

REGULAR COUNCIL SESSION
609 29th Street, Vienna, WV 26105
January 25, 2024
6:00 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE:

The Invocation was given by Melissa Elam. The Pledge of Allegiance was led by Councilwoman Kim Williams.

CALL TO ORDER:

The Vienna City Council met in Regular Session on January 25, 2024. 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 (via phone), Jim Leach, Roger Bibbee, Chris Mancuso, Recorder Melissa Elam, Mayor Randy Rapp, and City Attorney Russell Skogstad. Absent: None.

PUBLIC FORUM:

Henry Sasyn (1307 Greenmont Hills Dr.): Concerned about vehicles not stopping at stop signs in the city lately.

Chad Emrick (303 39th Street): Spoke in favor of working with Wood County Development Authority. Not in favor of establishing a separate committee in the city. Regarding agenda item #7, he asked if we have received the opioid money and how much? Isn't sure how the funding can be designated for this need if we haven't received it yet. Thinks the city should have a clear plan of what they want to do with the opioid money before committing it little by little. Would like more information about the opioid money.

Tami Rhodes (4604 6th Ave.): Spoke about the economic development items. Favors the Wood County Development Authority serving Vienna. Noted the differences between the resolution and ordinance and would like them explained. Most concerned with only having five members and the mayor being able to choose the members.

REPORT OF THE MINUTES:

The minutes of the Regular Council Session scheduled on 12/14/2023 and 1/11/2024 have been printed, posted, and circulated. Approved as posted.

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)**

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
Class IV	214,457,047.00
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 14th 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 25th 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

Councilman Jim Leach moved to approve the 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. Motion seconded by Councilman Roger Bibbee.

No further discussion.

Roll call vote taken by Recorder Melissa Elam. 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.

2. PRESENTATION: North Star Child Advocacy Center

Chief Pifer introduced Greg Collins, Executive Director of North Star Child Advocacy Center. Mr. Collins shared quotes from actual child clients they have served. North Star is the largest and busiest Child Advocacy Center in the state and serve Wood, Wirt, Pleasants, Ritchie, and Calhoun counties. They have seen more than 600 children per year for the past four years. Their cases come from CPS and law enforcement and have to be from an active investigation. They don't take walk-ins. North Star provides service to law enforcement and CPS directly. Their goal is to help get the truth from children without them feeling interrogated. They see children ages 3-18 and adults with disabilities. 98% of the offenders were someone the child knew and most were family members. The staff does a great job connecting with clients emotionally and intellectually. They are trying to increase the number of children that they can provide medical exams for. He expressed how much trauma the staff are exposed to and that he does his best to take care of them. Noted funding that they have depended on that is either no longer available or will be decreased soon. They operate 24 hours a day, 365 days a year. Emphasized that our county has a great law enforcement and judicial system and North Star is able to help them achieve results that lead to convictions and assistance for the victims.

3. PRESENTATION: Workforce Development

Bill Monterosso, Executive Director of the Workforce Development Board, presented.

They create opportunities for individuals ages 14-70 in workforce development and career pathways. Economic development is their initiative. He shared a proposal that focuses on the cultural element of development. They want to help individuals see career pathways. He sees themselves as Human GPS that guide people to the right opportunities. West Virginia's workforce participation rate is 54% and he doesn't want us to settle for that. He oversees a system that provides young individuals hope by leading them to career areas of interest. He would like to start apprenticeship programs starting in middle school. They consider aptitude and connect people in jobs where they will succeed. Emphasized that we as a community need to do whatever is possible to connect young people to meaningful work.

Mayor Rapp commented that the programs that Workforce runs are the kind of things we should invest in because those who are recovering need this kind of training and assistance. Vienna has received \$193,000 in opioid money.

4. RESOLUTION: Appointing Carl Tanner To The City Of Vienna Planning Commission (Sponsors: Mayor Randy Rapp and Recorder Melissa Elam)

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.

Recorder Melissa Elam moved to approve the Resolution Appointing Carl Tanner To The City Of Vienna Planning Commission. Motion seconded by Councilman Roger Bibbee.

No further discussion.

Roll call vote taken by Recorder Melissa Elam. 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. RESOLUTION: Appointing Jim Sims To The City Of Vienna Planning Commission (Sponsors: Mayor Randy Rapp and Melissa Elam)

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.

Councilman Roger Bibbee moved to approve the Resolution Appointing Jim Sims To The City Of Vienna Planning Commission. Motion seconded by Recorder Melissa Elam.

No further discussion.

Roll call vote taken by Recorder Melissa Elam. 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. RESOLUTION: Appointing Jamie Witkosky To The City Of Vienna Planning Commission (Sponsors: Mayor Randy Rapp and Melissa Elam)

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.

Councilman Jim Leach moved to approve the Resolution Appointing Jamie Witkosky To The City Of Vienna Planning Commission. Motion seconded by Councilman Roger Bibbee.

No further discussion.

Roll call vote taken by Recorder Melissa Elam. 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.

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 Melissa Elam)

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).

Chief Pifer said the opioid money is coming at a good time and this is a great fit for how to spend the money. Our current dog has done a great job and will be retired soon.

Mayor Rapp said the number one approved purchase with opioid money is police dogs.

Recorder Melissa Elam moved to approve the 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. Motion seconded by Councilman Jim Leach.

Councilman Tom Azinger asked what happens to the current dog. Mayor Rapp said the dog will stay with his handler. Russ said council will have to approve the dog's retirement.

Councilwoman Kim Williams asked how it be paid for if the opioid money was not there. Chief Pifer said it could be in the budget, paid for by donation, or come out of asset forfeiture funds.

Councilman Jim Leach thinks paying for a police dog with opioid money is symbolic.

Chief Pifer thinks this is an easy fit.

Councilman Chris Mancuso would like to have a plan in place for the opioid funds so it doesn't get whittled away. He wants to make sure it has the most impact for the city.

Roll call vote taken by Recorder Melissa Elam. 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

Mayor Rapp noted that there will be a line item in Reconciliation of Funds for opioid funds.

8. RESOLUTION: Creating The Position Of Evidence Technician/Criminal Investigator (Sponsors: Mayor Randy Rapp and Recorder Melissa Elam)

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.

Recorder Melissa Elam moved to approve the Resolution Creating The Position Of Evidence Technician/Criminal Investigator. Motion seconded by Councilwoman Kim Williams.

Chief Pifer said this position brings quality to the table. This position will require investigative law enforcement and supervisory experience. A lot of agencies are going this route. There will be cost savings because we are not adding police.

Roll call vote taken by Recorder Melissa Elam. 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

9. DISCUSSION: Formation Of An Economic Development Advisory Body

Mayor Rapp said he has changed his stance in a few ways since the last meeting. He changed to liking that the Development Authority forms the stakeholder group and supports a relationship with WCDA. Stated we don't do a good job of selling ourselves and we need their expertise.

Councilman Jim Leach would like to know what Lindsey Piersol thinks of the approach Vienna is taking.

Lindsey Piersol said the end goal for Vienna is wanting new residents and economic growth. The list of potential stakeholders she has assembled either live or work or both in Vienna.

Recorder Melissa Elam asked that since Vienna does not currently have an economic development director or team is there value in establishing a separate entity that works with the team she is assembling. Ms. Piersol answered no. She would hire someone with the money allocated to focus on Vienna. They would be under her umbrella. She would oversee them. Recorder Elam said it is important to take the first step and then in time, if there is value in developing things further on the city's end, we can take those steps. Ms. Piersol said the stakeholder group is like a focus group and she would like to spend time with them one on one. She would personally report to the city.

Councilman Jim Leach asked if she would agree that the proposal should be implemented first and wait on the formation of a committee from the city.

Councilwoman Kim Williams said that the resolution is based on Ms. Piersol's proposal. She feels a resolution better suits our needs than a codified ordinance. She would like to see council establish the

advisory committee made up of stakeholders. Ms. Piersol responded that she does not think a separate board is necessary. She said economic development is fluid.

Recorder Melissa Elam said she believes the stakeholder group should be run by WCDA instead of the city creating a separate body. She does not see the need for the resolution or ordinance.

Councilwoman Kim Williams disagrees because she doesn't want decisions made behind closed doors and would like the public to be able to attend meetings. Ms. Piersol responded that she has an open door policy. However there are things she can't talk to because of confidentiality agreements. The results of the stakeholder meetings can be made public.

Recorder Melissa Elam asked how many she would like to have in the stakeholder group. Ms. Piersol responded her list has about 30 people on it.

Councilman Jim Leach thinks we should take the next step with her proposal and keep working on how to proceed in the future.

Councilman Chris Mancuso agrees we all want to move forward with economic development. He confirmed with Ms. Piersol that the stakeholder group is under her umbrella and she said yes. He wants to make sure she has all she needs. He likes that we can communicate as much as we want. Ms. Piersol said she sees council as being the advisory board because the citizens voted for them.

Attorney Russ Skogstad reviewed all that was discussed to confirm that he clearly understood.

Mayor Rapp is in favor of tabling the resolution and ordinance.

Councilman Tom Azinger doesn't know why two advisory bodies are necessary.

10. RESOLUTION: Forming An Economic Development Advisory Committee (Sponsors: Councilwoman Kim Williams and Councilman Chris Mancuso)

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.

No motion. Resolution fails.

11. ORDINANCE – FIRST READING: Creating The City Of Vienna Economic Development Authority (Sponsors: Councilman Jim Leach and Mayor Randy Rapp)

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 of 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.

No motion. Ordinance fails.

12. UPDATE: Jackson Pool

Mayor Rapp said the weather has slowed construction outside but they are doing as much as they can indoors. Still anticipating opening Memorial Day weekend.

COUNCIL COMMENTS:

Mayor Randy Rapp announced there will be a public hearing at 6:00pm on February 22. The planning commission approved the comprehensive plan and it will move forward for council consideration.

Recorder Melissa Elam gave a reminder that there are two days left in the filing period to run for mayor, recorder, and council. Last day to file is January 27. She will be in the city building office until noon on Saturday to receive filings.

Meeting adjourned at 7:42pm.

Melissa Elam, Recorder

Randall C. Rapp, Mayor

APPROVED: _____
 Initials Date