

**CITY OF BUENA VISTA
REGULAR (VIRTUAL) COUNCIL MEETING
OCTOBER 15, 2020**

The City Council for the City of Buena Vista met for a Regular (Virtual) Council meeting on Thursday, October 15, 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. Councilman Coffey delivered the prayer.

ADG #2 APPROVAL OF THE AGENDA:

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

ADG #3 APPROVAL OF THE MINUTES FROM THE REGULAR COUNCIL MEETING (VIRTUAL) HELD ON OCTOBER 1, 2020:

Motion was made by Councilman Cooper to approve the above-mentioned minutes, seconded by Councilman Coffey, carried by Council.

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.

Dr. Keeler from the BVCPS was the first to address Council. He thanked Council for allowing him to address them. Dr. Keeler said for the last several weeks Lexington, Buena Vista and Rockbridge County has been talking with the Rockbridge Area Health Center concerning the spike in COVID cases. Our schools have been in session for 7 weeks and no student has been affected by the virus. All the students are wearing face masks and the buses are being fogged 2 times per day. He is concerned about the kids flocking downtown for Halloween. He feels it will be a lot of people in a confined area and this could lead to a breakout. Dr. Keeler requested that the City not sponsor Spooktacular this year as they have done in the past. He said the schools may have something where the parents can drive by and get the candy for the kids. He opined this would be much safer.

Mayor Fitzgerald said he agrees with Dr. Keeler. He feels if we have Spooktacular we will be putting the children at a large risk.

Vice-Mayor Clark said she agrees with Dr. Keeler and Mayor Fitzgerald. She said she knows how hard the schools have worked to protect the children and does not want them to put at risk.

Councilman Staton opined this is not something that Council wants to do but something that Council has to do.

Councilman Coffey said he agrees that we do not need to have Spooktacular this year. He opined the schools have done a tremendous job of keeping the kids safe in school and we should not take the chance of them bunching together and catching the virus.

Vice-Mayor Clark wanted to know if the drive-thru was still going to be held at Glen Maury Park.

Mr. Scudder said it is still planned.

Vice-Mayor Clark suggested that if any of the businesses from downtown want to give out candy that perhaps they could go to the park and join them in handing out candy at the drive thru and making it all in 1 stop.

Council Member Hickman stated if the City can have other events then we should have Spooktacular. She opined that the parents and the business owners should police the community and that it is not Council's job to tell parents that they cannot take their children downtown trick-or-treating.

Councilman Cooper said he struggles because of the concern about the children, including his own. He did not have a concern about Mt. Day. There were a lot of people together in the same place.

Vice-Mayor Clark said that Mt. Day was not targeted for children as is Halloween.

Councilman Cooper wanted to know if people thought that Mt. Day contributed to the increase in the virus in the City.

Council Member Hickman opined that people in the community need to make the decision as to whether their children trick-or-treat, not Council.

Councilman Cooper stated that Mt. Day was sponsored by the Arts Council and that perhaps the City should not sponsor Spooktacular.

Vice-Mayor Clark suggested that the parents could pull up and open their trunks and the treats would be put in there. There would be no contact with the kids.

Councilman Cooper opined that Council is worrying too much about this event. He said we should not sponsor the event. He realizes there will be a lot of people out and about together, but they need to follow the guidelines from the State and the CDC.

Councilman Coffey said if parents allow their children to trick-or-treat, it is their decision. He said to let the business owners decide if they want to hand out candy. That is something that Council cannot control.

Vice-Mayor Clark stated that is why she thinks we should not sponsor Spooktacular because we have no control over it.

Councilman Henson advised there has been 7 new cases in Buena Vista since yesterday.

Mr. Scudder said that Mt. Day started about 10 or 11 years ago and the idea was to get people downtown. That is how it ended up being a City sponsored event.

Ms. Kristina Ramsey said that she has been the one working on this event with the business owners. She also said that she agrees with the concerns that Council has. With the rising cases of COVID she has been trying to think about ways we could do an alternative method. Ms. Ramsey said that she agrees with Mr. Scudder that Halloween is a way of getting people out to see what kind of businesses are downtown. She said she really likes the idea that Main Street Lexington has done. They have no specific time, and they are not blocking off streets. The businesses will still have an indication that they are participating just throughout the business day. She opined if the businesses want to hand out candy this may be a safer alternative as long as they follow social distancing and sanitizing.

Council Member Hickman said she that is fine with her and the children need to have something to look forward to.

Vice-Mayor Clark stated that she would rather not have the City sponsor the event at all for the safety reasons that she mentioned earlier.

Mr. Scudder said it is really not the City's event. It is what the businesses downtown wanted to do about 10 or 11 years ago. The Department of Economic Development and Tourism facilitated the event with downtown businesses.

After more discussion, Ms. Ramsey said she will talk to the businesses and see what they want to do.

ADG #5 REPORTS:

1.) Mayor:

None.

2.) City Manager:

Mr. Scudder congratulated John Cole and Tom Roberts for going through the secondary road accreditation with VDOT. He said the online training is required for grant money and that John Cole got certified today. Tom got his several months ago. He said a lot of the park discussions and some of the issues we have dealt with at the park included the restrooms. He said we have discussed that the doors to the restrooms should be set on combination lock codes for patrons of the park. The patrons of the park will have the code to access the restrooms. There has been so much vandalism and trashing through the years. We have now installed the locks on the restroom doors. In order to handle emergency situations, we do have a handicap port-a-john at the park. In the season, which goes from March through October, patrons will have the code to the restrooms. There are other restrooms throughout the park that will be open. The paving will start on November 9, 2020. He has been working with Greg Shultz about the paving of Route 60 as they have talked about before. He will also be working with the WWTP engineers on the PE analysis and getting that going next week. We really need to do that in order to go forward with financing. This is a very high priority for him and the City right now along with the paving. The financial aspects of funding those things, at the level we are going to need right now, is paramount. Any

financial decisions for the City that we are working through at this time, are the most top priority items. We really need to get a handle on those before we start moving in other directions.

3.) City Attorney:

Mr. Kearney reminded Council to submit their top 10 candidates for City Manager to him before the Executive Session on 10/22/20.

4.) Council Committee/Representative:

Councilman Cooper reminded Council that they still have had no coordination on our strategic plan.

Mayor Fitzgerald told Councilman Cooper to get with Mr. Scudder and get a meeting set up to discuss the strategic plan.

Councilman Staton stated that the Charter needs to be worked on also.

Vice-Mayor Clark thanked Mayor Fitzgerald for attending the school meeting. She said they are getting more and more kids coming back from virtual learning to face to face learning.

Councilman Henson thanked Mr. Scudder and Public Works for what they have done in the past several weeks.

Vice-Mayor Clark wanted to know about litigation plans for the courthouse.

Mr. Scudder said he has put together a proto call list kind of based on the other one we had and shared it with some of the staff members. He will share the list with Council.

Councilman Henson said there was a meeting yesterday on Christmas in the Park. We have tentatively set a date of December 12, 2020 beginning at 5:00 p.m. at the Paxton House. There will be another meeting on November 18 to make the final decision on what we are going to do. He then asked Mr. Kearney if he knew anything about a short-term rental fee or agreement. He wanted to know about charging for students being in a place for 5 or 6 months. He said there should be a fee to the property owner. He said we have so many students renting in town now.

Mr. Kearney said the property owners would have to comply with our normal rental rules.

Councilman Henson said he feels that either the property owner or the real estate agent should be paying a short-term rental fee.

Vice-Mayor Clark said that her daughter lives in Radford and is a student. She does not have to pay any additional fees, only rent.

Mr. Kearney said he would look at Radford's short-term rental terms.

Mr. Tom Roberts advised that the term "short term rental" in the State of Virginia means a rental of less than 30 days. We have looked at the idea of adopting a short-term rental Ordinance. There could be a fee associated with that, but it would be like a business license. A semester or school year is the same as annual rent. They should be complying with our occupancy rental Ordinance of having only 4 unrelated adults living in the same house.

Mr. Scudder said when they looked into short term rental fees, we are not looking at a great big financial wind fall.

Mr. Roberts opined if we were to collect lodging tax on the rental units we have, it would be under \$10,000.00 annually.

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

None.

OLD BUSINESS:

OB #1 DISCUSS PURCHASING THE TOWN SQUARE:

Vice-Mayor Clark started the discussion by saying that she feels this should be tabled until the next budget cycle. In a budget year where we have cut to the heart to departments like we have and raised taxes, she cannot see purchasing something that we did not budget for. She opined the idea is nice and the property is nice, but we are not going to get an immediate return on it. Mr. Roberts mentioned in a memo that we could lease it to some people, but she does not think paying \$0.03 on the \$1.00 of taxpayers money right now on the town square would be a good move for the City. She said if this is something that Council wants to look at in the next budget cycle, then budget for it. We have cut to the core of every department and every non-profit and she feels it would be a public relations suicide move.

Councilman Staton stated that he totally agrees with Vice-Mayor Clark. He said this would be a nice addition for the City but right now is the wrong time to make a purchase such as the town square.

Council Member Hickman said the only thing she would add to that is that Mr. Roberts said in the email that we could probably get grant funding for half of the cost. She suggested that maybe we could get someone in the business sector to do a third party agreement or there may be someone that would contribute to the City and help us get the property and we would not have to spend the tax payers dollar or a very, very small amount.

Vice-Mayor Clark opined that it is a very good idea to pursue a grant or pursue private funding for the land, but she feels it should still be in the next budget cycle. We did not budget a half a cent for anything like that and she feels it would be very irresponsible to spend money that way.

Council Member Hickman said we ended up giving money back even after we took it out of the budget. She would like to pursue some private investors for this purchase. She opined that she does not know who would want the property at this point. However, she thinks the property would be a good addition and a good focal point for activities in the City.

Mayor Fitzgerald asked Mr. Roberts to look at other options for this property.

Council Member Hickman suggested that Mr. Roberts speak with Mr. Walker to see if he would be willing to comprise. She opined we may be able to work something out with Mr. Walker.

Mr. Roberts said he thinks the challenge to this situation is that he has every indication that Mr. Walker is going to proceed with the auction on October 28 and he will sell the property. Someone else will own the property after the 28th.

Mr. Kearney advised that the date for the auction has been moved to November 17th.

Vice-Mayor Clark stated that if someone buys the property it will go back on the tax records for the City.

Councilman Staton wanted to know if the property will be sold at the auction regardless of the price.

Mr. Roberts said it is an absolute auction.

Mr. Kearney said it does not say on the web page that it is an absolute auction.

Mr. Kearney said he will try to get more information on the sale of the land.

Mr. Roberts advised that Mr. Walker said if the City wants the property then they should come to the auction and bid on it. If we go to the auction and bid on the land, we could possibly pay less than the \$95,000.00 that Mr. Walker is asking for the land. He said the question is do we want control and certainty of acquiring the land now or do we want to bid on it at the auction.

Council Member Hickman said she wanted to know if Council could have more discussion prior to the auction to see if we could possibly get the land.

Mayor Fitzgerald said Council will look at the possibility of purchasing the land and talk about it again in November before the auction.

OB #2 DISCUSS SELLING THE PLAYGROUND LOTS ON LOCUST AVENUE AND 12TH STREET:

Council Member Hickman said she originally had brought this subject up. Riding by and looking at the equipment she knows there is not much we can do with the playgrounds at this point. However, if there is, she would like to turn the money back around and use it for the kids. The playground equipment is really old and dated. They really did not look safe to her.

Vice-Mayor Clark suggested that someone look into the safety of the playground equipment because there are certain regulations if they are City owned playgrounds and parks. She said if we had \$95,000.00 to spend, we could replace all the playground equipment at all 3 of the parks.

Council Member Hickman said she is not suggesting that Council take \$95,000.00 and spend it on playground equipment. She said the thing she is trying to do is look forward to a vibrant downtown and felt the sale of this property would help. She opined if we continue to not do anything to the downtown area to be vibrant at all and expect it to be vibrant: what is that?

Councilman Cooper said we are not talking about buying the property and he is not saying we should not pursue other avenues. The suggestion was we buy it on debt. He said if he remembers right, the annual payment would be \$700.00. We are not talking about lending out \$95,000.00 to buy the town square. We are talking about committing the City, for a period of time, hopefully for just a year or two until we can get grant funding or private citizens to help. He agrees on the playgrounds that we should do something on these properties. However, he does not know that we need to do is spend a ton of money on them right now. What would be cool is if we had a plan and every year, we just set a few dollars aside for the plan.

Vice-Mayor Clark stated with the uniqueness of the parks and the locations you could even have each park look different. She said again we need to plan for these types of things and budget for them.

Mayor Fitzgerald opined what Council Member Hickman was speaking about was selling the property and investing the funds into playground equipment for GMP.

Council Member Hickman said the Mayor is correct. She said the reason she said it in the first place was they did not look like they were being used and she has never seen anyone on the equipment.

Mayor Fitzgerald said he knows that 12th Street is used very little, but we would never be able to sale the property there. It is right on a creek and not very much property. The lots on Locust are nice and are valuable for residential.

Council Member Hickman said if we sold the lots on Locust, it would contribute to the tax base.

Councilman Coffey wanted to know the size of the lots on Locust.

Mayor Fitzgerald said they are 50' by 125'. There are 2 lots on the corner. He opined that someone could build a nice house on the lots.

Vice-Mayor Clark suggested that we look at selling the lots on Locust and hold onto the lots on 12th Street. She asked Mr. Scudder to have someone from Public Works go and check the playground equipment to make sure it is safe.

Councilman Coffey said there is a structure on Locust that can be removed and put on either 12th Street or GMP. He opined the equipment on 12th Street does not look very safe.

Mayor Fitzgerald suggested that we table this subject until the next Council meeting. He also asked Mr. Roberts to find out what the value of the land at Locust is.

OB #3 UPDATE ON CARES ACT MONEY:

Mr. Charles Clemmer started this discussion by showing a chart to Council about how the CARES money will be distributed. The last time the CARES money was discussed the City had \$483,000.00 left and we were going to decide what we were going to do with it in the future. The first thing that was talked about was sending another \$50,000.00 to the schools. The next was an increase in the amount for our regional jail. Our regional partners have all agreed to use some of the funds for capital improvements. The first \$28,000.00 included a vehicle. Now there are things such as new laundry equipment and HVAC upgrades. We have already installed these in a good chunk of our buildings. He said they are still working on the library. The \$40,057.00 was the amount for upgrading all our buildings. There is another \$18,000.00 increase for cleaning supplies. We also gave the police department another \$5,397.00. We approved the amount for laptops for the vehicles last time and this \$5,397.00 is for installation of the new laptops.

Mr. Scudder said we gave the Sheriff's Office \$23,000.00 for a fingerprinting machine.

Mr. Clemmer said we upgraded the RANA lines to improve internet in the courthouse for \$19,201.00. Going along with that technology, we wanted to set

aside \$250,000.00 for a new technology system. He said the remainder of the funds was put aside for public safety. We currently have 12 employees out with COVID.

Councilman Cooper wanted to know if the funds included hazard duty pay.

Mr. Scudder said we can use these funds for employees that are COVID related and for overtime that is COVID related. We can use the funds for employees that are quarantined or out or overtime that is due to COVID related issues. The funds can be used to pay for payroll for some employees such as himself and Charles.

Councilman Coffey wanted to know if Mr. Scudder had said the CARES money could not be used for hazard duty pay.

Mr. Scudder said it cannot be used directly for hazard duty pay. The other jurisdictions are using their general funds for that pay.

Mr. Kearney said the payroll for the public safety are funds that we have already budgeted for. This will reimburse our general fund. He said we can use up to \$500,000.00 for payroll for public safety.

Mr. Scudder said along with any other related personnel expenses.

Mayor Fitzgerald said that he is hoping that by February we will receive more CARES money.

Mr. Scudder said the answer to the question is anything that is hazard duty related must come out of the general fund. He said that Lexington is going to do \$1,500.00 across the board to all employees.

Mr. Clemmer said the County is doing one for their public safety employees and another one across the board for all their employees.

Council Member Hickman wanted to know if the reserve for additional City use is \$483,000.00.

Mr. Clemmer said that is what we had the last time they talked about the CARES funds. Everything he has presented tonight was paid from that \$483,000.00.

Mr. Scudder said that we left a float of about \$85,000.00.

Mr. Kearney said we did not leave a float of \$85,000.00. It was put in public payroll. The money that is in the public payroll is going into the general fund. We still have \$400,000.00 that is going into the general fund that has not been earmarked. We are replacing money that has already been budgeted.

Council Member Hickman said her concern is if we continue to have cases here and there, she does not expect it to be an all at one time thing. She wanted to know when the money has to be spent.

Mr. Clemmer said it needs to be obligated by December. We do not have to have the checks written out, but we do need to have a contract in place.

Mayor Fitzgerald said the money is in the general fund for surprise things such as the outbreak we just had.

Mr. Clemmer said anything in this category is going back to the general fund since we have already budgeted for them.

Councilman Coffey wanted to know when the police department's payroll is being paid.

Mr. Clemmer said for the first of March through December 30th. Then it is all our share of public safety's payroll. It will net out grant money like school resource

money and the 599 money we get. Netting all of those out, our share is about \$505,000.00. The maximum we can take is \$505,000.00.

Councilman Coffey said they had previously talked about we cannot do hazard duty pay for the police department. He wanted to know if we can take the money out that is in the general fund and it will not hurt us because the police department has been paid by the COVID money. He wanted to know how it affect our fund balance if we had 16 officers and gave each one a \$1,000.00 which would equal \$16,000.00.

Mr. Scudder said it will reduce it by \$16,000.00.

Mr. Clemmer said that we are basically adding to our fund balance but for the hazard duty pay we would be taking \$16,000.00 out. We would still be increasing our fund balance by \$16,000.00.

Mayor Fitzgerald opined that all employees should receive the money.

Councilman Coffey said these guys have been on the job since the virus started. They are in the public's eye all day, every day. The police department has to go to places that other employees do not have to.

Mr. Scudder said we can use the general fund money.

Councilman Coffey said the COVID money has paid the police department from March through December 30. He said again if there are 16 police officers and we give each one \$1,000.00 that would be \$16,000.00 coming from the fund balance. We will still be increasing the fund balance by the things that we are doing with the funds. He asked Mr. Clemmer if he was stating that correct.

Mr. Clemmer said he is correct. He asked that Council keep in mind that we do need to increase the fund balance, especially for the effects of COVID for loss of revenue in general. Especially on the water and sewer side. That is probably where we are going to see a lot of our loss of revenue.

Mayor Fitzgerald said Council needs to get a little more information before they make a decision.

Councilman Henson said that he agrees with Councilman Coffey about the police department, but he also thinks about the other departments around the City.

Mayor Fitzgerald opined that all employees need the bonus, but Council has to figure out what the fund balance is going to be. He asked if Council needs to vote on these funds tonight.

Mr. Kearney said they do not have to vote tonight. This is a proposal for use of the money.

Mr. Clemmer said that Council can vote if this is how they want to divide up the money and they can have another discussion about hazard duty pay at another time.

At this point we lost connection with Council Member Hickman. She was not present for the vote.

Motion was made by Vice-Mayor Clark to approve CARES funds as listed tonight and have more discussion at a later date on hazard duty pay, seconded by Councilman Cooper, carried by Council.

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

NEW BUSINESS:

None.

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

WILLIAM H. FITZGERALD, MAYOR

Dawn M. Wheeler, Clerk of Council