

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

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

**Members Present:**

Melvin Henson  
Tyson Cooper  
Steve Webb

Mayor Bill Fitzgerald  
Vice-Mayor Cheryl Hickman  
Stanley Coffey

**Members Absent:** Danny Staton

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

Councilman Cooper delivered the opening prayer.

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

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

**ADG #3: MINUTES DELAYED**

**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.**

Mr. Jamie Goodin greeted Council and stated that he wanted to briefly go over the process of selecting a new Director for Main Street Buena Vista. He mentioned that it went well, and they had a lot of excellent applicants from Buena Vista, Rockbridge, and Lexington. They had advertised the opening through their website, social media, and press releases. The hiring committee was composed of three members of the board. He noted that the hiring committee deliberated and came to what they feel is a fantastic conclusion in selecting Brooke Dalton. Mr. Goodin noted that Brooke has been very involved in Main Street over the last year and has really pushed for things like the benches and planters. Mr. Goodin advised that the plan is for him to be available 24/7 to help Brooke and the new president (who has not been decided yet) with whatever they may need. Council thanked Mr. Goodin for his time.

Mr. Paul Feyereisen, 217 W 28th Street (s'more house), shared what a great place this house is to live and how much he and his wife love living there. He stated how appreciative they are to Mr. Barker for making the stay affordable for them. He noted that there were so many places that were not very livable, and the conditions didn't seem appropriate for what they needed, and he is thankful for Mr. Barker reaching out and offering them a great place to live and how he has made this place an amazing home for them.

Mr. Michael Ruiz, 217 W 28th Street (s'more house), spoke about the amazing opportunity they had to move into this unit. He mentioned that he and his wife moved to VA almost a year ago, and when they got here, they had to live with her parents for a while since it was really hard to find a place to live here in Buena Vista. He noted that it was difficult to find anything affordable with the living

environment and square footage that they were looking for; he mentioned that they had looked to move to Staunton, Richmond, or back to Utah because there was nothing here that worked for them. He said that fortunately he knew Mr. Feyereisen who told him about Mr. Barker's offer of a living situation that seemed nonexistent before. He noted that there were little things that Mr. Barker did that made him feel "warm and fuzzy" and he is grateful for this opportunity for his family.

## **ADG #5: REPORTS**

### **1. Mayor**

None.

### **2. City Manager**

Mr. Tyree advised that the Chief of Police job opening has been posted in the newspaper, on the website, and posted to platforms such as the Virginia Chief's Association, the Virginia Sheriff's Association, the Virginia Municipal League among others. This post will be open until March 3rd, at which point Mr. Tyree will go through the applicants and narrow it down to a top 10 then begin interviews.

Mr. Tyree also mentioned that there was a Library Engineering Report done due to the Library Heads having some concerns about the safety of the building. The report came back stating that it is safe and there is no danger to the public. They did go in and do some cosmetic repairs such as painting and a couple of flooring issues they corrected; these were not structural concerns.

### **3. City Attorney**

None.

### **4. Council Committees/Representatives**

Councilman Coffey stated that he went to the Park last night and rode through the top campground and opined that it is a mess. He further noted that it is going to take a lot of work to get the lines covered up. He stated that he is concerned about this because it doesn't look like this is going to be complete by proposed date of March 1<sup>st</sup>.

Councilman Henson shared the 2022 Public Safety Report for the Buena Vista Fire Department. They answered 776 calls: some were mutual aid calls to assist neighboring fire departments, swift water rescues, and some were smoke and carbon monoxide detectors going off. In January 2023 the BVFD answered 39 calls with no failure to respond.

Councilman Webb stated that the library shut down without the approval of Council. He further stated that the Director of the Library is the one who created that problem and asked if she had been talked to about it. Mr. Tyree answered that it will be discussed at the Library Board meeting on February 23<sup>rd</sup>, and he will be letting them know that that was outside of their contract which states that Buena Vista is to provide the space for the library and that Council must approve whatever space that may be.

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

### **Rockbridge Area Recreation**

Mr. David Truslow's appointment expired on December 31, 2022. Mr. Truslow is unable to serve another term at this time. This is a four-year term that will expire on December 31, 2026.

There was one applicant for this opening: Mr. Bryson Adams

Councilman Webb moved to appoint Bryson Adams to the Rockbridge Area Recreation Organization. Councilman Coffey seconded the motion, and it was carried by Council.

### **Economic Development Authority**

Mr. J. David Gowdy's term expired on January 31, 2023. He is willing to serve again if reappointed. This is a four-year term that will expire on January 31, 2027.

There were no applicants for this opening.

Councilman Henson moved to re-appoint Mr. Gowdy to the Economic Development Authority, seconded by Vice-Mayor Hickman and carried by Council.

### **OLD BUSINESS:**

#### **OB #1: SECOND READING OF A ZONING TEXT AMENDMENT**

Mr. Tom Roberts mentioned that there was miscommunication between himself and Ms. Wheeler as there was already a second reading of this at the last Council meeting. He noted that the discussion at the last meeting was to table the text amendment and consider a potential zoning map amendment instead; that is what will be discussed now. Mr. Roberts noted that both he and the Planning Commission recommend that we not make changes to the locations where manufactured homes are allowed and that we do not change things to allow new manufactured homes in existing neighborhoods. There are two basic questions when addressing the idea of a potential rezoning: what zone would you zone it to and what area would you rezone? As for which zone to use, R4 medium density residential came up in discussion because in R4 zone manufactured homes have been allowed by conditional use permit. The issue with R4 is that it is primarily used for apartments and allows some limited institutional offices and commercial uses. Mr. Roberts noted that if any area up to 12th and Pine were rezoned to R4, that would open it up to apartments being built there and would change the neighborhood's character. He then mentioned that when choosing an area to rezone, it needs to be for the benefit of the whole City. Another option would be to create a new zone. One way to do this would be to copy the R3 zone and add manufactured homes with a conditional use permit. Mr. Roberts stated that he would come up with some proposals for drawing new boundaries.

#### **OB #2: SECOND READING OF A CONDITIONAL USE PERMIT FOR A TWO-FAMILY DWELLING AT 217 WEST 28<sup>TH</sup> STREET**

Mr. Tom Roberts stated that there have been no changes to the Ordinance text since the last meeting. Mayor Fitzgerald said that the only problem he has is with the parking, as you need easy entrance and easy access for each vehicle. Councilman Coffey agreed that the parking has constantly been an issue. Mayor Fitzgerald asked if it would be possible to put a couple more parking spaces in the back of the house. Mr. Roberts answered that Mr. Barker mentioned in his letter that "if more parking is required to get approval, I am willing to add two more parking spaces in the back yard as gravel parking for the basement level". Councilman Coffey opined that the parking would still be a problem even with the extra spaces as there are always going to be more cars than parking spaces. Vice-Mayor Hickman stated that her concern is that we're trying to put apartments in a half-block radius as we already have duplexes in the back and that area is not zoned for apartments. She further noted that it isn't a good area for traffic and safety to put that

many people in a half-block area. Councilman Coffey emphasized again that his concern is that there is not enough parking on the block to accommodate the number of cars that are going to be at the house as it is not designed to have that many cars. Mayor Fitzgerald mentioned that with the new plan it would allow parking for up to five vehicles in the front and four more in the back. Councilman Henson advised that the City does not maintain the alleyway.

Mr. Kearney advised Council that they should focus more on the other areas of the Conditional Use Permit, such as the nature of the neighborhood rather than just the parking situation as Mr. Barker has agreed to conform to the parking requirements. He further stated that when looking at what the regulations require, it is a conditional use and it may not be an appropriate use for this neighborhood, so he also advised Council to look at it that way.

Councilman Cooper made a motion to read the Ordinance by title only, seconded by Councilman Coffey, and carried by Council.

Ms. Wheeler read the Ordinance by title.

Councilman Cooper moved to adopt the Ordinance with additional parking. The motion was seconded by Councilman Webb.

Ms. Wheeler 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			
Councilman Coffey	X			X	
Vice-Mayor Hickman	X			X	
Mayor Fitzgerald	X		X		

The adopted Ordinance is as follows:

**CONDITIONAL USE PERMIT  
217 WEST 28<sup>TH</sup> STREET**

**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 603.03-8 of the Land Development Regulations, a Conditional Use Permit shall be issued for the purpose of using an existing building as a two-family dwelling in conformance with the staff report and site plan attached as "Exhibit A" on the property at 217 West 28<sup>th</sup> Street, Tax Map number 18-1-5-21-22.

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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Jason L. Tyree, City Manager

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Date

**OB #3: DISCUSS A PROCLAMATION SUPPORTING TRAP, NEUTER, RELEASE PROGRAM AT GLEN MAURY PARK**

**OB #4: BROOKE DALTON TO UPDATE COUNCIL ON MAIN STREET BUENA VISTA**

Ms. Brooke Dalton introduced herself to Council. She stated that she was born and raised in Buena Vista and had moved away for 26 years as her husband was in the Navy and is not retired. When they moved back, she found out about Main Street BV and started to get involved. She is passionate about Buena Vista and loves the MSBV program. She mentioned that she has lived in other communities in Washington State and Connecticut that have Main Street affiliations. She added that MSBV brings economic growth and promotes unity and that is why she got involved and hopes to continue. She mentioned that MSBV has joined Mobilizing Mainstreet as one of 10 communities. This program opens them up to more grants and resources for small business owners. Ms. Dalton thanked Council for partnering with MSBV. Council welcomed Ms. Dalton and wished her luck.

**NEW BUSINESS**

**NB #1: DISCUSS AND APPROVE A RESOLUTION OF THE BUENA VISTA CITY COUNCIL APPROVING THE CITY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS**

Councilman Cooper read the Resolution as follows:

**RESOLUTION**

A Resolution of the Buena Vista City Council approving the City's participation in the proposed settlement of opioid-related claims against TIVA, Allergan, Wal-Mart, Walgreens, CVS, and their corporate entities. And directing the City Attorney and/or the City's outside counsel to execute the documents necessary to effectuate the City's participation in the settlements.

**WHEREAS** the opioid epidemic has cost thousands of human lives across the country, and also impacts Buena Vista by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health, and substance abuse services and other services by Buena Vista's various departments and agencies; and

**WHEREAS** Buena Vista has been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage of the opioid epidemic has cause and continues to cause the citizens of Buena Vista; and

**WHEREAS** Buena Vista has filed suit against TIVA, Allergan, Wal-Mart, Walgreens, CVS, and certain of their related corporate entities for their role in the distribution, manufacture, and sale of the pharmaceutical opioid products that have fueled the opioid epidemic that has harmed Buena Vista; and

**WHEREAS** the City's suit seeks recovery of the public funds previously expended and to be expended in the future to abate the consequences and harms of the opioid epidemic; and

**WHEREAS** settlement proposals have been negotiated that will cost TIVA, Allergan, Wal-Mart, Walgreens, and CVS to pay billions of dollars nationwide to resolve opioid-related claims against them; and

**WHEREAS** the City has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the Virginia MOU), and affirms that these pending settlements with TIVA, Allergan, Wal-Mart, Walgreens, and CVS shall be considered settlements that are subject to the Virginia MOU, shall be administered and allocated in the same manner as the Opioid settlements entered into previously with the distributors and Jansen; and

**WHEREAS** the City's outside opioid litigation counsel has recommended that the City participate in the settlements in order to recover its share of the funds that the settlement would provide.

**NOW, THEREFORE, BE IT RESOLVED** that the Buena Vista City Council this 16th day of February 2023, approves the City's participation in the proposed settlement of opioid-related claims against TIVA, Allergan, Wal-Mart, Walgreens, CVS, and their related corporate entities, and directs the City Attorney and/or the City's outside counsel to execute the documents necessary to effectuate the City's participation in the settlements including the required release of claims against said entities.

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William H. Fitzgerald, Mayor

Attest:

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Jason L. Tyree, City Manager

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Date

Mr. Tyree wanted to note one thing prior to voting: we have already received around \$84,000 in opioid money and that money would have to be spent directly to fight the opioid epidemic, so we have had agencies starting to reach out to ask for some of those funds. Will get a file going, wait a certain amount of time, and provide those to Council. Most are regional activities like Rockbridge Recovery which has purchased a home on Magnolia Avenue in Buena Vista. He noted that these funds will be spent to support Buena Vista even though they may be called "regional activities".

Vice-Mayor Hickman made the motion to adopt the Resolution. Councilman Cooper seconded the motion, and it was carried by Council.

**ADJOURNMENT**

There being no further business, the meeting was adjourned.

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Jason L. Tyree, City Manager

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William H. Fitzgerald, Mayor