

MINUTES
REGULAR MEETING
JULY 13, 2021

The regular meeting of the Council for the City of Covington was held on Tuesday, July 13, 2021, at 6:30 p.m. at Council Chambers in City Hall, 333 W. Locust Street, Covington, Virginia.

The meeting was called to order by Mayor Thomas H. Sibold, Jr. The invocation was given by Pastor Stephanie Clark, followed by the Pledge of Allegiance.

Roll call of Council showed all members present as follows: Mayor Sibold, Vice Mayor David S. Crosier, Councilman William E. (Lance) Carson, Jr., Councilman Raymond C. Hunter, and Councilman S. Allan Tucker.
City Manager: Krystal Onaitis
City Attorney: Mark Popovich

APPROVAL OF AGENDA

Vice Mayor Crosier made a motion to approve the agenda and to add three items to the Closed Session:

1. To hold a closed session pursuant to the Virginia Freedom of Information Act Sec. 2.2-3711(A)(1) in order to hold a discussion regarding the performance of a specific public employee related to open vacancy positions and negotiations with potential new hires;
2. to hold a discussion of information subject to exclusion under subdivisions 2 or 14 of Section 2.2-3705.2 where discussions in open meeting would jeopardize the safety of a bridge structure pursuant to Section 2.2-3711(A)(19); and
3. to hold discussion and consultation with legal counsel employed or retained by the public body regarding legal matters requiring the provision of legal advice by such counsel related to professional engineering services for water/sewer and landfill operations pursuant to Sec. 2.2-3711(A)(8). Mr. Hunter seconded the motion, and members consented.

CITIZEN COMMENTS

There were no Citizen Comments.

CORRECTION AND APPROVAL OF MINUTES

Upon a motion by Vice Mayor Crosier, seconded by Mr. Hunter, Council voted to approve the following minutes as presented: Called Meeting on June 1, 2021; Work Session on June 1, 2021; Regular Meeting on June 8, 2021; and Called Meeting on June 15, 2021.

APPOINTMENTS

Vice Mayor Crosier made a motion, seconded by Mr. Hunter, to appoint Councilman Carson to the TAP Board of Directors, and members agreed by consent. His term will expire on July 31, 2023.

Council reappointed Stephanie Clark by consent to the Ninth District Development Financing Board of Directors on a motion made by Vice Mayor Crosier, seconded by Mr. Carson. Her term will expire on July 31, 2023.

SPECIAL PRESENTATIONS

The Special Presentation by the Timmons Group concerning the Route 220 was tabled until next month. Special presentations scheduled in the agenda from Major George Hackbarth concerning the Salvation Army Emergency Shelter and Food Program, David Bryant on the fourth quarter Financial Report, and Theresa Harrison's Treasurer's Report were already held during this evening's Called Meeting.

Police Chief Chris Smith introduced five new officers who have accepted jobs with the Covington Police Department in the last year. Three officers, Jacob R. Tolley, Gene A. Wilhelm, and Brenton R. McGuire, were previously employed by other law enforcement agencies and only needed a month of training before assuming full duties. Officers Caleb D. Ogilvie and

Christopher N. Spraker are currently attending the Cardinal Criminal Justice Academy in Salem and will graduate in approximately four weeks.

Chief Smith also spoke about the annual National Night Out to be held on Tuesday, August 3. The Police Department, in collaboration with the Clifton Forge Police Department, Alleghany County Sheriff's Department, and Virginia State Police, are planning a celebration at the Main Street Park that evening from 5:00-9:00 p.m. The Covington Fire Department and Rescue Squad will also participate in this police-community partnership, and Smith asked Council members, the City Manager, department heads, and city employees for their participation. Food, entertainment, games, prizes, vehicle displays, demonstrations, and children's identification kids will be set up in stations.

Ms. Onaitis requested that the date of the August Work Session be moved so that members can attend this event as it is a national campaign that also includes U.S. territories and military bases around the world. After discussion, members decided to move the August Work Session to Monday, August 2, at 6:30 p.m.

REPORT OF THE CITY MANAGER

1. Economic Development: The EDC is working on their Business Plan, focusing on website marketing and planning strategies developed by Hunton and Timmons. The IDA approved financing for \$2.2 million from Highlands Community Bank for the site-ready pad on July 6 and expects to close at the end of July. The IDA has a proposed contract from Timmons to execute the plans from beginning to end.
2. Main Street Revitalization Grant: Head Down Strategies is working on the draft plan for the grant now, which will include a public meeting before submission to Department of Housing and Community Development. They are identifying areas where American Rescue Plan funds may be used.
3. Project Sparkle: Closing on to the Main Street property will occur Thursday, July 15, with attorneys for the IDA and Alleghany Foundation signing the deed.
4. Jackson Street Grant: The Virginia Department of Housing and Community Development (DHCD) did not advance the Community Development Block Grant for the Jackson Street Project, citing a lack of documentation from CHA consultants and City officials to verify that at least 51 percent of households in the 100-household area where the grant covers are in the low-to moderate-income group. Only people from 23 households responded. Because it was not rejected, the grant may be resubmitted with proper documentations. She said funds from the American Relief Plan may be used for the stormwater part of the project.
5. Rivermont School Redevelopment Project: The grant was not funded by DHCD although it advanced to the second phase of review. Project-based vouchers needed were not obtained, which accounts for 30 points on the grant. She has spoken to the director of the Waynesboro Housing Authority who oversees the City Redevelopment and Housing Authority. She asked Council to help enlist the Redevelopment Authority members' help with this. Landmark Development would like to resubmit the grant next year.
6. Rayon Bridge: VDOT has funded this project, and discussions continue on whether VDOT or city administration will oversee the project.
7. Maple Avenue Streetscape: Phase 2 is wrapping up, and a list of items needing completion has been generated. Utility lines still need to be removed, which should occur next week. The City is withholding final payment until complete. The pre-application of the Phase 3 grant was submitted on July 1, and the final draft is due October 1. The projected cost has risen due to rising construction materials costs.
8. EQ Basin: She is working to secure funding for this wastewater project from the Virginia Resources Authority and should have a plan in place by fall. Thompson and Lytton will finalize design work by September 11 and send to DEQ.
9. Dry Run Stream Project: Contractors began moving items from the stream last week, and the project should be complete by late August, weather dependent. Thompson and Lytton is

overseeing the project to improve the drainage around the culvert and prevent the stream bank's erosion during heavy rains.

10. VRA Bond for Emergency Road Repairs: The loan will be finalized August 4. She hopes to recoup some funding from the Virginia Department of Emergency Management (VDEM), and all documentation has been uploaded to VDEM's website.

11. Route 220 Road Safety Audit: Timmons' staff submitted three transportation alternative pre-applications on July 1, with full applications due on October 3, for projects to improve pedestrian safety. If approved, they will require twenty percent matching funds from the City, which should cost \$30,000-\$40,000 per project. Timmons' consultants and city staff have identified three locations needing safety measures: northbound Route 220 at Cedar Street; sidewalk construction on Route 220 from Pine Street to Beech Street; and at the intersection of Route 220 at Highland Avenue. She is also considering for a Smart Scale application cycle in the spring for improvements at the Carolton Intersection on Route 220 and for a buffered bike route in Dry Run on Route 220 to bring riders from the Alleghany Trail to the downtown area.

12. Recycling: The new recycling site at the Nettleton property on Lexington Avenue opened this month. It is not working as anticipated. RDS officials stated the compactor bin should hold five tons and only need emptying once a month, but it was full after six days and only held two tons. She is working with RDS to improve the situation.

13. Joint Services: The committee has been recommended for approval a consolidated school funding package. That should be on the agenda for Council approval in August.

14. Inmate Housing: A meeting is scheduled for the end of July, with a memo of understanding being drafted to cover city/county shared services to be funded in the budget process like the law enforcement funding for the Sheriff's budget.

UNFINISHED/OLD BUSINESS

On a motion from Mr. Crosier, seconded by Mr. Hunter, Council voted unanimously to approve Resolution R-21-25 Ending the Local Emergency Declared on March 17, 2020: Mayor Sibold: For; Vice Mayor Crosier: For; Mr. Carson: For; Mr. Hunter: For; and Mr. Tucker: For.

For Resolution R-21-26, a Resolution for the Appointment of an Interim Zoning Administrator, Vice Mayor Crosier made a motion to approve Ms. Onaitis to serve temporarily. Mr. Tucker added the second, and members voted accordingly: Mayor Sibold: For; Vice Mayor Crosier: For; Mr. Carson: For; Mr. Hunter: For; and Mr. Tucker: For.

Concerning Resolution R-21-27 Authorizing Acceptance of an EZ Child Mobile ID System by a Private Citizen, Chief Smith previously stated that currently officers print necessary information on a paper form, place it in a container, and give it all to parents for children's identification. If parents lose the information, the police department has no record of pertinent information. This EZ ID Kit will allow information to be stored on police department computers for almost instant access to the information if needed. On a motion by Vice Mayor Crosier, seconded by Mr. Hunter, Council voted unanimously as follows: Mayor Sibold: For; Vice Mayor Crosier: For; Mr. Carson: For; Mr. Hunter: For; and Mr. Tucker: For.

Members voted unanimously to pass R-21-28, an Appropriation Resolution for the First Disbursement of American Relief Plan (ARP) Funding in the amount of \$3,410,730.00. The motion was made by Vice Mayor Crosier, seconded by Mr. Tucker, with this vote: Mayor Sibold: For; Vice Mayor Crosier: For; Mr. Carson: For; Mr. Hunter: For; and Mr. Tucker: For.

Vice Mayor Crosier made a motion to approve R-21-29, an Appropriation Resolution from the Office of Emergency Services Grant for EMS Computer Equipment (computer tablets) in the amount of \$2,846.52. Mr. Tucker seconded, and members voted unanimously to approve: Mayor Sibold: For; Vice Mayor Crosier: For; Mr. Carson: For; Mr. Hunter: For; and Mr. Tucker: For.

An Appropriation Resolution R-21-30 for the Department of Social Services for \$110,000.00 was approved unanimously on a motion by Vice Mayor Crosier and a second by Mr. Tucker: Mayor Sibold: For; Vice Mayor Crosier: For; Mr. Carson: For; Mr. Hunter: For; and Mr. Tucker:

For. Finance Director David Bryant stated that 84-85 percent would be reimbursed by the state and the shortfall was caused by increased caseloads during the COVID pandemic.

Resolution R-21-31 in support of financing by the Industrial Development Authority of Covington-Alleghany County was approved 5-0 on a motion by Vice Mayor Crosier, seconded by Mr. Tucker: Mayor Sibold: For; Vice Mayor Crosier: For; Mr. Carson: For; Mr. Hunter: For; and Mr. Tucker: For.

Mr. Popovich explained the purpose of Resolution R-31-32 Authorizing Outside Counsel to Vote on the City's Behalf to Support the Proposed Purdue Pharma Bankruptcy Plan. A class-action lawsuit was filed by the City and many other localities across the United States against manufacturers and distributors of opioid litigation. The suit was settled for approximately \$3.575 to \$4.575 billion is to be distributed to public claimants like the City. He stated the Virginia Attorney General recommends accepting it, which he feels is in the best interest of the City. Another manufacturer has submitted a plan for settling, so Mr. Popovich feels that more will follow. The City will receive 0.100% of the Purdue Pharma funds, which should amount to \$23,700-\$30,400. On a motion by Vice Mayor Crosier, seconded by Mr. Tucker, members voted unanimously to approve: Mayor Sibold: For; Vice Mayor Crosier: For; Mr. Carson: For; Mr. Hunter: For; and Mr. Tucker: For.

NEW BUSINESS

Mr. Carson is very concerned about a continuing problem at 411 N. Alleghany Avenue that was again brought to his attention by Denise Craft. The outside door has been removed, and she alleges squatters are entering the house and possible other illegal activities are taking place. He asked if the house could be condemned. A lengthy discussion ensued, and Ms. Onaitis said before the City can condemn the property, the Property Maintenance Enforcement Code requires the City to show they have rights to the property because of nuisance and blight abatement, but the liens for property taxes and a third party lien will never give the City rights. The owner lives out of state and have received communication concerning the property, but the third party lien against the property is for private student loans, which would preclude the City from receiving any reimbursement for abatement until other liens are resolved. Mr. Popovich said the options are very limited, but he suggested that the City have the doors and windows boarded to secure the property and put another lien on it. He cautioned there would probably never be remuneration for the work. If the property owner ever chooses to rehabilitate the house, other options will open up, but he didn't foresee that this would ever occur.

Vice Mayor Crosier expressed concern about a similar problem on West Jackson Street, where from a neighbor's yard he said he observed multiple abandoned vehicles, tires, high weeds, and outbuilding filled with rubbish, as well as part of the house has collapsed. Neighbors are tired of snakes coming from this yard. He said the owner is a local resident who refuses to accept letters mailed relating to the problem or work with the City to resolve the issue. Ms. Onaitis said this resident does not receive mail and the post office refuses to deliver to that address because it is abandoned. A court date has been set, but she cautioned that this is a lengthy process that will not be resolved quickly. A temporary property maintenance official has been appointed, and that person will take the required course in September and then be able to work with the police department to enforce codes. Mr. Popovich said the problem is that the situation is not unique to Covington, and most rural localities do not have the budget available to abate such properties and suggested a larger amount be budgeted for abatement. Ms. Onaitis reminded members that the demolition fund received forty percent more funding for the FY 2022 year.

Mr. Carson wanted to know why the owner of 411 N. Alleghany couldn't be taken to court also. Mr. Popovich said that person could be charged with a criminal misdemeanor violation, which may result in the person being fined, but the problem still exists. He prefers to use civil court in which the court can order the homeowner to repay the money. He is willing to try to fashion a code change that may help in situations such as this. Mr. Hunter asked if we could use some of the ARP funds received for demolition, and Mr. Popovich said he thought that would not meet the federal guidelines. Ms. Onaitis suggested that money budgeted for the Drone Zone grant could be reprogrammed to demolition if the Appalachian Regional Commission grant is denied again, or the City could rescind the application.

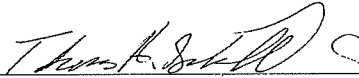
CLOSED SESSION

Vice Mayor Crosier made the following motion for four items:

1. To hold a closed session pursuant to the Virginia Freedom of Information Act Sec. 2.2-3711 (A)(1) for the purpose of discussing matters related to specific Council-appointed personnel;
2. To hold a closed session pursuant to the Virginia Freedom of Information Act Sec. 2.2-3711(A)(1) in order to hold a discussion regarding the performance of a specific public employee related to open vacancy positions and negotiations with potential new hires;
3. To hold a discussion of information subject to exclusion under subdivisions 2 or 14 of Section 2.2-3705.2 where discussions in open meeting would jeopardize the safety of a bridge structure pursuant to Section 2.2-3711(A)(19); and
4. To hold discussion and consultation with legal counsel employed or retained by the public body regarding legal matters requiring the provision of legal advice by such counsel related to professional engineering services for water/sewer and landfill operations pursuant to Sec. 2.2-3711(A)(8). Mr. Tucker seconded the motion, and members consented.

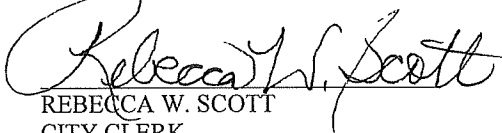
Following the closed session, Council reconvened and voted by consensus on a motion from Vice Mayor Crosier, seconded by Mr. Tucker, to certify that only the matter stated was discussed.

With no further business to come before Council, the meeting was adjourned on a motion from Vice Mayor Crosier and seconded by Mr. Tucker.



THOMAS H. SIBOLD, JR., MAYOR
PRESIDENT OF THE CITY COUNCIL AND,
AS SUCH, EX-OFFICIO OFFICER OF THE
CITY OF COVINGTON, VIRGINIA

ATTEST:



REBECCA W. SCOTT
CITY CLERK