

**CITY OF BUENA VISTA
REGULAR COUNCIL MEETING & EXECUTIVE SESSION
COUNCIL CHAMBERS
March 2, 2023, 6:00 P.M.**

The City of Buena Vista City Council met for a Regular Meeting & Executive Session on Thursday, March 2, 2023, at 6:00 p.m.

Members Present:

Melvin Henson
Steve Webb
Danny Staton

Mayor Bill Fitzgerald
Vice-Mayor Cheryl Hickman
Stanley Coffey

Members Absent: Tyson Cooper

ADG #1: PLEDGE OF ALLEGIANCE AND PRAYER

Councilman Coffey delivered the opening prayer.

ADG #2: APPROVAL OF THE AGENDA

Vice-Mayor Hickman moved to approve the agenda, Councilman Staton 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. James Hudson, 1873 Forest Avenue, is a 20+ year resident. He mentioned that he read the article about the Buena Vista Library and noted that his children grew up in the library here. He opined that a library is the cornerstone of what our kids want to do. It allows them to learn how to read or play guitar or learn how to be a carpenter, lawyer, or politician; this all starts in a library. He spoke about the opportunity the City has before them with the delays and problems [in the building]. He asked Council to take time with these concerns instead of patching the problems. Mr. Hudson also offered that the United Methodist Church is happy to help with the process noting that having the library there has breathed life into their educational building and they (the Church) would like to see that continue as long as they can and help correct the building into what it should be. He also stated that he would like to see City design the library for the building and asked Council to please take the time to talk to each other and communicate to make sure it is done right.

Mr. Jason Wilmore, 903 Orchard Avenue, is a 46-year citizen. He mentioned that he owns a couple other properties in the City and doesn't think everyone is paying their fair share. He stated that his neighbor, who has six vehicles, has lived here for over three years, and works for the City on the trash truck, but still have out-of-state license plates on their vehicles and pay no taxes. He opined and questioned that if this is happening in his neighborhood, what else is going on in the rest of the City? Why aren't they paying taxes when they have four recreational vehicles and two other vehicles. Mr. Wilmore stated that he is paying over \$500 for a 13-year-old truck, but they have six vehicles and pay zero: why? Mr. Tyree responded that this is because they own property in another state and even though they reside here, that state is allowing them to do things that Virginia does not and

unfortunately, we are bound by that state's code. The BVPD and the Commissioner of the Revenue have looked into this matter and RVs are handled differently as well in that they don't necessarily go off of where they are garaged. Mr. Wilmore questioned if this is still the case when their children attend our schools, and they work for our City. Councilman Coffey asked if they had a certain amount of time after moving to the City to get their Driver's License and license plates changed. Mr. Wilmore further questioned how they are making money from our City but not putting anything back into it. Mr. Tyree stated that he would research the issue again, but when they initially looked into it, there are some loopholes within City and State laws, and they fit right into them, and are working it. Unfortunately, we can only do what State Code allows and certain states have jurisdiction. Mr. Wilmore again opined that everyone should be paying their fair share. Councilman Coffey asked Mr. Wilmore to allow Mr. Tyree to look into this again. Mr. Tyree stated that he would consult with Mr. Kearney on the matter.

Mr. Steven Talley, 2155 Walnut Avenue, has been a resident since 1997. Mr. Talley stated that he would like to voice some concerns in regard to the Library and the situation that we find ourselves in with that. The first point is his concern with the discussion regarding mandating that the Library move back to the building. He stated that while glancing over the contract, it seems bare-boned and there is nothing that he can find that requires the library to actually be located in the building that the City provides: he said [the contract] specifically says "Buena Vista shall continue to provide and maintain the Buena Vista Library building and fixtures respectively". He followed this stating that he had two questions. He first asked what the motivation is for the City to have the library actually located in that building and if there is some benefit to them being there versus where they're at now. Mr. Talley then asked if Council had an answer for this at this time, and if not, why? Mayor Fitzgerald asked Mr. Talley if he actually read the article, and Mr. Talley admitted that he had not read it entirely. Mayor Fitzgerald then deferred to City Attorney Kearney, who stated that due to this being the public comment portion of the meeting we couldn't get into all of the issues. Mr. Talley responded that he didn't want to take up too much time, but what it looks like to the community and the citizens is that the City is threatening the library system. Mr. Talley questioned again, what the benefit or motivation is for hurrying up the library to move back into the building and what is the danger or issue with having them stay where they're at until reasonable repairs and maintenance can be made to the current building. He opined that this should be communicated clearly to the citizens so that they understand why there is a conflict here. Mr. Talley also questioned if there are other documents or contracts dictating this. Mr. Kearney responded suggesting that Mr. Talley read the article because it does lay out a lot more information. Mr. Talley then questioned if the library is not able to move back into the building in the timeline in which Council would prefer, what would the consequences of that be? Mayor Fitzgerald stated that all of that has already been worked out with the library. Mr. Kearney advised Mr. Talley that they are moving back in as we speak and further noted that the lack of communication will hopefully not be an issue in the future. He also stated that they are trying to work more closely with the library to make sure that the City knows ahead of time what their issues are and will do whatever they can to help the library; this was lacking before. He also told Mr. Talley that they have decided to meet with the Library Board monthly.

ADG #5: REPORTS

1. Mayor

None.

2. City Manager

Mr. Tyree began his report by stating that Dawn Wheeler has retired as of March 1, 2023, and Councilman Webb suggested to him to check and see if there are any internal applicants first. He

said he would send out an email tomorrow and give a deadline of next Wednesday to come talk to him and see if they are interested. He advised that this is a Council position, so Council will have to interview for this, and it will be up to them. He opined that if we have internal applicants, they could set up an Executive Session to interview them. He also opined that if we don't have any internal interest, we go ahead and post the job. He stated that he would advise Council of any internal applicants.

He and Hunter Young met with the DEQ about updating the PER based on last census. The main function of this meeting was to get an answer from DEQ about the grant funds. Buena Vista is first in line when they decide to do their grants and they said they will have a decision for us within the next 60 to 90 days. He advised that he would update Council once he knows the information about how much money we are going to get. Hunter Young is also trying to set up meetings with our Delegates so that we can potentially get some additional funding.

3. City Attorney

None.

4. Council Committees/Representatives

Councilman Henson began his report by noting that people are getting out and walking around the streets and there are some people riding bicycles and skateboards on sidewalks which is not allowed and could cause someone to get hurt. He further noted that there are some folks walking their dogs in the downtown area and the owners are not cleaning up after them. Mr. Tyree asked if it would help for us to install doggy bag stations; Councilman Henson agreed that this may help the situation.

Councilman Henson thanked Kristina Ramsey and Tom Roberts for all of their hard work on the Outdoor Recreation workshop which will be held at the Fire Department on April 4th and 5th. He also noted that the motorcycle group from American Legion Post 16 in Lynchburg will be doing a cruise-in around the area and will be set up in the lot across from the American Legion on April 26th from 9:00 – 12:30.

Vice-Mayor Hickman questioned if there has been a schedule made for paving since we have bought the new equipment. Mr. Tyree stated that he would ask Corey Henson to come to the next Council meeting with an update.

Councilman Coffey noted that he had made a commitment to put something in the paper to show citizens what is going on in the City. Unfortunately, the City cannot afford that as it is \$1000 per week. However, we could do a two to three-minute spot on the radio daily for \$250 per month. This will let everyone know what is going on in the City and what each department is doing. He noted that Mayor Fitzgerald is having a meeting with the station tomorrow to work out the ins and outs of this.

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

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.

Mayor Fitzgerald pointed out that this was approved at the previous meeting on February 16, 2023.

OLD BUSINESS

NONE.

NEW BUSINESS

NONE.

EXECUTIVE SESSION

Mr. Kearney read the following:

1. According to Section 2.2-3711 (A)(3) of the 1950 code of Virginia, as amended, for the purpose of discussing the possible disposition of publicly held real property where the discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City
2. According to Section 2.2-3711 (A)(8) of the 1950 code of Virginia, as amended, for the purpose of consulting with legal counsel regarding legal advice associated with the feral cats at Glen Maury Park.

CERTIFICATION OF EXECUTIVE MEETING

MOTION: Vice-Mayor Hickman

DATE: March 2, 2023

SECOND: Councilman Webb

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: Tyson Cooper

MEMBERS ABSENT DURING MEETING: Tyson Cooper

Jason L. Tyree, City Manager

REGULAR SESSION:

Council Member Coffey 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 - N/A Mr. Coffey - Y

ADJOURNMENT

There being no further business, the meeting was adjourned.

Jason L. Tyree, City Manager

William H. Fitzgerald, Mayor