

**CITY OF BUENA VISTA
REGULAR COUNCIL MEETING, PUBLIC HEARING & EXECUTIVE SESSION
COUNCIL CHAMBERS
March 16, 2023, 6:00 P.M.**

The City of Buena Vista City Council met for a Regular Meeting, Public Hearing, and Executive Session on Thursday, March 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: BUENA VISTA CITY COUNCIL PUBLIC HEARING

Mayor Fitzgerald opened the public hearing.

Conditional Use Permit for more than four unrelated persons in a dwelling unit (Section 711) at 1744 Cedar Avenue

Tom Roberts opened the discussion. In our zoning code, we define family as no more than four unrelated people. There is a Conditional Use Permit process to go through if you want to have more than four. There is a single-family house, newly constructed, at 1744 Cedar Avenue. It is 1,200 square feet and sits on a lot and a half. They are asking to have five unrelated people live there. The Planning Commission has looked at this, but they are not sending forward a recommendation one way or the other. They did discuss this, but some of the issues and questions are similar to the ones we discussed for the duplex a month or two ago. In the packet, you can see the location of the house and a parking diagram. There is an off-street parking area that provides three spaces and right now there is gravel in front of the house but there will be curb and gutter once Public Works gets to this house. Pointing out a couple of other things; it does meet all building code requirements as far as bedroom occupancy and size and the existing water and sewer is fine for five people.

Mayor Fitzgerald opened the floor up for public comment; no one spoke.

Mayor Fitzgerald closed the public hearing.

ADG #3: APPROVAL OF THE AGENDA

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

ADG #4: MINUTES DELAYED

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.

Mr. Thomas Bell, member of the Rockbridge Regional Library System Board, approached Council and mentioned that as of late, there have been disagreements between the Board and the Buena Vista City Council regarding the Buena Vista branch of the Library system. Mr. Bell said he wanted to publicly thank Council, Mr. Tyree, and especially Mayor Fitzgerald for the efforts they have made to try and resolve those differences. He noted that the situation is not ideal for the City or the Library, but he realizes that we are all on the side of making things as good as possible for our city and community. Mr. Bell also mentioned some of what the Library has to offer: books, movies, and magazines to check out, mobile hotspots that can be checked out, they recently eliminated overdue fines in order to help remove barriers that some people have to checking out items, and they also offer printing, copying, and faxing services at a very low rate. The staff will assist patrons with searching for important information online, and they offer computer and email assistance as well. They also have a community bulletin board that the City and citizens may use at no cost to announce any plans, events, etc. Mr. Bell also spoke about the programs they offer such as Story Time for little kids and Homeschool Hour for elementary age children. Prior to Covid, they had a lot of other programs, but due to a lack of resources, they haven't been able to reimplement those. They are hoping to be able to offer those programs again soon. He invited all members of Council to come out for a tour of the Library to get a better understanding of all they do.

Ms. Beverly Thorman, 1937 Maple Avenue, wanted to talk about how much the City Library here has influenced herself and her family. Her family is originally from Los Angeles, CA and they never had the sense of community that they experienced when they moved here for her to attend SVU. She has gone to the Library many times because she is a stay-at-home mom and has chosen to homeschool her children. She has used tons of resources from the Library that she cannot get for herself. With her family being on one income, she uses the Library to check out books based on what she will be teaching her children. She has also used the printing resources and story time that the Library offers. She also noted that she and her children have been able to make friends and form bonds with other Library patrons. She stated that she understands that having it being split can be difficult, but that may help it grow a little bit more. She wants to instill in her children that a public library is an important resource and an important part of growing up.

Mr. Bryson Adams, 2505 Laurel Avenue, approached Council and stated that he would be reading through Chad Coffey's Director's report for RARO. Winter sports have finished up and Spring sports evaluations were last week, they split teams, and practices began this week. He mentioned that he has a report on the numbers, but he would be sending everyone an email with those. Games began the week of April 10th, and they are looking to conclude towards the end of May with some tournaments. He mentioned that they have some adult programs as well such as Pickle Ball and Basketball Open Courts. RARO Day will be May 6th from 11:00 a.m. – 2:00 p.m. He noted that this is a good day to get signed up and get information and there will also be drinks and food. RARO was supposed to obtain one of the timber frame buildings like the one at the football field at Parry McCluer in 2024. However, the people that were supposed to get one in 2023 backed out, so now RARO will be getting that one. They have poured the slab, and the timber frame is going up. They need a lot of help with serving food to the workers and people can also make donations, such as water or Gatorade. They plan to use the timber frame for concessions in order to bring in some revenue for RARO. They are also replacing the storage units at Fox Field.

ADG #6: REPORTS

1. Mayor

Mayor Fitzgerald reported that he met with the new president of the college, Eric Denna. He stated that he is a very nice man and is excited about being partners with Buena Vista for the future.

2. City Manager

Mr. Tyree began his report stating that Corey Henson would not be at the meeting to give his report due to having to have emergency surgery last week, so he (Mr. Tyree) would be giving an update on Public Works.

He then updated Council on the Minutes. Dawn Wheeler officially retired, but prior to her retirement, she was working on some of the minutes from home. He is working on getting those back from her and Brian Kearney's office offered to help get us caught up on those as well. He is hoping to have some Minutes completed for approval by the next Council meeting.

He mentioned that they have a lot of meetings coming up with Senators, Congressmen, and Delegates regarding grants and funding for the WWTP and DSS. They should know from DEQ within the next 60-90 days how much funding we will receive from them, which will help us figure out how much we need from the State and Federal earmarks.

Mr. Tyree reported that there is a soft interview room being installed at the Police Department and mentioned that Mayor Fitzgerald had come up with this. He noted that there have been a lot of issues state-wide and described an incident that had occurred a few weeks ago when a State Trooper pulled over a vehicle on I-81. There were two adults with an infant in the back seat. The adults were being sent to lock-up and the infant needed a guardian. DSS wouldn't take the child due to miscommunication with a guardian in New York and the State Police couldn't take the child either. The Lexington Police Department ended up having an officer sit with the child until they were able to locate a guardian. He noted that we have had similar situations occur in the City, so that is why they are installing this soft interview room. Mr. Tyree explained that when DSS takes a child into their custody and takes them back to DSS, they become the legal guardian for the child. The purpose of this room is to help avoid situations where DSS will have to be the guardian because that goes against every rule and policy they have, and they could actually be sued for that. Having this room, no one will actually have guardianship over a child until the new guardian arrives to take the child into their custody. This allows the police to be there along with DSS to watch over the child. They have just begun cleaning up the room and have already had six other localities reach out stating that they want to do the same thing. He also mentioned that once the room is complete, they will be doing a press release and asked for all of Council to be present to dedicate the room.

3. City Attorney

None.

4. Council Committees/Representatives

Councilman Henson reported that after the first two months of the year, the Buena Vista Fire Department has answered 80 calls with only one failure to respond. On March 29th, the Chamber will be having a Government Round Table at the Ramsey Center. They will be serving BBQ chicken at the Fire Department on April 1st starting at 11:00 a.m. Glen Maury Park will be hosting an Easter Egg Hunt on April 8th; they have several thousand eggs.

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

None.

OLD BUSINESS

OB #1: DISCUSS ZONING MAP AMENDMENT FOR MANUFACTURED HOMES

Tom Roberts recapped the previous discussion stating that a couple months ago we discussed a possible text amendment to change the text of the R3 Zone to allow manufactured homes by a Conditional Use Permit; this was initiated by Andrew King. Mr. Roberts noted that last month he gave an initial presentation of a couple of ideas relating to making a map amendment instead of a text amendment in order to draw a new zone or rezone some area to allow manufactured homes. He stated that he had come up with a more concrete proposal for a new zone as requested by Council, however, he said that he is still recommending that we not change the existing regulations relating to manufactured homes as we have discussed before. The reason being that the construction quality of manufactured homes is not the same as site-built homes. They are not as easy to resell, they are not as easy to finance, and they can have a negative impact on property values. They can be a form of affordable housing, but we have other options for affordable housing and other things that we will be pursuing in the near future, especially as our housing study wraps up.

Mayor Fitzgerald opined that this would create a major problem all over the City in the future, because the next person will want their part of the community rezoned so they can put a manufactured home. He noted that the Planning Commission has denied this over and over and he supports the Planning Commission's recommendation.

Mr. Roberts reiterated that the Planning Commission reviewed the report and proposal, and they recommend against it. They see this as a zoning change that affects a lot of people when there is only one property owner interested in this change. Another concern is that it may set a precedent in terms of other areas of the City being rezoned. They also feel that allowing manufactured homes would have a negative impact on property values. Councilman Webb stated that he agreed that it should remain the way that it is. Councilman Henson also agreed, stating that bringing in a manufactured home would affect the property value of the homes around it.

Mayor Fitzgerald opined that it would be wrong to go back on the zoning that was created years ago and that this would create a mess in our City.

Mayor Fitzgerald along with Council members Webb, Cooper, and Henson all opined that we should not proceed with this.

NEW BUSINESS

NB #1: DISCUSSION OF AUDIT WITH SADIE FROM ROBINSON, FARMER, COX

Ms. Sadie Bagoon of the audit team is the engagement partner in charge of the City's audit. She and Ms. Marissa Helmick, the audit manager, reported on the FY 2022 audit. Sadie began the report by recapping the FY 21 audit. She stated that the City submitted the annual report for a prestigious award: the Government Finance Officers Certificate of Achievement in Financial Excellence in

Financial Reporting. The City achieved this award again for FY 21; the team did the assessment of the report and awarded this again. The City has received this award for over 20 years.

There are three main reporting objectives as part of the audit. The first is to express an opinion on the financial statements and their fairness and conformity with generally acceptable accounting principles. They are also required to report on the City's internal controls in accordance with government auditing standards. The third objective is to take a look at the major Federal grant programs and report on the compliance for those.

For the FY 22 audit, they have issued an unmodified opinion on the financial statements; this is referred to as a clean opinion and is the highest opinion they offer in the accounting profession. It means that they feel the financial statements as presented are materially correct and conform to generally accepted accounting principles.

For the second reporting objective, under government auditing standards, as the auditors were looking at the internal controls and were required to communicate to you any deficiencies, they may observe during the audit that raise to the level of a material weakness or significant deficiency. They did identify one material weakness during the FY 22 audit; this was in relation to the volume of larger journal entries. Ms. Bagoon stated that this is not uncommon; there was a new accounting standard that had to be implemented this year that required some journal entries and there was a larger journal entry in relation to recognizing ARPA funding for FY 22. At the end of the audit, they look at the volume and number of adjusted journal entries and have to make a determination based on that.

They also looked at the City's compliance with grant programs, laws, and other criteria and noted no non-compliance to report. As part of the audit, they looked at two major Federal grant programs: the Coronavirus State & Local Fiscal Recovery Fund Program (ARPA) and the Education Stabilization Fund Program. They noted no non-compliance, significant deficiencies, or material weaknesses in the ARPA grant program. In relation to the Education Stabilization Fund, they did identify some non-compliance with the grant. There was one invoice submitted in duplicate to two different Federal grants. This was immediately pointed out in the audit and the School Board reached out to the State DOE for guidance and the additional grant funding was reimbursed. She noted that it was handled immediately after it was identified, but any weaknesses or non-compliance with Federal grants will appear in their report. Ms. Bagoon then shared some highlights from the financial statements. She stated that the City ended the year with a net position of about \$6.2MM. There was a deficit in the unrestricted category of net position of \$3.1MM. She suspects that when the FY 23 report comes out, it will look significantly different because they will have settled any issues with the golf fund after that point and expects the unrestricted category to look much better for the subsequent reports. There was a net investment in capital assets for the City of about \$8.2MM. Cash and cash equivalents at the end of the year were \$6.6MM. The cash number was a little higher at the end of FY 22 as a result of having some Federal ARPA funding on hand that will be expended in the future. She noted that the City's pension plan net liability trended down during FY 22; that was a result of better earnings than anticipated for the VRS. Grant funding received allowed the City to recoup some expense in the public safety area in relation to the ARPA funding. The City ended the year with a Governmental Funds balance of \$2.7MM. These funds experienced an increase of about \$568,000 compared to the prior year.

As part of the audit, they do different ratio analyses. There is one ratio Ms. Bagoon likes to focus on to consider financial health for a locality. They make a comparison of the Unassigned Fund balance and the General Fund to that year's General Fund expenditures. For FY 22, Buena Vista's ratio was about 16%; in essence the City could operate for 16% of the year without taking in anything new.

She noted that they see other localities set a minimum policy for this threshold anywhere between 15-20%. The City does not have an existing policy threshold for this.

Ms. Helmick reported on the actual budget analysis for FY 22. She stated that the General Fund ended FY 22 with \$16.9MM in revenue; about \$100,000 increase from the budget. There was a negative variance with the State related to CSA and a positive variance for Federal of \$333,000 that is related to ARPA. General Fund expenditures were \$15.3MM; a positive variance from the budget of \$286,000 which is driven by health and welfare. She referred to an analysis they completed of tax assessments: real estate stayed steady and there was a big increase in personal property based on the value of personal property going up in 2022. She noted that property tax is up \$200,000, local taxes are up, and consumer utility tax shows rebounding from Covid where we saw decreases in meals tax and the like. She concluded by stating that they have provided the City with some recommendations and adjusted journal entries as well as applied for the GFOA Certificate of Achievement again this year and they fully expect to attain that again.

NB #2: UPDATE ON PUBLIC WORKS FROM PUBLIC WORKS DIRECTOR COREY HENSON

Mr. Tyree reported on behalf of Mr. Henson. Corey has saved about \$65,000 in his budget this year. We have talked about a new bucket truck for a long time and our current bucket truck is out of service and will need about \$30,000-\$40,000 in repairs to get it back on the road. The value of the truck is only about \$4,000-\$6,000, so it is not worth fixing so they will be auctioning that off. Corey is using the money that he has saved in the Public Works budget to purchase a new bucket truck for the City and will be picking it up tomorrow. With all of the savings, he will still have about \$10,000 left over and we have already talked with Charles about this.

The second thing from Mr. Henson's report is that you may remember seeing a City truck with 3 different color doors; it was an older truck we had planned on auctioning off. Our mechanic has painted the truck in-house, fixed the motor and made other repairs. They have spent about \$2,000-\$3,000 on it and it looks and runs like a brand-new truck. They have also fixed the City's street sweeper; they are just waiting for the fuel pump to come in. A new street sweeper would cost about \$300,000, but now the one we have will be just like new. They have fixed the suction; there were 25 holes in suction compartment alone. The box that sits at the bottom was bent, but the mechanic fixed this as well. Mr. Henson will have some before and after photos soon to show everyone all the work that has been done.

NB #3: ORGANIZATIONAL UPDATE FROM BUENA VISTA ARTS COUNCIL

It has been a decade since the Arts Council has been active in Buena Vista. In the beginning, the Fall of 2013, after years of discussing the need and desire to create an organization that would support artistic endeavors in BV, several civic-minded individuals gathered in a small café and began the organization that has now become the BVAC. It is a 501C3 nonprofit organization, that supports all art entities and activities from nonprofit to for profit, individual artists to groups of performers, educational or just for fun, serving the full spectrum of demographics in our community. The vision was and still remains to believe in BV. Their guiding principles and primary goals spell out how they 'BELIEVE': Build, Educate, Lead, Inspire, Encourage, Visualize, and Enrich.

Over the past 10 years, the Buena Vista Arts Council has presented many displays of local artists work, celebrated holiday activities such as the Municipal tree lighting and Christmas parade, presented in Mountain Days with the City, introduced Artapalooza, instituted many children's art programs, and have participated in many civic events with an increased effort to bring an increase in art and culture in the community.

Mountain Day gives them an opportunity to promote art and culture through the Festival of the Lost Arts. They recruit artists and artisans from the community such as glass blowers, weavers, blacksmiths, potters and more to add vibrance and significance to the event. They continue to strive to invite vendors and artisans in the community to participate with the Arts Council to showcase their works.

Artapalooza is an all-access children's art festival with free art activities for children and their families as well as entertainment for all. They hope the entire community will begin to identify that art brings added joy to life for all regardless of age. One thing they have focused on the most is their children's programs because when they teach kids to think creatively and think outside the box, we can change our community. When we participate in creative activities, we also affect change in the community.

They have instituted Summer art camps for children in Buena Vista. They are grateful that the City's Parks & Recreation Committee partnered with the BVAC to apply for a grant to the Virginia Commission for the Arts, thus funding a lower-cost summer camp at Glen Maury Park. They now have music, art, and theater camps regularly offered to BV kids on Tuesday and Thursday nights with scholarships available.

They were able to obtain funding from W&L community foundation grant for after school art program for elementary age children. Due to the funding from W&L, the program is completely free. They hope to be able to fund this program moving forward by using revenue obtained through Artapalooza.

They are working on instituting new programs. They have had several requests for a youth art club as well as additional art classes. They want to continue to hear about anything they can do to support developing their businesses. The BVAC seeks financial support from four (4) specific programs including W&L, the Community Foundations of Bath & Alleghany counties, and the Virginia Commission for the Arts. The matching funds provided by the City of Buena Vista for the VCA Creative Community Partnership grant establishes a foundation upon which the BVAC can build a dependable, sustainable, and progressive program of arts and culture for our community and they greatly appreciate the City's support.

NB #4: FIRST READING OF AN ORDINANCE FOR A CONDITIONAL USE PERMIT FOR MORE THAN FOUR UNRELATED PERSONS IN A DWELLING UNITY (SECTION 711) AT 1744 CEDAR AVENUE

Councilman Cooper read the following Ordinance

**CONDITIONAL USE PERMIT
1744 CEDAR AVENUE**

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 603.03-7 and Section 711 of the Land Development Regulations, a Conditional Use Permit shall be issued for occupancy of the dwelling at 1744 Cedar Avenue by five unrelated persons, in conformance with the staff report and site plan attached as "Exhibit A".

Councilman Cooper asked Mr. Roberts to confirm why the Planning Commission does not want to make a recommendation on this. Mr. Roberts stated that the Planning Commission discussed it at length, but they did not come to a consensus on whether they did or did not want to recommend it.

NB #5: PRESENTATION OF THE FINAL DESIGN FOR TOWN SQUARE

Kristina Ramsey approached Council and stated that they are very excited to share the final design for Town Square. She first detailed some of the background as a refresher. When the project began in 2020/2021, Council made the decision to support a vibrant gathering space downtown and decided to purchase the Town Square property. They were able to get a Virginia Outdoors Foundation grant to completely cover the cost of that as well as the cost to move electric and purchase bicycle racks, which will be coming soon. In 2021 the Action BV group gathered and developed a vision for the future of the Town Square. They used that vision to develop four goals. First, to provide a space for events and performances. They also want to provide gathering and lounging space for casual use for those folks shopping or visiting downtown. They want to provide green open space and trees downtown to create some vibrancy and beautify the area. Finally, they want to showcase art culture and history of Buena Vista. They decided they wanted to do that through a variety of features. This includes a covered pavilion with a stage, hardscaping (paving surfaces) to dress up the space, an open grassy area to sit, trees for shade, and a LOVE sign. Using this vision, they sought out and obtained a grant from the State to conduct an environmental assessment. They then solicited input from citizens. The goal for this was to hear from as many members of the community as possible.

They landed on a final design based on all of the feedback they received. They cut down the parking spaces significantly because a lot of people didn't like all of the pavement, and this also allowed them to keep a bigger pavilion and more green space. The pavilion is about 1200 square feet. There are two restroom facilities that are 250 square feet, and they open up to the alley. There will be a mural on the back of the building that is right behind the stage. There will be a ramp installed to make the space ADA accessible. There will be a larger walkway between the Health Center building and the green space. They did this because they didn't want things right up against the building and it would be large enough for a vehicle to drive through if needed. There will be benches under the trees to add seating, a little plaza on the corner with the Holiday tree pit and some seating options. The stage is a clam-shell type with one step to get up to it and the ramp on the back side and there will be a screening wall to hide the carport behind the Health Center just to pretty up the space. They are suggesting metal picnic tables as they are easier to move and give a more modern twist to freshen it up. The Junior Women's Club will be fundraising, paying for, and installing the LOVE sign as a donation to the City. The design highlights historic elements of BV with bricks, wagon wheel, iron, pickaxe, and railroad ties.

The next step is to develop a phasing plan to determine how to break the project up to better approach funding options. They want to fundraise, identify grants to apply for, as well as opportunities for donations of labor and materials. They have already identified three different grants they can apply for. The last "real" step is to complete final engineering. Once they have the funds, they will start breaking ground and begin implementing phases of the project.

Mayor Fitzgerald questioned Miss Ramsey about how much she believes this will cost. She replied that their initial estimate was \$721,000 and that included construction designs, but there are a lot of funding options out there and adjustments that can be made to help with that cost. They will not be asking the City to help fund the project as they will be seeking grants and donations and will be fundraising in any way they can.

Miss Ramsey closed by inviting everyone to the Outdoor Recreation Workshop for the Recreation Economy for Rural Communities program. This will be on April 4th from 530-8pm and on the 5th from 9- 5.

EXECUTIVE SESSION

Mayor Fitzgerald read the following:

According to Section 2.2-311 (A) (8) of the 1950 Code of Virginia, as amended, for the purpose of consulting with the legal counsel regarding legal advice associated with the feral cats in Glen Maury Park.

CERTIFICATION OF EXECUTIVE MEETING

MOTION: Councilman Cooper

DATE: March 16, 2023

SECOND: Councilman Henson

WHEREAS, the Buena Vista City Council has convened an Executive Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS Section 2.1-344.1 of the Code of Virginia requires a certification by the Buena Vista City Council that such Executive Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Buena Vista City Council hereby certifies to the best of each member's knowledge that: (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Executive Meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the Executive Meeting were heard, discussed or considered by the Buena Vista City Council.

VOTE:

AYES – ALL NAYS – NONE

MEMBERS ABSENT DURING VOTE: None

MEMBERS ABSENT DURING MEETING: None

Jason L. Tyree, City Manager

REGULAR SESSION:

Vice-Mayor Hickman moved to return to regular session, seconded by Council Member Webb and carried by Council.

Mayor Fitzgerald - Y	Mr. Webb - Y	Mr. Staton - Y	Mr. Henson - Y
Vice-Mayor Hickman - Y	Mr. Cooper - Y	Mr. Coffey - Y	

ADJOURNMENT

There being no further business, the meeting was adjourned.

Jason L. Tyree, City Manager

William H. Fitzgerald, Mayor