

**CITY OF BUENA VISTA
REGULAR COUNCIL MEETING
FEBRUARY 2, 2017**

The City Council for the City of Buena Vista met for a Regular Council Meeting on Thursday, February 2, 2017 at 6:00 p.m. in Council Chambers (2039 Sycamore Avenue).

Council Members Present:	Mayor Larry Tolley
Steve Baldrige	Tim Petrie
John Dyer	Melvin Henson
Bill Fitzgerald	

Members Absent: Vice-Mayor Lisa Clark

ADG#1 PLEDGE OF ALLEGIANCE AND PRAYER: Mayor Tolley opened the meeting by requesting that everyone stand and repeat the Pledge of Allegiance. Councilman Baldrige delivered the opening prayer.

ADG#2 APPROVAL OF MINUTES:

Motion was made by Councilman Petrie to approve the minutes of the Regular Council meeting held on January 19, 2017, seconded by Councilman Fitzgerald, carried by Council with the exception of Mayor Tolley who abstained.

ADG#3 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 at this time.

ADG#4 REPORTS:

Mayor:

Mayor Tolley apologized for missing the last Council meeting and missing the recognition of our officers by Chief Hartman. He advised that he, Councilman Henson and Councilman Dyer attended a community forum that was held at the Presbyterian Church. He opined it was a very good time of conversation with the community. He had hoped there would be a few more folks attending. There were a lot of topics discussed. The forum was sponsored by the Buena Vista Ministerial Alliance. He opined it was a very good meeting and a lot of good information came out of it. He said it is a good opportunity for the citizens to come together and learn what is going on in our City. It is also an opportunity to thank those that are serving. He hopes the forum will continue in the future.

Councilman Petrie wanted to know how the meeting was advertised.

Mayor Tolley said that it was mostly advertised on Face Book and it was also posted on the City's web site.

Councilman Petrie expressed his ideas about how the forum should be advertised so that more citizens would be aware of it.

Mayor Tolley then advised that he attended the Buena Vista Fire Department installation banquet and that it was well attended.

City Manager:

Mr. Scudder stated that in Council's packet there is a summary of the December Quarterly Finance Report. He advised that Public Works is doing a big pothole patch throughout the City. He asked that if any potholes are spotted to please let Public Works know so they can be filled in. He also advised that Camden Field has undergone some pretty significant cleanup which will make it easier to maintain. He opined that Public Works have done a good job on Camden Field. He opined that Department Head Team BV is really working together well and it is going very nicely.

Mayor Tolley advised that he attended the Chamber of Commerce Economic Development meeting with Councilman Henson and Brian Brown. They did talk about workforce development which is a topic that is receiving a lot of attention at this time.

CITY ATTORNEY:

None.

COMMITTEE REPORTS:

Councilman Dyer advised that he, Councilman Petrie and Councilman Baldrige attended the Labor Day Committee meeting. One item that was discussed was the caboose in the park. He said that Council needs to make a decision on what to do with it. Councilman Baldrige mentioned with our 125th anniversary coming up it would be nice to not see it or see it in good shape. He opined that Council should not delay any longer making a decision on what to do with the caboose. He wanted to know if a motion could be made on what to do with the caboose or put it on the next agenda.

Mayor Tolley suggested that the caboose be put on the retreat agenda.

Mr. Scudder said he was not able to attend that meeting. He advised that 4 bands have been lined up for Labor Day and it is quite a big party. Last year Council discussed charging a fee to get in and it was voted down. He wanted to know if the Committee discussed the admission fee at the meeting. He suggested we charge a nominal fee of \$5.00.

Councilman Baldrige said the Committee did talk about it but there was more support for having sponsors instead of charging an admission fee.

Mr. Scudder opined that we should charge a fee and also send out letters asking for sponsors for the event. He opined we should charge some nominal fee to help offset the costs to host the event.

Councilman Petrie said that we should be getting the letters out early asking for sponsors and one hope could be that local businesses will help because of the 125th anniversary. He opined it was a good productive meeting.

Mayor Tolley wanted to know the number of citizens that are on the Committee.

Councilman Baldrige said that everyone there was in some kind of official capacity.

Mayor Tolley opined there should be some citizen representation on the Committee.

Councilman Henson advised that at the Business Development meeting they did talk about job fairs; poor attendance at the fairs; qualified workers for the jobs; the lack of skill sets in our area. There was an advertisement for Munter's having 60 jobs open and only 20 people showed up for the job fair. He opined the police forum was real enlightening and he learned about some of the things they do. He mentioned that the potholes are disappearing around the City and people are

noticing. He also advised there will be a RANA meeting at 2:00 p.m. on Monday at the courthouse in Lexington.

Councilman Petrie said there was a little handout in their packets concerning "GO VIRGINIA" which is the CSPDC involvement. The information is getting circulated and the one thing that he would call attention to is what we can do. There is a regional council that will be made up. He wanted to know if it would be ok for him to serve as our representative on this council since he is our representative on the PDC.

Mayor Tolley opined that he felt it would be very appropriate for Councilman Petrie to represent Buena Vista on the council. All of Council agreed.

CONSIDER APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS, AND COMMITTEES:

APT #1 BUENA VISTA ECONOMIC DEVELOPMENT AUTHORITY:

Mr. Fred Schultz's term will expire on March 31, 2017. This is a four year term and the first time this item has appeared on the agenda. Mr. Schultz does not want to serve again. Will advertise The News Gazette February 1, 2017; Web site January 25, 2017; Twitter January 25, 2017; Already on Channel 18.

Mr. Casey Crookston's term will expire on March 31, 2017. This is a four year term and the first time this item has appeared on the agenda. Mr. Crookston is willing to serve again if re-appointed. Will advertise The News Gazette February 1, 2017; Web site January 25, 2017; Twitter January 25, 2017; Already on Channel 18.

Mr. Ronnie Slough's term will expire on March 31, 2017. This is a four year term and the first time this item has appeared on the agenda. Mr. Slough is willing to serve again if reappointed. Will advertise The News Gazette February 1, 2017; Web site January 25, 2017; Twitter January 25, 2017; Already on Channel 18.

Mayor Tolley advised that there has to be 7 members on the BVEDA and we have 3 terms that are going to expire on March 31, 2017. Two are willing to serve again if reappointed and one is not willing to serve again. This item will be carried over to the next Council meeting.

OLD BUSINESS:

None.

NEW BUSINESS:

Mayor Tolley requested that **NB #3** be moved in order for Mr. Robertson from RANA to explain the reason for the opposition to HB2108. Council granted his request.

NB #3 DISCUSSION AND APPROVAL OF A RESOLUTION OPPOSING HB2108:

Mr. Robertson said he overheard someone say that they had an update on what happened in Richmond today concerning HB2108.

Mr. Kearney said they did not vote on the bill but did present the bill. The bill is the revised version from December 27, 2016.

Mr. Robertson explained the bill was brought forward by Delegate Kathy Baron of Lynchburg. The bill originally came out as 880 lines of legislation that essentially put a whole series of restrictions on municipal broadband operations and whether they can be created at all. The bill is mostly taking away from the existing authority that was already establishing commonwealth law for municipals such as RANA that was created several years ago. He opined the bill was promoted by the cable and telephone company's lobbyists as a way to limit municipal governments from serving their citizens where none are available from the telephone or cable company. The effect of the original bill would have put RANA out of business. Since the bill created a lot of opposition a Resolution was intended to voice opposition by this Council. Delegate Baron has gutted her own bill and brought forward a new version that is only 75 lines. Mostly what that does is provide a pricing mechanism that tries to make municipal broadbands charge the equivalent of other taxes and fees, most of which is required by the Federal Communication Commission, in order to try and create a pricing environment. There is another discussion about Freedom of Information exclusions essentially stripping away any Freedom of Information exclusions that exist in current Commonwealth Law. He said that RANA operates almost completely open. It provides for any person that wants to force the Authority, the County or the City in court to defend that they have done all of these other things exactly the way they were supposed to do. He then gave a brief update on RANA. The RANA network has been live and in operation for just over 3 years. They now have over 285 provision circuits on the network and they support all 3

school districts with broadband speeds that today meet the Department of Education goals for digital learning, which are intended to last for the next 10 years. They have brought several other network providers into this market. That means for anybody in business here there is more competition for services. After further discussion on the provisions of RANA, Councilman Henson wanted to know about BARC.

Mr. Robertson stated that RANA goes out to 251 at Country Club Road. BARC has a substation there so they are going to build from where RANA stopped out to their substation and then around in a loop to Highland Belle School. They will then go from Highland Belle through Rockbridge Baths, Raphine and come back to Mountain View and then they will come back and meet RANA on the northwest side of Lexington. They have not announced any other plans but their goal is to cover all of their service area and edges of others.

Councilman Dyer wanted to know if the BARC facility was designed for a certain capacity.

Mr. Robertson said it has about 2400 square feet of raised floor space which is where the computers are but more importantly it has a 100KDA of critical load. That means that is the power RANA can supply to run the computers. It is designed so the computers won't go down.

Councilman Petrie wanted to know who oversees RANA.

Mr. Robertson said they have a 5 member board. There is no regulatory oversight from the SCC. The SCC regulates telephones and cable companies. RANA is pretty much unregulated space which means they can operate for the benefit of customers without a whole lot of rules.

Clerk of Council, Dawn Wheeler, read the following Resolution:

RESOLUTION – R17-01

RESOLUTION IN OPPOSITION OF HB2018, 2017 REGULAR

SESSION OF THE VIRGINIA GENERAL ASSEMBLY

WHEREAS, reliable high-speed broadband access at reasonable cost is essential to citizens, businesses, schools, and non-profits in The City of Buena Vista; and

WHEREAS, the availability of high-speed broadband network services are necessary components of the technical infrastructure necessary to attract, retain, and expand modern economic opportunities for our citizens; and

WHEREAS, the local regulated monopoly telephone and cable TV interests fail to offer such services to large parts of our communities; and

WHEREAS, The City of Buena Vista participated in a municipal broadband project creating The Rockbridge Area Network Authority to establish a high-speed broadband infrastructure; and

WHEREAS, The Rockbridge Area Network Authority has had an immediate, great, and widespread positive impact on our citizens, businesses, schools, and non-profits; and

WHEREAS, the enactment of HB2108 or its provisions into law would severely limit the expansion, operation, and mission of The Rockbridge Area Network Authority;

NOW BE IT THEREFORE RESOLVED, we The City of Buena Vista City Council do hereby formally oppose House Bill 2108, the Virginia Broadband Deployment Act, and call on our representatives in the Virginia General Assembly to take heed and oppose enactment of this bill or its provisions.

Given this 2nd Day of February 2017.

Larry F. Tolley, Mayor

ATTEST:

Clerk of Council

DATE: _____

Motion was made by Councilman Baldrige to approve the above Resolution, seconded by Councilman Fitzgerald, carried by Council.

Mayor Tolley said the approved Resolution will be mailed to Ben Cline on Friday.

NB #1 CONSIDER THE PURCHASE OF LAND ADJOINING THE SOCCER FIELD OFFERED TO THE CITY BY THE OWNER:

Mr. Kearney advised that the City received a letter to purchase the Hatcher lots that connect to the soccer field for a total amount of \$1,500.00. Mr. Kearney said he sent Mr. Hatcher a letter letting him know that we want to purchase the lots contingent upon Council's approval and a clean title to the lots.

Mayor Tolley said it is the consensus of Council to go forward with the offer of \$1,500.00 for the 3 lots.

NB #2 PRESENTATION FROM HAMILTON CONTRACTING CONCERNING THE REQUESTED FAÇADE GRANT FROM MR. NELSON SWARTZ FOR PROPERTY ON MAGNOLIA AVENUE:

Mayor Tolley started the discussion by stating that several Council members looked at the buildings this afternoon. They were given an update on what the plans are with the buildings. There is a business operating in one section on the corner building. The middle building which is two stories will be used for sale of used commercial restaurant equipment. The third building will be used in some manner of storage in the rear with some sort of store front in the front of it. All three buildings will be upgraded on the façade and will be reworking the awnings and painting. There will also be a mural on the side of one of the buildings. He said those plans will have to be brought forth to see what they are doing do the buildings.

Councilman Petrie wanted to know if the Planning Commission would also have to give approval to the renovations.

Mayor Tolley said there is no architectural review board. He and the City Manager discussed the procedure and process that should be used and that does include the Planning Commission. He does not know if Council has addressed murals. He said we will have to determine a definition for signs and murals.

Councilman Baldrige advised that we discussed murals along with the sign ordinance several years ago that was never approved.

Councilman Henson said the Planning Commission has talked about murals and signs several times.

Mayor Tolley opined the key thing is there is some movement. The buildings look a whole lot better now than they did a couple of weeks ago. He would like to keep the momentum going. However, we need to know what they are going to do.

Councilman Petrie wanted to know if the structural integrity of the buildings was addressed.

Councilman Dyer said the only person there was Mike Bowling from Hamilton Contracting. He did talk to him about the structural integrity of all 3 buildings. He said there are some issues on the second floor roof of the two story building which he is addressing. They walked through the Dollar Store and found the walls and roof is structurally sound. The steel decking on the other side shows extensive rusting. There are also still leaks in the roof which he said they will address when they have some dry weather. The building on the corner still has roof leaks. They did not walk through that building very much because it is occupied now. The center building will be used partly for storage and partly for selling used restaurant equipment. The old Dollar Store will be used for storage only. They will put some sort of barrier right in back of the store front window so the building will look appealing. He opined the 3 buildings look better than they did back in December and it has not cost the City anything. Councilman Dyer said that he still has reservations concerning Mr. Swartz and his commitment to repair his buildings. He said he would like to see Mr. Swartz renew his interest in Buena Vista. He hopes Mr. Swartz will follow through with the façade of the buildings and he would like to give him the opportunity to do the repairs that are needed before we spend \$20,000.00 on a façade improvement.

Councilman Petrie said that he likes the process for a Certificate of Occupancy for businesses.

Mr. Scudder opined they have made a fair amount of roof repairs. He advised that the roof of the building on the corner is almost complete. They have done some repair on all the roofs. They have also made some structural repairs on the middle building. If Council approves the façade grants staff will make sure that what they do meets the match.

Mayor Tolley stated that he likes the momentum factor but the façade improvement grant states it is 50% reimbursement for eligible architectural renovation expenses. He opined that until you know what they are going to spend, he is not sure you can authorize a 50% grant. He said we do not have an assurance on what is going to be done to the front of those buildings.

Mr. Kearney said the only reason the façade grants are back before Council is the funding.

Councilman Dyer said that according to Mr. Bowling they did submit along with their applications some renderings of what they are planning to do.

Mayor Tolley said if we are going to go out of the norm and pull money from a different source to fund a program, it is the responsibility of this body to do that. This body needs to know what is going to be done. He said that right now he cannot say what is going to be done.

Mr. Kearney said there should be some paperwork somewhere with the plans.

Ms. Wheeler said the EDA has the paperwork.

Mr. Tyson Cooper who serves on the BVEDA advised Council that all of the paperwork for the whole plan was presented to the EDA. A plan was submitted with an estimate of the cost from reimbursement. Estimates were based on nothing more than up to \$7,500.00. It is not like we give them a check. They must submit invoices from reimbursement before any payment is made.

Councilman Baldrige said on the very first criteria that must be met says that projects must be appropriate to the particular building and contribute to the success of its current business use. At the time the applications were put through he thinks these buildings were not in current business use. He is not for sure that the façade improvements relate to the current business use.

Councilman Fitzgerald opined the main thing with the façade grants is to dress up our City.

Councilman Baldrige said that it does say that for façade improvement grants it must be proposed to promote the current business use. He said that he is not sure the façade grant will promote the use of a storage facility.

Councilman Fitzgerald wanted to know what a storage facility is supposed to look like.

Councilman Henson said they were told if someone would want to rent the storage building, they would have to move out.

Councilman Dyer said there is a commitment to Hamilton Contracting for two years.

Councilman Baldrige said he is not opposed to promoting the esthetics of downtown; in fact he is very much in favor of it. He said as he looks at the façade grant applications he is looking at the owner of several empty buildings that need structural repair. He does not know how an empty building could meet these criteria.

Mr. Scudder said that part of the plan that is ongoing is they are fixing the buildings and making them look better so they have the opportunity to go to another level of use.

Councilman Fitzgerald stated that one of the buildings will sell used restaurant equipment and the other is a wood shop. They are in use and will be in use.

Mr. Kearney said the only reason he mentioned getting a copy of the plans is to see what they are planning on doing.

Mayor Tolley said that he is not opposed to the program. It is a good incentive to do what needs to be done.

Mr. Kearney stated that we are changing the plan because we are funding the program with a lot more money than was anticipated.

Mayor Tolley said he could go back and look at the success of previous grants awarded and hopefully think the same thing is going to happen with these grants.

Councilman Baldrige stated that he would very much like for the City to use the derelict structure funds to take down the very worst of whatever the derelict structure is. He said he knows that the derelict structure covers residents as well as commercial spaces. He feels we should look at both ends of the spectrum. He is not as excited about taking funds out of the derelict structure fund to put in the façade grant program. He opined he would feel more comfortable taking the funds out of the general fund reserve and put it in the façade grant program.

Mayor Tolley said he has a problem with the time it takes to take a derelict structure down. If the process takes longer than our current budget for any targeted building, we may as well use that money for something else.

Councilman Dyer wanted to know if we would be considering the grants if the applications were received after July. He said they should not be doing roof repair during the cold weather. He suggested we give them 4 or 5 months to see if they repair the buildings structurally and then apply for the grants in July.

Mr. Scudder said that is correct if the funds were funded in the budget.

Mr. Kearney said that all of the grant requests have been approved by the BVEDA.

Councilman Petrie stated the process they went through to get the certificate of occupancy of those businesses. If Council would come back and say the building is not structurally correct then perhaps the process to award a certificate of occupancy is broken.

Mr. Scudder said again that all of the buildings are structurally sound.

Councilman Petrie said if we add these additional requirements before we award it, and we are mentioning the fact that there is some structural integrity issues, then why did they get issued a certificate of occupancy.

Mayor Tolley said again that the façade grants have been approved by the BVEDA. The funds for the façade grants, in this current budget, have been exhausted. The question before Council is since they have been granted, how do we fund them? Are we going to use derelict structure money to partially fund the grants and pull the remainder from the general fund?

Councilman Baldrige said that at the last meeting Council agreed to fund the grant for the 2 buildings that were occupied. He said that Council agreed to take the funds from the general fund.

Councilman Petrie said that Council also said they would not take the funds from the derelict structure funds.

Councilman Henson said we could discourage Mr. Hamilton if we make a wrong move.

Mayor Tolley wanted to know if a time frame was mentioned at the BVEDA meeting.

Mr. Scudder said that Mr. Swartz has to make the improvements and then the City will reimburse fifty per cent of the cost back to Mr. Swartz. The decision was also made to not take the funds from the derelict structure fund but the general fund.

Councilman Dyer wanted to know if at Council's last meeting, they approved \$6,700.00 for improvements to Glamour Hut.

Councilman Petrie wanted to know if perhaps in the future we could change the grant guidelines to both occupied and unoccupied buildings.

Mayor Tolley said perhaps we could do that going forward but not for these grant requests.

Mr. Kearney opined that the reading may be a little narrow and you could read it a little more broadly. He reminded everyone that the BVEDA approved the grants and all that Council needs to do is agree to the funding.

Councilman Dyer said the question is funding it and if we do fund it, where do we take the funds from. If we don't fund the grants then Mr. Swartz must wait until our new budget in July.

Councilman Petrie opined it is a timing issue. We are now working towards a new budget. He does not have a problem with delaying the funding but it just so happens when the BVEDA approved the grants we came up with a shortfall on funding.

Councilman Henson mentioned that we want the buildings to look nice since it is our 125th anniversary as a City.

After further discussion on where the funds would be taken from, motion was made by Councilman Petrie to take \$20,050.00 from the general fund to finance the façade grant program, seconded by Councilman Fitzgerald, carried by Council with the exception of Councilman Dyer who voted no.

ADJOURNMENT: There being no further business Mayor Tolley adjourned the meeting.

Larry Tolley, Mayor

Dawn M. Wheeler, Clerk of Council