

**CITY OF BUENA VISTA
PUBLIC HEARING AND
REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
SEPTEMBER 16, 2021 - 6:00 P.M.**

ADG #1: PLEDGE OF ALLEGIANCE AND PRAYER:

Councilman Cooper delivered the opening prayer.

ADG #2:

**CITY OF BUENA VISTA
NOTICE OF PUBLIC MEETING
TRANSPORTATION ALTERNATIVE PROGRAM
21ST STREET STREETScape IMPROVEMENTS**

The City of Buena Vista proposes to construct streetscape improvements on the 200 block of West 21st Street (between Sycamore Avenue and the railroad). Improvements will include new intersection sidewalk treatments for ADA compliance, new crosswalks, new streetlights, and street trees. The improvements will make the intersection of Sycamore Ave and 21st Street safer and improve the pedestrian experience on 21st Street.

The City will hold a public hearing during its regular City Council meeting on Thursday, September 16th, 2021, beginning at 6:00 PM. The meeting is held in Council Chambers, City Hall, 2039 Sycamore Avenue, Buena Vista VA 24416.

The estimated cost of the project is \$645,000. The Transportation Alternatives grant share will be \$475,000 and the balance will be matched by Community Development Block Grant (CDBG) funds. No expenditure from the City's general fund is anticipated.

No additional right-of-way will be needed for this project, and no residents or businesses will require relocation. The public is encouraged to provide comment. Questions may be directed to Tom Roberts, Director of Community & Economic Development, at (540) 261-8607 or

troberts@bvcity. The City of Buena Vista does not discriminate against race, color, religion, sex, national origin, age, disability, political affiliation, belief, or faith-based organizations.

Mr. Tom Roberts opened the Public Hearing by advising that a big chunk of the CDBG Grant is for streetscape improvements. The TAP (Transportation Alternatives Program) Grant pays for pedestrian and non-motorized transportation. We will be able to basically match the TAP Grant funds with CDBG Grant funds. We will be able to do a little bit more streetscape improvements than we would have with just the CDBG Grant funds. The TAP program is 80% VDOT money and 20% locality money. We will do the TAP Grant fund and match that with CDBG Grant funds. There will be no money coming out of the General Fund. Mr. Roberts said they could see in the staff report that we will be redoing the intersection of Sycamore and 21st Street; redoing the sidewalk at each corner; moving drop inlets; redoing the crosswalks at each corner; installing some street trees and streetlights. The bottom-line number is \$738,841. Of that \$738,841 our TAP Grant request will be \$475,000 and the CBDG Grant \$263,841. We selected a grant

request amount that we felt like most likely would be awarded. For the TAP program there is a higher pool of funds for districts like Staunton which goes from Harrisonburg to Rockbridge County. The ideal grant request is between 2 and 500,000. The \$263,841 will be coming from CBDG grant funds. Mr. Roberts said the final application will be October 1st. We will know in a couple of months whether we get the grant. He advised we could get the whole project, or we could get awarded partial funding. At that point we would have a choice to move forward with this project or say we are not going to do it. He said he emphasizes that because if there is any change in the VDOT portion or when we get into the CBDG project this winter or early spring and there is something on the CBDG side that we figure out we are not going to be able to match it like what we thought we could, we can pull out. The grant comes around every 2 years. If for some reason we decide to not go with TAP, we would do as much as we could with the CBDG funds. As we get into winter and early spring, we will be doing final engineering of the CBDG funded streetscape improvements. Mr. Roberts said there are a lot of moving parts, but we are putting in applications hoping that it will give us some extra money to do more streetscape repairs. This Resolution does need to be adopted tonight as we must submit the signed Resolution with the application.

Mr. Tyree added that under the Transportation Alternative Program, if at any time we do decide to pull out, they will not hold it against us in future grant applications.

Mayor Fitzgerald closed the public hearing.

ADG #3: APPROVAL OF THE AGENDA:

Motion was made by Councilman Cooper to approve the agenda, seconded by Vice-Mayor Hickman, carried by Council.

ADG #4: APPROVAL OF THE MINUTES FROM THE SEPTEMBER 2, 2021, REGULAR COUNCIL MEETING:

Motion was made by Councilman Coffey to approve the minutes from the September 2, 2021, Regular Council Meeting, seconded by Councilman Staton, carried by Council.

ADG #5: 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 #6 REPORTS:

1.) MAYOR:

None.

2.) City Manager:

Mr. Tyree started his report by advising they had a New School Construction Committee meeting last night. The next meeting will be held on October 12, 2021, beginning at 6:00 p.m. at the Ramsey Center. At the next meeting they will do a presentation. The school says they have a lot of things that have been done that

we might not be aware of. The public is invited to attend this meeting. Mr. Tyree opined the 911 Memorial went great. There was a great turn out and he has heard a lot of positive comments about the event. He said he is very thankful that we could do something to honor those that lost their lives.

Councilman Cooper wanted to know how long the memorial will stay up at GMP.

Mr. Tyree said maybe one month or so.

Mr. Roberts said he will contact Mark Cline to see how long he will keep the memorial up.

Mr. Tyree said that Councilman Coffey asked him to address the fact that his 6 months is up with the City. He asked Council if they had anything to address with him or any feed back to give him. Mr. Tyree told Council they could either see him one on one or they can address anything they may have tonight. He said he has enjoyed working here with everyone. He appreciates Council letting him serve the City of Buena Vista. We have already had some challenges, but we are working through it as a team to get through it and feels we will be stronger in the long run.

Councilman Coffey stated that he and Mr. Tyree had talked about this, and Mr. Tyree had brought it up to Mr. Kearney. He does not see any problems. He advised that most Council members talk to Mr. Tyree at least once a week. Councilman Coffey thanked Mr. Tyree for his service to the City. He told Mr. Tyree that he has enjoyed working with him and to keep up the good work.

3.) City Attorney:

None.

4.) Council Committee/Representative:

Councilman Henson opined the 911 Memorial went well. He thanked Tom and Kristina for all the work they did on the project.

Mr. Tyree opined that Tom deserves the praise since he worked very hard on this memorial. Mr. Tyree said that Tom Roberts, Chief Hartman, Waylon Miller, and Ron Cash worked tirelessly on the project.

Assistant Police Chief Waylon Miller said that this was one of the proudest moments he has had living in the area and working here.

Councilman Henson said that Labor Day went well but we did not have the crowd we had anticipated. He said that Mr. Tyree came into a hornet's nest. He has conquered a lot of the problems he had facing him.

Mr. Kearney advised that the 6 months was a probation period and that is over. He has a 5-year contract.

Councilman Henson advised that the Fire Department will be having a golf tournament on Saturday, September 18, 2021, beginning at 8:00 a.m.

Vice-Mayor Hickman said that Mountain Day is coming up. She opined that next to Labor Day this is the biggest event in the City. She also said the 911 memorial was awesome and she has heard nothing but good comments about the event.

Councilman Coffey said the Action Buena Vista meeting that was held on Monday was a great meeting. Also, for Mountain Day he has the axe throwing people, Beards and Broads, coming in. This company does not charge anything. He then thanked Tom and everyone that was involved with the 911 memorial. He opined it was a touching ceremony with the people that spoke from the military and Chief Hartman. Councilman Coffey also said the choir from Southern Virginia University did an excellent job.

ADG #7 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 SIXTH 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.

Will carry over to the next schedule Council meeting.

ROCKBRIDGE AREA NETWORK AUTHORITY (RANA):

MR. JOSHUA EGGLESTON HAS RESIGNED EFFECTIVE SEPTEMBER 1, 2021. HIS TERM WILL EXPIRE ON DECEMBER 31, 2024, AND THIS IS THE FOURTH TIME IT HAS APPEARED ON THE AGENDA:

ADVERTISED THE NEWS GAZETTE JULY 28, 2021, POSTED ON SOCIAL MEDIA.

Motion was made by Councilman Coffey to appoint Mr. Ron Cash to the RANA Board, seconded by Councilman Cooper, carried by Council.

OLD BUSINESS:

None.

NEW BUSINESS:

NB #1: BLUE RIDGE MILE, MOU PLUS ADDENDUM:

Mr. Tyree started the discussion by saying this is the Blue Ridge Mile, MOU. Fran Elrod has been working with W&L and would like to do a new pilot program working with the courts to help people get their drivers license back. They will set up in the room behind Council Chambers on traffic citations days to help people who may have already lost their drivers license or is going to lose their license. They will show them what they need to do, the classes they may need to take, where they can take it, how much it will cost. This is a pilot program specifically right now for Buena Vista. He has had other localities call him about the program and they are wanting to set the program up in their localities. With Fran Elrod and W&L wanting to start the pilot program here, it is a huge benefit for Buena Vista. Other localities will be looking at us as an example for the program. There is nothing that the City needs to do. There is no cost to the City. The only thing we need to do is approve this MOU which allows them to use this room. Mr. Tyree and Ms. Elrod have both talked to Ginger Webb. Ms. Webb has given them a list of dates the room will be used so they will work around her schedule.

Mr. Kearney said this is really a big deal. It is no cost to the City and there will be a couple of W&L students over here to help people.

Councilman Henson wanted to know if the program will create congestion in the area where they will meet.

Mr. Tyree said it could create some potential congestion. They are trying to combat congestion by looking at certain dates. They have also been working with the judge to ensure if we do have congestion, they are just traffic citations. He said at the end of the

day there may be only 2 or 3 people that will need the service. He said those 2 or 3 people are Buena Vista citizens and they will be receiving free legal service.

Assistant Police Chief Miller said that most of the congestion will be on Wednesdays. He opined that on Thursday it is a lot less congestion in the hallways.

Mr. Tyree said the service will only be offered to people who come to court here. Councilman Henson motioned to approve the Blue Ridge Mile, MOU plus addendum, seconded by Councilman Coffey, carried by Council.

NB #2: RESOLUTION FOR TRANSPORTATION ALTERNATIVES PROGRAM, 21ST STREET STREETScape IMPROVEMENTS PROJECT:

Mr. Tom Roberts read the following Resolution:

RESOLUTION – R21-09

TRANSPORTATION ALTERNATIVES PROGRAM

21ST STREET STREETScape IMPROVEMENTS PROJECT

Whereas, the City of Buena Vista is submitting an application to the Virginia Department of Transportation for Transportation Alternatives Set-Aside (TA) Program funds in the amount of \$738,841; and

Whereas, federal monies are available under the TA Program set forth by The FAST Act, administered by the Commonwealth of Virginia, Department of Transportation, for the purpose of creating and promoting the planning and development of alternative transportation facilities and programs in Virginia; and

Whereas, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution be received from the sponsoring local jurisdiction or agency requesting the Virginia Department of Transportation establish a TA project in the City of Buena Vista.

Now, Therefore, Be It Resolved, that the City Council of the City of Buena Vista requests the Commonwealth Transportation Board establish a TA project for the construction of the 21st Street Streetscape Improvements Project.

Be It Further Resolved, that the City Council of the City of Buena Vista hereby agrees to provide a minimum 20 percent matching contribution for this project as required by the TA Program.

Be It Further Resolved, that the City of Buena Vista hereby agrees to enter into a project administration agreement with the Virginia Department of Transportation and provide the necessary oversight to ensure the project is developed in accordance with all state and federal requirements for design, right of way acquisition, and construction of a federally funded transportation project.

Be It Further Resolved, that the City of Buena Vista will be responsible for maintenance and operating costs of any facility constructed with TA Program funds unless other arrangements have been made with the Department.

Be It Further Resolved, that if the City of Buena Vista subsequently elects to cancel this project, the City Council hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation, and the City Council of the City of Buena Vista also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

Dated September 16th, 2021

William H. Fitzgerald, Mayor

ATTEST:

Dawn M. Wheeler, Clerk of Council
Motion was made by Councilman Cooper to adopt the above Resolution, seconded by Councilman Henson, carried by Council.

Mr. Roberts said the next 5 Resolutions are policies and procedures related to the Community Development Block Program. Because this is Federal money and because there are various Federal laws that apply, we are required to adopt these policies and procedures as part of getting the money. None of these Resolutions are earth shattering or will change anything we are already doing.

NB #3: RESOLUTION TO ADOPT RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN FOR CDBFG PROJECT:

Mr. Roberts said this Resolution is one we don't really need because our project does not include any demolition or construction of residential use.

Mr. Roberts read the following Resolution.

RESOLUTION – R21-10

**RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE
PLAN**

WHEREAS, the City of Buena Vista has been offered and intends to accept federal funds through the Community Development Block Grant program; and

WHEREAS, the City must outline the procedures in the event that project funds are used for the demolition of occupied residential units.

BE IT RESOLVED that the City of Buena Vista hereby adopts the attached Residential Anti-Displacement and Relocation Assistance Plan.

Dated September 16th, 2021

William H. Fitzgerald, Mayor

ATTEST:

Dawn M. Wheeler, Clerk of Council
Motion was made by Councilman Cooper to approve the above Resolution, seconded by Councilman Henson, carried by Council.

NB #4: RESOLUTION TO ADOPT FAIR HOUSING CERTIFICATION FOR CDBG PROJECT:

Mr. Roberts said this Resolution says we will undertake 1 fair housing activity per project per year. There is a list of fair housing activities that the Department of Housing and

Community Development provides. These things are like creating a web page about fair housing laws; running an ad in the paper to notify people of their rights under the fair housing laws; sending out letters or notifications with water bills or somehow notifying the public of their rights. We will do one of these activities per year. One is we want to put a page on our web site about fair housing laws.

Councilman Cooper wanted to know if this is 1 per year until the project is completed.

Mr. Roberts said yes and that it would probably be 2 or 3 years.

Mr. Tom Roberts read the following Resolution:

RESOLUTION – R21-11

FAIR HOUSING CERTIFICATION RESOLUTION

WHEREAS, the City of Buena Vista has been offered and intends to accept federal funds authorized under the Housing and Community Development Act of 1974, as amended; and

WHEREAS, recipients of funding under the Act are required to take action to affirmatively further fair housing.

Therefore, BE IT RESOLVED that the City of Buena Vista agrees to take at least one action to affirmatively further fair housing each grant year, during the life of its project funded with Community Development Block Grant funds. The action taken will be selected from a list provided by the Virginia Department of Housing and Community Development.

Dated September 16th, 2021

William H. Fitzgerald, Mayor

ATTEST:

Dawn M. Wheeler, Clerk of Council

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

NB #5: RESOLUTION TO ADOPT SECTION 504 GRIEVANCEPROCEDURE FOR CDBG PROJECT:

Mr. Roberts said the next one is a 504-grievance procedure. Section 504 must be ADA acceptability. If there were a person who could not access a public meeting or was denied benefits based solely on being a handicap person or someone who was aggrieve because they are handicap. This Resolution outlines who they would file a grievance with and how we file a grievance. Any complaints will go to Raven Moore. After an incident the person has 180 days to file a grievance. We would then have 60 days to review it and to come up with a solution. If the person does not like the solution, they have 30 days to appeal to the City Manager.

Mr. Tom Roberts read the following Resolution:

RESOLUTION – R21-12

SECTION 504 GRIEVANCE PROCEDURE

WHEREAS, the City of Buena Vista has been offered and intends to accept federal funds through the Community Development Block Grant program; and

WHEREAS, the City must outline the process for individuals to file complaints in the event that they are excluded from participation in, or denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance solely by reason of handicap,

BE IT RESOLVED that the City of Buena Vista hereby adopts the attached Section 504 Grievance Procedure.

Dated September 16th, 2021

William H. Fitzgerald, Mayor

ATTEST:

Dawn M. Wheeler, Clerk of Council

Motion was made by Councilman Cooper, seconded by Councilman Webb, carried by Council.

NB #6: RESOLUTION TO ADOPT NON-DISCRIMINATION POLICY FOR CDBG PROJECT:

This Resolution is for non-discrimination concerning employment which the City already has a policy. We are adopting this particular language because this is what you would expect to see. This applies to employment related activities. There is also some language about protection from retaliation.

Mr. Tom Roberts read the following Resolution:

RESOLUTION

EMPLOYMENT NONDISCRIMINATION POLICY

WHEREAS, the City of Buena Vista has been offered and intends to accept federal funds through the Community Development Block Grant program; and

WHEREAS, the City of Buena Vista is committed to non-discriminatory, merit-based employment practices that foster a diverse and inclusive workplace,

BE IT RESOLVED that the City of Buena Vista hereby adopts the following employment nondiscrimination policy statement:

The City of Buena Vista or any employee thereof will not discriminate against an employee or applicant for employment because of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability.

Administrative and personnel officials will take affirmative action to ensure that this policy shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; rates of pay or other forms of compensation; and selection for training.

Applicants, employees, and former employees are also protected from retaliation (punishment) for filing a charge or complaint of discrimination, participating in a discrimination investigation or lawsuit, or opposing discrimination (for example, threatening to file a charge or complaint of discrimination).

Dated September 16th, 2021

William H. Fitzgerald, Mayor

ATTEST:

Dawn M. Wheeler, Clerk of Council

This Resolution will be presented at the next Council meeting.

NB #7: RESOLUTION TO ADOPT BUSINESS AND EMPLOYMENT PLAN FOR CDBG PROJECT:

Mr. Roberts said this Resolution concerns a CDBG employment plan. It states when we have the CDBG money, we will try to use local contractors, to hire local people, and the contractors will try to hire local people. When this is put out to bid, we advertise in the local paper and also put it on our web site. We will be sending direct notifications to some contractors that we are aware of that we have worked with in the past in both Buena Vista and Rockbridge County.

Councilman Cooper inquired if all these Resolutions would be applicable while we are working with CDBG or are they adopting these policies forever?

Mr. Roberts said the CDBG employment plan is specific to CDBG funds. The fair housing activities and the residential displacement funding are subject to CDBG funds. The second 504 grievance procedure and the employment non-discrimination policy have no limiting language.

Councilman Cooper opined we have 2 non-discrimination policies in the City. He said if we already have one are we saying this one supersedes the other one? He said that becomes a legal trap if we comply with one and don't comply with the other. He suggested we pitch the old one and go with the new one.

Mr. Roberts said he has not looked that up but will do so.

Mr. Tyree said the last personnel policy was adopted in 2012.

Councilman Cooper said he was going to suggest we just use the new one saying it supersedes the old one.

Mr. Kearney said the language in the new one is based on the Federal grant. The grievance process applies to any Federal grant assistance program.

Mr. Roberts said the TAP grant needs to be done before October 1. All of the others must be done by November 1, 2021. We could do more research on this and adopt it at the next scheduled Council meeting.

Mr. Tom Roberts read the following Resolution:

RESOLUTION – R21-13

COMMUNITY DEVELOPMENT BLOCK GRANT

BUSINESS AND EMPLOYMENT PLAN

WHEREAS, the City of Buena Vista has been offered and intends to accept federal funds through the Community Development Block Grant program; and

WHEREAS, the City of Buena Vista's use of local contractors and employees for the execution of grant-funded activities increases the benefit to the region,

BE IT RESOLVED that the City of Buena Vista hereby adopts the attached Business and Employment Plan.

Dated September 16th, 2021

William H. Fitzgerald, Mayor

ATTEST:

Dawn M. Wheeler, Clerk of Council

Motion was made by Councilman Coffey to approve the above Resolution, seconded by Councilman Webb, carried by Council.

Motion was made by Councilman Coffey to continue the meeting until Monday, September 20, 2021, at 5:30 at the Virginia Horse Center, seconded by Councilman Cooper, carried by Council.

Please take notice that this meeting will be continued until Monday, September 20, 2021, at 5:30 p.m. for a multi-jurisdictional meeting at the Virginia Horse Center located at 487 Maury River Road, Lexington

William H. Fitzgerald, Mayor

ATTEST:

Dawn M. Wheeler, Clerk of Council

DATE:
