

**CITY OF BUENA VISTA
REGULAR COUNCIL MEETING AND
EXECUTIVE SESSION
JULY 20, 2017**

The City Council for the City of Buena Vista met for a Regular Council Meeting and Executive Session on Thursday, July 20, 2017, at 6:00 p.m. in Council Chambers (2039 Sycamore Avenue).

Council Members Present: Mayor Larry Tolley
Steve Baldrige Melvin Henson
John Dyer
Bill Fitzgerald

Members Absent: Vice-Mayor Clark, Councilman Petrie

ADG#1 PLEDGE OF ALLEGIANCE AND PRAYER:

Mayor Tolley opened the meeting by requesting that everyone stand and repeat the Pledge of Allegiance. Councilman Baldrige delivered the opening prayer.

**ADG#2 APPROVAL OF THE MINUTES FROM THE JUNE 15, 2017
REGULAR COUNCIL MEETING:**

Motion was made by Councilman Steve Baldrige to approve the minutes from the June 15, 2017 meeting, seconded by Councilman John Dyer, carried by Council.

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. Andy Wolfe of Mariner Media who has been working on developing the City's web site was the first to speak. He advised that they are down to one page to

complete. He needs photos and bio descriptions of Council. He said if he could get the requested information they will be very close to completion.

Ms. Suzanne Adcock, Director of the Rockbridge Social Services Department was the next to speak. Ms. Adcock stated that Vice-Mayor Clark has recently joined the RSSD Board as an ex-officio. Vice-Mayor Clark had invited Ms. Adcock to attend the meeting to let Council know what has happened since she became Director. They have successfully hired 3 employees since February. She opined they have been forming some good working relations with other area agencies. They have made sufficient improvements in their benefit plan application time line. They have also added a children's reading area in the waiting room. Some of their continuing challenges are service staffing; they have been trying to fill two positions since January; keeping up with the demands of the services offered; rising usage of drug abuse in our locality. Their ongoing initiative is to do some training in the fall with the Virginia Department of Social Services to develop an action plan to improve their organization. They are working on improving their quality of services and to identify resources in the community and finding providers to meet those needs. She gave the following update on their quality management review:

- 1.) There were 41 findings; 70 recommendations;
- 2.) At this point they have fully implemented 56 recommendations(30 of which were completed prior to her arrival)
- 3.) They are in various stages of progress in the remaining 14 items.

The special Grand Jury recommendations were as follows:

- 1.) There were 25 total recommendations of which 17 were directly to their department. Twelve have already been implemented. One has to do with staff training. They hope to have that completed by December 31.
- 2.) Four of those recommendations have to do with a recording system for their telephones.

Ms. Adcock thanked Council for their continued support.

The next person to address Council was Chief Keith Hartman of the Buena Vista City Police Department. He stated that he had given everyone a challenge coin from the Police Department and on the back of the coin our 125th anniversary is noted. He also distributed a copy of their "National Night Out" flyer which will be held on August 1 at Camden Field. He said this is the Police Departments way

of saying thank you to the community. He then thanked everyone for coming out to the block party. He said that approximately 800 to 900 people attended. He said we have given out about 30 stickers for the golf carts and feels this is better than he anticipated. The Police Departments accreditation will do a mock assessment on August 10 and 11 with the final assessment scheduled for early December.

Mr. Scudder said that Chief Hartman and Taylor Fisher (the part-time worker) should have some recognition for the work they have done on the accreditation. He opined they have done a fabulous job working on the accreditation. If we are on track to get accreditation we will probably be one of the fastest communities in Virginia to get accredited.

Chief Hartman stated that Ms. Fisher has done a very good job on the accreditation.

Councilman Henson thanked Chief Hartman for the block party and said he knows that a lot of hard work was done to have the party.

Chief Hartman said there was a similar event held in Lexington but that Buena Vista's was better.

ADG#4 REPORTS:

MAYOR:

Mayor Tolley started his report by saying that we are on somewhat of a summer schedule. The Economic Development group of the Chamber of Commerce met in June and will not have a July meeting. He attended the last meeting and basically everything that was discussed at that time was pretty much a review of the Shenandoah/Roanoke Valley Horse Show. He opined the event went well and that he participated in it and enjoyed doing so. He said that Bike Virginia that was held in Buena Vista was quite an extensive event. We had 2000 bikers in the area and he feels it went well. He said that the bikers liked the area and may come back in the fall for another event. He advised that he and Steve Baldrige attended the training session for the Board of Directors of Social Services meeting.

Councilman Baldrige said there were also representatives from the City of Lexington and Rockbridge County. The training was given by the Regional Directors Board as well as local leaders. They went through the relationship between the Board and the Department of Social Services. Our role is not just advisory but is also administrative. There is a financial component to the

decision making. There was quite a bit of discussion about staff. He advised that in his private life he also interacts with Social Services. He opined the open staffed positions continue to be a difficulty because there is so much work that needs to be done. That is why there are positions approved that are needed to be filled. They went through staff development helping the Board understand their role and what kind of communication occurs between the Board and the director. They also looked at operations and the measures that Ms. Adcock has put in place to evaluate their performances. That is something that Ms. Adcock is recognized for and may well be one of the reasons she was selected for this position. There was also discussion about the financing and federal, state and local funding of programming. The funding does put a benefit into the community. Understanding how the Board works with DSS and how DSS works with other agencies and gets funding was helpful to get the whole picture. He opined it helped to see the direction and needs for the local agencies.

Mayor Tolley said it was definitely a learning experience for him since he has never had any contact with that department. Just to get an overview from a regional representative was very helpful and beneficial. The mayor/chair breakfast was held on Wednesday and they talked about things that they are working on together and the similarities in government and how things are done in dealing with people. One interesting thing was that he and Mr. Scudder had the same conversation on the way to the breakfast; dealing with employee initiatives. The same comments were brought up during the breakfast from both the City of Lexington and the County of Rockbridge. He would like to see the City's employees take the initiative to see things that need to be done and do them. Calling the problems to the attention of the right department is a big help.

CITY MANAGER:

Mr. Scudder started his report by saying that it is time to take the good things we have and improve upon it. He opined the key to employee initiative is recognizing employees for the good jobs that they do. Mr. Scudder advised that about a month ago he got the letter from Rockbridge County and the City of Lexington on their regional landfill. Some things have become a little bit more flexible than they were six months ago. Their member rate is going to be \$51.00 per ton and a non-member rate is going to be \$63.75 per ton. In the interim period, which we don't know how long that will be; our rate will be \$53.00 per ton. That rate may be good for the rest of the year and after that the rate will go to the \$63.75 per ton. They did not want to have Buena Vista as a full time member. One of the things they have relaxed is if somebody wants to become a member, based on their time commitment and the amount of refuse they bring to the

landfill, the fee can be adjusted. If you commit to 10 to 15 years of using their landfill, your rate will go down. Their rate is not competitive anywhere. The Roanoke Solid Waste Authority that serves Botetourt, Roanoke City, Roanoke County and Salem, will be opening their new landfill southwest of Roanoke. They will open that up to serve by rail today and within a year it will be opened up to truck traffic. That rate will be in the \$30.00 range. He said he has worked with Paul Palma through his contacts at Waste Management. He has negotiated a rate to take the solid waste to Amelia County at a \$1.50 rate lower than the landfill. He is working with Mr. Palma and SES Engineering to try to pull the solid waste agreement together and honor the contract that both of us are in and go to our program within 6 months. In the interim we will have to fill out an application with Rockbridge County Regional Solid Waste Authority. However, we will continue to be a customer at some level. He opined there are variable options out there; it depends on where we go. He signed off on the Urban Project Construction agreement today that Mike Branscome delivered. This agreement is for the Magnolia Street project. He said this project will be just shy of a \$550,000.00 project for the street scape improvements. The fantastic thing is we tapped into this money and our share of this project will only be \$10,433.00 with annual installments of \$1,783.00 per month for 6 months. We also got the grant for street scape on the numbered streets and we got the grant for the Chessie Trail connection. He opined we are really doing some good things. He said we are really close with the folks that own Bontex on getting an agreement to use a section of their property to connect the trail. When we received estimates from Littleton and Falwell there was a very large difference in the estimates. Hunter Young and Trina Mastran worked on a big package and will put that big package out tomorrow.

Mayor Tolley wanted to know if the quoted price was for both work and equipment or just work.

Mr. Scudder said the quote was for work only. We have already purchased the equipment. We will leave the bid out for about two weeks and chose who will do the work. This project will be a six figure project. The Buena Vista Fire Department has requested that they be reimbursed \$1,000.00 for their annual carnival.

Mayor Tolley said Council has not taken action on their request this year and Council has to approve the reimbursement. This request will be added to the next agenda.

CITY ATTORNEY:

None.

COMMITTEE REPORTS:

Councilman Baldrige said he is very positive about the block party. It was billed as the first annual and he is glad it is going to be annual. He has heard a question about pedestrians and golf carts sharing the floodwall. He said he remembers we said the golf carts should not be on Route 501 but can travel on other roads such as Forest Avenue. He opined we are in a stage with some growing pains as we try to sort out ways to make everybody happy with the golf carts. He also said there are several events going on at the park.

Councilman Henson said he has had a few complaints about west 10th Street conditions that need to be checked out. He advised that he and Mr. Scudder went out yesterday and did some talking and looking. He said people are complaining about the faded signs in the City and they need to be replaced. We have 4 downtown buildings that have been refinished and there are 3 more that are in need of paint. He would like to see some kind of recognition from Council given to the people that have made an effort to make the downtown area look better.

Mr. Scudder said we will work up a certificate of appreciation for business improvements.

Councilman Baldrige advised that our funds for façade grants are tapped out for this year.

Councilman Henson wanted to know if a simple paint job falls into that category.

Mr. Scudder opined it should be sufficient changes in the structure of the buildings.

Councilman Henson then wanted to know how long it would take to get someone in our Industrial Park.

Mr. Scudder said it would depend on the type of industry that would want to go in there. He said it would be nice to do an industrial access project to the site but we cannot afford it. If it was an expansion that had significance with it they would be qualifiers for grants for that type of work. It would depend on the commitment from the industry and it would depend on how far they would be willing to go with expanding or new industry coming in and the amount of vested jobs. If something like that happened and we were able to move forward with funding to

do that for the match, we would be talking 3 to 6 months at best to have the engineering done and actually the construction to get an industry in. It will depend on timing. If the industry has 6 months to 12 months in planning and relocation we could accommodate them.

**CONSIDER APPOINTMENTS TO VARIOUS BOARDS,
COMMISSIONS, AND COMMITTEES:**

APT #1 PLANNING COMMISSION:

Mr. Wayne Flint's term will expire on August 31, 2017. Mr. Flint is not willing to serve again. This is a four year term and the first time it has appeared on the agenda. **ADVERTISED THE NEWS GAZETTE JULY 5, 2017**

This item will be carried over to the next scheduled Council meeting.

OLD BUSINESS:

None.

NEW BUSINESS:

NB #2 DISCUSS THE RECOMMENDATION THAT THE BUENA VISTA BOARD MEMBERS BE REMOVED FROM THE DEPARTMENT OF SOCIAL SERVICES BOARD PRESENTED BY VICE-MAYOR CLARK:

Mayor Tolley requested that **NB #2** be discussed before NB #1 since Ms. Adcock stayed for the discussion. Mayor Tolley said Vice-Mayor Clark volunteered to serve as an ex-officio member on the DSS Board representing Council. He said he would like to see a consensus that Vice-Mayor Clark represents Council as an ex-officio member on the DSS Board. All of Council agreed for Vice-Mayor Clark to serve as an ex-officio member on the DSS Board.

Mayor Tolley then read the following statement from Vice-Mayor Clark:

In response to a recommendation that we (Buena Vista City Council) remove the Buena Vista representatives from the DSS Board, I volunteered to serve as member (non-official). I requested documents,

attended the June meeting (I was on delay in Orlando Airport for the July meeting), and have been in touch with members of the board.

After reviewing meeting minutes from October 2016 — present, reading the Local Member Handbook, and reading and reviewing all information pertaining to the DSS investigation I believe that the new administration is taking all necessary steps to correct the problems identified by the investigation —including keeping board members informed. The Buena Vista representatives to the DSS board have good attendance and participation in discussions.

It is my recommendation that the Buena Vista City Council NOT remove our existing board members. I further recommend that we appoint a council member to attend meetings and stay in touch with the Buena Vista DSS Board Members. I will volunteer to serve in this capacity. I will be happy to provide council with a monthly report from the DSS board meetings.

Mayor Tolley stated that Council has taken action to have Vice-Mayor Clark serve as an ex-officio member on the DSS Board. Mayor Tolley said we have only three things we can do:

- 1.) Do nothing which leaves the Board members where they are
- 2.) Take an action of affirmation of the current Board members in support of the current Board members we have
- 3.) Take action to remove the current Board members representing Buena Vista

Mr. Kearney said that a motion can be made to support Vice-Mayor Clark's recommendation.

Motion was made by Councilman Henson to accept Vice-Mayor Clark's recommendation, seconded by Councilman Fitzgerald, carried by Council.

NB #1 DISCUSS THE CABOOSE AT GLEN MAURY PARK:

Councilman Dyer explained that Council is trying to figure out what we can do to save the caboose. It is in disrepair and it has been that way for several years. He volunteered to obtain some estimate costs to repair or move the caboose. He opined there are 4 different options that we have:

- 1.) Leave the caboose as it is
- 2.) Sell it – Looking at the web site for cabooses, the value of our caboose is between \$10,000.00 to \$15,000.00

- 3.) Restore, refurbish and/or relocate it
- 4.) Private Buena Vista partnership – Use the caboose as a business venture

The caboose has been at the park for quite a while; it weighs approximately 25 to 30 tons; it originated out of the Salem/Roanoke area. The location of the caboose is not the best place for it to be because of vandalism. In our last Council meeting, 5 comments were made that kind of stuck out:

- 1.) Everyone agrees we need to do something about the caboose
- 2.) No one has any problem investing money into the caboose as long as we get a return on our investment
- 3.) The benefit of having the caboose in the park is for the kids
- 4.) Use the caboose to show the historical background between the significance of the railroad was to the history of Buena Vista
- 5.) If the caboose cost money it would be nice to be able to compare that cost to what other costs we have for our parks and recreation issues

Councilman Dyer said the most costly thing would be to relocate and refurbish the caboose. He had to pick a location to come up with a cost of relocating it. He chose the very little bit of property that is owned by the City downtown, the community parking area in the City. He opined if we have it in the City it will become a tourist attraction. That was the location he picked but we could move it anywhere. The cost to move the caboose from the park to the parking lot or anywhere in Buena Vista will be about the same. The biggest cost would be loading and unloading because it would take a 75 ton crane to load and unload it. You would have to do site prep and use our Public Works Department to do the prep. We would have to install new tracks and new ties. There is about 50 feet of track on each side of the caboose which will cost approximately \$2,000.00. The next step would be relocating. Relocation becomes an issue with power lines lower than the caboose. In order to relocate it you would have to take the cab off the wheels; put the wheels on one trailer and the cab on another. The cost to move the caboose would be approximately \$7,500.00 and it would take a company one day to get it moved. The next step would be to remove the exterior paint. You could either sand blast or soda blast to remove the paint. There is a company in Chesterfield that does the soda blast and it would cost approximately \$7,800.00. It would then have to be repainted. That would cost approximately \$3,100.00. The interior of the caboose is a combination of metal and plywood.

He opined to prep and paint the interior of the caboos could be done for about \$2,000.00. He said he has had a lot of people that have shown an interest in saving the caboos and have volunteered their services. He has also had some in kind donations such as a company who has offered some plexiglas to cover the windows. A company has also offered to supply the industrial paint to paint it. Once we get it moved and we place it on the tracks and get it in position, similar to the position it is in now, we could put some signage that displays the importance of the railroad was to Buena Vista. We could put a plaque which would cost approximately \$2,000.00. To place steps or ramps would be another \$1,500.00. He did not look at full interior restoration because the numbers were starting to get big. If you add all of those numbers up you are in the \$26,000.00 range. To have it in that location it could be used for the judge's stand for the Christmas parade, the farmers market, block parties, etc. That would put us at about \$25,000.00 to \$30,000.00. Councilman Dyer opined with the caboos located in the parking lot it would be easy access to the library or Penny Park.

Councilman Henson said the sidewalk in the farmers market needs to be replaced and wanted to know if it would be possible to remove some from the upper end and sit it in between the 2 parking lots. He also wanted to know how much the private/partnership would be willing to contribute for this project.

Councilman Dyer advised that he received a phone call and the individual had an idea on how to use the caboos as a business. There are a lot of questions and a lot of hurdles we will have to go through to work that out. If that is the way we want to go then we need to make it known we would consider a private/partnership. He said that would be an investment and he is sure they will be expecting to make a return on their investment. They would also expect full accessibility to the caboos. Whether we would lease or sell it to them we would have to work through the risk and liability issues.

Mayor Tolley opined the location would not matter if we do a private/partnership.

Councilman Dyer opined that he does not know where we go from here.

Mayor Tolley thanked Councilman Dyer for all of the work of putting together the presentation on the caboos. He said that \$25,000.00 to \$30,000.00 is a significant amount of money when we look at public projects that are needed in the past. He opined we should do something with the caboos but he does not want to put money in it and see no return or it gets in the same shape it is in now. He feels we should continue to discuss and develop a plan. He understands that Councilman Petrie had suggested maybe considering the caboos as part of the Comp Plan update discussion. Mayor Tolley said we have just spent

\$150,000.00 in the park on a sewer project. He said if we can spend \$25,000.00 to \$30,000.00 on the caboose to draw traffic to downtown and help our local businesses we need to consider that option too.

Councilman Dyer said the caboose has been sitting like that for several years and he would like to see something happen with it. He opined we maybe should sell it if we can't get investment money back.

Mr. Scudder thanked Councilman Dyer for the report. He liked the information and some of the ideas presented.

Mayor Tolley stated that we should not lose sight of the caboose. He does not know if it is something we need to keep on the agenda for discussion but somehow Council needs to keep it in front of them as they move forward. Perhaps maybe it should be included in the comprehensive plan update.

Councilman Henson said he hates to see the caboose just sitting there and keep on going down. He said we are adding more and more events at the park and the caboose is a real eye sore. He opined that something needs to be done with it.

Mr. Mark Reed, 614 Ross Road, Lexington advised that he was before Council to discuss the Department of Social Services. He explained that he knew he should have spoken when Council discussed the recommendation from Vice-Mayor Clark concerning the DSS. He said he was following our agenda and did not understand that he should have spoken at that time.

Mayor Tolley told Mr. Reed that he would allow him to come forward and make his presentation even though Council has taken action on the agenda item.

Councilman Dyer wanted to know if Mr. Reed was a citizen of Buena Vista.

Mr. Reed said he is a citizen of Lexington and spoke to Council about a month ago concerning the DSS. Mr. Reed stated the reason he came to Council last month and today was to present what he feels is important information that would help Council make a decision as to whether or not to remove the two representatives from Buena Vista on the DSS Board. He came to give Council a review of why he became involved. He said basically coming from the May meeting of the DSS Board where he asked a number of questions of the Board of Directors of the DSS expecting to receive answers. His first question was if the Board of Directors notified law enforcement when the 2016 Quality Management Review began. The response from the DSS Board was that they didn't know that anyone was reviewing the agency. Because they did not know they were

being reviewed they could not tell law enforcement. This information was documented in their minutes. Mr. Reed advised that yesterday the DSS Board issued a public statement saying that they want to take the opportunity to respond to some recurring comments about their role in the quality management review process of the agency. They are reporting now that they in fact authorized the quality management review when they were advised by the Piedmont Regional Division that it was going to be reviewing the office. They knew about the review and authorized it. They contradicted themselves which includes the City's appointed Board members. They either misspoke the first time or have been lying to the public for the last several months. He said he wanted Council to know that the folks that they appointed are united with this Board in terms of their responses and their behavior during the meetings and as they conduct the business with the DSS. Specifically a Board member that Council appointed, Billy Spence, sat there and accused Mr. Reed of having an agenda and said he stopped listening to him after Mr. Reed called for the Board of Directors to step down. He opined that it is wrong to speak to any member of the public, especially someone who is speaking respectfully referencing documentation and making a case for and reasoning for why something should happen. Mr. Reed opined that the other new Board member representing Buena Vista should have been asking the questions that he is asking today. He is planning to look into the number of issues he feels that have to be addressed and investigated.

NB #3 DISCUSS AND APPROVE THE RATES FOR ESY RIDER CAB COMPANY;

Mayor Tolley advised it is the responsibility of Council to approve those type of rates. We have had in the past other cab companies in the City and approved their rates.

Mr. Scudder advised that Tom Roberts said their rates are in line with other areas.

Motion was made by Councilman Fitzgerald to approve the rates for ESY Rider Cab Company, seconded by Councilman Henson, carried by Council.

NB #4 KEN TALLEY TO PRESENT A REPORT ON THE FLOODWALL INSPECTION;

Mr. Talley started his report by stating that the Army Corp of Engineers was here to inspect the City's floodwall. Due to their budget cuts they did skip a year doing their inspection. Mr. Talley said that we do not have the official report as of yet

but there are 10 items that need to be taken care of. He was encouraged because the Corp said they had seen some improvement, specifically the flood gates at Indian Gap which are located just north of the WWTP. The City had those gates repaired. The Public Works Director secured approval to rebuild the flood gates that needed to be rebuilt. In the inspection they found a lot of wear on the actuators. We secured the company that represents the controls and they pulled each one and replaced them as needed. Depending on what was wrong, the cost was between \$6,000.00 to \$7,500.00 per gate and there are 5 gates. Some of the local businesses have said they appreciate the fact that the City is taking care of the floodwall. They gave us 10 points but he only wanted to point out 3 of them:

- 1.) Interior drainage – As the water comes out of Pedlar Gap the water is moving a lot of rocks. It is coming down south of 10th Street and that impedes the flow on the interior canal out to the river. That needs to be clear ASAP. The canal has to dry up and it is still running water as of now. They suggested that when the canal does dry up we figure out some way to remove the rocks.

Mr. Scudder said that a couple of years ago we hired someone to dig it out. It could not be done because of the power lines that go to the old Rae Wire plant.

Mr. Talley advised that when Mr. Mike Cosby was Public Works Director we had the RATS come over from VMI and they removed enough rocks by hand to clear the path.

Mayor Tolley wanted to know if the reason the canal is never dry is because of erosion and sediment and would it ever dry if it was cleaned out all the way.

Mr. Talley stated that if the erosion and sediment would be cleaned out all the way it would dry. He said that would be a very large project to do it completely. It is his understanding it would need to be done in stages. The Corp offered the fact that they had seen some improvement. We have also done some spraying in the area but in waterways you have to be careful. He opined it is very difficult to get equipment in the canal.

- 2.) We are still getting concentration of burrows by the groundhogs near Indian Gap. They suggested that when we find a hole we fill it with concrete. He opined that overall the inspection was very encouraging. As the report comes in there will be other ideas of what needs to be done.

- 3.) Officer Waylon Miller and Chief Hartman attended the inspection. Officer Miller spoke with the inspectors and they are going to be forwarding an O&M operations manual to the Police Department as part of emergency management. He opined we are creating some organization in the event that we would be required to use the floodwall.

Mayor Tolley said the floodwall is a \$38,000,000.00 project that protects our City from the flooding of the river and part of it is from interior streams. He opined we have a responsibility to be good stewards but we also need to be aware of these folks that come in and do the inspections. We need to look to them to help us be good stewards. We must be aware of any opportunities we can to get dollars to help us do that.

NB #5 DISCUSS CREEK INFRASTRUCTURE;

Mayor Tolley said the creek infrastructure in itself ties into flood control. He spoke with Tom Roberts who met with some of the folks of the Corp that were not part of the inspection team. They were here to advise what they can offer. Of course, it comes with a requirement of matching dollars. He has requested that Tom do a report at our next Council meeting. There is also another group from USDA that will be in the City on August 3rd. Tom will give Council a report on how USDA is responsible for interior soil conservation. We will carry this item to our next meeting on August 3, 2017.

EXECUTIVE SESSION:

Mayor Tolley read the following: According to Section 2.2-3711 (A) (1) of the 1950 Code of Virginia, as amended, for the purpose of evaluating the performance of all City Departments (except the City Police Department) the evaluation of which will, by necessity, involve the discussion of the performance of department personnel . This matter is being reviewed in order to enhance the efficiency of the various City Departments.

CERTIFICATION OF EXECUTIVE MEETING

MOTION: Councilman Baldrige

DATE: 07/20/17

SECOND: Councilman Fitzgerald

WHEREAS, the Buena Vista City Council has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Buena Vista City Council that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Buena Vista City Council hereby certifies that to the best of each member's knowledge (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Buena Vista City Council.

VOTE: AYES: ALL

NAYS: NONE

ABSENT DURING VOTE: Vice-Mayor Clark, Councilman Petrie

ABSENT DURING MEETING: Vice-Mayor Clark, Councilman Petrie

Dawn M. Wheeler

Clerk of Council

REGULAR SESSION: Councilman Baldrige moved to return to regular session seconded by Councilman Henson and carried by Council.

Mayor Tolley

Mr. Baldrige

Mr. Fitzgerald

Mr. Henson

Mr. Dyer

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

Larry Tolley, Mayor

Dawn M. Wheeler, Clerk of Council