

**MINUTES  
CITY OF BUENA VISTA  
REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
November 16, 2023, 6:00 P.M.**

The City Council for the City of Buena Vista met for a Regular Council Meeting on Thursday, November 16, 2023, at 6:00 p.m.

**Members Present:**

Melvin Henson  
Tyson Cooper  
Steve Webb

Mayor Bill Fitzgerald  
Vice-Mayor Cheryl Hickman  
Stanley Coffey  
Danny Staton

**Members Absent:** None.

**ADG #1: PLEDGE OF ALLEGIANCE AND PRAYER**

Councilman Cooper delivered the opening prayer.

**ADG #2: APPROVAL OF THE AGENDA**

Mayor Fitzgerald asked to amend the agenda to move New Business #1 to New Business #6.

Councilman Cooper moved to approve the agenda, as amended. Vice-Mayor Hickman seconded the motion, and it was carried by Council.

**ADG #3: APPROVAL OF MINUTES FROM THE NOVEMBER 2, 2023, REGULAR COUNCIL MEETING**

Motion to approve the minutes was made by Councilman Coffey, seconded by Vice-Mayor Hickman, and carried by Council.

**ADG #4: RECOGNITION/COMMUNICATION FROM VISITORS**

**Citizens who desire to speak to council will be recognized at this time. Please limit your statement to three (3) minutes.**

No one spoke.

**ADG #5: REPORTS**

**1. Mayor**

None.

**2. City Manager**

Mr. Tyree noted some upcoming events and dates:

- Small Business Saturday will be on Saturday, November 25<sup>th</sup>
- There will be a swearing in ceremony for all newly and reelected officials held at City Hall on Thursday, December 7<sup>th</sup> at 5:00 p.m. prior to the tree lighting and Christmas parade
- The Christmas parade will be on Thursday, December 7<sup>th</sup> at 7:00 p.m.

Mr. Tyree also mentioned that the Police Department applied for and has been awarded with the VSTOP Grant.

### **3. City Attorney**

Mr. Kearney stated that Council will have to have a special meeting in December. He proposed that we hold that meeting during the week of December 11<sup>th</sup>.

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

Councilman Henson mentioned the Christmas at the Park celebration on December 10; Santa will be there.

## **ADG #6: CONSIDER APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES:**

### **ROCKBRIDGE AREA COMMUNITY SERVICES BOARD**

**Mr. Brent Syler's appointment expires on December 31, 2023. Mr. Styler is unable to serve another term at this time. This is a three-year term that will expire on December 31, 2026.**

There was one applicant for this opening: Ms. Hannah Becker

Councilman Henson made a motion to appoint Ms. Becker to the Board. Councilman Webb seconded the motion, and it was carried by Council with Vice-Mayor Hickman abstaining as she works for the Rockbridge Area Community Services Center.

## **OLD BUSINESS:**

### **OB #1: SECOND READING OF THE R6 RESIDENTIAL PLANNED UNIT DEVELOPMENT ZONE PLAN OF DEVELOPMENT FOR 33 ACRES ON BEVERLY HOLLOW LN, TAX MAP 66-1---5, FOR ONE (1) SINGLE-FAMILY HOUSE AND PRIVATE DRIVEWAY**

Mr. Tyree stated that there have been no changes since the last reading. Councilman Cooper made a motion to read the Ordinance by title only which was seconded by Vice-Mayor Hickman and carried by Council.

Ms. Burch read the Ordinance by title.

Vice-Mayor Hickman moved to approve the Ordinance. Councilman Webb seconded the motion, and it was carried by Council.

The approved Ordinance is as follows:

### **R-6 Residential PUD Plan of Development 352 Beverly Hollow Lane Ordinance Text**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BUENA VISTA, VIRGINIA, that after a duly called public hearing, in accordance with the general welfare of the citizens of Buena Vista and in accordance with good zoning practices, pursuant to Section 607 of the Land Development Regulations, the Plan of Development shown in the site plan and described in the staff report attached in "Exhibit A" is hereby approved.

This ordinance shall be effective 30 days following adoption by City Council.

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William H. Fitzgerald, Mayor

Attest:

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Sarah Burch, Clerk of Council

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Date

**OB #2: SECOND READING OF AN ORDINANCE TO ABANDON CITY RIGHT-OF-WAY: 200 FEET OF ALLEY IN BLOCK 44, SECTION 5, ADJACENT TO 225 RIDGE AVENUE**

Mr. Tyree stated that there have been no changes since the first reading. Councilman Cooper moved to read the Ordinance by title only, seconded by Councilman Henson, and carried by Council.

Ms. Burch read the Ordinance by title.

Councilman Cooper made a motion to adopt the Ordinance. The motion was seconded by Councilman Henson.

Ms. Burch completed a roll-call vote of Council as follows:

Member	Present	Absent	Yes	No	Abstain
Councilman Henson	X		X		
Councilman Cooper	X		X		
Councilman Webb	X				X
Councilman Staton	X		X		
Councilman Coffey	X		X		
Vice-Mayor Hickman	X		X		
Mayor Fitzgerald	X		X		

The adopted Ordinance is as follows:

**Abandonment of Public Right-of-Way  
Portion of Alley, Block 44, Section 5, Adjacent to 225 Ridge Avenue  
Ordinance Text**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BUENA VISTA, VIRGINIA, that in accordance with Section 15.2-2006 through 2008 of the Code of Virginia, as amended, that the public right-of-way described in "Exhibit A" and "Exhibit B" attached hereto shall be vacated and abandoned upon receipt of the consideration noted in "Exhibit A" ("the Property").

BE IT FURTHER ORDAINED that as a condition of the aforesaid abandonment and vacation, the City retains a perpetual easement over, under, and across the Property for the installation, maintenance,

repair, or replacement of all utilities, including, but not limited to, water and sewer lines; electric; cable; telephone; and gas lines; and garbage pick-up.

BE IT FURTHER ORDAINED that this ordinance shall be recorded in the Clerk's Office of the Circuit Court for the City of Buena Vista, Virginia, and indexed under the names listed in "Exhibit A".

This ordinance shall be effective 30 days following adoption by City Council.

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William H. Fitzgerald, Mayor

Attest:

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Sarah Burch, Clerk of Council

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Date

**OB #3: SECOND READING OF AN ORDINANCE TO AMEND SECTIONS 8-21 AND 8-244 OF THE CODE OF THE CITY OF BUENA VISTA RELATING TO CITY ADOPTION OF THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE, FOR THE PURPOSE OF UPDATED REFERENCED THIRD-PARTY CODES**

Mr. Tyree noted that there have been no changes to the Ordinance since the first reading. Vice-Mayor Hickman made the motion to read the Ordinance by title, which was seconded by Councilman Cooper and carried by Council.

Ms. Burch read the Ordinance by title.

Motion to adopt the Ordinance was made by Councilman Cooper and seconded by Councilman Henson.

Ms. Burch completed a roll-call vote of Council as follows:

Member	Present	Absent	Yes	No	Abstain
Councilman Henson	X		X		
Councilman Cooper	X		X		
Councilman Webb	X		X		
Councilman Staton	X		X		
Councilman Coffey	X		X		
Vice-Mayor Hickman	X		X		
Mayor Fitzgerald	X		X		

The adopted Ordinance is as follows:

**City Code Text Amendment  
Ordinance Text  
Section 8-21 and Section 8-244**

AN ORDINANCE to amend Chapter 8 of the Code of the City of Buena Vista, as amended, for the purpose of updating the references to building and property maintenance codes.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BUENA VISTA, VIRGINIA, that after a duly called public hearing, in accordance with the general welfare of the citizens of Buena Vista, Section 8-21 is amended to read as follows:

**Sec. 8-21. – Adopted; general construction standards**

*There are hereby adopted by reference for the city the provisions of the Virginia Construction Code and the Virginia Existing Building Code (Parts I and II, respectively, of the Virginia Uniform Statewide Building Code), as adopted and promulgated by the State Board of Housing and Community Development, a copy of which is on file in the office of the building official. Such code shall take effect on the effective date of the ordinance from which this article is derived and shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures, and all other functions which pertain to the installation of systems vital to all buildings and structures and their service equipment, as defined by such code, and shall apply to existing and proposed buildings and structures in the city. All future editions and amendments to the Parts I and II of the Virginia Uniform Statewide Building Code, the Virginia Industrialized Building Safety Regulations, the Virginia Manufactured Home Safety Regulations, and the Virginia Amusement Device Regulations and their respective codes, standards, and component parts referenced therein, are hereby automatically adopted and incorporated into this Code.*

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF BUENA VISTA, VIRGINIA, that after a duly called public hearing, in accordance with the general welfare of the citizens of Buena Vista, Section 8-244 is amended to read as follows:

**Sec. 8-244. – Adopted by reference**

*There are hereby adopted by reference for the city the provisions of the Virginia Maintenance Code (Part III of the Virginia Uniform Building Code), as adopted and promulgated by the State Board of Housing and Community Development, a copy of which is on file in the office of the building official, as the property maintenance code of the city for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees thereof; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code on file in the office of the city are hereby referred to adopted, and made a part hereof, as if fully set out in the article, with the additions, insertions, deletions and changes, if any, prescribed in section 8-245. All future editions and amendments made by the State Board of Housing and Community Development, and the city council of Buena Vista, are hereby automatically adopted and incorporated into this Code.*

This ordinance shall be effective 30 days following adoption by City Council.

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William H. Fitzgerald, Mayor

Attest:

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Sarah Burch, Clerk of Council

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Date

**NEW BUSINESS:**

**NB #2 1: RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY, THE PSA, AND THE EDA DATED NOVEMBER 16, 2023**

Mr. Tyree read the following Resolution:

**RESOLUTION**

**A RESOLUTION OF THE CITY OF BUENA VISTA**

Council for the City of Buena Vista hereby adopts the following:

**BE IT RESOLVED** that City Council hereby approves of the agreement made and entered into the 16<sup>th</sup> day of November 2023, by and between the City of Buena Vista ("City"), the Buena Vista Public Service Authority ("PSA"), and the Buena Vista Economic Development Authority, formerly known as the Buena Vista Industrial Development Authority ("EDA"), a copy of which is attached hereto ("Agreement").

**BE IT FURTHER RESOLOVED** that they appoint Jason Tyree as City Manager to sign whatever documentation is needed in order to complete the terms of the Agreement.

Approved: This 16<sup>th</sup> day of November 2023.

**CITY OF BUENA VISTA**

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William H. Fitzgerald, Mayor

Attest:

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Sarah Burch, Clerk of Council

Councilman Cooper moved to approve the above read Resolution. Councilman Webb seconded the motion, and it was carried by Council.

**NB #3 2: APPROVE A RESOLUTION TO DISSOLVE THE VALLEY ASAP BOARD AND PROGRAM**

Mr. Tyree stated that this is a regional board that has had some issues, the State has been contacted, and this program on the regional level will be dissolved. The State is going to take over and will continue to offer services to our area; we do not currently pay anything in to this program and will continue not to have to pay with this change.

Mr. Tyree read the following Resolution:

## **RESOLUTION**

WHEREAS the Valley Alcohol Safety Action Program (VASAP) is an independent local policy Board that administers the Virginia Alcohol Safety Action Program for the Counties of Augusta and Rockbridge and the Cities of Buena Vista, Lexington, Staunton, and Waynesboro (such counties and cities, collectively the "Members"), as provided by Section 18.2-271.2 of the Code of Virginia and regulations promulgated pursuant to thereto; and

WHEREAS the VASAP has been suspended from operation pursuant to 24 VAC 35-80-100 due to continued operational winding down; and

WHEREAS the VASAP wishes to indicate its intent to dissolve, as provided by 24 VAC 35-80-100(D), and provide for the orderly winding up of its operations and affairs.

NOW THEREFORE, BE IT RESOLVED by the Policy Board of the Valley Alcohol Safety Action Program that:

1. The VASAP intends to dissolve, and after the date of this Resolution, will not accept any further referrals.
2. The VASAO requests the Commission on the Virginia Alcohol Safety Action Program to undertake services under the Program within its previous service territory and authorizes and directs the Chair to deliver a copy of this resolution, accompanied by a cover letter, to the Executive Director of the Commission.
3. The Chair is authorized and directed to enter into negotiations with Five First Cousins, LLC, the landlord on its office space at 240 North Central Avenue, Staunton, Virginia, to relinquish its lease on the office space in an economical and orderly manner, at its earliest practical opportunity, and to provide for the orderly disposal of VASAP's tangible personal property to the Members or using orderly surplus procedures in accordance with the procurement policies of a Member who may be agreeable to assisting in doing so. Any remaining arrangements requiring approval of this Board be returned for final action, with a goal of such windup occurring not later than December 31, 2023.
4. The Chair is authorized and directed to deliver a copy of this resolution, accompanied by a cover letter to the chief administrative officer of each Member. The cover letter shall request each Member's governing body to adopt a resolution, as provided by the Board Bylaws and Section 15.2-1300 of the Code of Virginia, authorizing dissolution of the VASAP not later than December 31, 2023.
5. After all of VASAP's affairs are fully wound up, the funds of VASAP shall continue to be held by its fiscal agent for a period of one year in order to defray costs that may come due following dissolution, unless otherwise required by the rules and regulations of the Commission, in which case such rules and regulations shall govern.
6. This Resolution shall be in effect upon adoption.

Councilman Henson moved to approve the Resolution. Vice-Mayor Hickman seconded the motion, and it was carried by Council.

### **NB #4 3: DISCUSSION AND APPROVAL OF ROCKBRIDGE RECOVERY REQUEST FOR TAX EXEMPT STATUS**

Mr. Tyree opened the discussion by stating that the request is for the Hope House property as well as the house next to it, which they also own. The total amount of annual tax revenue for both properties is

\$1226.78. He further noted that [Hope House] is a program that will be providing recovery services with those dealing with substance abuse issues.

Vice-Mayor Hickman moved to approve the request, seconded by Councilman Staton, and carried by Council.

**NB #5 4: DISCUSSION AND APPROVAL OF VTS CONTRACT FOR WIFI AT POOL AND UPPER CAMPGROUND**

This is a Memorandum of Understanding for providing internet services to the pool and upper campground. VTS has come up with a way to do that for the City at a reasonable cost. This would involve placing an antenna at the 911 Center which will beam to Austin Rehl's property due to the elevation and then beam back to the pool to provide that coverage. This is the most economical way to do this without having to put wires in the ground, which would be another \$1M project. Before the 911 Center can attain approval, they need the City to approve this MOU.

Mr. Tyree read the following:

**Glen Maury Park Pool & Upper Campground  
Memorandum of Understanding**

This Memorandum of Understanding is made and entered into this 16<sup>th</sup> day of November 2023 by and between the City of Buena Vista, Virginia (the "City") and Virginia Technology Systems, a Virginia limited liability company, ("VTS").

Whereas the City has a need to install and provide Wi-Fi internet services to Glen Maury Park Pool and Glen Maury Park's Upper Campground area, and

Whereas the City has an existing contract with VTS to provide internet and technology assistance at other city locations, and

Whereas this connection will require equipment to be placed at the Rockbridge Regional 911 Center (100 Baner Ln., Buena Vista, Virginia 24416) and Austin Rehl's property (774 Long Hollow Rd., Buena Vista, Virginia 24416), and

Whereas the City is to receive at a minimum 750 megabytes per second (Mbps) service under ideal conditions, and

Whereas the City will, prior to construction, obtain permission with the Regional 911 center and Mr. Rehl for the installation of services, and

Whereas this project was budgeted for the current Fiscal Year funding allocations,

Now therefore and in consideration of the terms and conditions herein, the parties agree as follows:

1. The City will obtain permission from the 911 Center and Mr. Rehl for the installation of the necessary equipment to provide the services outlined herein;
2. The City shall pay up to \$2,000 for the cost of the equipment needed under this Memorandum of Understanding;
3. VTS shall properly install and maintain the aforesaid equipment acquired by the City;
4. VTS shall provide the City with a minimum of 750 Mbps service under ideal conditions at such locations as the City determines in order to provide internet service to the Glen Maury Park Pool and Upper Campground area ("internet service");

5. VTS shall provide this internet service at a cost which is competitive in this market;
6. If VTS fails to perform under this Memorandum of Understanding, the City may terminate this agreement and obtain internet service from another provider;
7. The City may terminate this Memorandum of Understanding without cause upon sixty (60) days' notice to VTS.

Mr. Tyree noted that we had budgeted \$7000 for this project, but he believes the actual cost will be much less (around \$2000).

Councilman Webb asked if Mr. Rehl will be charging anything for this. Mr. Tyree responded that Mr. Rehl is not charging the City or the 911 Center.

Councilman Cooper opined that 750 Mbps isn't very much, and he would hate for us to spend the money on something that will basically be no better than having no internet at all. Mr. Tyree responded that as of right now this is our best option, and that VTS says this is the foundation for which we can build upon.

Councilman Cooper made a motion to approve the agreement. The motion was seconded by Vice-Mayor Hickman and carried by Council.

**NB #6 5: ANNETTE PATTERSON UPDATE ON VIRGINIA INNOVATION ACCELERATOR AND REQUEST FOR FUNDING**

Ms. Patterson, President and Founder, of the Virginia Innovation Accelerator shared a presentation highlighting some of the work and projects that have been going on at their Buena Vista branch as well as their future goals. The Innovation Accelerator is a company that focuses on business and community development as well as helping rural communities. There are currently 15 growing companies utilizing the benefits of the Accelerator's services. Some of those include Kenkashi, Autonomous Flight Technologies, Earthmagic Recycling, and Blue Ridge Mushroom Co. to name a few. Ms. Patterson stated that they anticipate being sustainable by 2025/2026, but they will be in need of further financial support in the next few months to help attain this goal.

**NB #4 6: MAYOR'S PRESENTATION OF GIFTS OF APPRECIATION FOR JEAN CLARK, DOUG HARWOOD, ED SMITH, AND THE W&L ROCKBRIDGE REPORT**

Mayor Fitzgerald first presented a photo of the City to Mrs. Jean Clark to thank her for her many years of dedicated service to the City through her role as Director of Tourism.

He then presented photos of the City to Mr. Doug Harwood of the Rockbridge Advocate and to Mr. Ed Smith of the News Gazette.

Mayor Fitzgerald then presented a proclamation of appreciation to the Washington and Lee Rockbridge Report. Mr. Tyree read the following Proclamation:

**PROCLAMATION OF APPRECIATION  
THE WASHINGTON & LEE ROCKBRIDGE REPORT**

**WHEREAS** *The Rockbridge Report* is a local news website and television broadcast produced by the journalism students at Washington & Lee University; and

**WHEREAS** *The Rockbridge Report* has been the ONLY local newscast for the Buena Vista, Lexington, and Rockbridge community since 1985; and

**WHEREAS** it provides citizens with a fair and in-depth analysis of local government, business, and community issues; and

**WHEREAS** the student reporters have always shown professionalism and diligence during all interactions with the City of Buena Vista.

**NOW, THEREFORE, BE IT PROCLAIMED**, on this date, November 16, 2023, by the Mayor and the Buena Vista City Council, that the Washington & Lee Rockbridge Report and its reporters be acknowledged and appreciated for their accurate and honest local news coverage.

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William H. Fitzgerald, Mayor

After the Mayor had presented all of his gifts, Mr. Tyree presented Mayor Fitzgerald with his own copy of his favorite photo of the City as well as a large bag of Reese's cups and thanked him for his many years of service to the City of Buena Vista.

#### **ADJOURNMENT**

There being no further business, the meeting was adjourned.

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Sarah M. Burch, Clerk of Council

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William H. Fitzgerald, Mayor