

**CITY OF BUENA VISTA
REGULAR COUNCIL MEETING
OCTOBER 5, 2017**

The City Council for the City of Buena Vista met for a Regular Council Meeting on Thursday, October 5, 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 Vice-Mayor Clark

Members Absent: Tim Petrie

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 SEPTEMBER 21, 2017 REGULAR COUNCIL MEETING:

Motion was made by Councilman Dyer to approve the minutes from the September 21, 2017 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. Wilford Ramsey, Jr. was the first person to speak. Mr. Ramsey stated that he has been a lifetime businessman in the community. He said that he was shocked and angry and shame on Council for the way they handled the requested Zoning Map Ordinance for Beech Avenue from R3 to MB. He said he

had sent emails to Council about his disapproval. The applicant and the potential business owner deserve an answer as to why the motion was not seconded and why there was no discussion on it after it was approved by the Planning Commission. He opined that some improper things happened before the meeting. He said the matter should have been handled out in the open and properly. He asked that the disapproval be addressed to get some answers for Mr. Bolling, the property owner, Mr. Stanley the purchaser and himself. They have spent months working on this project and have paid the City \$675.00 to apply for this rezoning request. Mr. Ramsey stated that he has spent many hours working on the rezoning request as well as Mr. Roberts and for Council to not discuss or vote on the Ordinance after being unanimously passed by the Planning Commission is not right. There were a lot of positive comments made in the Public Hearing. He did not hear anything negative about the request until after the Council meeting on September 21. He feels they were blindsided that there was no discussion nor voted on. He opined that they deserve an answer as to why the requested Ordinance died on the floor.

Vice-Mayor Tolley told Mr. Ramsey that the meeting was conducted properly. He also wanted to give the Council members an opportunity, who were at the last meeting, to express themselves, if they so desire, as to why a second to the motion was not made.

Mr. Ramsey opined that the request should have been discussed and the applicant deserves an answer. He said this is not the way to conduct City business.

Mayor Tolley said that he is not disagreeing with Mr. Ramsey that he is just saying the meeting was conducted properly. He said he will open the meeting up for Council members who wish to speak as to why the motion did not get a second.

Mr. Ramsey said that just because something is legal it is not always the right way to do things. He opined there is an ethical and right way to do things. He said just because you have someone tell you that you can legally do something it is not always ethical and right.

Councilman Henson said that Mr. Ramsey was not correct when he said the vote from the Planning Commission was unanimous. He said it was not because he was not in the meeting and is a member of the Planning Commission.

Councilman Dyer stated there was a motion made and then there was not a second to the motion. He said the reason he did not make a second motion was because he did not approve of the zoning change. If it had been limited to the lot

the structure is on and left the remaining part of the land R3, to keep a barrier between mixed use and R3, he would have voted on it.

Mr. Ramsey stated that he did not understand because they applied to rezone the whole piece of property which included all 4 lots.

Councilman Dyer wanted to know the number of lots the house is on.

Mr. Ramsey said there were multiple lots involved in the rezoning.

Councilman Dyer said if the rezoning had been limited to one or two lots that the house is on, he would have voted for it.

Mr. Ramsey opined it would have been in order to have a discussion and a vote on it.

Councilman Baldrige opined if Mr. Ramsey could just hear and not talk then he may understand the situation. He said that Council has heard his concern and his frustration.

Mr. Ramsey said he had only 1 chance to get up and talk. He said that he will be attending a whole lot more Council meetings in the future.

Councilman Baldrige said Mr. Ramsey should try to hear people out and it will not change what happened.

Mr. Ramsey agreed it will not change anything but it would let the public know what happened.

Councilman Baldrige opined that everyone in the room was surprised that no one seconded the motion. He opined that there was no one that premeditated or expected ahead of time. Councilman Baldrige said that he thinks each Councilmember had some question or concern and the only motion that was made was to approve it as presented.

Mr. Ramsey said there was a Public Hearing and he did not hear anything negative about it then.

Mayor Tolley said the Councilmembers that wish to speak to the reason there was not a second will speak first. After they are finished, Mr. Ramsey will have an opportunity to speak.

Councilman Baldrige said that right after the motion was made and no one seconded it, the item was removed for discussion. He asked Mr. Kearney what it meant because he wanted to make sure that everybody would understand that if

there isn't a substantial change it cannot come back for 12 months. He said he was trying to give an explanation in the form of a question. The reason why there was not a discussion is because there was no second. He explained there has to be a second for there to be a motion to discuss. He said that was not to close down discussion or keep the public from knowing. If there is no second, there is nothing to discuss. The Ordinance had been presented to Council as two different things: the historical overlay and the zoning as Mixed Business. The 2 of those together is what was presented and the motion was to pass the Ordinance as presented. He opined that was a problem. He feels there were Council members who had questions or concerns about one or the other of those things. Nothing can be discussed unless there is a second to the motion.

Vice-Mayor Clark said she was surprised that no one seconded the motion.

Councilman Fitzgerald opined in any decision that Council makes, the public needs to know why the decision was made. He opined that without letting the public know why Council makes the decisions they do, people get suspicious. He feels very strongly that Council needs to explain the decisions they make. He explained that when he made the motion he thought he was making the motion to discuss the Ordinance. He opined that since the customer had paid \$600.00, he deserved to be given a reason as to why no second to the motion was made.

Councilman Henson advised that he could not second the motion because he is against the Seminary Hill overlay.

Mr. Adam Stanley who wanted to purchase the home and property stated the process is new to him. He opined that everything he sees here is wrong. He has spent \$700.00 on the process and feels he deserves an answer. Mr. Stanley said he never asked for the historical overlay. He said that he did not want the historical overlay. He said through the whole process somebody is behind Council not approving the Ordinance changing the zoning. He opined that someone wants to put apartment buildings on the property and has gotten Council to agree with them. He said it sounds like there is a lot of support for the hostel and the rezoning. He said it seems to him that most of Council will approve the Ordinance. He said he is baffled as to why the Ordinance was not approved.

Mayor Tolley stated that unfortunately we are bound by the rules of order not only with our community but also the State as far as bringing the Ordinance back to the floor.

Mr. Stanley said the message that is being perceived is there is property that has been on the market for 9 years and no one wants the property. He said he is a

successful business owner both in Waynesboro and Glasgow. He said they see around 700 guests each season. He wanted to know what message is Council sending to him as a business owner. He said he still does not understand why the Ordinance was not approved. He said the property is the only property on Main Street that is not zoned commercial. He opined the property is an excellent place for a hostel. He said he feels like it is a terrible injustice from Buena Vista. He said the only thing he knows is there were back channeled emails that not all of Council received. He said the Mr. Roberts and Councilman Fitzgerald were not included in the emails.

Mayor Tolley stated this is where we are. We had the initial public hearing and he agrees it seemed like it was a done deal. He advised that he did conduct the meeting properly. He cannot answer as to why there was not a second to the motion.

Mr. Stanley said he was not asking if the meeting was conducted properly. He said the explanation he has heard tonight is not good enough for him. He advised that he will purchase the property anyway. He said that whoever wants the property can come to him and pay double for it.

Councilman Dyer stated that he knows the rezoning was inclusive of the 4 lots combined. He stated if the Ordinance is not voted in favor of, it is a 12 month timing period before it can be presented to Council again. He wanted to know if it were presented for 2 lots only could it be presented to Council again before the 12 month time period.

Mr. Roberts said he thinks the rezoning request says "properties" so to request a different part of the property for rezoning; it cannot be done for 12 months.

Councilman Dyer said it is his understanding that a hostel is 5 or less people for a short period of time. He wanted to know if it could be called anything else other than a hostel. He wanted to know if it could be called a Bed & Breakfast.

Mr. Roberts said that Bed and Breakfasts are permitted in areas zoned as R3. He said a B&B are 2 rooms or fewer being rented out. The owner must occupy the premises. He said that he did provide Mr. Stanley and Mr. Ramsey clarifications on R3 zoning.

Councilman Dyer then wanted to know if the property was rental property.

Mr. Roberts said in order to have short time occupancy like a B&B or a hostel, the owner must reside there. It could not be rented out as apartments. It could be rented out as long term rental property.

Councilman Baldrige said that because it could not meet the publication deadline the plan for this year was to rent out for long time rental.

Vice-Mayor Clark wanted to know if the property were rental and was rented as a long term lease, could the long term leaser be considered the occupant to operate the hostel.

Mr. Roberts said the code is very clear on owner occupancy. He advised there are 2 types of B&B's based on the number of people you have. In order to have more people, you would have to get a conditional use permit.

Mayor Tolley said his advice to Council moving forward, is to second a motion so items can be discussed.

Mr. Stanley stated that he has been down here from Waynesboro twice and gave plenty of opportunity to ask about his plans. He wanted to know why questions were not asked.

Mayor Tolley said he could not answer his question.

ADG#4 REPORTS:

MAYOR:

Mayor Tolley started his report by advising that he, Councilman Baldrige and Mr. Scudder attended the VML conference in Williamsburg. He opined it was a very good conference. There was a round table discussion that all three of them attended. It dealt with student housing and zoning and was presented by a representative from the Department of Planning for Williamsburg. The Chief of Police, Shawn Dunn, shared how they work with the students of William and Mary. He said he sees us in the infancy stages of where they are. As we move forward with our housing and zoning we have some contacts available for us that we can call on. He also attended a session about budgeting. He opined it was a novel idea to be able to make their budgets visible and to see where their money goes. This session was presented by the County of Albemarle and they have a budgeting staff that is probably as big as our City office groups. He opined it is a good idea and maybe someday the idea will be within our reach.

Mr. Scudder opined the conference was good and had a lot of good information. Networking with people is always one of the most important things along with representing our City and supporting VML.

Mayor Tolley advised there will be a cruise in at JJ's on Saturday for the hurricane victims. He said there will be live music and cash donations will be

accepted. There is also a list of items that will be packed up and sent to the Houston, Texas area.

Mayor Tolley advised that the City Manager's Report will be rather lengthy. The list of items came about because of questions that Council members have.

CITY MANAGER:

A.) Discuss Vista Links:

Mr. Scudder stated that because some of Council and other City employees are being deposed and the Federal judge is getting ready to rule on Vista Links, he feels this subject should not be discussed at this time.

B.) Update on Code Enforcement:

Mr. Scudder said that some of Council has heard of and been involved in a program called "Go Virginia Initiative". This is a regional initiative. Brian Brown has met with some representatives from Rockbridge County, the Central Shenandoah Planning District Commission, the Shenandoah Valley Partnership and Byers Technical School to help formulate a partnership and grant application to help continue the development of skilled labor to support our business community. We have had a lot of discussions about advanced manufacturing and training and the need for that with all of our industries. The project that we are going to be applying for is a scholarship project and equipment purchase for Byers Technical School so we can offer more welding and advanced manufacturing training options for citizens and industries. This will be a \$200,000.00 project that will provide partial scholarships for 14 new students as well as provide an additional instructor and more equipment to help develop the additional training section. We have also talked about these items with our schools, community college and industries. "Go Virginia" requires at least 2 local governments to partner on the project. Rockbridge County and Buena Vista want to do this project. The grant is a 50/50 match. The grant partners will be Rockbridge County, Buena Vista and Byers Technical School. The local governments would need to put up \$50,000.00 towards the project over the next 2 budget years. The County has agreed to look at this on a per capita basis. Our portion would be 23% and Rockbridge would be 77%. "Go Virginia" would put up \$100,000.00; Byers would put up \$50,000.00; Rockbridge County \$38,000.00; Buena Vista \$11,500.00. Our match would be incorporated within our existing budget for Economic Development. The application is due by October 13 with the full application due by November 15.

Vice-Mayor Clark wanted to know if the schools have been involved in the project. She also wanted to know if the schools are aware of the project.

Mr. Brown said the schools are not involved with this project. It was actually done with Byers Technical School. The schools will be able to bring students into the program. The schools are not aware of the program but they will be advised.

Mr. Scudder opined this will be good for the entire region and all the schools.

He then gave the following Code Enforcement report for the spring and summer:

- 1.) Four vacant houses are facing condemnation and demolition
- 2.) Two ongoing blighted property cases are moving forward for demolition
- 3.) There have been 61 cases of property maintenance: grass, weeds, vegetation. That is not including the follow up or repeated violations. Some of these properties have been addressed 3 times.
- 4.) Twelve cases related to private property maintenance such as debris, accumulation of junk, etc.
- 5.) Two vacant lots were cleared of debris
- 6.) Two abandoned pools were dismantled and removed
- 7.) Five zoning violation cases
- 8.) Numerous meetings with property owners regarding on going issues and potential violations

Last year we addressed close to 100 automobile code violations. This year we have addressed 48. He said that code compliance is an ongoing thing. We have a couple of problems with violations that are fairly large.

Councilman Henson stated that Doug Hamilton has done a great job on cleaning up intersections and walkways. Out of the number of problems, what percentage has been corrected and what has not been corrected? He also wanted to know if there is enough money in the budget to demolish all 6 houses.

Mr. Scudder advised that the vast majority of the problems are addressed. We do have the ones we have to go out and pay to have somebody cut. We have a budget item that covers that and we place a lien on the property for the amount of the cleanup. Mr. Scudder said the money we have will not touch getting all 6

houses torn down. Hopefully we will be able to work with the property owners to get them torn down. The ones that are really bad we will just have to take them down. He opined we have done a pretty good job since he has been here working with people to not expend the City's funds.

Mr. Brown said we have taken down 6 houses.

Councilman Henson said that about 3 months ago we talked about some property on both sides of Magnolia with the roof falling in.

Mr. Brown said that one of the properties is owned by a person with a medical condition and we are trying to work with the family to get the issue resolved.

Councilman Henson said we still have a problem on 5th and Woodland with sidewalks. We also have problems on 19th and 20th Street on Magnolia with the sidewalks.

Mr. Brown said the violation has been reported to the property owner. There are 2 different violations. They complied on one.

Mr. Scudder asked Councilman Henson to give him a list of the violations and said the City will get right on them.

Mayor Tolley wanted to know how the information is being reported to Mr. Scudder.

Mr. Scudder advised that he gets a quarterly report from Mr. Roberts.

Mayor Tolley asked Mr. Scudder to share future information with Council.

Mr. Scudder said he will share the reports with Council.

Mr. Skip Ramsey said he has been a realtor in Buena Vista for over 40 years and it has gotten to the point where some of our neighbors are being inundated by people buying houses and apartments that are in violation of the code. He said he will be filing some complaints in writing concerning 2 properties that he is the adjoining property owner on. One he has already brought to the attention of the City staff that has been going on for over a year. He said that he expects our neighborhoods to be protected by not letting them turn into whatever they may be. He said with all of the apartments there are parking issues already. He said as a realtor he tries to inform people when they buy property what the zoning is. He opined we need to make sure the information is getting out to the people that are buying these properties what they are allowed to do. He feels this is not being done. He said that Mr. Roberts is now making an effort to get the information out to all of the realtors. He said that tax values are going to go down

if the neighborhoods deteriorate. He opined it is going to be hard to get people to open up businesses downtown if we don't enforce our zoning. He said he would like to encourage Council to make an effort to inform relators of all zoning laws. Mr. Ramsey said that he will continue to keep his eye on this issue and report things that he sees that are in violation of the code.

Mayor Tolley told Mr. Ramsey that Council appreciates his comments. He opined that is what it takes is for all of us communicating together with information through the proper channels.

Vice-Mayor Clark thanked Mr. Ramsey for the work he has done on the corner of Magnolia and for reporting things that need to be taken care of. One of the goals that were set forth at the last Council retreat is increase property value and not have to raise taxes again. She opined that all of Council has really been trying to pay attention to Code Enforcement.

Mayor Tolley said that some of the Code Enforcement is going to take help beyond what we have here locally. He opined we need some help out of Richmond.

C.) Quarterly report on budget:

Mr. Scudder said the pre-audit group just left last week. We do not have anything back from them on the pre-audit. As soon as Tim gets the numbers back he will have a report for Council.

Mayor Tolley said we should be ready to have a first quarter report. He feels it is good to let Council know the status of budget items.

D.) Update on Façade Improvement Grant application/guidelines:

Mr. Scudder said the expiration date on a Façade grant is one year from the date of issuance. If someone who has a Façade grant is not making any progress within one year, they are notified they are removed from the project.

- 1.) There is a grant award for 2175 Magnolia Avenue
- 2.) There is a grant award for 2161 Magnolia Avenue
- 3.) There is a grant award for 2159 Magnolia Avenue
- 4.) There is a grant award for 2234 Beech Avenue – The owner is getting ready to start working on that building now.

The ones that have been completed are as follows:

- 1.) 2077 Magnolia Avenue \$3,250.00
- 2.) 1674 Magnolia Avenue \$7,500.00
- 3.) 2045 Forest Avenue \$3,550.00
- 4.) 2002 Magnolia Avenue \$7,500.00
- 5.) 1973 Magnolia Avenue \$7,500.00
- 6.) 2122 Magnolia Avenue \$6,169.28

Mr. Scudder said the program that we have implemented is very successful. We have some projects that are out there lingering. When the one year is up and no progress has been made, those people will be notified by the Economic Development Authority that their grants have expired. On the last page of the Façade grant application it says the following: "Façade grants are reviewed by the Economic Development Department, staff and the Economic Development Authority in the City of Buena Vista. Grants are awarded on a first come first serve basis as funds are available throughout the fiscal year. A project must be completed one year from the date of approval. Extensions can be given on projects that are actively under construction". He opined that there is time given for the projects to be completed and if they don't get it done within one year, the City will take it from there.

Councilman Henson stated that he feels the time allotted should be six months, not a year. He said the money is just lying there that could be used for something else.

Mr. Scudder opined that a year is pretty normal for these types of Façade improvement grants.

Mr. Brown advised that we have \$7,500.00 left for this fiscal year.

Mr. Scudder said if the grants that are pending are not done, then the money has not been expended. He explained that the money has been budgeted. What that would allow Council to do, if the money is not used, not have to re-budget the funds and they would be there for someone else to use. He feels the guidelines are pretty reasonable.

Councilman Baldrige said that when they reviewed the Façade grant program, and he asked that we roll it over, a lot of the time they come in part way through one budget year and they finish up in a different budget year.

Mr. Scudder wanted to know if we have granted some extensions since implementing the program.

Mr. Brown said the only extension that has been granted has been to Councilman Dyer.

Mr. Scudder opined it is a good program and there are people here that can attest to it.

Councilman Dyer stated that each year we have the opportunity for 2 grants.

Mr. Brown said there are 2 grants each year with the maximum per grant at \$7,500.00. If the money from the previous year is not used it can be carried over to the current year.

E.) Update on Mountain Days:

Mr. Scudder advised that the contractor will have one side of the street complete so Mountain Days will be held where it is normally held. The barrels will be moved to the curb and Pat Ohleger and Brian Brown will run Mountain Days.

Councilman Dyer wanted to know what kind of response we have received from the vendors.

Mr. Brown said we already have 75 to 80 vendors and are expecting that number to grow to 100.

Councilman Baldrige said the Arts Council is going to allow Mike Hamilton to display his historical information on the City of Buena Vista in their building.

Councilman Dyer wanted to know if the contractor would be in a position to not start on the west side of the street until after Mountain Days.

Mr. Scudder said that both he and the Mayor talked to the contractor today about the trees. The trees are going to be low redbuds, koosa dogwood and ivory silk Japanese lilac.

Mayor Tolley said we did get 2 additional corners.

Mr. Scudder said as the project goes on it is a moving target. Mike Branscome from VDOT is really squeezing it because our goal is to spend every nickel we can to get the best project we can with the 6 year plan money. He said that Mr. Branscome has been a real help on getting money for the Safe Route to School project. He said he is still working with VDOT to get a price on fixing the public parking lot.

F.) Update on Solid Waste:

Mr. Scudder said solid waste is the landfill and the contract with Paul Palma. He said we entered into a contract with Paul Palma to do a murf transfer facility in 2010. We have held that up to this point. In FY2014 the landfill tipping fee was \$24.00 per ton. In FY2015 Rockbridge County and Lexington went to \$37.90 per ton and we stayed at \$24.00 because the determination was made to opt out of the regional landfill. In FY2016 Rockbridge County stepped up to \$52.00 per ton and ours went to \$37.59 per ton. In FY2017 Rockbridge and Lexington continued with the \$52.00 per ton and we paid \$36.81 per ton. Now Rockbridge County and Lexington, having invested \$4,700,000.00 in their landfill and can use some capital money that was part of the regional landfill. Based on their projections, their current rate is \$51.00 per ton. Currently we are going to be paying \$53.00 per ton. They have allowed in their draft agreement on the landfill commitments to draw up a percentage point for every year you commit as a solid customer, if they accept you. If a 6 year commitment was made by Buena Vista that rate would be \$60.69 per ton. If you want to buy in and they allow you to buy in, based on their capital cost and suffering for designing the project, engineering and their man hours they put forward in this whole project over the last 3 ½ years, they have some buy in number they will come up with. Right now as we stand, we have a contract with Paul Palma. Mr. Palma worked with the City over this period of time to enjoy the lower tipping fee rate instead of building the transfer facility 3 years ago and charging us \$49.63 per ton. Mr. Palma is a little behind but he will be able to get busy on it sometime after December. We are working with Mr. Palma right now to see how it goes. He is also taking our recyclables which other jurisdictions are paying to have them hauled off. He is working with us and we are working with him and we will see how this goes. In the meantime we are working with SES Engineering and Mr. Palma to update the regional solid waste plan and try to find out exactly what Mr. Palma needs to do within the permitting. Mr. Palma has already done a lot of it. The figures from Rockbridge will not change. They are not fully organized or become official as their solid waste authority. He does not know how long it will take them to do so. Right now we are going to be paying \$53.00 per ton up until sometime in 2018 and then we will switch to around \$63.00 per ton.

Mayor Tolley wanted to know if the rate we have now with Mr. Palma will be the same once he gets going.

Mr. Scudder said the rate will be \$49.63 per ton.

Councilman Dyer said that \$49.63 per ton was a ten year commitment based on the contract that was signed in 2010. He opined that whatever we do with Mr. Palmer there will be a new contract.

Mr. Kearney said there have already been 2 or 3 amendments to the current contract.

Mr. Scudder stated that if this does not work out with Mr. Palmer, there are other landfills we can look into and that we have all kinds of options.

Councilman Dyer said the original plan was Mr. Palmer would start construction in June and have it finished in September and we would be hauling trash to him now. He said we are looking at another 6 months of paying \$53.00 per ton which could go up to \$63.00 per ton. He said he is not convinced that a transfer station in Buena Vista is the best thing for Buena Vista. At 250 tons per day times 6 days per week, divided by the number of trucks that comes in, that is a lot of trucks coming in and going out right across the street from one of our most popular restaurants. Mr. Palmer told Councilman Dyer that he would not let trash sit long out in a trailer. It will be hauled off. We are a very small percentage of the tonnage that Mr. Palmer has the permit to handle. A lot of the trash that he is handling is coming in on trucks which will not sit on his yard for very long but there is nothing that stipulates how long the trash can sit there.

Mr. Scudder said that Mr. Palmer is pretty much permitted except for the design plans. He has gone through the permitting process with DEQ whether we go with him or not. He is permitted.

Councilman Dyer stated that Mr. Palmer's permit is more than a year old and he questions whether it is still good.

Mr. Scudder replied that we can ask SES.

G.) Discuss WWTP:

Mr. Scudder said we have been replacing equipment and pumps and upgrading machines at the WWTP for the last several years based on restructuring and staff changes that have been made. We are trying to invest more into the plant.

Councilman Henson said we had already outgrown the WWTP as soon as it was built. He wanted to know how much more the Health Department is going to allow us to grow before something has to be done. He wanted to know how quick we need to look at doing something about the plant.

Mr. Scudder said he could not answer that question. He said that is a very complicated engineering situation with a bunch of scenarios that have been thrown out. Right now the nutrient exchange program is alive and well in Virginia and it will be for quite some time. We do not have any compliance issues at the WWTP. The nutrient credits probably cost us \$40,000.00 to \$50,000.00 per year. He said the only logical thing to do is to stay with the nutrient exchange program.

Councilman Dyer said at our retreat we had at the first of the year he asked Trina what keeps her up at night. Ms. Mastran told him that if she would get a phone call of a catastrophic event at the WWTP. He opined that Councilman Henson has a good valid point. We might not have the financial capability to do anything right now. We are talking design, construction and startup of a facility that is a 5 to 7 year process. He opined it would be worth the investment to find out what our options are. We are talking about supporting growth at SVU. He opined if there was a 5% growth in the student population he is not sure the plant would be able to handle that additional waste.

Mr. Scudder said it would be an extensive engineering study that would have to be budgeted probably over a period of years as a capital expenditure. The plant was built in the 80's. That is something from an engineering stand point to go in and look at those types of things would be some substantial amount of dollars to hiring an engineering firm and hiring someone to go through that and do those kind of design guidelines. It certainly is something that we can look towards in the next budget year. We can start putting money aside for the engineering study. The study was going to be done several years ago and the project was tabled by Council.

Councilman Fitzgerald wanted to know if we are taking care of some of the problems such as the generators.

Mr. Scudder said we are handling some problems as they arise and we have also done some upgrading.

Councilman Fitzgerald wanted to know if the generators have been replaced.

Mr. Scudder said they have not been replaced.

Councilman Baldrige opined that WWTP have accumulated funds in their budget to be able to do some repairs and replacements.

H.) Update on the status of reorganization of personnel:

Mr. Scudder said the reorganization is going really well. He said he has been taking his time and working with staff to get their ideas about the reorganization. He opined that we need to look around at the work that is being done and what staff is doing maintaining the City. For example, we do not receive complaints about the cemetery anymore. The streets look good including the gateways into town. He said we have addressed the list that Councilman Henson gave a couple of months ago that had 95 items on it.

Councilman Henson then wanted to know if the street sweeper is ever run anymore.

Mr. Scudder said the sweeper is run early in the mornings.

I.) Update on road construction:

Mr. Scudder advised we have started paving on Route 501. The contractor is not done on Route 501 and they will continue to work on it. We are going to do a section on Route 60 near the Visitor's Center. He would like to talk to the contractor about doing some work on the one block at Culvert Street. Based on everything he hears and sees the next street that is a residential street that is in really bad shape is Walnut Street up near the college. He will meet with the contractor next week to look at those and see what we can do. The focus is on Route 501. There is one more little project that he would like to try to squeeze in with this asphalt work and that is where you come around that hairpin curve on Paxton House Road at Deer Haven. The asphalt has slide off and it is all rutted. He will work with the contractor to see what we can do to get some of those areas fixed. The City crew is also laying down a lot of asphalt. They are doing very proper cutting and patching pothole repairs. He opined they are doing a very good job of it.

Councilman Henson said the Long Hollow Road project is complete.

Mr. Scudder advised they did the whole patch at once instead of doing a partial lane. The asphalt had to rest for half a day before they had to move the barriers. He said he is sure some people were inconvenienced but he had more complaints about that not being fixed by far than people who had to go around it.

Councilman Baldrige said at the base of Bradford Drive the asphalt is falling away.

Mr. Scudder said our employees are doing a great job getting this asphalt patched up.

Councilman Dyer wanted to know if the arrangement we have with the contractor is we have \$300,000.00, what can you do. He said it did not sound like to him that the project was bid out.

Mr. Scudder said the project was bid out. Weatherman/Collins was by far the low bidder on this project. He blew away the competition on milling, paving and tonnage. We are doing it by milling, paving, striping, tonnage of asphalt cost and all that wrapped into one. The patching bid for getting VDOT off our back and making some good repairs on Route 501 was about \$33,000.00. The cost is based on the estimated cost of asphalt tonnage. We are trying to get as much done as possible.

Councilman Dyer stated there is only 3 weeks of paving season left.

Councilman Henson wanted to know the status of the sidewalk project on Enderly.

Mr. Scudder said Virginia Infrastructure Incorporated is doing the project. They are the same ones that are doing the project on Magnolia Avenue.

Mayor Tolley thanked Mr. Scudder for putting the report together. He said it is good for Council to know what Mr. Scudder and his staff is doing.

CITY ATTORNEY:

None.

Councilman Dyer asked Mr. Kearney if he could give an idea of what is going on with the lawsuit.

Mr. Kearney said we are waiting for the court order. At the end of August the judge required additional briefing and we are waiting to hear the judge's ruling. We have asked the court to dismiss the case and that is what he asked for additional briefing on. Discovery is continuing on while we are waiting for the judge's decision. Depositions are starting. They want to talk with Mayor Tolley, Vice-Mayor Clark, Councilman Petrie, Tim Dudley, MarVita Flint and Jay Scudder.

Councilman Dyer wanted to know if there is a time limit as to how long this can go on.

Mr. Kearney said there is no time limit.

COUNCIL COMMITTEE/REPRESENTATIVE:

Vice-Mayor Clark reported that the Rockbridge DSS Board met last month to give the August numbers. For Buena Vista there were no new applications for adult services, child protective services, foster care or adopted placements for last month. There was one new application for child daycare. The ongoing services for Buena Vista are adult services – 15; child protective services – 54; foster care – 7; adopted placements – 5; day care – 4 for a total of 92 open cases. For the month of August she expects the numbers to increase because school started and things take place when school starts. At the August meeting there was one member not present but the other member was and actively participated in discussions and voting. The next meeting is October 18 and she has to be at a school compliance meeting that day and will not be able to attend.

Councilman Baldrige will represent Buena Vista at the October 18th meeting beginning at 3:00 p.m.

Vice-Mayor Clark said the meeting she is attending is in Lynchburg and is for school systems all across the State. They have the preliminary reports and both Enderly and Kling are expected to be fully accredited at the end of this year.

Councilman Henson advised that he went on the Chamber of Economic Development field trip. They give an open house and he suggested that everyone should go. He also went to a meeting on the burn building with the State and they are happy with what is out there now. They feel they might be able to expand on what we already have. He also attended a RANA meeting. They are up and running and they have new customers. He opined that RANA is doing well. Councilman Henson stated that the Magnolia Avenue project is looking good but people are complaining about the problem the number of blocks that are blocked off. He wanted to know if there is anyway some of the streets can be opened up.

Vice-Mayor Clark opined that there is very little inconvenience for an excellent outcome.

Mr. Scudder said they will be planting trees next week. Hopefully we will knock out that side of the street next week.

Councilman Dyer said the project was started on 9/11 – 5 weeks on 1 side of the street and 5 weeks on the other side.

Mr. Scudder said we are working on grants to do the side streets.

Councilman Dyer opined that Mr. Roberts put together a nice summary on the web site for short and long term leases.

Councilman Baldrige said the whole renter's information is on there such as square footage, zoning, etc. He opined that this is going to become very important.

Mayor Tolley said he thinks it will have a hot button on it.

Councilman Baldrige said the VML Conference offered an opportunity to get out of the trenches and getting a broader view by talking to other people and attending sessions. He found this opportunity to be very valuable. He attended a session on short term trends for economic development in the Commonwealth and another one on assessing fiscal distress and a new report card that they are using; a cut score if you are at 16% or lower of the maximum on the 10 different stages of fiscal distress. We are not in that lowest necessary remediation mode.

Mayor Tolley advised this is a very new program and it has some flexibility built into it. The questions he heard was if you find yourself in that percentile, you may be there because of a particular decision you made on finances. If you can successfully explain that they will get you out of that situation. They want to be able to make sure you change that number.

Councilman Baldrige said the session on police body worn cameras and consequences of FOIA and prosecution. He and Mr. Scudder attended a session on the next generation of 911 with requirements coming in from both Federal and State. He opined it is really handy to go and sort of get out of the usual and think about possibilities of creating a better future.

Councilman Dyer wanted to know if we are still going to have Halloween downtown this year.

Mr. Brown advised that he has already been going around talking to the local businesses. They still want to do the event. We may have to close off one side of the street to do the event.

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

None.

OLD BUSINESS:

None.

NEW BUSINESS:

NB #1 RESOLUTION FOR MANUFACTURING MONTH:

Clerk of Council, Dawn Wheeler, read the following Resolution:

RESOLUTION – R17-04

RESOLUTION SUPPORTING MANUFACTURING AWARENESS AND APPRECIATION MONTH, OCTOBER 2017

WHEREAS, The City of Buena Vista wishes to dedicate October as Manufacturing Awareness and Appreciation Month; and

WHEREAS, manufacturing is a term used to include establishments that are engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new projects, and;

WHEREAS, The City of Buena Vista manufacturers generate exceptional annual earnings and act as a driver of regional economic development per year; and

WHEREAS, the manufacturing industry currently employs more than 850 individuals (JobsEQ, 2nd Quarter 2017), or 32.1% of the total employment in the City of Buena Vista. In 2016 approximately \$40 million (JobsEQ, 1st -4th Quarter 2016) in annual payroll was attributed to manufacturing, and manufacturing contributes to broad-based prosperity in and around Buena Vista and the Rockbridge Region; and

WHEREAS, The City of Buena Vista appreciates all manufacturers and thanks them for their continued commitment to our community and the local and regional economy, and

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Buena Vista does hereby proclaim October 2017 as Manufacturing Awareness and Appreciation Month in Buena Vista, Virginia and urge all residents to join in recognizing the important role of manufacturing.

Adopted this 5th day of October, 2017

Larry F. Tolley, Mayor

Attest: _____

Dawn Wheeler, Clerk

Motion was made by Councilman Henson to approve the above Resolution, seconded by Vice-Mayor Clark, carried by Council.

Mayor Tolley said that as we look forward to the next couple meetings on November 2nd he will be out of town and the Vice-Mayor has another obligation. We can cancel the meeting or we can reschedule the meeting. The meeting could be moved from November 2nd to November 9th.

Mr. Brown said the Christmas parade is scheduled for November 30th.

Motion was made by Councilman Baldrige to not have a Council meeting on November 2, 2017, seconded by Councilman Fitzgerald, carried by Council.

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

Larry Tolley, Mayor

Dawn M. Wheeler, Clerk of Council