

**CITY OF BUENA VISTA
REGULAR COUNCIL MEETING
JUNE 15, 2017**

The City Council for the City of Buena Vista met for a Regular Council Meeting on Thursday, June 15, 2017, at 6:00 p.m. in Council Chambers (2039 Sycamore Avenue).

Council Members Present:	Mayor Larry Tolley
Steve Baldrige	Tim Petrie
John Dyer	Melvin Henson
Bill Fitzgerald	Vice-Mayor Lisa Clark

Members Absent: None.

ADG#1 PLEDGE OF ALLEGIANCE AND PRAYER:

Mayor Tolley opened the meeting by requesting that everyone stand and repeat the Pledge of Allegiance. Vice-Mayor Clark delivered the opening prayer.

ADG#2 APPROVAL OF THE CORRECTED MINUTES FROM THE MAY 18, 2017 REGULAR COUNCIL MEETING AND THE MINUTES FROM THE JUNE 1, 2017 PUBLIC HEARING AND REGULAR COUNCIL MEETING:

Motion was made by Councilman Melvin to approve the corrected minutes from the May 18, 2017 minutes, seconded by Councilman Petrie, carried by Council. Motion was made by Councilman Petrie to approve the minutes from the June 1, 2017 Public Hearing and Regular Council meeting, seconded by Councilman Henson, carried by Council with the exception of Vice-Mayor Clark who abstained.

ADG#3 RECOGNITION/COMMUNICATION FROM VISITORS:

Citizens who desire to speak on matters not listed on the agenda below will be heard at this time. Citizens who desire to speak on a specific item listed on the agenda, open for public comment, will be heard when that item is considered.

Mr. Mark Reed, 614 Ross Road, Lexington was the first to speak. He advised that he was before Council to represent approximately 200 people requesting that Council remove the two appointed board members that represent Buena Vista from the Rockbridge Area Social Services. He has circulated petitions throughout Buena Vista, Lexington and Rockbridge County. He read the following:

The Individuals documented below have signed—either electronically or manually—a Petition; which states the following, as it pertains to the Rockbridge Area Department of Social Services Board of Directors:

To the honorable members of the Rockbridge County (VA) Board of Supervisors, Lexington, VA City Council, and Buena Vista VA City Council, the Petition of the undersigned concerned residents states the following:

- On September 28, 2016, the Circuit Court of Rockbridge County impaneled a Special Grand Jury (SGJ) "to investigate and report on any condition that involves or tends to promote criminal activity..." in the Child Protective Services agency (CPS) of the Rockbridge Area Department of Social Services (RADSS).
- On May 2, 2017, the Court ordered that the Report of the Special Grand Jury be released to the general public.
- Included in the findings of the SGJ was a determination of "dysfunction in the CPS agency from top to bottom including the RADSS Board of Directors, both operationally and administratively." Specifically, the SGJ noted the following:
 1. Sworn testimony indicated a "hands-off approach to CPS, even when board members were contacted by CPS case workers who had concerns."

2. Sworn testimony from "several witnesses" indicated former RADSS CPS Supervisor Brenda Perry, who illegally altered and/or destroyed official documents alleging and/or documenting child abuse and/or neglect, created "an atmosphere of harassment, intimidation, and bullying", and the RADSS Board of Directors was aware of Ms. Perry's "belligerent behavior" and "chose to do nothing."
3. The SGJ determined the RADSS Board of Directors, who were aware of Ms. Perry's "belligerent behavior" failed to request or review Ms. Perry's written Performance Evaluation or even confirm that such an Evaluation existed.

On May 17, 2017, members of the RADSS Board of Directors explicitly and publicly contradicted the findings of the SGJ during an open Board meeting, stating they were never notified by any CPS staff of any of the above findings as or after they occurred; alleging they were "spectacularly under-informed" by former RADSS Director Meredith Downey, and admitting that "we are part of the problem, and we are victims of that problem." in addition, while the RADSS Board of Directors advised they were not subpoenaed by the SGJ to provide testimony, they also failed to take initiative to offer testimony. Therefore—

The undersigned residents request that their local governing bodies, having Just Cause to do so, remove the currently-appointed RADSS Board of Directors representatives immediately, and appoint new representatives as soon as possible, pending proper vetting. (Mr. Reed did not read the names on the petition)

Councilman Baldrige pointed out that since the investigation began there is a new director for RADSS.

Mr. Reed stated that the new director was appointed before the investigation began.

Councilman Baldrige wanted to know if Mr. Reed was aware that of the two representatives from Buena Vista, one has been appointed since the investigation began last year. He opined it would be odd to dismiss someone who has come onto the board after the investigation began.

Mayor Tolley told Mr. Reed that he felt it was best that Council hear him tonight and let Council discuss the matter with the information they have with the guidance of our legal counsel. He would prefer to have the discussion at a later date to give Council time to gather information.

Vice-Mayor Clark wanted to know when she would be allowed to ask her questions of Mr. Kearney because they are very relative and she feels they would help the other Council members.

Mr. Kearney said they should probably finish up with the public comments and perhaps after the public comments it becomes an agenda item.

Mayor Tolley stated that he agreed with Mr. Kearney that the discussion should come as an agenda item for discussion. He suggested we could call the people in attendance back to speak again when it becomes an agenda item and that tonight should just be a listening opportunity for Council.

The next person to speak was Mr. Matthew Camden, 324 Sycamore Avenue, Buena Vista. He stated he was in attendance to show support for Mr. Reed about getting rid of the 2 Board of Directors from Buena Vista. He opined that Council should appoint 2 new members. He opined that if a new one has been appointed and he agrees with the fact that the children were victims and they did not help then they are not doing their jobs.

The last person to speak was Lacy Camden, 324 Sycamore Avenue, Buena Vista. As a member of the community she feels the DSS board members need to be dismissed and all new members brought in. She opined the board needs to have new members who are not afraid to do their jobs and fight for the innocent children and the families in our community. She opined that denying that they knew anything was going on is just as bad as knowing they are not doing their jobs correctly. The DSS board knew their responsibility when taking a role and being a member and they are clearly incapable of handling the job. Had they done their jobs correctly there would still be a child alive today and there would be children that would not have been abused. There is a lot of tragedy that cannot be undone.

Councilman Dyer stated that Buena Vista listed from time to time representatives to serve on that board. We had it on our agenda for months and never got an application. If there is truly a concern as stated by Mr. Camden and Ms. Camden, it would have been nice to have applications from the City of Buena Vista so that we could take that concern and appoint a board member that has association with the problem. Council sat here for 4 months without an application.

Mr. Reed stated there are approximately 6,000 people in Buena Vista. This community, Lexington and Rockbridge County have been waiting on pins and needles for the release of the special grand jury report. The report came out on May 2, 2017. It has been just over one month since the report was released. He said that he wanted to make clear that he believes that all of the folks on the board are good people. He opined they are people who are incapable of doing the job. Regarding the two people from Buena Vista, who may be new to this board, he has not heard any criticism from the people who serve on the board toward the board. There was certainly no comment from them at their last meeting and they appeared to be unified with the rest of the board. They basically were in agreement with the Chairman that they are victims of this Department of Social Services and that they feel like they were uninformed. He does not want uninformed board members on the Department of Social Services Board. They have a responsibility that is laid out in their handbook and it is explained to them by the law in the State of Virginia. He opined if we have new people on the board that don't speak up at a meeting and denounce the behavior of their fellow board members, or at least disagree with some of the statements that the board members made, then he does not want those people on the board.

ADG#4 REPORTS:

MAYOR:

Mayor Tolley advised that he attended a ribbon cutting for an attorney's office in Lexington. He asked Council their opinion about cancelling the July 6, 2017 meeting.

Vice-Mayor Clark wanted to know if the July 6th meeting was cancelled when she would be able to get the Department of Social Services on the agenda and when would she be able to ask her questions.

Mayor Tolley said it would be the next scheduled meeting on July 20th.

Councilman Petrie said he would not be able to attend the July 20th meeting.

Mayor Tolley asked if anyone had any problems holding the July 6th Council meeting and everyone said there would be no problem to have the meeting. The meeting will be held on July 6, 2017 as originally scheduled.

CITY MANAGER:

Mr. Scudder started his report by saying the sewer project at GMP is running in the \$150,000.00 range. The road project for Sycamore Avenue is moving along. We have ordered some box culverts and pipes to fix the problem. We are getting this project ready for the contractor to finish that block. The total cost for the project was around \$82,000.00. Pool attendance is up this year and things seem to be going well.

Mayor Tolley wanted to know exactly what is being done at the park concerning the sewer system. He asked that Council get an overview of what is going to take place there.

Mr. Scudder said that he would get the requested information to Council.

CITY ATTORNEY:

None.

COMMITTEE REPORTS:

Councilman Dyer said that Council has talked about the caboose several times and he has not done anything formally. He said he went to Friday's in the Park and talked to people trying to get an idea on what they feel is out in the community. Everyone that he has talked to has an idea for it and wants to see it saved. Two things come up: it is in the wrong location and it needs to be painted and restored. He knows that all of that costs money. He said that he would do all the leg work for the caboose; getting prices and coming back to Council with suggestions. Before he does the work he would like to know if Council is in consensus with saving it. Some of the options that people have brought up are: move the caboose down to the front entrance of the park; use it as a location finder for the park; put the caboose in a high visible area so we won't have the vandalism we now have; put it closer to the pavilion and use it for sales such as beer for Friday's in the Park; move it to where the ticket booth is now; move it to Penny Park. He opined these are all good ideas but Council knows the cost involved to do any of the above. If the caboose is moved it will have to be put on

a concrete structure so it does not settle. He wanted to know if Council is in a position to say we should move forward to save the caboose.

Vice-Mayor Clark stated that Council has talked about it and everyone wants to save the caboose. But when they look at the cost involved it makes everyone take a step back and then we think about we just need to move it. Then we think about the cost of moving it and we take another step back. Vice-Mayor Clark opined that all of the ideas are good but if we renovate it and leave it that would eliminate the cost of moving it. She likes the idea of making it into something that we could use for events that we are now having in the park. She would be interested to see a cost comparison on the different options.

Councilman Dyer said it will cost the same if we move the caboose downhill or to Penny Park.

Councilman Henson advised that Penny Park is not City property. He opined that the park is pretty well full now. He opined it might be a good idea to use it for beer sales at the park or a concession stand.

Councilman Dyer opined that we would incur cost by leaving the caboose where it is now and using it as a concession stand because we would have to run electricity to it.

Vice-Mayor Clark stated that electricity is already at the pavilion and would only have to be run about 50 feet.

Councilman Henson said by Buena Vista being based as a railroad community back in the early days of the City, he sees it being a problem doing away with the caboose.

Councilman Petrie said it sounds like there are some ideas about what to do with the caboose. He suggested that anything that is received concerning the caboose could be sent to him and he would give it to the comprehensive plan committee. One of the suggestions on Monday night was to look into doing an open faced plan. He opined that things like this are helpful to put everything together and at least have it down on paper saying this is the direction for what we have for the future. There are many different things that can be done. He said they are at the phase now with the comprehensive plan committee accumulating ideas. They are basically just talking amongst the committee members. You want as much participation as possible. There is going to be a point and time there will be some comments for the comprehensive plan committee. He asked that Council give him any information that they might have.

Councilman Baldrige stated that he has made comments before but for him his first element would be to say whatever we do with the caboose he hopes it will still be accessible for kids. He said he would not want to do something to it that the kids cannot interact with it. He stated that he really does want to have historical information somewhere near at hand. He would like for the caboose to be accessible for kids and the historic context and then utility. He said he would like to see some usefulness.

Councilman Petrie stated that before we spend money on the caboose in the context of the comprehensive plan you want to look at everything. He opined that most of the playgrounds in Buena Vista are in pretty sad shape. He also said that anything we do with recreational spaces we certainly want to have the kids have something to do and something that is meaningful to them as well. He opined it would be a good start to get some costs and figure out how much it will be and also in the long haul to look at all the other places we have.

Mayor Tolley asked Councilman Dyer when he would be able to have some estimates back to Council for the caboose.

Councilman Dyer said he could have them by the July 20th meeting.

Mayor Tolley requested that the caboose discussion be put on the agenda for the July 20, 2017 Council meeting. He said he was glad that Councilman Dyer got some input from some folks but he is not in favor of spending money on the caboose and it is not being used. He said if we can convert the caboose to sell concessions out of it, that would be a purpose and we could also get some return on investments. He opined to just put money in it and leave it sitting there not being used is not favorable to him.

Councilman Dyer suggested that Council receive quarterly reports from the Department Heads to give them a chance to let Council know what they are doing. He opined it would give the Department Heads a chance to say something good about what is going on in the City.

Mayor Tolley advised that Council has received such reports in the past.

Councilman Petrie requested that Councilman Dyer also provide prices for replacing or repairing the playground equipment. He said that he would like to see both the cost for repairing the caboose as well as repairing or replacing the playground equipment.

Councilman Dyer then wanted to know when the new web site would be available. He advised that the last time he spoke to Brian it was supposed to be up and running this month.

Mr. Scudder said the web site is behind and that Andy Wolfe still needs more information. We need information from Public Works and some other places. He advised that he went over the web site with Andy. He made some notes and then went on the web site and looked at it.

Mayor Tolley stated that we are basically 6 months behind schedule.

Councilman Dyer opined that everybody realizes the importance of having a web site. He said that he cannot imagine the potential revenue we are losing because we do not have a web site.

Mr. Scudder said we have to remember we do have a web site. This is the new updated web site. We are totally redoing the old web site and the new one will be better.

Councilman Dyer said that Council has been talking about it for a year. He opined that creating a web site is a challenge but taking a year to develop one is ridiculous.

Mr. Scudder said that one of the things that he told Andy was when staff was working on the web site one of the suggestions he gave was to take the content we have on the existing web site and transfer that to the new one. Andy was told by staff that they want all new. He asked Andy if we have most of the information on the old web site what the harm would be to use it for the new web site. He said he needs to talk to Andy a little bit more about that and see if we can jump start it and get it done.

Vice-Mayor Clark stated that you can launch the web site at any time and as the pieces become available we can add them.

Mr. Scudder said he will get with Andy again and see what it takes to launch the new web site.

Councilman Henson said he appreciated the feedback from Mr. Scudder and Mr. Roberts concerning the creeks in Buena Vista. He said that there is a problem of sight distance at the bridge at the Budget Inn.

Mr. Scudder advised that he has told staff to make sure the right of ways where the creeks cross the roads there are no sight distance problems. He said they have also talked about some of the other creek crossings at some of the

intersections. He wants to make sure we keep those clear back off of our right of ways. The City will clear enough right of way on areas like that so there will not be any sight distance problems.

Councilman Henson advised there are trees growing up between the concrete walls which will create problems if not taken care of.

Mr. Scudder stated, unlike the flood wall, there are no specifications on those areas about that specific maintenance. If severe erosion happened and that was compromised then the City may have some maintenance responsibility. The document does not hold the City to any standard of maintenance. The gabions were put in those creeks for private property. He advised that when some of the floods came they altered some of the stream banks. He opined that is the same thing that is happening behind the Budget Inn on private property. There will be a meeting on June 22nd with the Corp of Engineers to discuss if there are any more available monies or programs to try to do some of the hazard litigations in those areas. They are protecting private property and the City does not own those creeks so the maintenance for the creeks is very vague. He said when we have the prisoners we will work on the creeks.

Councilman Henson wanted to know what the City's liability would be if a wreck is caused at an intersection that is overgrown and people cannot see oncoming traffic.

Mr. Kearney said there are a lot of sight distance areas in the City. He said it depends on where the area is.

Councilman Henson wanted to know if any follow-up has been done on the roof repair at Value Mart.

Mr. Scudder said that nothing has been submitted for the Value Mart roof repair. He said there have been some roof repairs but he does not know the extent of them.

Councilman Henson stated that 6 weeks ago Council talked about the trees covering 2054 Forest Avenue. He said he checked today and it is still the same way. He said we have about a half dozen sites around town that have trees growing up between the curb and the road.

Mr. Scudder asked Councilman Henson to give him the locations so that he can check them out.

Councilman Henson addressed the flags that are hung on Sycamore and Magnolia. He said some of the poles and brackets are broken and wanted to know if we have any plans to repair or replace them.

Mr. Scudder said he would check the problem out.

Mayor Tolley said as we move on with our street scape project we should replace all of the flags.

Vice-Mayor Clark reported that on July 21 she will be in Richmond to represent us and the rest of the State on the Human Development Education Policy Committee.

CONSIDER APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS, AND COMMITTEES:

APT #1 SHENANDOAH VALLEY PARTNERSHIP:

Mr. Brian Brown's term will expire on July 31, 2017. Mr. Brown is willing to serve again if reappointed. This is a two year term and the first time this item has appeared on the agenda.

Mayor Tolley advised that Brian has represented the City and it part of his responsibilities. Mayor Tolley recommended reappointing Mr. Brown to The Shenandoah Valley Partnership.

Councilman Petrie motioned to reappoint Mr. Brown, seconded by Councilman Henson, carried by Council.

OLD BUSINESS:

OB #1 SECOND READING OF A BUDGET AMENDMENT ORDINANCE:

Motion was made by Councilman Baldrige to read the Ordinance by title only, seconded by Councilman Henson, carried by Council.

Clerk of Council read the following Ordinance by title only:

ORDINANCE BUDGET AMENDMENT-ORD #4

WHEREAS, on May 19, 2016 the City of Buena Vista adopted its budget for fiscal year 2017 (the "Budget"); and

WHEREAS, the City Council approved certain ongoing projects and activities that required additional funds and usage of fund balances to be reappropriated during the current fiscal year.

NOW THEREFORE, BE IT ORDAINED, by the Council for the City of Buena Vista, Virginia, in accordance with Section 15.2-2507 of the 1950 Code of Virginia that the Budget be amended to increase the following line items by the amounts shown:

	<u>Debit</u>	<u>Credit</u>
Professional Services (Botkin Rose ACA, Floodwall)	13,479	
DCJC Training Equipment (Police Grant)	6,104	
Safer Cities Grant (Police Grant)	2,813	
21 st Century Grant (Police Grant)	17,015	
VDEM Grant (Police Grant)	8,201	
DMV 402 Grant (Police Grant)	8,111	
Safe Route to Schools (VDOT Grant)	205,194	
Vehicles Police (Paid for from Loan Proceeds)	102,106	
Pavement Maintenance Grant (VDOT State Funds)	825,000	
Repair & Maintenance (Build & Grounds, Cemetery)	91,375	
Machinery & Equipment (2 mowers, 1 Flood mower)	53,461	
Social Services (Primarily CSA additional Expend)	398,647	
Transfer Unappropriated Surplus		556,962

Grants and State Funds

1,072,438

Loan Proceeds

102,106

Larry Tolley, Mayor

ATTEST:

Clerk of Council:

Date:

Mr. Kearney advised there have been no modifications since the first reading of the Ordinance.

Motion was made by Councilman Baldrige to approve the above Ordinance, with no changes being made since the first reading, seconded by Councilman Petrie, carried by Council.

Clerk of Council, Dawn Wheeler, polled Council as follows:

	Present	Absent	Yes	No	Abstain
Mayor Larry Tolley	X		X		
Vice-Mayor Lisa Clark	X		X		
John Dyer	X		X		

Melvin Henson	X		X		
Tim Petrie	X		X		
Steve Baldrige	X		X		
Bill Fitzgerald	X		X		

NEW BUSINESS:

NB #1 PRESENT A PROCLAMATION FOR VIRGINIA HOMEOWNERSHIP MONTH 2017:

Mayor Tolley asked Mr. Skip Perry, Chairman of the Board of Directors for Rockbridge Habitat to come forward. Mayor Tolley read the following Proclamation and presented it to Mr. Perry:

PROCLAMATION

VIRGINIA HOMEOWNERSHIP MONTH 2017

WHEREAS, homeownership strengthens families, stabilizes neighborhoods, builds healthy communities and promotes economic opportunity; and

WHEREAS, Rockbridge Area Habitat for Humanity works with individuals, businesses, civic groups, Washington and Lee University and Virginia Military Institute, along with local and federal governments, all of which are vital partners in fostering homeownership in the City of Buena Vista; and

WHEREAS, Rockbridge Area Habitat and its partners promote financial literacy and provide free homeownership education to assist local, low-income home buyers in understanding the costs and obligations of any home purchase; and

WHEREAS, homeownership is proven to increase school graduation rates, children's good health and a family's worth; and

WHEREAS, homeownership is proven to decrease children's behavioral problems, asthma and a family' reliance on government assistance; and

WHEREAS, affordable homeownership allows families to spend more on basic needs such as food, healthcare and transportation; and

WHEREAS, Rockbridge Area Habitat for Humanity and community development partners are committed to increasing affordable housing and furthering homeownership opportunities for all area residents, including first-time home buyers and underserved populations; and

WHEREAS, Rockbridge Area Habitat purchases building materials locally and its homeowners work and shop locally improving economic development and increasing the local tax base.

NOW, THEREFORE, I, Larry Tolley, Mayor of Buena Vista, Virginia, on behalf of the Buena Vista City Council and its citizens, do hereby recognize June, 2017 as **VIRGINIA HOMEOWNERSHIP MONTH** in the City of Buena Vista and I call this observance to the attention of all our citizens.

Larry F. Tolley.

ADJOURNMENT: There being no further business Mayor Tolley adjourned the meeting.

Larry Tolley, Mayor

Dawn M. Wheeler, Clerk of Council