

**CITY OF BUENA VISTA  
REGULAR COUNCIL MEETING**

**JUNE 20, 2019**

The City Council for the City of Buena Vista met for a Regular Council Meeting on Thursday, June 20, 2019 at 6:00 p.m. in Council Chambers (2039 Sycamore Avenue).

Council Members Present:	Mayor Bill Fitzgerald
Melvin Henson	Danny Staton
Stanley Coffey	Steve Baldrige
Vice-Mayor Tyson Cooper	Council Member Clark

Members Absent: None. \*\*\*Brian Kearney and Jay Scudder were out\*\*\*

Wayne Heslep filled in for Mr. Kearney

**ADG#1 PLEDGE OF ALLEGIANCE AND PRAYER:** Mayor Fitzgerald opened the meeting by requesting that everyone stand and repeat the Pledge of Allegiance. Council Member Clark delivered the prayer.

**ADG #2 APPROVAL OF THE MINUTES FROM THE REGULAR COUNCIL MEETING HELD ON JUNE 6, 2019:**

Motion was made by Councilman Henson to approve the above minutes, seconded by Councilman Coffey, carried by Council except for Vice-Mayor Cooper and Council Member Clark, 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 an item listed on the agenda, open for public comment, will be heard when that item is considered:**

Ms. Rachel Moore, Director of Economic Development, was the first to address Council. She advised Council that we did receive the CDBG grant. Ms. Moore

stated that we should receive at least \$40,000.00. We were expecting to receive \$50,000.00 so they are checking to make sure the amount of \$40,000.00 is not an error. We will have until the middle of September to complete a series of needs list. The entire process will take about 1 ½ to 2 years. She also informed Council that she has accepted another position and her last day of employment with the City will be June 25<sup>th</sup>.

Mayor Fitzgerald thanked Ms. Moore for all she has done for the City.

Commonwealth's Attorney Chris Russell advised that his last day on this job will be June 28<sup>th</sup> since he has been appointed a Judge of General District Court, the 25<sup>th</sup> District of Virginia. Mr. Russell said he has been the Commonwealth's Attorney for the City of Buena Vista for 15 years. Mr. Russell thanked Council for their service and the kindness they have shown him as being a constitutional officer for the City of Buena Vista. He said that he and his family are going to continue to live in Buena Vista and that Mr. Josh Elrod who has been appointed interim Commonwealth Attorney is also moving to Buena Vista.

Mayor Fitzgerald thanked Mr. Russell for his service to the City of Buena Vista.

## **ADG #4 REPORTS:**

### **1.) Mayor**

Mayor Fitzgerald then addressed the minutes from the May 16, 2019 Council meeting. He said that Doug Harwood made a mistake in his paper saying that the Mayor wanted to close the library. He said the only thing he questioned was the amount of money that the City gives to operate the library. He said he questions everything, and it is not the first thing that people thought he wanted to get out of. He opined if you do not question where money is spent then you are not a very good mayor. He stated again that he never wanted to get rid of the library, but he does question the amount of money they keep asking the City for.

### **2.) City Manager**

None. (Did not attend)

### **3.) City Attorney**

(Did not attend) Mr. Heslep filled in for Mr. Kearney.

Councilman Henson wanted to know the status of the tax sale.

Mr. Heslep advised it has been filed. A person that owed a lot of money paid in full. He said several people have paid the back taxes and there are several people they have not been able to locate. You must wait 50 days after the order is entered by the judge. At that point if anyone has shown up, they will file an answer. If no one shows up, then they are in default and you can move forward with the sale. He said we are 35 to 40

days into the required 50 days so he feels we can have the sale by the end of August or the beginning of September.

#### **4.) Council Committee/Representative**

Councilman Henson reported that the Fiddler's Convention that was held at GMP last weekend was a success. He said a church service was held at the double decker last Sunday and that 5 churches participated in the service. The Workforce Committee met last Friday, and they talked about the Community Service Board and what we can do to entice people to go to work. They talked about providing training for people so they can get back into active roles in the workforce. He opined that both the Industrial Park and Vista Links are going well. The Planning Commission has been reviewing a proposal for apartments on 29<sup>th</sup> Street. There is a problem with not having enough space for the proposed units. He also reminded everyone that Friday's in the Park is tomorrow night and there will be a community market at GMP on June 29<sup>th</sup>. He also reminded everyone about the calk walk that will be held for the SRM victims at the firehouse on Saturday beginning at 2:00 p.m.

### **CONSIDER APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS, AND COMMITTEES:**

#### **ADG #5 BOARD OF ZONING APPEALS:**

Mrs. Marolyn Cash has resigned from the Board of Zoning Appeals. Her term will expire on December 31, 2020. This is the fourth time this item has appeared on the agenda. **NO APPLICANTS - ADVERTISED NEWS GAZETTE MAY 15, 2019; WEB SITE AND CHANNEL 18 APRIL 23, 2019**

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

#### **ADG #6 BOARD OF ZONING APPEALS:**

Mr. Casey Crookston has resigned from the Board of Zoning Appeals. His term will expire on December 31, 2021. This is the fourth time this item has appeared on the agenda. **NO APPLICANTS - ADVERTISED NEWS GAZETTE MAY 15, 2019; WEB SITE AND CHANNEL 18 MAY 13, 2019**

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

Tom Roberts gave Council a brief description of what the responsibilities of the BZA are.

**ADG #7 BUENA VISTA ECONOMIC DEVELOPMENT**

**AUTHORITY:**

Mr. Casey Crookston has resigned. His term will expire on March 31, 2021. This is the first time this item has appeared on the agenda. **NO APPLICANTS - ADVERTISED NEWS GAZETTE JUNE 12, 2019; WEB SITE AND CHANNEL 18 JUNE 11, 2019**

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

**OLD BUSINESS:**

**OB #1 DISCUSS BODY WORN CAMERAS WORKLOAD:**

Chief Hartman stated for the last week or so he has had a discussion with Mr. Scudder concerning body worn cameras. We are the only department in the area that has body cameras. The Legislature passed a law this year that says if a department has from 0 to 75 body cameras you must add at least 1 person to the Commonwealth's Attorney office to assist in viewing the videos. Our PD has 10 or 11 body cameras. Mr. Russell has been able to do what he needs to do without any assistance. He said that during his conversation with Mr. Russell, he agreed if he was staying in the job, he would not ask for any assistance. He did not want to presume that Mr. Elrod would not want the assistance either. He spoke to Mr. Elrod today and he is comfortable with status quo for now. Moving forward, at least the first year, we will see how we do with him being able to review the body cameras on his own without any assistance. Chief Hartman said he promised Mr. Elrod if he needed help from any of the PD they would certainly be willing to help him. Mr. Russell will write a letter to the Comp Board saying that Buena Vista does not request any additional assistance at this time. That should be enough to keep us in adherence with the legislation that was passed. He said we have 2 choices: hire additional help or write the letter stating that no additional help is needed.

Mayor Fitzgerald said he did not see the part about writing the letter when he looked at the procedure.

Chief Hartman said it is not written in the procedure but when he called and asked about it, he was told that writing the letter is an option.

Mayor Fitzgerald wanted to know if we would have to hire another attorney.

Mr. Heslep said we would have to hire an Assistant Commonwealth's Attorney. He said his office has been working with the Chief, Mr. Russell and Mr. Elrod to work out some kind of combination that they are taken care of; yet avoid that kind of expense to the City by hiring an Assistant Commonwealth's Attorney. He said this is another unfunded mandate. He opined that writing the letter is an excellent solution. He also said that it does not mean that at some point the Commonwealth Attorney will not ask for assistance. If they do it will create a totally different situation.

Chief Hartman said it would be a shame if the officers must give up the cameras since they have just gotten comfortable with using them. The cameras are not only to document the crimes it is great evidence for the court to use. He said they get a lot of complaints at the PD about the conduct of the police officers. He said they can look at the video to verify what took place. They will invite the person that makes the complaint to come and look at the video and more often than not, the person will say they don't want to go any further with the complaint.

Mayor Fitzgerald said he would like for the PD to keep the body cameras. He wanted to know if the police department review themselves on the body cameras.

Chief Hartman said if the Commonwealth's Attorney's office is overwhelmed and the defense attorney is looking for a copy of a video, they can make them a copy of the video.

Councilman Baldrige said that he spoke with Mr. Russell the same day the information came out. There are some other Commonwealth's offices in the region that use software as help. If a defense attorney would say that he wants to see the body cam footage of a case, they can get an email that has a hot link to a web site that contains the body cam footage. They have a key so they can get in just their case. Mr. Russell said that he does not view the body cam footage unless someone brings it up. There is a necessary legal obligation for the Commonwealth's Attorney to supply to the defense any evidence that would promote the defense. The Commonwealth's Attorney office is supposed to read all the body cam footage and take the effort to initiate contact with the defense to say they have found something they need to look at. We have an open file policy where anyone that contacts the Commonwealth's Attorney and wants to see the body cam footage should be allowed to do so. He said there is no way that someone could watch all the body cam footage. He said there is more footage than hours in the day.

Mayor Fitzgerald wanted to know if that is what the State is wanting us to do. He opined it hints towards everything being reviewed.

Chief Hartman said that some of the videos are less than 30 seconds long and some are much more elaborate. He said he did not know that Mr. Russell does not look at any body cam footage until someone asks him to look at it.

Councilman Baldrige said again that we have an open file policy. The defense attorney contacts the Commonwealth's Attorney to review the file. We will now have to say there is a computer available to watch as long as you like.

Vice-Mayor Cooper said we can fulfill the requirement by providing the link to the attorneys.

Councilman Coffey wanted to know if each video had a file number.

Chief Hartman said they all do.

Councilman Baldrige stated that everyone seems to be happy with the body cameras.

Mayor Fitzgerald asked Chief Hartman to give Council an update at the next scheduled Council meeting.

Chief Hartman also suggested that the staff in the Commonwealth's Attorney office be trained so they can handle some of the requests for body cam footage. He closed the discussion by saying the annual Policeman's block party will be held on June 28 beginning at 6:00 o'clock at the police station.

**NEW BUSINESS:**

**~~NB #1 PROCLAMATION THANKING THE VOLUNTEERS AT THE GLEN MAURY POOL:~~**

**ADJOURNMENT:** There being no further business Mayor Fitzgerald adjourned the Council meeting.

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William H. Fitzgerald, Mayor

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Dawn M. Wheeler, Clerk of Council