

**CITY OF BUENA VISTA  
REGULAR (VIRTUAL) COUNCIL MEETING  
SEPTEMBER 17, 2020**

The City Council for the City of Buena Vista met for a Regular (Virtual) Council meeting on Thursday, September 17, 2020 at 6:00 p.m.

Council Members Present:  
Melvin Henson  
Stanley Coffey  
Tyson Cooper

Mayor Bill Fitzgerald  
Danny Staton  
Cheryl Hickman  
Vice-Mayor Lisa Clark

Members Absent: None.

**ADG #1 PLEDGE OF ALLEGIANCE AND PRAYER:**

Mayor Fitzgerald opened the meeting by asking everyone to stand for the Pledge of Allegiance. Vice-Mayor Clark delivered the prayer.

**ADG #2 APPROVAL OF THE AGENDA:**

Councilman Cooper motioned to approve the agenda, seconded by Councilman Coffey, carried by Council.

**ADG #3 APPROVAL OF THE MINUTES FROM THE REGULAR COUNCIL MEETING (VIRTUAL) HELD ON SEPTEMBER 3, 2020 AND THE MINUTES FROM THE SPECIAL COUNCIL MEETING (VIRTUAL) HELD ON SEPTEMBER 10, 2020:**

Motion was made by Councilman Coffey to approve the minutes of the September 3, 2020 meeting and the September 10, 2020 meeting, seconded by Councilman Staton. The motion was carried by Council except for the minutes of September 3, 2020: Vice-mayor Clark abstained since she did not attend that meeting.

**ADG #4 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.**

Mrs. Deidra Dryden addressed Council about the property that Mr. Ed Walker is going to put up for auction in the City. She said considering the new property listed for sale from Mr. Walker, she is concerned about the corner lot on 21<sup>st</sup> and Magnolia. She asked that Council consider purchasing the lot. She opined that the lot could be valuable for our City and possibly provide income for the City. She volunteered to help on any type of committee to make the purchase beneficial to the City. She said a long time ago when she used to do gardening at Kling, she would bring the students down to work on that property and she

thought the City already owned the property. She opined that the City may be able to purchase the lot for a reasonable price. Mrs. Dryden said the property draws people in and could possibly generate revenue for the City. She personally sees it as a gathering space because it has a town square feeling. She said that she knows that the type of businesses that are set up in town are important to Mr. Walker and it is important to her also.

Vice-Mayor Clark said that one of Council's goals has been to make downtown more of a central hub and something like that would definitely do it.

Mrs. Dryden said that she remembers when Penny Park was created and how much community involvement was involved.

Ms. MarVita Flint, the Commissioner of the Revenue was the next to address Council. She advised Council that 3 members are needed for the Board of Equalization and right now we only have 2. Since July Mr. Scudder has been trying to find someone to fill that position since Mr. Coffey is not able to serve. It is imperative that we get this board filled because not only does Council have to approve the board, but Mr. Kearney must send it to the judge to approve. There is also training involved. At this point in the timeline that the State sends out for this process, people will have already had to pay their taxes before they can make an appeal to the Board of Equalization about their reassessment. They have had several phone calls about making an appointment. Some of those are in great need to make an appointment because of an erroneous assessment. She asked Council to help find someone who would be interested in serving on the board. She would like for the appointment be on the agenda for the next Council meeting.

Vice-Mayor Clark wanted to know if the opening had been advertised.

Ms. Flint said she thinks it was advertised initially and we got the 3 board members: Mr. Harold Kidd; Mr. Robert Dickinson; Mr. Calvin Coffey. Mr. Coffey had to withdraw because of health issues. She cannot make a recommendation because it would be a conflict of the Commissioner's office.

Council Member Hickman asked Ms. Flint if she knew of any restrictions that would make a person ineligible to serve.

Ms. Flint said the only restrictions are they must be a citizen of Buena Vista and a property owner in Buena Vista. There is training involved but both Mr. Kidd and Mr. Dickinson have served on this board before.

Vice-Mayor Clark opined that we need to advertise for the opening.

Ms. Wheeler said she would advertise the opening.

Mr. Scudder said the key to it is if they relax the restrictions on the background that someone must have to serve. Mr. Coffey had experience in real estate when he served several years ago. He has hit a dead end in trying to find someone to serve. If the restrictions are relaxed, we would have more flexibility in finding someone to serve on the board.

The next person to speak was Mr. Tom Roberts. He thanked Council for allowing him to speak and thanked the ones that were able to participate in the BV Forward Charette that was held today. It is going well, and they will be here tomorrow also. He also wanted to echo his strong support for development of open public space at the corner of 21<sup>st</sup> and Magnolia. He also understands the

challenges of our budget and of course we want businesses downtown. He attended the Chessie Trail Advisory Committee meeting today. For a couple of years, they have trail counters and were able to present some of the numbers on the trail usage. In the last couple of years, they have improved the parking on Stuartsburg Road and improved the BV end of the trail. Early in 2019 we graded the connection under the bridge. The trail counters show between March 2019 and March 2020, the trail usage on the BV end increased by 241%. From May 2019 to May 2020 trail use at the BV end increased 379%. From August 2019 to August 2020 the usage on the BV end increased 142%. These figures show that the Chessie Trail is growing in use and that people are using the BV side of the trail.

Vice-Mayor Clark wanted to know how the counters work.

Mr. Roberts said they are small devices that count movements as you pass on the trail. They can tell the difference in animals and humans.

Councilman Cooper said they are amazing percentages and wanted to know what the numbers are.

Mr. Roberts said he thinks the number for the year is 3 to 4000. He will have to double check the figures.

Councilman Cooper asked Mr. Roberts to verify the count and send the information to him and council.

## **ADG #5 REPORTS:**

### **1.) Mayor:**

None.

### **2.) City Manager:**

Mr. Scudder started his report by thanking the Public Works staff for getting the bleachers at Camden Field. We worked with RARO and got the bleachers. We got the bleachers for free. He reported that he filled in for the Mayor today at Constitution Day at the public library. He talked with Ron Campbell and David Gowdy and it was a good turnout even in the rain. There was a meeting yesterday with Hunter Young and RKK Engineering concerning our WWTP. At different times the Mayor, Councilman Coffey and Councilman Henson were present. He opined our staff at the WWTP are amazing people. They are very dedicated employees and they did a very descriptive run down of some of the issues that we are facing at the WWTP. RKK said they are going to give us a preliminary estimate on the Professional Engineering Report required to get USDA funding for the things that need to be fixed there. We are not only going to have immediate repair needs evaluated but we are going to also have some longer terms of aspects of the plant evaluated as well. They talked about some of the financial restraints that the City is under but at the same time this is something we cannot avoid. We are going to have to go forward with some sufficient upgrades and repairs to the WWTP. He opined it is a good time to do that with the USDA money. He said he knows it is a long term when you talk about 40 years, but we are talking

about 1 ½ to 2% interest and maybe some grant money also. He opined the meeting went very well and he has had some positive comments from Council members that were able to be involved with this, the Public Works Committee and certainly the Mayor. There is a Resolution in your packet to try to move some of that forward and hopefully get some grant money. The Public Works Committee also did a lot of analysis. Councilman Henson, Councilman Staton and Councilman Coffey put together a list of things that need to be done around the City. We have hit that list hard that has resulted in a lot of overload in brush. Our workers have really worked hard on getting all the brush up. He shared an email with Council from a citizen that was thankful for the potholes being fixed. He thanked Public Works and WWTP for all the work they have been doing.

**3.) City Attorney:**

None.

**4.) Council Committee/Representative:**

Vice-Mayor Clark said she wanted to give a shout out to Public Works for some of the repairs they have been doing around the school area with some of the left-over asphalt from the pothole repairs.

Mr. Scudder said that Public Works has really done a good job with the asphalt and the hot box has really helped with that.

Council Member Hickman gave a shout out to Millie and Ed at GMP for the job they have done handling a lot of different things that have gone on at the park. She said that Labor Day weekend they did upward of \$3,000.00 in camping. She opined that everyone at the park has been doing a good job. She also wanted to give a shout out to the schools for the start back to school this year. From the teachers, parents, and kids she has heard a lot of positive things about our schools. She said she feels we have the cream of the crop in our schools. Council Member Hickman said she is thankful we were able to return to school and things have gone well. She said she is appreciative of everything that the teachers and everyone did to make it easier for our kids to start back to school.

Vice-Mayor Clark said that the First Lady of Virginia and the State Superintendent came to the school on Monday. She said they gave great compliments on how our schools were opened back up.

Councilman Staton asked Mr. Scudder if everything has been taken care of at the cemetery.

Mr. Scudder said he is not sure if it is 100% done but he knows they have been working very hard on it. They got behind due to the rain but are working very hard to get caught up.

Council Member Hickman said she saw a post on Mt. Day and wanted to know if there are restrictions on the number of vendors. She said she has been asked questions about it and really does not want to restrict the number of vendors that can participate. She was told by a vendor that has

been participating in Mt. Days for a long time that they got a letter telling them they could not participate this year.

Mr. Tom Roberts said we are moving forward with Mt. Day to be held on October 10<sup>th</sup>. As far as COVID precautions, we are spacing out the vendors. It will basically be a vendor, then an empty space, and then another vendor and so on. Each vendor table will have a bottle of hand sanitizer and we will be asking people to wear masks. Vendors have been encouraged to make their booth as low touch as possible. He said they feel good because the event is outside. We have fewer vendors this year than we would in a normal year because of COVID and because we have delayed our outreach. It is going to be a smaller festival this year. We will still have the live music and 2 donut vendors. After last year's festival we decided that Mt. Day is a lost arts and crafts festival, especially since the Buena Vista Arts Council took over a couple of years ago. They really wanted to refine the focus on lost arts and crafts and handmade items. He said it is difficult when you have vendors that have been there for a while but do not really have handmade or unique goods. Part of it is we are trying to attract more vendors of handmade goods and so generally when you talk to these vendors and they are looking at different festivals they can go to, they want to be next to people that are doing the same quality work they are doing. They do not want to be next to people that might be selling candles or cosmetics or something that is not handmade. They are trying to increase the selectivity of vendors. They talked about changing it this year because of COVID and a lot of different things. After the festival last year, they told vendors they would be stricter on the criteria. They decided to stick to that, and they are moving forward with that. They know this year is going to be a different year but hopefully next year they can really get on track with a high-quality festival of handmade goods and lost arts and crafts.

Mayor Fitzgerald wanted to know why the festival was changed because it has been a good thing for our City in the past the way it was.

Council Member Hickman said that she hates to be non-inclusive. She suggested that you could put vendors that are offering the same items beside of each other and not be non-inclusive.

Mayor Fitzgerald said that by what they are trying to do, it is going to hurt the festival more than help it because we have always had a good thing going.

Councilman Henson suggested that they could set up different vendors in another section away from the arts and crafts.

Mr. Roberts said they will take this feedback and will also continue to talk to vendors this year. After this year's festival they will have a debrief and review of how things went: what went well and what did not go well. Part of what they are thinking is how to improve Mt. Day and continue to grow it. It has been successful, but we can do better. Right now, it is just a street festival.

Mayor Fitzgerald said that is what we want is a street festival.

Mr. Roberts said if you go back 10 to 15 years there was a lot more activities associated with Mt. Days. He feels there are ways we can improve the festival; increase its appeal regionally, statewide, and beyond because those are festivals that are successful. In terms of advertising: what is your festival in terms of good quality vendors. Is it just a street festival with all types of vendors or is it a festival where you are really pulling vendors with unique things like blacksmiths, wood carvers from across the state or across the southeast? It is about who you are trying to attract as far as vendors and what kind of festival it is. Last year they tried having several community markets at GMP. He feels that is a good venue where you can have all kinds of vendors. He said there are a lot of different ideas on how we can give opportunities to vendors and businesses throughout the year, not just on one day.

Mayor Fitzgerald said that everyone knows that he is for arts and crafts. He opined we are taking something that is successful and turning it in to something else. He would rather see a separate event and not change something that is good.

Mr. Scudder opined this is a discussion to have with the committees that are working on Mt. Day. He agrees with Tom that this is good information to think about and bring to the committee what we want to do.

Council Member Hickman said in our history we have been non inclusive, and we shoot ourselves in the foot by doing that. She opined that she does not know anytime we want to deter people from coming. We do want to bring people in from other areas. All the festivals she has attended have always had a large variety of vendors.

Mr. Scudder said he likes Councilman Henson's idea about putting different vendors in different areas.

Councilman Cooper said we would inclusively segregate? He said he understands what the other questions have been, but he thinks the question really is about branding. He commends the Buena Vista Arts Council about branding the event because these signature events have a brand and a brand identity. You must figure out what that is and then do it. He said this is not a street carnival or street fair, this is something specific.

Council Member Hickman said we need to always keep our citizens in mind when these decisions are being discussed.

Councilman Henson said the Regional Workforce Development job fair has been moved to October 7. The Buena Vista Fire Department will have a golf tournament next Saturday. We need to think about the outside appearance on the entrance to the City. We need to think about signage to let people know where things are located. He wanted to know what kind of program we have for getting rid of groundhogs.

Mr. Scudder said we will work on it and try to trap some of them.

Vice-Mayor Clark said the Blues Foundation will have a golf tournament on October 17<sup>th</sup>.

Councilman Henson said that speaking as a veteran, he feels it is very disrespectful because of the condition the flags are in. He opined they need to be taken care of before Mt. Day. There is also a deep rut next to the dispatch center on route 60.

Mr. Scudder said he talked to Spencer with Rockbridge County about the rut last week.

Councilman Henson said there is a sight distance problem at 2272 Chestnut Avenue that needs to be taken care of.

Mr. Scudder said he will have Alan look at it.

Vice-Mayor Clark said there are weeds as high as the stop sign on 17<sup>th</sup> and Forest.

Councilman Coffey said there is a sight distance problem at 15<sup>th</sup> and Forest and there is brush on Forest Avenue at the creek.

Mr. Scudder said we are working on the brush. He asked everyone to remember that we used to have 2 prison crews and 1 jail inmate crew doing that kind of work in the City. We do not have them anymore. Our people are really working hard to keep up all these types of things that was just mentioned. He said it is a daunting task when we do not have those extra 12 to 17 people.

Vice-Mayor Clark said the places mentioned are most likely the routes they travel every day. She opined it is more for public safety than a criticism for anyone.

Councilman Henson said at 2175 Forest Avenue there is a hedge that has grown over the sidewalk.

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

**ADG #6 THE BUENA VISTA PLANNING COMMISSION:**

**MR. BRADYN TUTTLE HAS RESIGNED. HIS TERM WOULD  
HAVE ENDED ON DECEMBER 31, 2020. THIS IS THE THIRD  
TIME THIS HAS APPEARED ON THE AGENDA:**

**ADVERTISED THE NEWS GAZETTE AUGUST 19, 2020: WEB  
SITE AND CHANNEL 18 AUGUST 14, 2020**

**ONE APPLICANT: LEON BARKER**

Mr. Tim Petrie also applied for this seat. Motion was made by Councilman Coffey to appoint Mr. Tim Petrie to the Buena Vista Planning Commission, seconded by Vice-Mayor Clark, carried by Council.

**ADG #7**            **THE BUENA VISTA ECONOMIC DEVELOPMENT AUTHORITY:**

**MRS. ELIZABETH BRADY HAS RESIGNED. SHE IS NO LONG A RESIDENT OF BUENA VISTA. HER TERM WILL EXPIRE ON MARCH 31, 2024. THIS IS THE SECOND TIME THIS HAS APPEARED ON THE AGENDA:**

**ADVERTISED THE NEWS GAZETTE SEPTEMBER 2, 2020: WEB SITE AND CHANNEL 18 AUGUST 27, 2020**

**ONE APPLICANT: LEON BARKER**

Motion was made by Vice-Mayor Clark to appoint Mr. Leon Barker to the Buena Vista Economic Development Authority, seconded by Councilman Henson, carried by Council.

**ADG #8**            **THE ROCKBRIDGE AREA SOCIAL SERVICES BOARD:**

**MR. PAUL JANICZEK'S TERM WILL END OCTOBER 31, 2020. THIS IS A FOUR-YEAR TERM AND THE FIRST TIME THIS HAS APPEARED ON THE AGENDA. MR. JANICZEK IS WILLING TO SERVE AGAIN IF RE-APPOINTED:**

**ADVERTISED THE NEWS GAZETTE OCTOBER 16, 2020: WEB SITE AND CHANNEL 18 SEPTEMBER 10, 2020**

Motion was made by Vice-Mayor Clark to re-appoint Mr. Paul Janiczek to the Rockbridge Area Social Service Board, seconded by Councilman Coffey, carried by Council except for Mayor Fitzgerald who abstained.

**OLD BUSINESS:**

**OB #1**            **SECOND READING OF CONTINUATION ORDINANCE FOR VIRTUAL COUNCIL MEETINGS:**

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

Ms. Wheeler read the following Ordinance by title only.

**CONTINUATION ORDINANCE-ORD 20-14**

WHEREAS, on April 16, 2020, the City Council for the City of Buena Vista adopted an Ordinance Confirming and Ratifying the Declaration of a Local Emergency; and



**WHEREAS**, in accordance with Section 5 of this Ordinance it was to remain in effect until repealed for a period not exceeding six (6) months from the declaration of the local emergency; and

**WHEREAS**, it was anticipated at the time of its adoption that the local emergency would subside within six (6) months, however, the local emergency continues unabated and therefore the terms and conditions of the April 16, 2020 Ordinance need to remain in full force and effect until the local emergency has subsided.

**NOW THEREFORE BE IT ORDAINED** that the Ordinance of April 16, 2020 is hereby extended until such time as the Local Emergency Declaration, as outlined therein, has been rescinded and is no longer effective.

**BE IT FURTHER ORDAINED** that since the emergency still exists this Continuation Ordinance shall be effective on and after the date of its adoption on September   17  , 2020.

\_\_\_\_\_  
William H. Fitzgerald, Mayor

Attest:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date of Adoption

Motion was made by Councilman Cooper to adopt the above Ordinance, seconded by Councilman Coffey.  
 Vice-Mayor Clark wanted to know if this Ordinance just gives Council permission to have virtual meetings.  
 Mr. Kearney replied by saying the Ordinance says Council can continue with virtual meetings until the emergency is over or until Council makes other plans.

Ms. Wheeler polled Council as follows:

	<b>Present</b>	<b>Absent</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>
Mayor Fitzgerald	X		X		
Melvin Henson	X		X		
Tyson Cooper	X		X		
Cheryl Hickman	X		X		
Vice-Mayor Lisa Clark	X		X		
Danny Staton	X		X		
Stanley Coffey	X		X		

**NEW BUSINESS:**

**NB #1 RESOLUTION FOR A PRE-PLANNING GRANT:**

Mr. Scudder started the discussion by saying after the meeting at the WWTP and talking about the PER, this Resolution needs to be done for USDA funding. He found out there is a potential \$30,000.00 grant that will help fund that through USDA. Mr. Scudder asked permission from Council to make application for the \$30,000.00 that will help immensely. This Resolution will help us meet all the Federal requirements.

Vice-Mayor Clark read the following Resolution:

**RESOLUTION OF GOVERNING BODY OF**

**City of Buena Vista-R20-08**

The Governing Body of City of Buena Vista, consisting of 7 members, in a duly called meeting held on the 17th day of September 2020, at which a quorum was present **RESOLVED** as follows:

**BE IT HEREBY RESOLVED** that in order to facilitate obtaining financial assistance from the United States of America, United States Department of Agriculture, Rural Development (the Government) in the development of a grant to develop a Preliminary Engineering report and an Environmental Report, the Governing Body does hereby adopt and abide by all covenants contained in the agreements, documents, and forms required by the Government to be executed.

**BE IT FURTHER RESOLVED** that the City Manager of the City of Buena Vista be authorized to execute on behalf of the City the above-referenced agreements, documents, and forms and to execute such other documents including, but not limited to, and/or grant agreements as may be required in obtaining the said financial assistance.

This Resolution is hereby entered into the permanent minutes of the meetings of this Board.

\_\_\_\_\_  
City of Buena Vista

By:

\_\_\_\_\_  
Jay Scudder  
City Manager

Attest: \_\_\_\_\_  
[SIGNATURE AND TITLE]

**CERTIFICATION**

I hereby certify that the above Resolution was duly adopted by the Governing Body of the City of Buena Vista in a duly assembled meeting on the 17th day of September 2020.

\_\_\_\_\_  
Secretary/Clerk

Motion was made by Councilman Henson to approve the above Resolution with the noted changes, seconded by Councilman Coffey, carried by Council.

**NB #2            EMERGENCY ORDINANCE TO ESTABLISH CAP  
(CENTRAL ABSENTEE PRECINCT) FOR VOTING:**

Mrs. Emilie Staton, the General Registrar for the City of Buena Vista was in the audience and gave the following explanation for the emergency Ordinance. Mrs. Staton said there has always been voting in the Registrar's Office. This year with all the restrictions, this Ordinance is due to early voting and absentee voting. We have never been capped and have always had voting in their office. In order to be capped, Council must approve the following Ordinance. All of the early voters and the absentee voting will all be on one machine located in her office. The results will not be pulled off until election night. It has to be tabulated by someone. Two of her officers will come in and break down that machine that night. Before when we had the touch screen machines, they could separate them by precinct. Now this will be one machine with a third set of results that will be calculated and added up on election night. Council must approve for her to set the CAP as needed to be to meet State regulations. Three weeks ago, the State told her everything was in order and she received a call at 4:10 today saying this Ordinance had to be approved.

Mr. Kearney said this Ordinance is an emergency Ordinance and can be approved tonight with one reading.

Councilman Cooper read the following Ordinance:

**ORDINANCE-ORD2015**

**WHEREAS** the Code of Virginia § 24.2-712 permits the governing body of a City to establish a Central Absentee Precinct; and

**WHEREAS** the Electoral Board requests that the Central Absentee Precinct (CAP) be established for use in the November 3, 2020 General and Special Elections. The CAP has dedicated voting equipment. The Officers of Election have training that prepares them for processing Absentee Ballots from multiple precincts; and

**WHEREAS**, without a CAP, as outlined in §24.2-710-711.1, the Electoral Board must deliver the absentee ballots to the precincts on the election day along with dedicated voting equipment. The precinct Officers of Election must follow specific procedures that are different from those they use to record in-person votes. The precinct officials must make judgments about each Absentee Ballot envelope about whether that person is eligible to vote. They, then, must handle the ballot in such a way that protects the secrecy of each voter's choices; and

**WHEREAS**, using CAP for City elections will allow less disruption at the polling place and keep the absentee voting equipment and ballots in CAP

for processing by Officers of Election who have special training and experience for handling Absentee ballots; and

**WHEREAS** absentee voting is likely to increase in the future. The General Assembly established a period of no-excuse early voting this year (HB 2790 and SB 1026) with bipartisan support. Although this legislation is not yet law, the Electoral Board and Registrar expect **early** voted ballots will increase exponentially in upcoming years; and

**WHEREAS** the Electoral Board believes City elections will be more secure, and voters will experience fewer disruptions in the voting process on Election Day.

**NOW, THEREFORE BE IT ORDAINED**, by the City Council of the City of Buena Vista, Virginia, that it hereby APPROVES using the Central Absentee Precinct for all elections.

This ordinance shall be considered an emergency Ordinance and take effect upon adoption.

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William H. Fitzgerald, Mayor

ATTEST:

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Clerk of Council

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Date of Adoption

Ms. Wheeler polled Council as follows:

	<b>Present</b>	<b>Absent</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>
Mayor Fitzgerald	X		X		
Melvin Henson	X		X		
Tyson Cooper	X		X		
Cheryl Hickman	X		X		
Vice-Mayor Lisa Clark	X		X		
Danny Staton	X		X		
Stanley Coffey	X		X		

**ADJOURNMENT:** There being no further business, the meeting was adjourned.

\_\_\_\_\_  
WILLIAM H. FITZGERALD, MAYOR

\_\_\_\_\_  
Dawn M. Wheeler, Clerk of Council