

REGULAR COUNCIL SESSION
609 29th Street, Vienna, WV 26105
September 28, 2023
6:00 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE:

The Invocation was given by Rod Smith. The Pledge of Allegiance was led by Councilman Jim Leach.

CALL TO ORDER:

The Vienna City Council met in Regular Session on September 28, 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, Roger Bibbee, Chris Mancuso, Recorder Melissa Elam, and Mayor Randy Rapp. Absent: City Attorney Russell Skogstad.

PUBLIC FORUM:

None.

REPORT OF THE MINUTES:

The minutes of the Regular Council Session scheduled on 9/14/2023 have been printed, posted, and circulated. Approved as posted.

UNFINISHED BUSINESS:

1. None.

NEW BUSINESS:

1. UPDATE: Water and Sewer

Public Works Director Craig Metz presented. Gave details on the current 5-year plan. Over the next five years, total projects cost will be \$31.7 million (Sewer= \$13M, Water= \$6.6M, Storm Drainage= \$6.67M, Dredging= \$1.37M, Street/Bridge= \$4.1M). Mr. Metz explained that water and sewer projects come out of the enterprise fund and that stormwater, dredging, streets, and bridge projects come out of the city's general fund.

Recorder Melissa Elam asked if all the items presented are outside of the normal budget. Mr. Metz said yes. Maintenance items are already budgeted. He is working with Burgess and Niple to make sure they have as many projects as possible shovel-ready for grants that come in. The Utility Board will approve the rate structure and then bring it to Council for approval. The rate increase pays for the bond. She would like the conversation to start happening so we move on these projects.

Councilwoman Kim Williams complimented Mr. Metz on the presentation. She asked when the last rate increase took place. It was seven years ago and before that was 13 years. He wants to be more proactive and fix things before they break.

Councilman Tom Azinger asked if water rates could follow the consumer price index. Mr. Metz said rates are mostly determined by the expenses of public works such as bonds, equipment, and payroll. He reminded council that recycle and police fees don't count as part of the rate increase. They are add-ons to the bill.

Councilman Jim Leach asked who is applying for the grants. Mr. Metz responded it is the mayor. Mr. Leach asked if the city should look at hiring an outside contractor that can help pursue grants to pay for the projects and pass less cost on to the citizens. We have significant need and there is significant opportunity and we don't want to miss it. Mr. Metz would like to see someone who can seek grants for the whole city including public works.

Mayor Randy Rapp said showing up in person is the best way to get attention and present the needs of the city. He believes we should be doing rate increases more than we do. He said there are massive amounts of grant money out there that could be tapped into.

Recorder Melissa Elam said people will pay for quality of life. Investing in infrastructure preserves and enhances residents' way of life.

Councilwoman Kim Williams asked if reaching out to the regional council about hiring a grant writer is the first step and if the second step would be to get an updated look from the accountant about a rate increase. Mr. Metz confirmed.

Councilman Tom Azinger believes we need to raise the water rates and have someone who can aggressively go after grant money. Mr. Metz agreed and will go to the Utility Board with these requests.

Mayor Randy Rapp will reach out to the Regional Council. He will also have someone come talk to council. He also thinks we need to educate our citizens about the enterprise fund and general fund. Mr. Leach said there is a graphic that was created to explain it and it just needs to be highlighted. Mr. Azinger asked if it could be put in the newsletter.

Mr. Metz closed by telling council about the lead and copper rule. They are doing questionnaires and going door to door to determine where the lead and copper pipes are. It has to be done by next October. The EPA will review it and tell us what needs to be done.

*Mayor Rapp asked for an Executive Session to discuss a legal matter.

Councilwoman Kim Williams made a motion to go into executive session. Seconded by Councilman Tom Azinger. Vote: 7-0

Dismissed to executive session at 7:02pm.

Returned from executive session at 7:11pm.

**2. RESOLUTION: Opting Out Of The Dupont Class Action Settlement In Re: Aqueous Film Forming Foams Product Liability Litigation, Us District Court Of South Carolina, Mdl No. 2:18-Mn-2873; Case No. 2:23-Cv-03230
(Sponsored by: Mayor Randy Rapp and Recorder Melissa Elam)**

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VIENNA, that it specifically elects to not participate in the PROPOSED DUPONT CLASS ACTION SETTLEMENT in re: Aqueous Film Forming Foams Product Liability Litigation, US DISTRICT COURT OF SOUTH CAROLINA, MDL NO. 2:18-MN-2873; CASE NO. 2:23-CV-03230 as set out in the attached 13 page document. This litigation would require participating members to “release certain Claims against the Settling Defendants, their affiliates, certain predecessors and successors, and other persons as set forth in the Settlement Agreement... Generally speaking, the Release will prevent any Settlement Class Member from bringing any lawsuit against the Settling Defendants or making any claims resolved by the Settlement Agreement.” Council further authorizes the mayor and/or his designee to opt-out of the settlement by following the procedure set forth in the attached documents.

Councilman Jim Leach moved to approve the Resolution Opting Out Of The Dupont Class Action Settlement In Re: Aqueous Film Forming Foams Product Liability Litigation, Us District Court Of South Carolina, Mdl No. 2:18-Mn-2873; Case No. 2:23-Cv-03230. Motion seconded by Councilman Roger Bibbee.

Mayor Rapp stated when the C8 crisis took place Chemours/DuPont provided carbon filters that completely clean every chemical in our water. The quality of our water is excellent.

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

**3. DISCUSSION AND RESOLUTION: To Adopt Amendment No. 1 To The Agreement Between The City Of Vienna And Burgess & Niple, Inc., For Engineering Services For The Kayak Launch And To Approve The Funding Therein
(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 attached AMENDMENT NO. 1 TO THE AGREEMENT BETWEEN THE CITY OF VIENNA AND BURGESS & NIPLE, INC., FOR ENGINEERING SERVICES, incorporated by reference herein, as is set out in the attached two-page document titled the same. It is the intent of this agreement to investigate moving the proposed kayak launch from its present location on 12th Street to a different location on the 12th Street property; to authorize Burgess & Niple to develop a site plan, and bidding services associated with the project; to authorize the expenditures

as set out in SECTION VIII – PAYMENT FOR PROFESSIONAL SERVICES; and to adopt the attached amendment to the agreement.

Recorder Melissa Elam moved to approve the Resolution To Adopt Amendment No. 1 To The Agreement Between The City Of Vienna And Burgess & Niple, Inc., For Engineering Services For The Kayak Launch And To Approve The Funding Therein. Motion seconded by Councilwoman Kim Williams.

Councilman Jim Leach moved to table the resolution due to needing to consider the big picture of what is happening in the city. Seconded by Councilman Tom Azinger.

Councilman Chris Mancuso agrees tabling is a good idea. He would like to see if the 12th Street property and Spencer’s Landing can be considered as a whole and be done as one project.

Councilwoman Kim Williams would like to see a kayak launch team formed.

Roll call vote taken by Mayor Rapp. Councilwoman Kim Williams, Councilman Tom Azinger, Councilman Jim Leach, Councilman Roger Bibbee, Councilman Chris Mancuso, Mayor Randy Rapp, and Recorder Melissa Elam voting “yes”. Vote: 7-0. Resolution is tabled.

Mayor Rapp said this discussion will be taken to the public to find out exactly what they want for the properties at 12th Street and Spencer’s Landing. He doesn’t think forming a committee is necessary. We need a time to take a step back and refocus. We want to do the best we can with the property we have.

Councilman Jim Leach will host a trip to his river property soon.

Recorder Melissa Elam would like to see public meetings done on site so people can physically be on the properties before discussion begins.

Councilwoman Kim Williams loves the idea of bringing the public in on these decisions.

**4. 2023-2024 GENERAL FUND BUDGET REVISION #3
(Sponsored by: Mayor Randy Rapp and Recorder Melissa Elam)**

MEMORANDUM						
TO: JIM LEACH FROM: Amy Roberts SUBJECT: 23-24 GENERAL FUND BUDGET REVISION #3 DATE: 9/15/2023						
DEPT	ACCT #	ACCT DESCRIPTION	EXPLANATION	CURRENT BUDGET	INCREASE (DECREASE)	REVISED BUDGET
	369	Contrib from other Funds	Contribution from Capital Reserve	310,537	2,844,802	3,155,339
	398	Proceeds from Sale of Bonds	Proceeds from Sale of Bonds	0.00	4,000,000	4,000,000
			NET INCREASE / (DECREASE) TO REVENUE		6,844,802	
Pool	542-58	Capital Outlay - Other	Construction of updated Jackson Park Swimming Pool	0	6,844,802	6,844,802
CONTINGENCIES	699		COVER THE ABOVE REVISIONS	172,940	-785	172,155
			NET INCREASE / (DECREASE) TO EXPENDITURES		6,844,017	

Councilman Jim Leach moved to approve the 2023-2024 General Fund Budget Revision #3. Motion seconded by Recorder Melissa Elam.

Mayor Rapp stated this encumbers the funds to take out of capital reserve and add the bond money to the fund.

Councilwoman Kim Williams questioned why the number is \$4,000,000. Mayor Rapp said it is the ceiling on the bond level.

Councilwoman Kim Williams moved to amend the revision by increasing the contribution from capital reserves by \$1,000,000 bringing it to \$3,844,802 and reducing the bond amount by \$1,000,000 bringing it to \$3,000,000. Seconded by Councilman Chris Mancuso.

Councilman Jim Leach stated this is not committing to \$4,000,000 by approving this resolution.

Mayor Rapp said we are just putting the pieces together to get the process started.

Councilman Chris Mancuso is glad we have the chance to amend this number later and that we are not committing to the whole \$4,000,000.

Councilwoman Kim Williams thinks it makes more sense fiscally to do \$3,000,000.

Councilman Chris Mancuso would rather start low and add on because it is harder to start high and cut back.

Mayor Randy Rapp stated these are the numbers that have been presented as a starting point.

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

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

- 5. ORDINANCE – FIRST READING:** Authorizing And Approving The Conveyance Of Certain Real Property, Fixtures And Personal Property And Appurtenances To The City Of Vienna Building Commission For The Purpose Of Facilitating The Design, Acquisition, Construction, Renovation And Equipping Of A New Aquatic Facility At Jackson Park By The City Of Vienna On Behalf Of The City Of Vienna Building Commission; The Leasing Of Such Real Property And All Project Improvements And Appurtenances Thereto By The City Of Vienna From The City Of Vienna Building Commission; The Sale And Issuance By The City Of Vienna Building Commission Of Not To Exceed \$4,000,000 In Principal Amount Of Lease Revenue Bonds, In One Or More Series To Pay All Or A Portion Of The Costs Of The Project And Costs Of Issuance Of The Bonds; Authorizing The Execution And Delivery Of An Agreement And Lease And Other Instruments And Authorizing And Approving Other Documents And Matters Relating To The Terms And Security Of Such Bonds; And Providing For Other Matters In Connection Therewith.
(Sponsored by: Mayor Randy Rapp and Recorder Melissa Elam)

WHEREAS, the City of Vienna (the “City”) has, pursuant to an ordinance enacted August 10, 1989, created and established the City of Vienna Building Commission (the “Issuer”), a public corporation and municipal building commission of the State of West Virginia, pursuant to the authority granted to it in Chapter 8, Article 33 of the West Virginia Code of 1931, as amended (the “Act”);

WHEREAS, the Issuer, under the Act, has plenary power and authority to contract and be contracted with, acquire, purchase, own and hold any property, real or personal, and acquire, construct, equip, maintain and operate public buildings, structures, projects and appurtenant facilities of any type or types for which the City is permitted by law to expend public funds, sell, encumber or dispose of any property, real or personal, and lease its property or any part thereof, for public purposes to such persons and upon such terms as the Issuer deems proper;

WHEREAS, 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, including municipal buildings, recreation facilities, police stations, fire stations, and other public buildings;

WHEREAS, the City desires to convey unto the Issuer pursuant to such deed or deeds, bills of sale or other instruments of transfer as may be necessary and appropriate under the circumstances (collectively, the

“Conveyance Documents”), the parcels of real property located in the City of Vienna, together with all improvements and appurtenances thereto, which parcels of real property shall be more particularly described in EXHIBIT A – REAL ESTATE DESCRIPTION, attached hereto and made a part hereof (collectively, the “Aquatic Facility Site”);

WHEREAS, the City desires to design, acquire, construct, renovate and equip on the Aquatic Facility Site a new swimming pool and recreational aquatic facility (the “Aquatic Facility”) together with all necessary appurtenances in connection therewith (the “Project”; the Aquatic Site, together with all rights of way, appurtenances, buildings, personal property and fixtures associated therewith, including, but not limited to, the Project improvements to be constructed thereon and all additions and improvements thereto now or hereafter acquired, created or constructed, of every kind and nature, herein called the “Facilities”);

WHEREAS, the Issuer, under the Act, has plenary power and authority to issue negotiable bonds, notes, debentures, or other evidence of indebtedness and provide for the rights of the holders thereof, incur any proper indebtedness, issue any obligations, and give any security therefor which it may deem necessary or advisable in connection with exercising powers as provided in the Act;

WHEREAS, the Issuer desires, pursuant to an Ordinance to be enacted prior thereto (the “Issuer Ordinance”), to issue its Lease Revenue Bonds, in one or more series, in an aggregate principal amount not to exceed \$4,000,000 (the “Bonds”) to (i) finance a portion of the costs of the Project, (ii) pay costs of issuance of the Bonds and related costs, (iii) fund a reserve account, if any, for the Bonds, and (iv) pay capitalized interest, if any, on the Bonds;

WHEREAS, the purchaser of the Bonds (the “Purchaser”), the terms, conditions and provisions of the Bonds and the forms of certain documents to be executed and delivered in connection with the issuance and sale of the Bonds shall be approved by the Issuer pursuant to a resolution of the Issuer which is supplemental to the Issuer Resolution (the “Issuer Supplemental Resolution”);

WHEREAS, the City desires to lease the Facilities from the Issuer pursuant to an Agreement and Lease (the “Lease”) to be dated the Closing Date (as hereinafter defined), by and between the Issuer, as lessor, and the City, as lessee;

WHEREAS, the Issuer, pursuant to the Issuer Ordinance, has appointed the City to undertake the design, acquisition, construction and equipping of the Project including being party to any construction contracts and fulfilling the obligations of the City under such construction contracts as may be necessary in connection with same and for the purpose of requisitioning and applying the proceeds of the Bonds to the payment of the costs of the Project and the costs of issuance of such Bonds and related costs, for and on behalf of the Issuer as herein described, and the City desires to authorize such actions on its part pursuant to this Ordinance; and

WHEREAS, the City desires to take all steps necessary to authorize the conveyance of the Aquatic Facility Site, its undertaking of the design, acquisition, construction and equipping of the Project for and on behalf of the Issuer, its requisitioning of the Bond proceeds and application thereof to the payment of the costs of the Project, its leasing of the Facilities from the Issuer pursuant to the terms of the Lease and to permit the Issuer to promptly proceed with the issuance of the Bonds;

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

Section 1. Pursuant to the Act, this Ordinance is adopted and enacted and it is hereby found and determined that, to accomplish the purposes of the Act and the findings set forth in the preambles hereof, the following is hereby authorized and approved: (i) the conveyance of the Aquatic Facility Site by the City to the Issuer pursuant to the Conveyance Documents; (ii) the design, acquisition, construction, renovation and equipping of the Project by the City for and on behalf of the Issuer including but not limited to engaging such architects and other professionals, undertaking such public bidding processes, providing notice of award and notice to proceed to such construction contractors, entering into such construction contracts, purchase agreements and other documents as may be necessary in connection with same and performing under such agreements; (iii) the leasing of the Facilities by the City from the Issuer pursuant to the terms of the Lease and the payment of such lease rentals and other payments by the City which are provided for pursuant to the Lease; and (iv) the issuance and delivery of the Bonds by the Issuer in the aggregate principal amount of not to exceed \$4,000,000 for the purpose of financing all or a portion of the costs of the design, acquisition, construction and equipping of the Project, the payment of costs of issuance of the Bonds and related costs if to be paid from Bond proceeds, the funding of a reserve account, if any, for the Bonds and the payment of capitalized interest, if any, on the Bonds, are hereby authorized, approved, ratified and confirmed. The Bonds shall be issued in accordance with, and shall have the terms provided in, the Issuer Ordinance authorizing the issuance of the Bonds, which Issuer Ordinance is hereby approved.

Section 2. The City hereby agrees to undertake all actions necessary for the design, acquisition, construction and equipping of the Project and to requisition and apply the proceeds of the Bonds to the payment of the costs of the Project and related costs, and to execute all construction contracts,

requisitions, certificates, or other documents necessary in connection therewith, and to give any and all authorizations as may be necessitated thereby. The City hereby authorizes and approves the payment of costs of the Project which may be incurred prior to the issuance of the Bonds from its General Revenue Fund and/or Capital Improvement Fund and the reimbursement of such fund from the proceeds of the Bonds following their execution and delivery in an amount not to exceed \$1,000,000. The adoption of this Ordinance by the Council of the City on first reading shall 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. Any reimbursement allocations shall be in writing within sixty (60) days of the closing on the Bonds.

Section 3. The Lease, by and between the Issuer, as lessor, and the City, as lessee, pursuant to which the City will lease the Facilities from the Issuer and will agree to pay as Lease Rentals (but only from the sources set forth therein), amounts sufficient to pay the principal of and interest on the Bonds and any other amounts payable thereunder, shall be substantially in the form as shall be approved pursuant to a resolution of the City which is supplemental to this Ordinance (the "City Supplemental Resolution"), with such changes, variations, insertions and omissions as may be approved by the City. The Mayor of the City is hereby authorized to execute, acknowledge, as necessary, and deliver the Lease and the City Clerk of the City is hereby authorized and directed to affix the seal of the City thereto and to attest the seal. The execution of the Lease by the Mayor shall be conclusive evidence of any approval required by this Section.

Section 4. The Lease Assignment (the "Assignment"), by the Issuer to the Purchaser, pursuant to which the Issuer shall assign certain of its rights under the Lease and rentals thereunder, to be dated or effective as of the Closing Date, shall be substantially in the form as shall be approved pursuant to the City Supplemental Resolution, with such changes, variations, insertions, and omissions as may be approved by the Issuer and the City. The execution of the Assignment by the Chairman of the Issuer shall be conclusive evidence of any such approval.

Section 5. The Credit Line Deed of Trust, Fixture Filing and Security Agreement (the "Deed of Trust") by the Issuer to the trustees named therein, pursuant to which the Issuer shall convey the Facilities to the trustees named therein, in trust, for the benefit and security of the Purchaser in the repayment of the Bonds, shall be substantially in the form as shall be approved pursuant to the City Supplemental Resolution, with such changes, variations, insertions and omissions as may be approved by the Issuer and the City. The execution of the Deed of Trust by the Chairman of the Issuer shall be conclusive evidence of any such approval.

Section 6. The Bonds shall be substantially in the form as shall be approved pursuant to the City Supplemental Resolution, with such changes, variations, insertions, and omissions as may be approved by the Issuer and the City. Such approval shall constitute the approval of the issuance of the Bonds by an "applicable elected official" to the extent such approval may be required by any State or federal law. The execution of the Bonds by the Chairman of the Issuer shall be conclusive evidence of any such approval.

Section 7. The City hereby approves the sale of the Bonds to the Purchaser, as shall be designated by the Issuer Supplemental Resolution. The Bonds shall be in such aggregate principal amount, not to exceed \$4,000,000, bear interest at such rate, not to exceed 8%, mature on such date, not to exceed 30 years from the dated date of the Bonds, and have a price of 100% of par value, there being no interest accrued thereon. The Bonds shall have such other terms as provided in the Supplemental Resolution or as further approved by the Chairman of the Building Commission. The Bonds shall be dated the date of delivery thereof (the "Closing Date").

Section 8. All covenants, stipulations, obligations and agreements of the City contained herein and contained in the Lease and all other instruments and documents relating thereto shall be deemed to be the special and limited covenants, stipulations, obligations and agreements of the City to the full extent permitted by law, and such covenants, stipulations, obligations and agreements shall be binding upon the City and its successors from time to time and upon any board or body to which any powers or duties, affecting such covenants, stipulations, obligations and agreements, shall be transferred by or in accordance with law. Except as otherwise provided herein, all rights, powers and privileges conferred, and duties and liabilities imposed upon the City or the officials thereof by the provisions hereof and by the Lease and all other instruments and documents relating thereto shall be exercised or performed by the City or by such officers, board or body as may be required or permitted by law to exercise such powers and to perform such duties. No covenant, stipulation, obligation or agreement herein contained or contained in the Lease and all other instruments and documents relating thereto shall be deemed to be a covenant, stipulation, obligation or agreement of any officer, agent or employee of the City in his or her individual capacity and neither the City nor any officer or employee thereof shall be liable personally on the Lease or the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

Section 9. The City hereby authorizes and ratifies all actions necessary to authorize and approve the design, acquisition, construction and equipping of the Project by the City.

Section 10. The firm of Steptoe & Johnson PLLC, Charleston, West Virginia, is hereby designated as bond counsel in connection with the issuance of the Bonds.

Section 11. The execution, delivery and due performance of the Lease are hereby in all respects approved, authorized, ratified and confirmed, including, without limitation, all acts heretofore taken in connection with the design, acquisition, construction and equipping of the Project; the issuance of the Bonds and the leasing of the Facilities, and it is hereby ordered that the Mayor, the City Clerk, the council members and other employees and officers of the City execute and deliver such other documents, certificates, agreements and instruments and take such other action as may be required or desirable to carry out the purposes of this Ordinance, the Bonds and the aforesaid documents, certificates, agreements and instruments.

Section 12. All ordinances, orders, resolutions, or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 13. This Ordinance shall take effect immediately following the public hearing hereon and approval on second and final reading.

First Reading: September 28, 2023

Enacted on Second Reading Following Public Hearing: October 26, 2023

Recorder Melissa Elam moved to approve the Ordinance – First Reading Authorizing And Approving The Conveyance Of Certain Real Property, Fixtures And Personal Property And Appurtenances To The City Of Vienna Building Commission For The Purpose Of Facilitating The Design, Acquisition, Construction, Renovation And Equipping Of A New Aquatic Facility At Jackson Park By The City Of Vienna On Behalf Of The City Of Vienna Building Commission; The Leasing Of Such Real Property And All Project Improvements And Appurtenances Thereto By The City Of Vienna From The City Of Vienna Building Commission; The Sale And Issuance By The City Of Vienna Building Commission Of Not To Exceed \$4,000,000 In Principal Amount Of Lease Revenue Bonds, In One Or More Series To Pay All Or A Portion Of The Costs Of The Project And Costs Of Issuance Of The Bonds; Authorizing The Execution And Delivery Of An Agreement And Lease And Other Instruments And Authorizing And Approving Other Documents And Matters Relating To The Terms And Security Of Such Bonds; And Providing For Other Matters In Connection Therewith. Motion seconded by Councilman Roger Bibbee.

Councilwoman Kim Williams asked if the pool itself will be the collateral. Mayor Rapp said the collateral is the actual footprint of the pool.

Councilman Tom Azinger asked if these are geo bonds. Mayor Rapp said the building commission will secure the bonds and the city of Vienna pays the bond commission.

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

6. UPDATE: Jackson Pool

Mayor Randy Rapp covered some unexpected items. The grates for the main drain have to be replaced to be in compliance. Cost is not available yet. The other item is a retaining wall that was supposed to be filled with concrete and rebar when constructed originally. Once the deck was removed it showed that it would need to be filled properly.

Councilman Chris Mancuso asked if change orders will come before council. Mayor Rapp said no because they should come in under 10% of the total project cost.

Recorder Melissa Elam noted that the drains have to be replaced in order to be compliant. Baby pool may be poured the end of next week unless this week’s rain delays it.

COUNCIL COMMENTS:

Councilwoman Kim Williams said Officer Black said the recent civil service test went well. Kathy Stoltz shared that 27 applications were received, 22 showed up, and 20 passed the written test. Agility screening will take place next.

Councilman Chris Mancuso is looking forward to using 12th Street and Spencer’s Landing to their full potential.

Mayor Rapp said he agrees with Mr. Leach and wants council to consider finding someone to help take advantage of and follow up on the opportunities that are out there.

Meeting adjourned at 7:48pm.

Melissa Elam, Recorder

Randall C. Rapp, Mayor

APPROVED: _____
 Initials Date