

**CITY OF BUENA VISTA
REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
OCTOBER 21, 2021 - 6:00 P.M.**

ADG #1: PLEDGE OF ALLEGIANCE AND PRAYER:

Councilman Cooper delivered the opening prayer.

ADG #2 APPROVAL OF THE AGENDA:

Vice-Mayor Hickman made motion to approve the agenda, seconded by Councilman Coffey, carried by Council.

ADG #3 APPROVAL OF THE OCTOBER 7, 2021, MINUTES FROM THE REGULAR COUNCIL MEETING:

Councilman Coffey made motion to approve the above-mentioned minutes, seconded by Vice-Mayor Hickman, 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.

No one spoke.

ADG #5 REPORTS:

1.) Mayor:

None.

2.) City Manager:

Mr. Tyree advised we have received the dump truck for Public Works yesterday.

The other two trucks are on back-order, and we should receive them within the next month. The commercial vehicle ships are about a year out. We are purchasing the non-commercial trucks and they should be here within a month.

3.) City Attorney:

None.

4.) Council Committee/Representative:

Councilman Coffey wanted to speak about the ground hog situation at the flood wall. He asked Chief Hartman if he wanted the WWTP to take care of the problem or if he wanted the PD to take care of it.

Mr. Corey Henson said the problem with the ground hogs right now is they are undermining some of the gates. When the water rises, there are holes up and down the flood wall that are comprising the wall itself. He advised the Army Corp of Engineers is really pushing for us to do something about the ground hogs.

Councilman Coffey asked if the Corp knows of anything we can do to keep the ground hogs out permanently.

Mr. Henson said the Corp has talked to the City about trapping which failed. They also talked about exterminating them which did not sit well with the public. He said there are poison pellets that you can put down but then you will have to deal with the smell of dead animals. He said the Corp wants the City to put concrete in all the holes. The ground hogs have also gotten into the WWTP and are undermining everything there.

Councilman Henson said they have also done considerable amount of damage at the park.

Councilman Coffey said he is all for letting the PD do what they must do. Council will make the decision.

Councilman Henson wanted to know how long it would take the PD to start getting rid of the ground hogs.

Chief Hartman said if Council gives them the thumbs up, they can get the job done in 1 to 2 weeks. Council agreed to allow the PD to handle the ground hog problem.

Councilman Henson then advised that the committee for the Greenwood Cemetery have concerns about how much support they will have after the project is done. They are concerned we will not commit to it or maintain it after it is complete.

Mr. Kearney said they had a long meeting with the committee on Monday of this week. They left with all of their questions answered. We are looking at insurance issues and they are going to form a little corporation. After the meeting they opined it was the best meeting they have had. They talked about the possibility of obtaining some State money. The City owns the property, so they are talking about doing a memorandum with the City; they are going to form a simple nonmember corporation. They will outline the goals of the corporation, what they hope to accomplish, raise money for the project outside of the City. Going forward we will look at some sources of revenue and how to maintain the cemetery. There is a statute for African American cemeteries before 1900 to get so much per grave site. We may be able to look and see if we can get that special amendment.

Councilman Henson said there is a safety concern with drivers not paying attention to people in the crosswalks. He opined that is a safety concern. He thanked Jason for working on some projects. There was a good meeting with Parks/Recreation last night. He opined that with any project in the City or the park, the City is 50 years behind time.

ADG #6 CONSIDER APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS, AND COMMITTEES:

THE BOARD OF ZONING APPEALS:

MR. ART FURLER'S TERM WILL EXPIRE ON 12/31/25. THIS IS A FIVE-YEAR TERM AND THE 8th TIME IT HAS APPEARED ON THE AGENDA. THE TERM WILL BEGIN IMMEDIATELY. MR. FURLER HAS MOVED AND IS UNABLE TO CONTINUE TO SERVE:

NO APPLICANTS: ADVERTISED THE NEWS GAZETTE JULY 7, 2021, POSTED ON SOCIAL MEDIA

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

THE ROCKBRIDGE AREA COMMUNITY SERVICES:

MR. KEITH HARTMAN'S TERM WILL EXPIRE ON DECEMBER 31, 2021. MR. HARTMAN IS ELIGIBLE TO SERVE AGAIN IF APPOINTED BY COUNCIL. THIS TERM WILL BEGIN ON JANUARY 1, 2022, AND EXPIRE ON DECEMBER 31, 2024:

NO APPLICANTS - WILL ADVERTISE THE NEWS GAZETTE ON 10/20/21: POSTED ON SOCIAL MEDIA

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

OLD BUSINESS:

OB #1 DISCUSS PHASE 2 APPROPRIATION OF ARPA FUNDS:

Mr. Tyree advised this item has been discussed at the work session held by Council. At this point there are only two things to be discussed. One is the request from the Buena Vista Firefighters Incorporated. Their need is to replace fifteen sets of gear for \$56,220.00. They do have several other needs but said this is their biggest need right now.

Motion was made by Councilman Coffey to appropriate \$56,220.00 to the Buena Vista Firefighters Incorporated, seconded by Councilman Webb, carried by Council.

Mr. Tyree said the next one is for \$5,000.00 which will pay for cell phones for Council members which will allow us to become better equipped to handle FOIA requests in the future.

Councilman Coffey said the \$5,000.00 will cover a two-year contract.

Councilman Cooper motioned to appropriate \$5,000.00 for the two-year contract on cell phones for Council, seconded by Councilman Coffey, carried by Council.

Mr. Tyree said the last item listed is bonuses for City staff. The State is requiring that the City pay a bonus to the Sheriff's Department, as mandated by the State, only Sheriff Hamilton and Deputy Danny Humphries would receive the bonus's as is the State requirements. The bonuses for the Sheriff's Department would only be about \$3,000.00. This would not cover anyone else in the Sheriff's Department. To cover everyone in the Sheriff's office and City staff, it will be \$104,350.00.

Motion was made by Councilman Henson to appropriate \$104,350.00 for City staff bonuses, seconded by Councilman Cooper.

Vice-Mayor Hickman asked for permission to speak before Council voted on the motion. She said she is not against giving bonuses to employees. She stated the problem is we are facing financial issues as we have been doing. She suggested that the vote be looked at again in about 30 days or so to know if we can afford to give bonuses to the City employees. She again stated the City is facing some difficult financial situations and Council has talked about raising the water rates also. She opined that Council not only has an obligation to the City employees but also to the citizens of Buena Vista.

Councilman Webb asked Vice-Mayor Hickman why she thought 30 more days would make a difference.

Vice-Mayor Hickman stated that Council has the information there to see. If we could use that money to pay for some of the things that cost \$20,000.00 to \$30,000.00 that would be less money we would have to borrow.

Councilman Coffey stated if we spent all the ARP money that we receive on just the WWTP the amount would be around \$8,000,000.00. It is estimated at closer to \$18,000,000.00 to \$19,000,000.00.

Vice-Mayor Hickman opined if we did not use the money for bonuses, we could save that money and not have to raise the water rates.

Mayor Fitzgerald advised that Council will not know in 30 days what will be needed for the WWTP. He said once we get further on the project, we will start applying for grants and you will not know what you can apply for and what you can get. He opined that is what will determine what the water bills will be.

Mr. Tyree said that he knows what Vice-Mayor Hickman is speaking to concerning the PER presented by Hunter. He said in the PER there are things that Hunter pointed out that might cost \$200,000.00 and if the City paid out of pocket the cost would be more like \$70,000.00.

Mr. Kearney said they had a nice meeting today with the engineers and the problem is they are going to be focusing on the WWTP right now. Some of the expenses are for the water and sewer lines and they will need to discuss those again because some of the costs have changed. The WWTP is what we are focusing on right now as it is the number one priority making sure it is upgraded. The City may have to put in \$7,000,000.00 after the DEQ grants that we are expecting. We are also expecting some RD grants that will bring that number down. We will not have that number for many, many months until we get the final drawings and approval. Unfortunately, the RD engineer in Virginia is no longer employed so we must go back and try to get the numbers down even further. He said there are a lot of hoops you must jump through to get the numbers down. That will allow us to focus only on the water and sewer lines knowing what the WWTP will cost first.

Councilman Coffey stated that hopefully by January we will have the new census figures.

Mr. Kearney said we cannot use those figures because it could take up to 8 years for RD to get the numbers in their system. For the foreseeable future we are stuck with the 2010 figures. Some of the RD grants are based upon those numbers and, we need to know how much grant we are going to get. The first thing that must be done is to get the PER ready for the WWTP. We are still looking for ways to work on the water and sewer lines without having to pay out a lot of money. He emphasized that it will be many months before we will know what the total cost is and what will be available for us.

Councilman Coffey stated he is not against the bonuses but if we can save money by paying from our pocket it will help in the long run.

Councilman Staton wanted to know if we must use the 2010 census what the effect will be on how many grants we qualify for.

Mr. Kearney said that only applies to the RD grants, not the DEQ grants. Right now, the engineers are looking at a variety of grants. In order to qualify for some RD grants you must have a certain level. In our case, because of the 2010 numbers, we will have to increase the water to qualify for certain grants. If the grants are large enough, we may be able to figure out some other ways to modify some other taxes. At the moment we do not know if we are going to qualify for any RD grants and if so, how much. Once we know what DEQ is going to do plus all the other sources (for the WWTP only) then we can look at it and say we can get another \$2,000,000.00 or \$4,000,000.00 from RD in grants. We may have to do this because of the 2010 numbers. We do not know that yet. If there are other sources that do not require the increase of water and sewer rates and there are comparable sources, we would want to use them. We are trying to maximize the \$17,000,000.00 so that it ultimately cost the citizens as little as possible.

Vice-Mayor Hickman suggested we have Hunter look over the PER and go through the things we could possibly save money on.

Mr. Kearney said the presentation was based upon the assumptions of doing this or doing that. We do not know what we are doing yet other than the WWTP. He advised there are also assumptions with the WWTP, and he may be able to look at those within 30 days.

Councilman Coffey suggested we could use the money to have the water tanks inspected since they have not been inspected for 20 years. He opined if we can cut down the percentage of stuff that we have to put on that we will save ourselves money. All the numbers are without any grants and that water and sewer could go up \$25.00 per month. He said that is not feasible to him for the citizens of the City to have to take under. He opined they are trying to do what they can to get underneath that.

Councilman Henson said that he understands where Vice-Mayor Hickman is coming from but with some of the figures it might be 2 years down the road before we get them. We have people out here on the back of the garbage truck working for \$11.00 per hour when they can go down the road and make \$4.00 per hour. He said the bonus would be nice for the workers.

Vice-Mayor Hickman said we need to look at what we are paying and be competitive.

Councilman Henson said that needs to be discussed at budget time.

Mr. Tyree polled Council as follows on the motion that was made by Councilman Henson to appropriate \$104,350.00 for City staff bonuses, seconded by Councilman Cooper.

	Present	Absent	Yes	No	Abstain
Mayor Fitzgerald	X		X		
Melvin Henson	X		X		
Tyson Cooper	X		X		
Vice-Mayor Cheryl Hickman	X			X	
Steve Webb	X				X
Danny Staton	X				X
Stanley Coffey	X			X	

NEW BUSINESS:

NB #1 RESOLUTION APPROVING THE CITY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-REGULATED CLAIMS AGAINST MCKESSON, CARDINAL HEALTH, AMERISOURCEBERGEN, JANSSEN, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE CITY ATTORNEY AND/OR THE CITY'S OUTSIDE COUNSEL TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE CITY'S PARTICIPATION IN THE SETTLEMENTS:

Councilman Cooper read the following Resolution:

RESOLUTION - R21-15

A RESOLUTION OF THE BUENA VISTA CITY COUNCIL APPROVING OF THE CITY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST MCKESSON, CARDINAL HEALTH, AMERISOURCEBERGEN, JANSSEN, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE CITY ATTORNEY AND/OR THE CITY'S OUTSIDE COUNSEL TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE CITY'S PARTICIPATION IN THE SETTLEMENTS

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the City of Buena Vista by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by the City of Buena Vista's various departments and agencies; and

WHEREAS, the City of Buena Vista has been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the City of Buena Vista; and

WHEREAS, the City of Buena Vista has filed suit against McKesson, Cardinal Health, AmerisourceBergen, and Janssen Pharmaceuticals, along with certain of their related corporate entities for their role in the distribution, manufacture, and sale of the pharmaceutical opioid products that have fueled the opioid epidemic that has harmed the City of Buena Vista; and

WHEREAS, the City of Buena Vista's suit seeks recovery of the public funds previously expended and to be expended in the future to abate the consequences and harms of the opioid epidemic; and

WHEREAS, settlement proposals have been negotiated that will cause McKesson, Cardinal Health, AmerisourceBergen, and Janssen to pay up to \$26 billion nationwide to resolve opioid-related claims against them; and

WHEREAS, the City of Buena Vista's outside opioid litigation counsel has recommended that the County [City] participate in the settlements in order to recover its share of the funds that the settlement would provide; and

NOW THEREFORE BE IT RESOLVED that the Buena Vista City Council, this 21st day of October, 2021, approves of the City's participation in the proposed settlement of opioid-related claims against McKesson, Cardinal Health, AmerisourceBergen, Janssen, and their related corporate entities, and directs the City Attorney and/or the City's outside counsel to execute the documents necessary to effectuate the City's participation in the settlements, including the required release of claims against settling entities.

William H. Fitzgerald, Mayor

Attest:

Brian Kearney, City Attorney

Date of Adoption

Councilman Henson made motion to adopt the above Resolution, seconded by Councilman Coffey, carried by Council.

NB #2 RESOLUTION TO REQUEST A PORTION OF THE MAURY RIVER BE DESIGNATED AS A VIRGINIA SCENIC RIVER:

Councilman Cooper read the following Resolution:

AT A REGULAR MEETING OF THE CITY OF BUENA VISTA COUNCIL, BUENA VISTA, VIRGINIA, HELD AT THE CITY OF BUENA VISTA MUNICIPAL BUILDING, 2039 SYCAMORE AVENUE, BUENA VISTA, VIRGINIA ON THURSDAY, OCTOBER 21, 2021

RESOLUTION R21-16

RESOLUTION TO REQUEST A PORTION OF THE MAURY RIVER BE DESIGNATED AS A VIRGINIA SCENIC RIVER

WHEREAS, the Virginia Scenic Rivers Program was enacted by the Virginia General Assembly in 1970 for the purpose of identification and preservation of certain rivers, or sections of rivers, which possess high quality natural beauty; and,

WHEREAS, the Virginia Department of Conservation and Recreation has been charged with administering the Scenic Rivers Program and developing an objective evaluation process to judge the suitability of river segments; and,

WHEREAS, the upper Maury River from the confluence of the Calfpasture and Little Calfpasture Rivers to the Rt. 631 – Furrs Mill Road bridge in Beans Bottom was designated as a Virginia Scenic River by the Commonwealth of Virginia in 2020; and,

WHEREAS, staff from the Virginia Department of Conservation and Recreation visited the lower Maury River, from the Rt.631 – Furrs Mill Road bridge in Beans Bottom to its confluence with the James River in the Town of Glasgow, and evaluated its eligibility for Scenic River designation; and,

WHEREAS, the Virginia Department of Conservation and Recreation completed its evaluation of the lower Maury River as described above and determined that it qualifies as a Virginia Scenic River; and,

WHEREAS, the Virginia Board of Conservation and Recreation supports the endorsement for designation of this section of the Maury River as a Virginia Scenic River.

THEREFORE, BE IT RESOLVED, that the Council of the City of Buena Vista, Virginia, does hereby support the designation of the Maury River from the Rt.631 – Furrs Mill Road bridge in Beans Bottom to its confluence with the James River in the Town of Glasgow as Virginia Scenic River; and,

BE IT FURTHER RESOLVED, that the Council of the City of Buena Vista, Virginia, hereby requests that the Honorable Senator Creigh Deeds and the Honorable Delegate Ronnie Campbell serve as patrons for the legislation that will codify the Scenic River designation.

Adopted that 21st day of October 2021.

Recorded Vote:

AYES: ALL
NAYES: NONE
ABSENT: NONE

THE CITY OF BUENA VISTA COUNCIL

By: _____
William H. Fitzgerald, Mayor

Attest: _____
Brian Kearney, City Attorney

Councilman Henson made motion to adopt the above Resolution, seconded by Councilman Webb, carried by Council.

ADJOURN:

There being no further business, the meeting was adjourned.

William H. Fitzgerald, Mayor

ATTEST:

Brian Kearney, City Attorney

DATE:
