

**MINUTES
CITY OF BUENA VISTA
REGULAR COUNCIL MEETING & PUBLIC HEARINGS
COUNCIL CHAMBERS
November 2, 2023, 6:00 P.M.**

The City Council for the City of Buena Vista met for a Regular Council Meeting and Public Hearings on Thursday, November 2, 2023, at 6:00 p.m.

Council Members Present:

Melvin Henson
Tyson Cooper

Mayor Bill Fitzgerald
Vice-Mayor Cheryl Hickman
Stanley Coffey

Members Absent: Steve Webb & Danny Staton

ADG #1: PLEDGE OF ALLEGIANCE AND PRAYER

Councilman Cooper delivered the opening prayer.

ADG #2: BUENA VISTA CITY COUNCIL PUBLIC HEARINGS

Mayor Fitzgerald opened the first public hearing.

R-6 Residential Planned Unit Development zone Plan of Development for 33 acres on Beverly Hollow Lane, Tax Map 66-1---5, for one (1) single-family house and private driveway

Tom Roberts noted that this is very similar to a house that Council approved in 2020. The R-6 zone just means that in order to build anything, you have to submit and have Council approve a Plan of Development. He stated that this is a very straightforward project. The applicant, Gunnar Beverly, has a 33-acre piece of land and wants to build a house on it. The land is at the south tip of the City and is wooded with no current development. Referencing the site plan, Mr. Roberts said that there will be a house, a garage, and a driveway off of Beverly Hollow Lane that is about 2,000' long. There is already an erosion and sediment control plan approved by Alan McMahan. The house will have well and septic because it is very far from any public water and sewer. He pointed out that Beverly Hollow Lane is a private road and Mr. Beverly's property is about a mile off of Route 501. He noted that the road has a good history of being well maintained. In 2020 when looking at the previous house that was built up there, the Fire Department drove a truck up there just to see how well they could get up there and they got up there fine and the road has been maintained since then, so he feels like they would be able to get up there again, if needed. He stated that it is worth noting that two fire trucks couldn't pass each other on the road; it could get up there, turn around, and come back. He opined that there is no safety hazard posed by Mr. Beverly building his house on this road. The Planning Commission voted to recommend approval at their October 10th meeting.

Councilman Henson asked at what point of adding houses will the City have to come in and say we need a bigger road for safety, noting that it is hard for two regular vehicles to pass each other in some places on that road. He opined that we need to think about down the road and the safety of the people

that live back there and asked if you would need to get a fire truck in and a rescue squad out, who gets the priority.

Mr. Gunner Beverly, the property owner, addressed Council and reiterated what Mr. Roberts had stated about this being a very straightforward plan for just a small house and garage.

Mayor Fitzgerald closed the first public hearing and opened the second.

Abandonment of City Right-of-Way: ~~200~~ 150 feet of alley in Block 44, Section 5, adjacent to 225 Ridge Avenue

Mr. Roberts opened by noting that there was an error in the public advertisement for this and that it is actually 150 feet, not 200. The alley is undeveloped on a wooded slope between Ridge Avenue and 28th Street, behind Councilman Steve Webb's house. When you abandon right-of-way, it is automatically split down the middle to the adjacent property owners and if one party or the other wants the full width, then the other party has to sign a quitclaim deed to give them their half. Mr. Webb would like the full width of the alley and the two owners on the other side have verbally agreed to quitclaim their half to him. They have been sent the quitclaim deeds and we are just waiting for them to be signed.

No one from the public spoke.

Mayor Fitzgerald closed the second public hearing and opened the third.

Amendment to 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. Roberts noted that we discussed this at the last meeting and the text has not changed since then. To summarize, this is a housekeeping update to have the correct building and property maintenance codes referenced in our City Code. This will also help futureproof us by automatically adopting future changes to the State building code. So, when the State updates their code every three years, we will automatically adopt that.

No one from the public spoke.

Mayor Fitzgerald closed the public hearings.

ADG #3: APPROVAL OF THE AGENDA

Councilman Cooper moved to approve the agenda, seconded by Councilman Coffey, and carried by Council.

ADG #4: APPROVAL OF MINUTES FROM THE OCTOBER 19, 2023, REGULAR COUNCIL MEETING & PUBLIC HEARING

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

ADG #5: 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.

Bryson Adams, 2505 Laurel Avenue, delivered the latest RARO update. Fall sports have concluded. The senior football team went to the Superbowl but lost. He extended thanks to the Lexington Public Works and Dominion department for coming out to Fox Field to replace the light poles. They were very unsafe from woodpeckers tearing them up. Winter sports sign up is over. They still have late registration open, but that does not guarantee a spot on a team and will be put on a wait list. Both boys and girls basketball have great numbers. Wrestling has grown quite a bit, and they now have nine female wrestlers.

ADG #6: REPORTS

1. Mayor

Mayor Fitzgerald said that he thought Buena Vista had a great Halloween event this year. He stated that he underestimated the amount of candy he would need and ran out early. He was happy to see the streets full of kids.

2. City Manager

Mr. Tyree spoke about some upcoming security upgrades. We have gotten with a contractor for the SCADA system for the water and sewer. As you all recall, we had some vandalism there a couple of months ago. The company can connect some alarms to the SCADA system. We are working on getting a quote for that. This will also include some cameras that they can install within our current system, which will help reduce the cost. This will be coming up around January so hopefully we can move forward with some security upgrades to some of our existing facilities. He noted that once he has more information, he will share that right away.

3. City Attorney

Mr. Kearney reported that the City received an additional \$1,111.12 in opioid funds.

4. Council Committee/Representative

Councilman Henson reported that the trunk or treat event at Glen Maury Park had a great turnout and was a success. He also noted that Mountain Gateway has begun working on the Courtesy Motors building.

Councilman Coffey spoke about all of the local churches that hosted a trunk or treat event. He said that his church held one and had a great turnout of kids and parents. They sold hotdogs, drinks, and hot chocolate. He stated that he was glad to see all of the parents out with the kids.

Councilman Cooper reported that he and Kristina Ramsey represented the City at the Chamber of Commerce annual meeting and 100-year celebration.

ADG #7: CONSIDER APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES:

ECONOMIC DEVELOPMENT AUTHORITY

Ms. Marolyn Cash has resigned from the EDA. This appointment will begin immediately and will expire on March 31, 2024. This is the first time it has appeared on the agenda.

There were two applicants for this opening: Mr. Jerry Miller and Ms. Sherri Hartless.

Mayor Fitzgerald opined that Mr. Miller would be good for this as he is very knowledgeable about the City.

Vice-Mayor Hickman moved to nominate Mr. Miller. The nomination was seconded by Councilman Cooper.

Mayor Fitzgerald asked if there were any other nominations; there were not.

Council carried the motion to appoint Mr. Jerry Miller to the EDA.

OLD BUSINESS:

OB #1: SECOND READING OF AN ORDINANCE TO AMEND THE FY23 BUDGET

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 Councilman Henson and carried by Council.

Ms. Burch read the Ordinance by title.

Councilman Cooper moved to adopt the Budget amendment. Councilman Coffey seconded the motion.

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			
Councilman Staton		X			
Councilman Coffey	X		X		
Vice-Mayor Hickman	X		X		
Mayor Fitzgerald	X		X		

The adopted Budget Amendment Ordinance is as follows:

BUDGET AMENDMENT ORDINANCE

WHEREAS on May 19, 2022 the City of Buena Vista adopted its budget for Fiscal Year 2023; and

WHEREAS The City Council approved certain ongoing projects and activities that required additional funds and usage of fund balances to be reappropriated during the current fiscal year.

NOW THEREFORE, BE IT ORDAINED, By the Council for the City of Buena Vista, Virginia, in accordance with Section 15.2-2507 of the 1950 Code of Virginia that the Budget be amended to increase or modify the following line items by the amounts shown:

	Debit	Credit
Sheriff Vehicle	54,040	
PD Equipment	30,803	
PD Vehicles	317,972	
Federal Funds - PD ARPA Grant		317,972
Rescue Squad Allocations	25,000	
Regional Jail - Jail Fund Reserve	74,000	
Social Services Land Purchase	70,715	
To Be Provided - General Fund		144,715

Main Street Program	53,932	
Public Works Paving	250,285	
Sheriff SRO Grant		36,350
Sheriff SRO Officer	36,350	
Connect BV Grant Program	23,335	
Connect BV Grant		23,335
VBAF Mundet Grant Program	23,118	
VBAF Mundet Grant		23,118
Public Works Vehicles	119,179	
Public Works Equipment	152,114	
Water Department Leak Study	52,300	
Non-Profits Community Foundation	23,251	
Opioid Settlement Funding		23,251
Park Playground	106,675	
Playground Donations		31,500
To Be Provided - General Fund		5,175
Park Vehicles	39,750	
Park Electrical Upgrades	1,121,691	
Federal Funding - ARPA		1,969,094

This Ordinance will be effective 30 days following adoption by City Council.

William H. Fitzgerald, Mayor

Attest:

Sarah Burch, Clerk of Council

NEW BUSINESS:

NB #1: PROCLAMATION OF APPRECIATION FOR MS. DAWN WHEELER

Mr. Tyree stated that due to some health issues Ms. Wheeler was unable to attend the meeting tonight but asked him to go ahead and present the proclamation in her honor and for him and Mayor Fitzgerald to deliver it to her at home. He also noted that we have a photo of the City to give her along with the proclamation.

Mayor Fitzgerald stated that if it hadn't been for Dawn when he became Mayor, he would have struggled. She really helped him learn and was a wonderful woman to work with and to be friends with. Mr. Tyree read the following:

PROCLAMATION OF APPRECIATION Dawn Wheeler

WHEREAS the position of Municipal Clerk is a time honored and vital part of local government throughout the world; and

WHEREAS Ms. Dawn Wheeler served as Clerk for the City Council and Assistance to the City Manager from June 28, 2010 to February 28, 2023; and

WHEREAS Ms. Wheeler faithfully and diligently provided a professional link between the citizens of Buena Vista, the City Council, and the various agencies and boards for the City of Buena Vista; and

WHEREAS the City of Buena Vista is extremely grateful to Ms. Wheeler for her dedication to serving the City Council, the City, and its citizens.

NOW, THEREFORE BE IT PROCLAIMED, on this date, November 2, 2023, by the Mayor, the Buena Vista City Council, and the citizens of Buena Vista, that Ms. Dawn Wheeler be honored for her years of service.

William H. Fitzgerald, Mayor

NB #2: PROCLAMATION OF APPRECIATION FOR MRS. MARY LEE HUFFMAN

Mayor Fitzgerald said that he went to grade school with Mary Lee in fourth or fifth grade and she was just as cheerful then as she is today. He also said that you could always know when Mary Lee was in the building because you could hear her laugh from a mile away. He noted that she has really been missed here and she brightened up a lot of days.

Mr. Tyree read the following:

**PROCLAMATION OF APPRECIATION
Mary Lee Huffman**

WHEREAS Mrs. Mary Lee Huffman began her career with the City of Buena Vista on April 1, 1987, as a clerk in the Treasurer's office; and

WHEREAS Mrs. Huffman was promoted to the Deputy Treasurer position on December 6, 1993; and

WHEREAS Mrs. Huffman was elected to the office of Treasurer on November 7, 2017; and

WHEREAS Mrs. Huffman faithfully fulfilled the duties of Treasurer with the highest integrity and has always been pleasant and helpful to the citizens of Buena Vista and all those around her; and

WHEREAS the City of Buena Vista is immensely grateful to Mrs. Huffman for her dedication to serving the City and its citizens.

NOW, THEREFORE BE IT PROCLAIMED, on this date, November 2, 2023, by the Mayor, the Buena Vista City Council, and the citizens of Buena Vista, that Mary Lee Huffman be honored for her many years of service.

William H. Fitzgerald, Mayor

Mr. Tyree presented Mrs. Huffman with a photo of the City as well. Mrs. Huffman wanted to take a moment to thank everyone. She said that she grew up in this building from the time she was in high school and for 36 years she had the privilege to be here and call this home. She thanked the citizens and Council, as well as all the Councils that have come before, that have given her the privilege to

serve. She said that she always tried to make this feel like a home and treat all of our employees as family because she feels like that's what we are and what Buena Vista should be.

NB #3: MS. BROOKE DALTON TO UPDATE COUNCIL ON MAIN STREET BUENA VISTA

Ms. Dalton said that October was busy and Spooktacular was a fantastic night. Mountain Days brought in a record number of attendees and showcased the vibrant spirit of downtown. The events have had positive impacts on our businesses, and they are already brainstorming ideas for next year's events. They are now turning focus to the holidays. Small Business Saturday is November 25th. They will set up a tent and hand out the bags that they get from American Express to kick off the holiday shopping season. They are having students decorate ornaments to hang on the Christmas tree. There will be a small ceremony where they can come hang their ornament during the tree lighting before the parade. The SVU choir will also be there to perform. Ms. Dalton then gave an update on each of the committees. Business Solutions: Last year they ran a series of holiday ads on social media for participating businesses. They are looking at doing something similar this year but stretching the reach and engaging a wider audience.

Placemaking: They have cleaned the beds down in the green. They had the SVU lacrosse team weed and pull-out bags of bulbs, and painted and stabilized the sign. She also thanked Corey and Public Works for bringing mulch and helping them spread it out. They also have the materials to paint and repair the bench by the side doors at the library.

Organization: They are working on fund and volunteer development to further efforts.

Promotions: They are going to do a "Shop Small Selfie Contest" for shop small Saturday. The participants will take selfies while shopping downtown and post on their social media with specific hashtags. Then a name will be selected randomly to receive a gift card for downtown.

NB #4: APPROVE A NEW EMPLOYMENT CONTRACT FOR JASON TYREE, AS CITY MANAGER

Councilman Coffey made a motion to approve the contract, seconded by Councilman Cooper, and carried by Council.

NB #5: COMMUNITY FOUNDATION REQUEST FOR REIMBURSEMENT FOR OPIOID FUNDS AT HOPE HOUSE

Mr. Tyree recalled Mr. Kearney's report of receiving more opioid funds. Lori Turner has requested some funds for the Hope House that is being renovated. They ran into an issue with the water line; they weren't expecting to have to replace it, but they found that it had six leaks and now must replace it. She requested the \$3,333 that we had. The amount we have is now \$4,444. He noted that we don't have anything currently slated for those funds. Mayor Fitzgerald noted that the request was for the \$3,333 but stated that he is okay with giving her the full amount that we now have. Mr. Kearney said that they can amend that request if they want to give her the full amount.

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

NB #6: DISCUSSION & APPROVAL OF NEW ARPA FUND EXPENDITURES

Mr. Tyree said that at the last Budget & Finance meeting there was discussion of some items that have come up that were requested by a couple different departments. One of them is from Public Works to fix the roof leaks at City Hall. They finally received a quote for a new roof: \$205,000. That also includes removing the existing HVAC units which require a crane to remove and the installation of new HVAC units. He noted that one of the units is very old and it's hard to find the parts for it because it is no longer manufactured. The next request is for an electronic door locking system for City Hall; the quote is \$8,000 and this will provide a fob system for opening the back door from the outside. This will also automatically lock the front door for a set time, so we won't have to worry about someone locking the door. The last request is for a new roof on the control building at the WWTP.

Councilman Cooper made the motion to approve all of the ARPA allocations, seconded by Vice-Mayor Hickman and carried by Council.

NB #7: FIRST READING OF R-6 RESIDENTIAL PLANNED UNIT DEVELOPMENT ZONE PLAN OF DEVELOPMENT FOR 33 ACRES ON BEVERLY HOLLOW LANE, TAX MAP 66-1---5, FOR ONE (1) SINGLE-FAMILY HOUSE AND PRIVATE DRIVEWAY

Ms. Burch read the following:

**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.

NB #8: FIRST READING OF AN ORDINANCE TO ABANDON CITY RIGHT-OF-WAY: 200 FEET OF ALLEY IN BLOCK 44, SECTION 5, ADJACENT TO 225 RIDGE AVENUE

Ms. Burch read the following:

**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.

NB #9: FIRST 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. Roberts read the following:

**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.

NB #10: RESOLUTION OF SUPPORT FOR INDUSTRIAL REVITALIZATION FUND GRANT APPLICATION FOR MOUNTAIN GATEWAY COMMUNITY COLLEGE

Mr. Roberts stated that earlier this summer, Council approved an application by the City on behalf of MGCC for \$1M of CDBG funds to help fund the renovations of the building on Forest Avenue. We found out a few weeks ago that we were not awarded that grant because they really don't use that program to fund construction. Our application was kind of unique and they decided that it just isn't the type of thing they fund with that program. We pivoted and submitted almost the exact same application for the Industrial Revitalization Fund. The only difference between the CDBG and IRF applications was that the IRF does not include the grant administration funds that are part of the CDBG application because

IRF doesn't fund grant administration and only funds construction. There are also fewer reporting requirements for IRF. This resolution is to approve application by the City for \$930,000 of IRF funds for Mountain Gateway's Wilson Workforce Center.
Mr. Roberts read the following:

**CITY OF BUENA VISTA
INDUSTRIAL REVITALIZATION FUND
GRANT RESOLUTION**

WHEREAS Mountain Gateway Community College provides workforce development services to the City of Buena Vista, the Rockbridge region, and the Alleghany Highlands; and

WHEREAS Mountain Gateway Community College has acquired two properties in downtown Buena Vista and has obtained partial funding to renovate them into a modern workforce training center; and

WHEREAS Mountain Gateway Community College has stacked funding from multiple public and private sources as outlined below and seeks to fill the remaining funding gap.

Source	Amount
Individual donors	\$128,220
Business donors	\$68,608
Foundation donors	\$680,000
State grants	\$750,000
Federal grants	\$3,169,000
Localities support	\$155,365
Total	\$4,951,193

THEREFORE, BE IT RESOLVED that the Council of the City of Buena Vista wishes to apply for \$930,000 of Industrial Revitalization Fund Grant funds for the Buena Vista MGCC IRF FY2024 project for the Wilson Workforce Development Center.

Be it further resolved that City Manager Jason Tyree is hereby authorized to sign and submit appropriate documents for the submittal of this Industrial Revitalization Grant proposal.

Be it further resolved that City Manager Jason Tyree shall enter into a Memorandum of Understanding with Mountain Gateway Community College Real Estate Foundation and/or other entities necessary to allocate responsibility for implementation of this grant to said entity or entities.

William H. Fitzgerald, Mayor

ATTEST:

Sarah Burch, Clerk of Council

Date

Councilman Cooper moved to approve the above read resolution. Councilman Henson seconded the motion, and it was carried by Council with the exception of Vice-Mayor Hickman who abstained due to being on the MGCC Board.

Before adjourning, Mayor Fitzgerald wished good luck to all of those that are running for election.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Sarah M. Burch, Clerk of Council

William H. Fitzgerald, Mayor