Council of the City of Vienna that it hereby appoints the following three individuals to serve as members of the Vienna Municipal Building Commission:

- Karmyn Conley, 903 51st Street, Vienna, WV to a one-year term.
- Chuck Noffsinger, 1302 55th Street, Vienna, WV to a two-year term.
- Rod Smith, 308 53rd Street, Vienna, WV to a three-year term.

As per the requirements of Vienna Municipal Code Article 145.03, none of the three persons named are employed by any political party; none are employed by any federal, state, county, or municipal government, or any political subdivision thereof; none hold any elected or public office. Further, not more than 2/3rds of the individuals named are members of the same political party. All are residents of the City of Vienna.

This is an appointment to be served without compensation.

Recorder Melissa Elam moved to approve the Resolution Appointing Three New Members to the Vienna Municipal Building Commission. Motion seconded by Councilman Jim Leach.

Councilwoman Kim Williams asked if anyone from the Building Commission fills the role as the point person for the project. Mayor Rapp said no, it is just for the bond.

Poll taken by Recorder Melissa Elam. Councilwoman Kim Williams, Councilman Tom Azinger, Councilman Jim Leach, Councilman Roger Bibbee, Councilman Chris Mancuso, Recorder Melissa Elam, and Mayor Randy Rapp voting "yes". Vote: 7-0.

Council Comments:

Councilman Chris Mancuso wishes the best of luck to UCCI and Omni on the completion of the pool and hopes it is a great benefit to the city of Vienna.

Mayor Rapp said the process has been hard but hopes that our governing body will support this.

Meeting adjourned at 7:30 p.m.

Melissa Elam, Recorder

Randall C. Rapp, Mayor

APPROVED: _____
 Initials Date