

**CITY OF BUENA VISTA
REGULAR COUNCIL MEETING,
AND EXECUTIVE SESSION
COUNCIL CHAMBERS
JANUARY 20, 2022 – 6:00 P.M.**

ADG #1: PLEDGE OF ALLEGIANCE AND PRAYER:

Councilman Cooper delivered the opening prayer.

ADG #2: APPROVAL OF THE AGENDA:

Councilman Cooper made motion to approve the agenda, seconded by Councilman Henson, carried by Council.

ADG #3 APPROVAL OF THE MINUTES FROM THE ORGANIZATIONAL MEETING, PUBLIC HEARING, REGULAR COUNCIL MEETING, AND EXECUTIVE SESSION HELD ON JANUARY 6, 2022:

Councilman Henson requested that the Executive Session be taken off of the approval of the minutes. However, the minutes indicate the Executive Session was not held. Councilman Staton motioned 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:

Mr. Jamie Goodin gave an update on his projects. (Could not hear what he said on the tape)

Mr. Corey Henson, Director of Public Works, spoke next giving Council an update on Public Works. He advised Council that they have three employees out with COVID. He opined that if the City gets a snow event this weekend it will be a very difficult one for Public Works due to breakdowns and equipment failure. They did get two of the trucks back on the road today. Last weekend they started out at about 10:30 with four dump trucks, three spreaders, one motor grader, one ¾ ton pickup truck with a blade. At that point, everything was ok and running good. At about 8 or 9 o'clock that night they were down two trucks, one spreader, and by 3 a.m. they were down to no spreaders. We cannot fix water pumps, motors on plows and we do not have a mechanic. The guys worked as hard as they could to get the equipment going but could not do so. With it being so cold and sleet coming in on top of the snow it was very difficult to push. Traffic that was on the road packed the snow and sleet down. They chose to not put salt down at the time due to

the low temperatures. The salt will not work when the temperature is below a certain degree. When the sun did come out, they had one spreader going and they started to put salt down. They got a second one up and going after they unhooked the plow from it. Yesterday and today really made a big difference. The guys worked over this afternoon trying to get the intersections pushed back. Mr. Henson said there are still some intersections that will give them problems after they freeze over tonight, and the guys will be on them first thing tomorrow morning. They are working with equipment that some are 23 to 25 years old, and some is 30 years old. The equipment takes a beating. They finally had to take the motor grader off the road. About half of the repairs, we made on potholes this summer were destroyed by this storm. Their main concern is to keep Route 501 and Route 60 open. We were receiving an inch to two inches per hour and then it turned to sleet. They had to stop about every 5 minutes and get out to beat the ice off of their windshield wipers. He opined the employees did the best they could do with what they had to work with. Mr. Henson said they had plenty of salt, plenty of people until the equipment broke down. He opined we should look to hire a mechanic to be on site at all times. He is looking at pricing on dump trucks that do not require CDL drivers. He did find two new trucks today. One is a 2022 and the other is 2021.

Mr. Tyree advised that he has requested that Mr. Henson give him a list of all of the equipment that is needed in Public Works so we can look at replacing those in the next year with maybe some ARP funds.

Mr. Henson said we do have two new trucks. The one-ton truck is sitting in Roanoke right now. We do not know why. He has two new plows coming for the two new F250 crew cabs we have. One truck is already here and the other one will be here next week. Mr. Henson said that right now he can put all four big dump trucks back on the road and he has three spreaders.

Councilman Webb wanted to know if we had ever considered putting a plow on the garbage truck.

Mr. Henson advised that he really had not entertained the idea. He said they may have considered it in the past.

Councilman Henson stated that our garbage trucks operate in the alley and not on the streets. He wanted to know what the newest 2- ton dump truck that Public Works has.

Mr. Henson said we have a 2002 2- ton dump truck. Most of the trouble with the trucks is the wiring because of the way they were hacked into to hook the blades up and the lights. He said if we had an in-house mechanic, we could do some of the repairs ourselves.

Councilman Coffey wanted to know where we go now to get the necessary parts for repair.

Mr. Henson said we normally go to Lee Hi or NAPA.

Councilman Coffey wanted to know if Mr. Henson has gotten the price on one of the hydraulic hose machines.

Mr. Henson said he has not priced the machine.

Councilman Coffey wanted to know if we could repair those cylinders if we had our own mechanic.

Mr. Henson said we could repair them if we had our own mechanic.

Councilman Coffey opined that if we had a mechanic on site, it would save us a lot of money. He said that if we would have an in-house mechanic, it would be worth the money.

Mr. Henson said we have an on- call mechanic at this time.

Mayor Fitzgerald asked Mr. Henson how long it would take him to get the report of the needs of Public Works.

Mr. Henson said he could have the report ready by the next Council meeting. He thanked Council for their help and support.

Mr. Tyree asked Mr. Henson to give Council a report on the high school pump.

Mr. Henson opined they should use the pump that he already ordered due to the piping issues. We would have to redo the incoming pipe to the pump station. That will give us about 150 gallons per minute with one pump. With two pumps, it would give over two hundred gallons per minute. If we go with the larger upgrade as discussed yesterday it will require changing the pipe and only one pump can run at a time. This is due to the size of the piping coming out on the suction side. Mr. Henson said the pump he ordered should be here in 2 to 3 weeks and will cost about \$34,000.00 to do both pumps.

Councilman Coffey wanted to know how much it would cost to redo all of the piping at the pump.

Mr. Henson said they are right now looking at the wiring to see if the motor starters will have to be changed. He opined that is when we get into a lot of labor costs. There would be a lot of maintenance. Sydnor Dynamics out of Richmond said looking at the wiring will be the most expensive part of the project. He advised the wiring is plus 20 years old and in a very small cabinet. He said it will cost another \$25,000.00 to \$28,000.00 to buy another pump just like the one he bought. Mr. Henson said that he talked with Hunter today and he strongly suggested that we go with what he has already ordered.

Councilman Coffey requested that Mr. Henson report back to Council after the new pump has been installed. He also wanted to know if getting another pump is in the budget.

Mr. Henson said it is in the budget.

Councilman Coffey asked Mr. Henson to keep Council updated on things such as the above. He opined it really helps to know what is going on so they can inform the citizens.

Mr. Brent Styler was the next person to address Council. He said at the last Council meeting he passed out information from the RACSB. The good news today is given the political things that have been popping since that meeting, the CSB is not going to be threatened by having to fire employees because they will not be vaccinated. They will be able to continue as they have been. He opined the snow removal he saw from the latest storm was very excellent. This morning while working on the scenic Maury legislation, he found it has to go through both the House and Senate: Senate Bill 292, House Bill 28 went through the committee and passed by a vote of 19 to 2. Senate Bill 292 should have gone through on Tuesday, January 25, 2022, but that has not been confirmed.

Ms. Kristina Ramsey advised the Gauntlet program will be starting again on February 1st. They have been taking applications for a while now. This program will not be funded by CBL like last year, but she opined it is still a very good program. If anyone knows of someone who would like to participate, they can sign up to do so.

Councilman Henson wanted to know what was done for the people that applied last year.

Ms. Ramsey said they did have some drop out but two of our businesses expanded.

Mr. Styler advised that at his store, Coiner, they have a new provider, L&K Smoke and Sizzle from Buena Vista. He opined there are two things going on in Buena Vista that will help attract people. One is the library, and the other is cracker jack schools. He asked that Council consider these two when doing the budget. He said there is another thing he feels Council should look up. It is RGGI. The current governor has announced opposition to it and a lot of people are announcing opposition to his opposition. It will have a large effect on our individual electric bills, maybe the City's electric bill eventually. He said he is not certain of all the particulars, but he will be following it as close as he can.

ADG #5 REPORTS:

1.) Mayor:

None.

2.) City Manager:

Mr. Tyree said the Commissioner of the Revenue, Ashton Dorton, brought to his attention the NADA cost of used vehicles going up quite drastically. He said that he and Mr. Kearney have discussed this. It is not our tax rate it is the cost of the vehicles going up. We are discussing ways to figure out, so it is not such a burden on our taxpayers. They have come up with a couple of things just off the top and they will be discussing those more as time goes on. He said he wanted to give a shout out to the Buena Vista Police Department who used their UTV to clean the parking lot at the rescue squad and the fire department. The City is not responsible for cleaning both lots, but the Police Department took it upon themselves to clean the lots so they could get their vehicles out.

3.) City Attorney:

None.

4.) Council Committee/Representative:

Councilman Henson advised we are getting ready to start the Parks/Rec Committee meetings. The first meeting will be to finalize some of the events planned for the spring and summer. He opined that Council needs to get behind the Main Street Program to help get it going. He said we have received some grant money for working on downtown and wanted to know when we will get started working.

Mr. Tyree advised that we have not signed a contract with DCHD as of yet for the Downtown Community Block grant. He said he thinks it might be 2023.

(Mr. Roberts responded to Mr. Tyree but it cannot be heard on the tape)

Mr. Tyree said that Corey Henson and Johnny Cole met yesterday with the sidewalk company. They will start the repairs on February 14 and will be here 3 to 4 days.

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 12th 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.

DABNEY S. LANCASTER COMMUNITY COLLEGE BOARD:

MR. ANDY WOLFE HAS RESIGNED. HE IS MOVING FROM BUENA VISTA. THIS TERM WILL BEGIN ON JANUARY 1, 2022, AND END ON JUNE 30, 2024. THIS IS THE 2ND TIME IT HAS APPEARED ON THE AGENDA:

NO APPLICANTS: ADVERTISED THE NEWS GAZETTE DECEMBER 8, 2021. POSTED ON SOCIAL MEDIA

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

OLD BUSINESS:

NONE.

NEW BUSINESS:

NB #1 ROBINSON, FARMER, COX TO PRESENT THE AUDIT TO COUNCIL:

Sadie Begone and Marcia Helmick from Robinson, Farmer, Cox presented the annual comprehensive financial report to Council. (SEE REPORT IN MINUTE BOOK)
(RECORDING STOPPED AT 8:55)

NB #2 RESOLUTION APPROVING FINANCING TERMS FOR THE PURCHASE OF A NEW GARBAGE TRUCK:

Resolution Approving Financing Terms-R22-04

WHEREAS: The City of Buena Vista, VA ("Borrower") has previously determined to undertake a project for the financing of a new garbage truck (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The Borrower hereby determines to finance the Project through Truist Bank ("Lender") in accordance with the proposal dated December 22, 2021. The amount financed shall not exceed \$161,800.00 the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.27%, and the financing term shall not exceed (5) five years from closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Borrower are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Borrower officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The Borrower shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Borrower hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3)].

5. The Borrower intends that the adoption of this resolution will be a declaration of the Borrower's official intent to reimburse expenditures for the Project that are to be financed from the proceeds of the Lender financing described above. The Borrower intends that funds that have been advanced, or that may be advanced, from the Borrower's general fund or any other Borrower fund related to the Project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of Borrower officers in furtherance of the purposes of this resolution are hereby ratified, approved, and confirmed. **All** other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 20th day of January 2022

By: _____

By: _____

Title: Mayor

Title: City Attorney

Since the recording was stopped, it is not known who read the above Resolution. Councilman Henson made motion to approve the above Resolution, seconded by Vice-Mayor Hickman, carried by Council.

EXECUTIVE SESSION:

ACCORDING TO SECTION 2.2-3711 (A) (7) OF THE 1950 CODE OF VIRGINIA, AS AMENDED, FOR THE PURPOSE OF CONSULTING WITH LEGAL COUNSEL CONCERNING THE CITY'S CURRENT LITIGATION WITH ACA FINANCIAL:

CERTIFICATION OF EXECUTIVE MEETING

MOTION: Councilman Coffey

DATE: January 20, 2022

SECOND: Councilman Staton

WHEREAS, the Buena Vista City Council has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Buena Vista City Council that such executive meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, that the Buena Vista City Council hereby certifies that to the best of each member’s knowledge (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Buena Vista City Council.

VOTE: AYES: ALL

NAYS: NONE

ABSENT DURING VOTE: NONE

ABSENT DURING MEETING: NONE

Brian Kearney
City Attorney

REGULAR SESSION: Council Member Cooper moved to return to regular session, seconded by Council Member Webb, carried by Council.

Mayor Fitzgerald Mr. Webb Mr. Staton Mr. Henson
Vice-Mayor Hickman Mr. Cooper Mr. Coffey

ADJOURNMENT – There being no further business the meeting was adjourned.

Brian Kearney
City Attorney

William H. Fitzgerald
Mayor

