

**CITY OF BUENA VISTA
REGULAR COUNCIL MEETING AND
EXECUTIVE SESSION
AUGUST 17, 2017**

The City Council for the City of Buena Vista met for a Regular Council Meeting and Executive Session on Thursday, August 17, 2017, at 6:00 p.m. in Council Chambers (2039 Sycamore Avenue).

Council Members Present:	Mayor Larry Tolley
Steve Baldridge	Melvin Henson
John Dyer	Tim Petrie
Bill Fitzgerald	Vice-Mayor 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 MINUTES FROM THE AUGUST 3, 2017 REGULAR COUNCIL MEETING AND EXECUTIVE SESSION:

Motion was made by Councilman Fitzgerald to approve the minutes from the August 3, 2017 regular Council meeting, seconded by Councilman Petrie, 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.

Chief Hartman was the only person to address Council. He gave Council a picture of a granite memorial they have been working on. Hammerick Memorials

donated the granite that will be used to house the names of all the fallen police officers in the City of Buena Vista. The memorial will be dedicated 9/11/17 in front of the flag pole at the Police Department building. Chief Hartman said they had a mock assessment on Wednesday and Thursday for their accreditation. He advised they still have a little bit of work to do but they are on track for a December accreditation.

Mr. Scudder said the man that came to the Police Department for the mock assessment does that all over the State. He said this is one of the most organized and prepared ones he has ever seen. Mr. Scudder thanked Chief Hartman for doing a good job on this project.

Chief Hartman opined that Buena Vista does not have the same type of problem that the City of Charlottesville has. He said we do not have any riot gear for our officers. He said they were going to have to try to find money to buy the equipment in case it is ever needed in Buena Vista.

Councilman Petrie wanted to know if any provisions have been made to allow golf carts on the floodwall.

Chief Hartman said that golf carts are not excluded from the floodwall. They are not allowed to run on Route 501 or Route 60. He estimated that we now have about 30 to 40 in the City.

Councilman Henson wanted to know how many permits have been issued from GMP to operate the golf carts.

Chief Hartman said that the Police Department has issued between 20 to 25 and that Millie Sizer at GMP has issued the balance. He said that Millie does a good job inspecting the carts.

Mayor Tolley thanked Chief Hartman for his efforts and the progress on the accreditation.

ADG#4 REPORTS:

MAYOR:

Mayor Tolley said he attended the Buena Vista City Public School convocation and presented a welcome and good luck on behalf of the City. He also attended the ribbon cutting at Byers Technical Institute. He opined that this business is a prime example of free enterprise at work where they recognized the need, investigated it and saw what they needed to do. They set a plan in progress to meet the need. Brian Brown was involved in the opening of this business and

also made comments at the ribbon cutting. They will have the flexibility as needs arise. He opined the big job now is to go out and find people to attend the school. He also advised that he and the City Manager attended the Mayors/Chair breakfast and discussed the normal things that are going on between the 3 different governing bodies. He opined these meetings give them the ability to think of ways they can work together. Mayor Tolley said that in July that he and Brian Brown went to visit Mr. Bob Hutch who is the Vice-President of Finance at SVU. Mr. Hutch attended a meeting of independent colleges and universities and met the gentleman that does his job at Emory and Henry University. They talked about USDA loans. Mr. Hutch found out that SVU is eligible for USDA loans. Mayor Tolley said it would be a big help for the University for their future plans. They could proceed with their next project with a bridge loan rather than have to wait for the donors to make the contribution. They are moving forward with a pre-application for a USDA loan. They will have to contract with a finance company to assist them as they move through the process. As a result of the meeting with Mr. Hutch, he asked if Mayor Tolley would provide a letter explaining what the University means to the City. He said in his letter to Mr. Hutch that SVU was the largest employer in the City. He opined the University is a big asset for the City of Buena Vista. They bring students, professors and teachers into our community. With those folks coming in it affects all facades of our community such as Economics and all the way through our schools. He opined our schools would not be what they are today if it were not for SVU. In his letter to Mr. Hutch, Mayor Tolley stated his support for the University and what they are doing. He said if you read what Steve Baldrige sent out this past week about what is going on with the University and the growth there, you are looking at a 15% growth rate this year. Mayor Tolley said in talking with Brian Brown about economic development, when you are visiting with franchise restaurants or businesses, they look for a certain level of enrollment before they will consider those localities. He opined as the university grows our community will benefit from some of the local franchise businesses. The number of enrollment as stated by Mr. Brown, was around 1,200. He said he thinks they are opening this fall with 900 to 1,000 students. Their projection is to reach 1,200 rather quickly. Councilman Baldrige wrote the 2nd letter saying pretty much the same thing that Mayor Tolley said. Mayor Tolley said he will send a copy of both letters to Council. There is no commitment anywhere in the letters from the City. Both letters just state what the University means to the City of Buena Vista. As SVU moves through the process, his understanding is that they will need a Resolution of support from Council when they apply for the USDA loan. Mayor Tolley told Council that he will keep them informed as to what is happening with SVU and the USDA loan.

CITY MANAGER:

Mr. Scudder advised that the new Labor Fest posters went out today. There will be a Maury River float race that is new for this year. The Shenandoah Valley Health and Rehab Center has several teams that will participate. He said we are off and running on Labor Day and Labor Fest. He advised that Friday's in the Park and the Rotary Club had a really good year. They doubled their take so each outfit got \$5,000.00. He thanked all of the volunteers for the work they did this year. He said he has been attending preconstruction conferences and bid openings on some of our projects. Mr. Scudder said he was out several times this week with the construction company and VDOT on the Magnolia Avenue project. We still need to select the types of trees we want to put on Magnolia Avenue. We have a list of approved trees that may work to add some variety and some color.

Mayor Tolley wanted to know if we have 2 projects.

Mr. Scudder advised we have 2 Street Scape projects. One will start in the next 2 to 3 weeks using the 6 year plan money on Magnolia Avenue. The other one will be sometime after that on the numbered streets. We also got another grant of about \$200,000.00 for the Chessie Trail connection at the Route 60 Bridge. He said we are very close to securing a lease for the old railroad bed from Bontex. In the next week or 2 our pump station project will start at GMP. We have no bidders for the Safe Route to Schools project and will have to re-advertise and extend the deadline. The street paving on Sycamore will start next week along with installing the DI.

Councilman Dyer wanted to know if the businesses on Sycamore were advised of the paving.

Mr. Scudder said that both he and Brian Brown notified the businesses. The idea is to reroute traffic and to get them in and out as fast as possible.

Mayor Tolley said that Mr. Brown told him that Mountain Day will be October 14th.

CITY ATTORNEY:

None.

COMMITTEE REPORTS:

Vice-Mayor Clark said she has new numbers from the DSS. The City of Buena Vista is as follows:

- 1.) 1 new application in July (an adult service)
- 2.) 15 on-going cases (adult services)
- 3.) 55 in child protective services
- 4.) 7 in foster care
- 5.) 5 in adoptive places
- 6.) 2 in Child Daycare

TOTAL: 89 cases for the City of Buena Vista

Vice-Mayor Clark advised the numbers will increase over the next few months especially in the child protective area once school gets back underway.

Mayor Tolley wanted to know if 89 is normal or if it is low or high.

Vice-Mayor Clark said for this time of year the number is probably normal. She said there were 8 new active cases submitted this week: 2 for adults and 6 for children. They are still short staffed. They still need 3 or 4 employees.

Councilman Dyer stated that about a month ago Council voted to make some changes to our organizational chart. He wanted to know if the changes have been implemented.

Mr. Scudder said that certain aspects have been changed. The work is being done by staff but it is not fully implemented.

Councilman Dyer then said that the City is responsible for the maintenance to the DSLCC grounds. He said he was by there this past weekend and he would hate to see it look like it does now when the students return. He opined we do not want to give them any reason to go somewhere else.

Mr. Scudder advised that most of the maintenance done at the DSLCC building is done by the group at Vista Links. Some maintenance is also done by Public Works. He said we certainly do not want to give them any reason to want to leave the area.

Mayor Tolley wanted to know if there is a specific plan on what needs to be maintained at DSLCC. He said if someone is charged to be responsible for the maintenance then they certainly need to know what is expected of them.

Mr. Scudder said they are supposed to be maintained on a regular basis and the crews know what is needed to be done. What they have been talking about is the level of landscaping that is needed there. Buena Vista also has to be paid extra because they maintain areas that are not covered in the lease.

Councilman Baldrige said that classes start at DSLCC on August 21, 2017.

Councilman Henson said he has heard some conflicting reports on obtaining a business license in the City. He was made aware of one business that had been trying to obtain a business license for four months. We finally got it resolved and he stated that we need to encourage business in the City and not throw our hands up.

Mr. Scudder opined that no one has thrown their hands up on any business in Buena Vista.

Councilman Henson stated there are some business owners that are upset because there is not enough exposure for them. He opined we need to look out for our businesses more than what we do. We need to keep them involved in what is going on.

Mr. Scudder wanted to know if we still have monthly chamber meetings.

Councilman Henson said the monthly chamber meetings are no longer held.

Councilman Baldrige opined that most of the focus has been on inviting people to come to coffee or after hour's events.

Mr. Scudder said he thinks we need to work on finding what we want to do. We certainly would want to do whatever the business owners want to have.

Councilman Dyer opined the City should not depend on the Chamber of Commerce to do it for us. He feels it is something that staff should be able to take care of it.

Councilman Baldrige said Brian Brown used to have morning meetings with local businesses and no one came.

Councilman Henson said we need to know why the meetings went down.

Mr. Andy Wolfe, a local business owner, stated the meeting was called the Business and Development Committee. He said the rules were changed and required nomination and as a result not everybody who attended on a regular basis was invited. At the same time there were a number of the smaller retailers looking to create their own downtown brochures. He showed them what was done by the City in 2007/2008. We developed dining guides, shopping guides, the park schedule and they were distributed to the highway rest stops and visitor centers. The brochures were fairly expensive. He said if we desire to develop an association with our downtown businesses his business would welcome the idea with open arms. However, without a newspaper and all the other elements that would make downtown strong, it is difficult. He opined that one billboard between the highway and Buena Vista would greatly help with downtown business.

Councilman Baldrige said it is his understanding that the business that gets the most foot traffic in all of downtown Buena Vista is the public library.

Councilman Dyer opined that signage would help a lot.

Councilman Baldrige said that recently he has heard people saying they would love to see more perpendicular downtown signage so as you are driving you can see rather than just signs on windows. He opined it takes some effort to reach out and ask if we need to change our signage.

Councilman Dyer stated that something as crazy as a caboose downtown might help.

Councilman Henson stated there is a lot of history in Buena Vista and we should let people know about it. He opined there are all kinds of ideas out there and Council needs to figure out what we want to do and move forward.

Mr. Scudder said that a lot of money and effort is going into this downtown area. While these people are here doing the work he said he will be coming to Council asking for funds to redo the public parking lot. We are in the midst of a \$550,000.00 grant for a beautification project. We have another \$100,000.00 and a million dollar grant to redo Sycamore Avenue and we are fixing the DI's in the roads. All of this money will be invested in the next one to two years. He said he will get more information about business development conversations organization stuff that has happened over the last 5 years and give the information to Council.

Councilman Henson opined the downtown street scape will be good but if you don't have a business there is the project going to be worth it. He said we have

buildings downtown that need to be repaired and some buildings that need more than repair.

Councilman Petrie agrees with Jay that there is a lot of investment going on not only to have it there but to make it an attractive place to go. To him, it is also becoming a public space and a people space where people will want to go to and increase the traffic downtown as far as foot traffic. He opined we have to make the investment.

Councilman Baldrige advised there is a grant for a mural.

Mr. Scudder said that the grant was a Virginia Art Grant that Council got a presentation on at our retreat. Marie Shiraki held a summer camp at GMP this summer with some of the grant. The City committed either \$2,500.00 or \$3,500.00 to the project. We are in discussions with a very good organization with about 25 to 50 employees that may be in revitalization for downtown Buena Vista which will be a long shot. We are also working with a developer, the owner of Bontex, on a very complicated project. He opined there are a lot of work, effort and commitment in Buena Vista at this time.

Councilman Baldrige said he has come to realize that maybe many times Council does not see the concrete information until 5 years after we start working on it. He opined the work and effort is real but it takes a long time to get the funding, the design, and cooperation to see it. He feels everyone needs to learn, even if we are working hard on something, the folks driving down the street may not see it for 5 years after we are working on it.

Mr. Scudder stated that Buena Vista had the 1.3 million of 6 year plan money available before he came to the City. We have implemented that money in the last 5 years and this will be the last phase of that money used on the Magnolia Avenue project. In order to get the money we had to have things lined up with VDOT and we had to put up 1% of Buena Vista money to get it.

Councilman Dyer wanted to know the status of the façade grant projects.

Mr. Scudder advised that some are hanging out there waiting for people to complete and some of them have been completed. He said he thinks that Skip Ramsey got one for his projects.

Councilman Dyer then wanted to know about the 4 grants that were given to Nelson Swartz.

Mr. Scudder said he thinks that Mr. Swartz has done only 1 project.

Councilman Dyer suggested that we change the application.

Mr. Scudder reminded everyone that no one gets any money until their project is completed. We can also say that they have not made any progress so the money will be taken away.

Mayor Tolley opined that it is a realistic suggestion that we cannot obligate money forever waiting on someone to do something with their property.

Mr. Scudder said that after a period of time we will send out a letter and ask the status of the project.

Councilman Baldrige said that another aspect of that is not so much as defunding but saying that we approve additional funds. He opined it is really hard because he looked into getting a façade grant himself. You need to know what year you are going to make your application; what year you are going to get the work completed; what year you are planning on getting reimbursed; it could be three different years. He opined that Council needs to understand that we might approve something and find out it was for something that Council approved two years ago. He said when working with annual budgets concerning façade improvements we have to think that each of these projects is going to last a couple of years. Are we funding it with the understanding that the funds are earmarked, even though it will pass through a couple of different budgets before finance moves.

Mr. Scudder stated that you have to get to a certain point and you have to say if they don't make anything happen in 6 months then we will de-obligate the money. He said he will look into the situation on time limits with staff.

Councilman Henson said that money could be used somewhere else.

Mr. Scudder said he will look into the business development and the façade grants.

Vice-Mayor Clark said she had a question from a previous agenda. She said Council had talked about the caboose and was going to get some people to come forth with some ideas and some monetary estimates. She wanted to know if anything has been done on the subject.

Mr. Scudder said that Councilman Dyer had made a presentation on the caboose.

Vice-Mayor Clark asked that her question be ignored since she was not present when the caboose was discussed.

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 third time it has appeared on the agenda. **ADVERTISED THE NEWS GAZETTE JULY 5, 2017: ONE APPLICANT MR. GUY HOLSTEIN**

Mayor Tolley advised that he had asked Ms. Wheeler to contact the applicants to attend the Council meeting and introduce themselves to Council. He said that since Mr. Flint's term will expire on August 31st Council will need to make the appointment tonight.

The first person to speak was Mrs. Sandy Burke. Mrs. Burke said that she is new to this area and has met some of Council but has not had the pleasure of meeting all of Council. She said that she and her husband relocated here in December and that they did run a small business in Indianapolis for 14 years. As they have relocated here, they have looked into the opportunities of the City trying to establish where they want to go next, where they need to be and what to do to be an active part of the community. She said that she and her husband discussed the opportunities that will present itself with this Board and because he is still actively involved in the business they decided that she probably would be the best one to apply to serve on the Planning Commission. She is a stay at home Mom who has 2 children that she home schools. Mrs. Burke said their business is a small catering service that services non-alcoholic events. Their business is a mobile service. They have not made a decision as to what they will be doing in Buena Vista.

Councilman Petrie said his first question would be, as a person who has just come to the area, and you have had an opportunity to see how our downtown works and how it doesn't work, if she had formulated any vision on what she thinks would work and what kind of planning objectives she would like to see.

Mrs. Burke said she does not think the City has a direct action or vision statement. She said that everything that she has heard tonight includes visions on how the City would like to move but she has not heard a direct action or vision statement. She would love to see a vision statement on how the City will go in that direction and have a primary focus. She opined that there is no need for money to go outside of Buena Vista.

Mr. Nick Porter was the next applicant to speak. He said that he came to Buena Vista in 2011 as a student at SVU. He purchased a home on 9th Street and now works at SVU. He would like to be involved in the City. He has seen how the City has grown and it is a great place to raise a family. He would like to take the opportunity to benefit the City by serving on the Planning Commission and bring a fresh perspective to the Planning Commission.

Councilman Dyer wanted to know if Mr. Porter planned on living here for a while.

Mr. Porter said that is the plan. He may go to grad school and if he does he can always come back.

After some further questions, Mayor Tolley reminded Council again that Mr. Flint's term will expire on August 31st so a decision should be made tonight to appoint his replacement. He thanked the applicants for coming to Council tonight and reminded them if they did not get appointed to the Planning Commission there will be other opportunities to serve.

Councilman Henson then motioned to appoint Mr. Guy Holstein, seconded by Councilman Fitzgerald.

Councilman Baldrige motioned to appoint Mr. Nick Porter, seconded by Vice-Mayor Clark. Voted the same.

Councilman Petrie motioned to appoint Mrs. Sandy Burke, seconded by Councilman Dyer and carried by Mayor Tolley. Councilman Petrie moved to close the nominations, carried by Council. Voted the same.

Councilman Fitzgerald withdrew his motion to appoint Mr. Guy Holstein and voted to appoint Mrs. Burke.

As a result of the vote, Mrs. Burke was appointed to the Planning Commission to replace Mr. Wayne Flint.

OLD BUSINESS:

None.

NEW BUSINESS:

NB #1 MR. SCUDDER WILL REQUEST UP TO \$300,000.00 TO PAVE ROUTE 501 AND PATCH SOME OF ROUTE 60:

Mr. Scudder started his presentation by stating that the City has been working with VDOT over the last couple of years on paving needs on Route 501 and Route 60. VDOT is looking for a commitment from the City of Buena Vista to address some of their concerns that could cost the City a little bit of money each year on areas that need attention. This action would represent a financial commitment. Ms. Mastran has followed through with the people at VDOT on an acceptable paving plan for the City to agree to. The money will be spent on some patching and paving and some other necessary things going forward. In order to get this ball rolling and prepare for some of this work that needs to be done, he is looking for a \$300,000.00 commitment. He said he does not think we will spend all of that money in this fiscal year but the only reason that will be is because we want to make VDOT happy and we want to go after some additional grants. These road sections must be fixed. This is a start and the commitment that VDOT is looking for.

Mayor Tolley wanted to know if VDOT has seen the plan.

Mr. Scudder advised that VDOT has not seen the plan but they have a pretty good idea of what it is.

Councilman Fitzgerald wanted to know the area on Route 501 that will be paved.

Mr. Scudder said that the paving will be from down the hill at Munters to the bridge on Route 501 and on Route 60 from the City limits to the Visitor Center. He said they have worked with some contractors and have not made a final decision. He said we will be working on that in the next month to six weeks.

Mayor Tolley wanted to know if some of the work will include some sealing in the City.

Mr. Scudder said the project will involve some sealing, cutting and patching and probably milling. We will be looking at what kind of base is left in some of these sections. Basically it is to get in good with VDOT on the repairs that need to be made. He said we really do not have an option. He said we will find out the extent of the road problems. He said that a year from now he hopes that we can lock in to what we have going on with Sycamore Avenue right now with a million dollar grant.

Councilman Dyer wanted to know if VDOT has defined the scope of work or has the City defined the scope of work.

Mr. Scudder said we will be defining the scope of work with VDOT and a paving contractor.

Councilman Dyer then wanted to know if VDOT would accept the scope of work the City has defined or is VDOT part of the decision process. He also wanted to know if the work will be done to VDOT standards. He then asked again if it would be done to VDOT standards or is this just a band aide approach.

Mr. Scudder said that the work will be a band aide approach but it is necessary to do the work in order to not lose VDOT money.

Councilman Dyer then questioned if the \$300,000.00 is just a temporary patching job.

Mr. Scudder replied by saying not the whole amount. It could end up being \$50,000.00 or \$100,000.00 but right now what we want to do is not lose lane mile money from VDOT which we are going to start losing rapidly on these sections of roads.

Councilman Dyer said he is guessing before we start that we are doing this work and it will satisfy VDOT's requirements.

Mr. Scudder said we would not do the work unless it meets VDOT's requirements. He advised that the estimate for Route 501 from the top of Enderly Hill down to the County line is over \$1,000,000.00.

Councilman Dyer said it is a mile of road. He said he thought that back when we didn't put any money in the budget knowing we are held accountable. We published a balanced budget without including all the costs anticipated and now we have to dip into our general fund.

Mr. Scudder said we passed the balanced budget without raising the tax rate. The way we have talked about all of these capital improvement projects because of the situation the City is in, is that as we finish each year and look at our fund balance we commit money to it. We have reached a point where we can spend money out of the fund balance on this project. When we finished the fiscal year last year we gave back to the schools \$163,000.00 and added \$300,000.00 to the fund balance. What we are doing is committing that money toward getting back in the good graces of VDOT on some sections of Route 60 and 501 so we don't lose money.

Mayor Tolley opined it is spending fund balance money smartly.

Councilman Baldrige stated we have been able to do this because we have been fiscally conservative for the last number of years and are able to address capital improvements that have existed for 20 years.

Councilman Dyer said he is not disagreeing that the work has to be done. What he is trying to get at is we knew that it was going to have to be done but as he had suggested we needed to set a contingency in our budget so that Mr. Scudder does not have to approach Council requesting to spend \$300,000.00 from the general fund. He looks at this situation the same as a contractor would for obtaining bonds for a project. We have to dip into our general fund to do something that we knew was going to have to be done. We knew we were going to have to have the work done and it could have been included in the budget as a contingency. He said that maybe he is interpreting wrong. He feels if you have a municipality that keeps dipping into their fund balance sends out a negative message.

Mr. Scudder said we have not been dipping into our fund balance for almost 6 years since he has been here.

Councilman Dyer said that we knew of 2 things that were going to come up this fiscal year:

- 1.) The funds that we are going to have to have to match the grants.
- 2.) Attorney's fees we are paying for the golf course.

Councilman Henson stated that we do not have to only worry about satisfying VDOT about 29th Street and Route 501 but we have to satisfy the Federal Highway System also.

Vice-Mayor Clark opined that VDOT would guide us in a direction that would not satisfy the Federal government.

Councilman Henson said if you satisfy one you will basically satisfy the other.

Motion was made by Councilman Baldrige to approve the request of \$300,000.00 from our general fund balance for paving on Route 501 and Route 60, seconded by Councilman Petrie, carried by Council.

Councilman Henson wanted to know if Mr. Scudder would approach Council for more funds if the \$300,000.00 is not enough.

Mr. Scudder said that he would not come back this year.

Councilman Baldrige reminded everyone that Mr. Scudder has already said that some of the funds would come from this fiscal year and some from the next fiscal year.

NB #2 DISCUSS AND APPROVE A RESOLUTION TO GIVE MR. SCUDDER AUTHORIZATION TO SIGN ALL DOCUMENTATION FOR ALL VDOT PROJECTS THAT THE CITY OF BUENA VISTA HAS APPROVED. SUPPLEMENTS RESOLUTION R14-06.

Mr. Scudder explained when the City was getting ready to do the project on Sycamore VDOT asked for the Resolution that Council approved before. Dawn gave it to VDOT and they wanted some wording changed.

Mr. Kearney said what VDOT wants will supplement Resolution R14-06. Council has already authorized Jay to sign on behalf of the City and VDOT came back with their own Resolution.

Mr. Scudder advised that there is another Resolution that City Council approved where the City Manager can sign off on other things. This Resolution is specifically what VDOT wants.

Councilman Petrie wanted to know if the new Resolution would supersede Resolution R14-06.

Mr. Kearney said it does not supersede it but supplements it.

Vice-Mayor Clark wanted to know if both Resolutions would remain in place.

Mr. Kearney said again the Resolution supplements R14-06.

Councilman Dyer wanted to know if the Resolution he saw tonight is the Resolution they are asking to be approved. He said this is the first time he has seen the Resolution.

Mr. Kearney explained that VDOT bought the Resolution to Ms. Wheeler today and wanted it approved tonight.

Mayor Tolley re-read **NB #2** as follows:

NB #2 DISCUSS AND APPROVE A RESOLUTION TO GIVE MR. SCUDDER AUTHORIZATION TO SIGN ALL DOCUMENTATION

FOR ALL VDOT PROJECTS THAT THE CITY OF BUENA VISTA HAS APPROVED. SUPPLEMENTS RESOLUTION R14-06.

Mayor Tolley read the following Resolution:

RESOLUTION # R17-02

A RESOLUTION FOR THE CITY COUNCIL OF THE CITY OF BUENA VISTA, VIRGINIA AS AN ENDORSEMENT OF MAGNOLIA AVENUE PROJECT, UPC 108554

BE IT FURTHER RESOLVED THAT: The City of Buena Vista hereby agrees to provide its share of the total cost for preliminary engineering, right-of-way and construction of this project in accordance with the project financial documents.

BE IT FURTHER RESOLVED THAT: The City of Buena Vista will be responsible for maintenance and operating costs of the facility as constructed unless other arrangements have been made with VDOT.

BE IT FURTHER RESOLVED THAT: If the City of Buena Vista subsequently elects to cancel the project, the City of Buena Vista hereby agrees to reimburse VDOT for the total amount of costs expended by VDOT through the date VDOT is notified of such cancellation. The City of Buena Vista also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration or VDOT.

BE IT FURTHER RESOLVED THAT: The City Council of the City of Buena Vista hereby grants authority for the City Manager, Mr. Jay Scudder to apply for funds and execute project administration agreements, as well as other documents necessary for the Magnolia Avenue project.

Adopted: 08/17/17

Attest: _____

Board/Council Chair

In my capacity as the duly appointed Clerk of the ~~County/City/Town~~ of Buena Vista, I hereby certify that Resolution # R17-02 which is hereto attached, was adopted at a duly called and constituted meeting of the ~~County/City/Town~~ of Buena Vista held at City Hall, 2039 Sycamore Avenue, Buena Vista, Virginia on 08/17/17. Said meeting was called to order by Mayor Larry Tolley at 6:00 p.m.

with the following members present who remained in attendance throughout and constituted a quorum: *(list members present)* :

Mayor Larry Tolley

Vice-Mayor Lisa Clark

Councilman Henson

Councilman Dyer

Councilman Baldrige

Councilman Fitzgerald

Councilman Petrie

The ~~Board/Council~~ of the ~~County/City/Town~~ of Buena Vista, voted unanimously to adopt attached Resolution # R17-02.

Given under my hand this 17th day of 08/2017

NOTE: The following section is applicable when a scanned or photocopy version is made and submitted. Do not include if an original is submitted:

STATE OF VIRGINIA
CITY OF BUENA VISTA

Attested Photocopy:

On this 18th day of 08/2017 , I Dawn Wheeler ,
attest that the preceding document is a true, exact. Complete and unaltered
photocopy made by me of Resolution #R17-02.

Clerk

Councilman Dyer wanted to know if there was a chance a change order could occur.

Mr. Scudder said there may be some little change orders but it won't go over the \$550,000.00 for the project.

Mayor Tolley wanted to know if our cost is 1% of the project.

Mr. Scudder stated that it is difficult to add on to a project.

Mr. Kearney said our share of the project is 2% not 1%. Our total cost should be around \$10,000.00. VDOT wants to get started on the project.

Mr. Scudder said the other projects that we have done with this money has been the light at 10th Street, sidewalks throughout town and the Ridge Avenue project.

Motion was made by Councilman Baldrige to approve the above Resolution, seconded by Councilman Fitzgerald, carried by Council.

Mayor Tolley read the following:

EXECUTIVE SESSION:

According to Section 2.2-3711 (A) (3) of the 1950 Code of Virginia, as amended, for the purpose of discussing the possible acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City by limiting the potential price and conditions associated with any such acquisition.

CERTIFICATION OF EXECUTIVE MEETING

MOTION: Vice-Mayor Clark

DATE: 08/17/17

SECOND: Councilman Baldrige

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: NONE

ABSENT DURING MEETING: NONE

Dawn M. Wheeler

Clerk of Council

REGULAR SESSION: Vice-Mayor Clark moved to return to regular session seconded by Councilman Fitzgerald and carried by Council.

Mayor Tolley

Mr. Baldrige

Mr. Fitzgerald

Mr. Henson

Mr. Dyer

Vice-Mayor Clark

Mr. Petrie

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

Larry Tolley, Mayor

Dawn M. Wheeler, Clerk of Council