

**CITY OF BUENA VISTA  
ORGANIZATIONAL COUNCIL MEETING  
January 3, 2018**

The City Council for the City of Buena Vista met for an Organizational Council Meeting on Thursday, January 3, 2018, at 8:00 a.m. in Council Chambers (2039 Sycamore Avenue).

Council Members Present: Mayor Bill Fitzgerald  
Melvin Henson Steve Baldrige  
Tyson Cooper Danny Staton  
Lisa Clark

Members Absent: None.

Mayor Fitzgerald opened the meeting by requesting that everyone stand and repeat the Pledge of Allegiance. Councilman Steve Baldrige delivered the opening prayer.

**DISCUSS PROCEDURE FOR FILLING A VACANT SEAT ON COUNCIL:**

Mayor Fitzgerald stated that he has talked to several attorneys and he has been advised we could fill the vacant seat either way:

- 1.) Next highest vote getter from the last election.
- 2.) Appoint anyone that Council so desires.

Mayor Fitzgerald recommended that Council appoint the person that received the highest number of votes as a write-in during the election.

Councilman Baldrige wanted to know if Mayor Fitzgerald had any of the opinions of the attorneys in writing. He said the only one he has seen states there has to be an opening at the time of the election.

Mayor Fitzgerald said he has one written opinion from one of the attorneys.

Mr. Kearney said the opinion that Mayor Fitzgerald has is from Commonwealth Attorney Chris Russell. He said that it basically comes down to we can use whatever procedure we want to use to fill the empty seat. He opined the Mayor is proposing that Council use the procedure of using the 4<sup>th</sup> person but that is not required by the Charter. He stated that Council can pick whatever procedure they want to use. The Charter procedure for the 4<sup>th</sup> person is not binding because it was not a 4<sup>th</sup> person on the ballot.

Mayor Fitzgerald stated that they needed to decide which way Council wants to handle the filling of the vacancy.

Councilman Baldrige said his problem with assuming is the candidate with the next highest vote was not on the ballot. He opined that Council does not know from election to election if the person who fills the empty Council seat will even want to run for election in November. He said the last time the person with the most votes was not willing to serve. He opined we should not just assume that the person with the next most votes will be willing to serve. He feels that Council should have anyone that is interested in filling the vacancy write a letter and fill out an application. He also opined that Council should take into consideration the person with the next most votes.

Mayor Fitzgerald said again that the purpose of the discussion is for Council to decide which procedure they would like to use. He also advised that the next highest vote recipient has filled out an application. He then polled Council to see which procedure they would like to use.

Councilman Henson stated that we have 3 applications (we actually have 4) that he would like to look at and then choose someone from those applicants.

Councilman Cooper, Councilman Baldrige and Council Member Clark all agreed with Councilman Henson's suggestion to look at the applicants, interview them and then select someone to fill the vacancy.

Mayor Fitzgerald stated the applicants will be interviewed at the January 4<sup>th</sup> Council meeting.

#### **APPOINTMENT OF CLERK OF COUNCIL:**

Motion was made by Council Member Clark to re-appoint Dawn Wheeler as Clerk of Council, seconded by Councilman Henson, carried by Council.

#### **APPOINTMENT OF CITY MANAGER:**

Motion was made by Council Member Clark to re-appoint Jay Scudder as City Manager, seconded by Councilman Baldrige. The motion was carried by Council with the exception of Mayor Fitzgerald who voted no.

#### **APPOINTMENT OF CITY ATTORNEY:**

Motion was made by Councilman Baldrige to re-appoint Brian Kearney as City Attorney, seconded by Council Member Clark, carried by Council with the exception of Mayor Fitzgerald who voted no.

#### **APPOINTMENT OF VICE-MAYOR:**

Motion was made by Mayor Fitzgerald to appoint Councilman Tyson Cooper as Vice-Mayor. He opined that Councilman Cooper is a very smart young man and can work well with him. He also feels that Councilman Cooper will help bring

Council together. He opined that whenever a new Council is elected you need to bring the whole Council together.

Councilman Baldrige nominated Council Member Lisa Clark as Vice-Mayor.

Mayor Fitzgerald then asked for someone to second either or both motions.

Councilman Baldrige said there was no motion on the floor. He stated that he and Councilman Cooper have talked about Councilman Cooper becoming Vice-Mayor. He stated that Mayor Fitzgerald is new to the Mayor position and has only been on Council for 2 years. Councilman Baldrige opined that he would feel better if someone served as Vice-Mayor that has more experience than Councilman Cooper.

Mayor Fitzgerald stated that he and Council Member Clark nor Councilman Baldrige have never seen eye to eye. He said that he had talked to Councilman Henson and that he has too much on his plate at this time to consider serving as Vice-Mayor. He opined that Councilman Cooper could serve as a mediator between Councilman Baldrige, Council Member Clark and himself. He stated that Council really needs to work together.

Councilman Baldrige said he had also asked Councilman Henson to consider serving and he cannot at this time. He suggested that Council carry this item over to the next scheduled Council meeting.

Mr. Kearney said just because you second a motion does not mean you have to vote for that motion. By seconding a motion you are not binding your vote in any way.

Mayor Fitzgerald opined that as Mayor, he needs somebody that he can work with and relate to. He feels that Councilman Cooper is that person. Mayor Fitzgerald opined that Councilman Cooper is a good choice as Vice-Mayor.

Councilman Baldrige opined if you would look back at the votes of Council you would see that 95% of the time his votes, Council Member Clark's votes and Mayor Fitzgerald's votes were the same.

Mr. Kearney said if there is not second, there is no motion on the floor and it can be carried over to the next meeting.

Mr. Robert Gay, 403 Hillside Drive, stated on a motion you require a second. On a nomination you do not require a second.

Mr. Kearney stated that a second is not required on a motion. However, we have always done so in order to make it work.

Councilman Baldrige said we faced this same issue the last time. He opined that someone needs to be appointed Vice-Mayor because there will be times when the Mayor will not be able to attend meetings or not be able to meet other commitments that a Vice-Mayor will have to handle. He stated the item will be carried over to the scheduled Council meeting on January 4<sup>th</sup>.

**ADJORNMENT:** There being no further business, Mayor Fitzgerald adjourned the meeting.

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Bill Fitzgerald, Mayor

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Dawn M. Wheeler, Clerk of Council