

**CITY OF BUENA VISTA  
REGULAR COUNCIL MEETING  
AND EXECUTIVE SESSION  
NOVEMBER 7, 2019**

The City Council for the City of Buena Vista met for a Regular Council Meeting and Executive Session on Thursday, November 7, 2019 at 6:00 p.m. in Council Chambers (2039 Sycamore Avenue).

Council Members Present:	Mayor Bill Fitzgerald
Melvin Henson	Danny Staton
Stanley Coffey	Steve Baldrige
Vice-Mayor Tyson Cooper	Lisa Clark

Members Absent: None

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

Mayor Fitzgerald opened the meeting by requesting that everyone stand and repeat the Pledge of Allegiance. Vice-Mayor Cooper delivered the prayer.

**ADG #2 APPROVAL OF THE MINUTES FROM THE REGULAR COUNCIL MEETING HELD ON OCTOBER 17, 2019:**

Motion was made by Council Member Clark to approve the above minutes, seconded by Councilman Baldrige, carried by Council with the exception of Vice-Mayor Cooper who abstained.

**ADG #3 RECOGNITION/COMMUNICATION FROM VISITORS:**  
**Citizens who desire to speak on matters not listed on the agenda below will be heard at this time. Citizens who desire to speak on an item listed on the agenda, open for public comment, will be heard when that item is considered:**

Mr. Jamie Goodin wanted to give Council an update on GO BV. He said the property tour went well with about 60 people attending. Since the property tour they have seen a big spike in interest both in renting and buying. They are working on the upstairs apartments in 2 of the buildings. They are trying to have

them ready to be leased by January 1. The Frank's for the Memories building has been torn down and they are in the process of talking to landscape architects to figure out what can be done with the space. Once they have some idea of what can be done, they will hold another community meeting to get everyone's input on how it can be used and how it should be used. He said they are trying to get the folks that are interested in new businesses talking to the right people so they will make the right choice for themselves and downtown. They will be participating in Small Business Saturday which will be held on November 30 in partnership with the Arts Council. There will be vendors set up for the holidays at 2076 Magnolia Avenue. He said they have been working with Parks and Rec to take care of the Christmas trees for the tree lighting and the Christmas parade.

#### **ADG #4 REPORTS:**

##### **1.) Mayor**

None.

##### **2.) City Manager**

Mr. Scudder started his report by saying he and the Mayor attended the Chamber of Commerce annual awards banquet on Wednesday night. He said the banquet was well attended. Mr. Scudder said we are moving along very well with the Industrial Park. Columbia Gas is paving their parking lot and our road will probably get paved within the next 2 weeks. The power to serve the Industrial Park is going to cost about \$30,000.00. Luckily some permitting and fees covered that cost. We have been looking at the franchise agreement with Dominion Power to see if there are some things we can incorporate in the franchise agreement so if we get to a point like this in the future there might be some money available from Dominion to help for an electric project that is tied to the City. Mr. Scudder reminded Council that Hunter Young came before Council several months back and gave a presentation about I&I. We had some students go out and map all the manholes in the City. The other phase that Hunter said we were going to do is put radar devices that monitor how much water is getting into the system at different locations. We were going to do 8 locations with a cost of approximately \$40,000.00. Some of Council has been to the WWTP and talked to Traci and you know about some of the maintenance we have had to do this year. We really have had a financial drain on the budget at the WWTP. He is working with Andy Crocker at Southeast Rural Community Assistance on a grant that may help us with I&I. The grant could be as much as \$30,000.00. Some of the trucks at Public Works would not pass inspection because the beds were rusted out. The guys at Public Works are working very hard to get the trucks back in working order.

### **3.) City Attorney**

Mr. Kearney said the real estate tax sale is scheduled for December 10. We will then start on the new ones which should not be quite as difficult as these old ones. Some of the people that own these properties have been gone for generations. He opined we may not get all the taxes owed but we can put the property back in circulation for sale if the back taxes are not paid.

Councilman Henson wanted to know if the City could sell the lots at Vista Links. He wanted to know if we could have a land auction.

Mr. Kearney said we can sell lots at Vista Links. ACA is only tied up with the golf course itself. Mr. Kearney said we could have a land auction. He said we looked at having an auction years ago. He said that 7 acres at Vista Links is land-locked with Deer Haven. Mr. Kearney said it would take a million dollars to put in the road, water and sewer about 12 or 13 years ago. There is also a power line in the way of the view from those 7 acres.

Mr. Scudder said that Tom Roberts has completed the land inventory of City owned land. There may be 14 parcels that might have some value.

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

Councilman Henson gave everyone a list of upcoming events in the City. He also attended a Planning grant meeting and they are trying to figure out what direction to go in that would benefit everyone. February 18, 2020 from 9:00 a.m. to 7:00 p.m. at the Horse Center has been set for Workforce Development.

Councilman Coffey then addressed the problems at the WWTP. He said he spoke to Traci about the roof on the digester building. The cover on digester number one is tilted. He said if the gas escapes it could blow up. The RBC's have been repaired but the weights have not been installed.

Mr. Scudder said they will come back and put them in at no charge.

Councilman Coffey said they have had to replace 2 bearings at the WWTP recently. He then asked again about having the weeds and grass cut on 24<sup>th</sup> Street.

Mr. Scudder said the work will be done and a lien will be put on the property.

Councilman Baldrige said the Boy Scouts and SVU collected 320 pounds of food for the food bank. He also opined that Spooktacular went well. Councilman Baldrige advised that SVU held it's first swim meet.

He said there are 10 students at PMHS on the swim team this year. He is hoping that the interest in swimming will be on its way back. Councilman Baldrige suggested that Council should go ahead and re-organize a Labor Day Committee.

## **CONSIDER APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS, AND COMMITTEES:**

### **ADG #5 BOARD OF ZONING APPEALS:**

Mr. Casey Crookston has resigned from the Board of Zoning Appeals. His term will expire on December 31, 2021. This is the 12th time this item has appeared on the agenda. **NO APPLICANTS - ADVERTISED NEWS GAZETTE MAY 15, 2019; WEB SITE AND CHANNEL 18 MAY 13, 2019**

This item will be carried over to the next Council meeting.

### **ADG #6 ROCKBRIDGE DISABILITY SERVICES BOARD:**

Mrs. Lucy Ferrebee's term will expire on December 31, 2019. This is a 4-year term. Mrs. Ferrebee does not want to be re-appointed. This is the 2nd time this item has appeared on the agenda. **APPLICANT: JENNIFER HUMPHREY - ADVERTISED NEWS GAZETTE OCTOBER 16, 2019; WEB SITE AND CHANNEL 18 SEPTEMBER 9, 2019**

Motion was made by Councilman Henson to re-appoint Mrs. Ferrebee to the Rockbridge Disability Services Board, seconded by Vice-Mayor Cooper, carried by Council.

### **ADG #7 ROCKBRIDGE DISABILITY SERVICES BOARD:**

Mr. Devin Robinson has moved from Buena Vista and can no longer represent the City on this Board. His term will expire on July 31, 2021. This is the 2nd time this item has appeared on the agenda. **APPLICANT; JENNIFER HUMPHREY - ADVERTISED NEWS GAZETTE OCTOBER 16, 2019; WEB SITE AND CHANNEL 18 SEPTEMBER 9, 2019**

Motion was made by Councilman Baldrige to appoint Mrs. Humphrey to fulfill the unexpired term of Mr. Robinson, seconded by Councilman Henson, carried by Council.

## **OLD BUSINESS:**

**OB #1 DISCUSS ROCKBRIDGE COUNTY FIRE-RESCUE VOLUNTEER RECRUITMENT AND RETENTION PROGRAM:**

Mayor Fitzgerald explained that this subject was discussed at the last Council meeting and Council had decided to wait and put this request in our next fiscal year budget. He opined that Chief Hartman came up with a good idea.

Chief Hartman stated that after hearing the fire chief and the president of the BVFD talk about the need for payment for volunteers, he felt it was very important that we do pay the volunteers. He opined we should not lose any of the volunteers we already have. He opined we ask for our volunteers to do a lot without pay. He suggested to the City Manager that we take some money out of the Police Department part time budget which should be between \$6000 or \$7000. He opined the Police Department can sustain with giving that money to the BVRS and the BVFD. The money should carry them through to July when the new budget will take effect.

Mayor Fitzgerald wanted to know if Chief Hartman felt comfortable with giving the money to support this effort.

Chief Hartman said he feels very comfortable giving the funds. The PD will not hire anyone part time in the spring like they normally do.

Mr. Kearney advised that a formal agreement will have to be done.

Council Member Clark wanted to know if we would need to add another line item to the budget.

Mr. Scudder said at the end of the fiscal year we do a budget amendment collectively for the entire year. It would be reflected in the budget at that time.

Mr. Kearney said he will do the formal agreement and have it ready for the next Council meeting.

Councilman Coffey wanted to know who would handle the payment of the volunteers.

President Huffman from the BVFD advised that the County has been paying quarterly and it makes no difference how we decide to handle the payment.

Council Member Clark wanted to know what the checks and balance system is for answering calls.

President Huffman said they have a call sheet and the officer in charge is responsible for keeping record of who participates in answering the call and who is on stand-by.

**NEW BUSINESS:**

**NB #1      FIRST READING OF AN ORDINANCE FOR  
PRETREATMENT AT THE WWTP FOR THE CITY OF BUENA  
VISTA:**

Mr. Scudder explained this Ordinance is for the new permit for the WWTP.

Councilman Baldrige read the following Ordinance:

**ORDINANCE – ORD 19-10**

**PRETREATMENT ORDINANCE FOR  
THE CITY OF BUENA VISTA**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BUENA VISTA, VIRGINIA,** that the current City Pretreatment Ordinance, adopted May 11, 2006 is hereby revised and replaced with the Pretreatment Ordinance attached hereto.

This Ordinance shall become effective thirty (30) days from the date hereon.

---

William H. Fitzgerald, Mayor

ATTEST:

---

Clerk of Council

---

Date of Adoption

Vice-Mayor Cooper stated that he did not understand the above Ordinance.

Councilman Coffey explained that we must have the permit for something else coming into the WWTP other than our water such as water from Modine, Everbrite, ADS and NEBCO. They all must pretreat their water before it comes to the WWTP.

**NB #2 PROCLAMATION ESTABLISHING NOVEMBER 7, 2019 AS DEMENTIA FRIENDLY BUENA VISTA IN BUENA VISTA, VIRGINIA:**

Ms. Jeri Schaff, Executive Director of VPAS stated that she is thrilled the City is issuing a Proclamation declaring today as Dementia Friendly Day in Buena Vista. It means that now all three local governments are involved with the dementia friendly community initiative which will eventually become the dementia friendly valley through the whole planning district. They have had amazing success with their pilot program in Lexington. They look forward to having City representation on their steering committee. Ms. Schaff advised that the best estimate is there

are somewhere around 2200 Buena Vista residents that are 60 or over. Statically about 350 of them live with dementia. If you assume 1 family caregiver for each of those individuals, there are 700 people in our City who are touched every day by dementia. Anything we can do to make them feel welcome and valued and respected and keep them engaged and active in the community is a good thing for all of us.

Mayor Fitzgerald volunteered to be the representative from Buena Vista on their steering committee.

Councilman Baldrige read the following Proclamation:

## **PROCLAMATION**

### **ESTABLISHING NOVEMBER 7, 2019 AS DEMENTIA FRIENDLY BUENA VISTA IN BUENA VISTA, VIRGINIA**

**WHEREAS**, as many Buena Vista residents are living with dementia or caring for someone who is; and

**WHEREAS**, the number of people living or caring for someone with dementia will grow as the number of older residents grows; and

**WHEREAS**, the City of Buena Vista and its residents want to make the City a welcoming and inclusive place to live, work and visit; and

**WHEREAS**, the government, businesses, faith community, financial institutions, first responders, health care providers, educational institutions and citizens of Buena Vista can make small changes to provide a community in which people living with dementia can continue to be involved, active, respected, valued and understood; and

**WHEREAS**, the Dementia Friendly Buena Vista initiative is dedicated to raising community awareness of dementia and the needs of those living with dementia and their caregivers; and

**WHEREAS**, today marks the official launch of a community effort to make Buena Vista, Virginia a **DEMENTIA FRIENDLY COMMUNITY**.

**NOW, THEREFORE, BE IT PROCLAIMED**, that I, William H. Fitzgerald, Mayor of Buena Vista, Virginia, do hereby proclaim November 7, 2019 as **DEMENTIA FRIENDLY BUENA VISTA DAY** in Buena Vista and urge all our citizens to join in this coordinated effort.

Proclaimed this 7th day of November 2019.



---

William H. Fitzgerald, Mayor

---

Dawn M. Wheeler, Clerk of Council

**NB #3 DISCUSS MSA BOARD MEMBERS**  
**COMPENSATION INCREASE:**

Mr. Scudder started the discussion by stating our neighboring jurisdictions that are members of the MSA, which we are too, have looked at what other boards receive around the area to serve on something as important as this and they came up with a rate structure for their members. The money will not come out of our pockets; it comes out of the MSA budget. As a member of the MSA technically we must approve this pay scale as well.

Council Member Clark wanted to know where the MSA budget comes from.

Mr. Scudder said it does not come from us. It comes from the revenue on the water and sewer for customers they serve.

Mr. Kearney advised we are a member in name only. Buena Vista is not an active participant, and nothing comes out of our budget.

Councilman Baldrige stated that Buena Vista sells water to the MSA.

Councilman Baldrige read the following Resolution:

**AT A REGULAR MEETING OF THE COUNCIL FOR THE CITY OF  
BUENA VISTA, VIRGINIA, HELD AT 2039 SYCAMORE AVENUE,  
BUENA VISTA, VIRGINIA ON THURSDAY, NOVEMBER 7, 2019**

**RESOLUTION-R19-14**

**Resolution to Authorize and Approve Compensation Rates for  
Appointed Members of the Board of Directors for the Maury  
Service Authority**

**WHEREAS**, pursuant to Section 15.2-5113 of the Code of Virginia (1950, as amended), the Maury Service Authority (MSA) board member compensation is fixed by resolution of the governing bodies of its members; and,

**WHEREAS**, the MSA has recommended to the governing bodies of the City of Lexington, the City of Buena Vista, and the County of Rockbridge that the compensation for the MSA board members be set at \$110.00 per MSA Regular Monthly Board meeting. The Chairman of the MSA Board of Directors shall be compensated in the amount of \$150.00 per MSA Regular Monthly meeting. For additional Board meeting compensation, each director shall be compensated in the amount of \$50.00 per MSA Board meeting attended in addition to the Regular Monthly Board meetings and the Chairman of the MSA Board of Directors shall be compensated in the amount of \$50.00 per MSA Board meeting attended in addition to the Regular Monthly Board meetings; and,

**WHEREAS**, the Council of the City of Buena Vista desires to authorize the requested increase in the compensation of the MSA board of directors.

**NOW, THEREFORE, be it RESOLVED** by the Council of the City of Buena Vista, Virginia, as follows:

1. Compensation for members of the MSA Board of Directors, effective as of May 1, 2019, shall be:

a. Regular Monthly Board Meeting Compensation. Each director shall be compensated in the amount of \$110.00 per MSA Board

meeting attended. The Chairman of the MSA Board of Directors shall be compensated in the amount of \$150.00 per MSA Board meeting attended.

b. Additional Board Meeting Compensation. Each director shall be compensated in the amount of \$50.00 per MSA Board meeting attended in addition to the regular monthly Board meetings. The Chairman of the MSA Board of Directors shall be compensated in the amount of \$50.00 per MSA Board meeting attended in addition to the regular monthly Board meetings.

2. That this Resolution shall be effective on and from May 1, 2019.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Recorded Vote:

AYES:

NAYES:

ABSENT:

ABSTAIN:

The City of Buena Vista Council

By: \_\_\_\_\_

William H. Fitzgerald, Mayor

Attest: \_\_\_\_\_

Dawn M. Wheeler, Clerk of Council

Motion was made by Vice-Cooper to approve the above Resolution, seconded by Councilman Coffey.

Council Member Clark stated they set their own budget based on their water rate so they must be making a profit.

Councilman Coffey said the MSA is running the WWTP for both the City of Lexington and the County of Rockbridge.

Council Member Clark wanted to know if the new pay rates have already taken effect even though this Resolution is 7 months after the fact.

Mr. Kearney said the MSA forgot that the City of Buena Vista is a member and that we needed to approve the Resolution.

Council then voted with everyone approving with the exception of Council Member Clark who opposed.

**NB #4 DISCUSS COMPUTER AND SERVER UPGRADES:**

Mr. Scudder started the discussion by stating that several months ago Danny Morgan left Buena Vista and we had to get a new company to help with IT. We temporarily hired EN Computers to help with our IT. We have been working on all kinds of IT issues. We have a bunch of stuff that has been patched together by various IT people over a period of decades. The Treasurer's office is one of the best examples. The Commissioner of Revenue and the Treasurer are very concerned about how their systems will integrate with other things and modernize. The only person that knows the band aids on their systems is Danny Morgan. He has contracted with Danny Morgan to be our IT consultant to put out the new RFP, to oversee what EN is recommending we do and work with our team to do this. We have a lot of units that have Windows 7 that will no longer be supported after January 2020. Our operating server is very old. We worked with everyone on the IT Committee to upgrade 13 new computers. The Police Department got a grant to put in 7 new computers and a new server. The grant covered \$16,000.00 of a \$20,000.00 project. We are looking at 13 new computers. We have determined the affordable way for us, during this transitioning time to new support service, is that we do a 5-year lease to own term which will cost us about \$600.00 or \$700.00 per month. It does not matter

what firm we select to service our IT needs; this is just a lease with a third party. We are going to have to absorb it in our IT budget because it must be done.

Vice-Mayor Cooper said this is just machines that will keep us from falling behind.

Mr. Scudder said the Treasurer's office is down 1 computer. Danny Morgan is moving forward with Mary Lee to provide the equipment her office needs.

Councilman Baldrige wanted to know if we are going to have any cost savings in our phone service.

Mr. Scudder said we do have savings, but he does not know the amount because we have not analyzed it yet.

Councilman Henson said he had talked to Traci at the WWTP and she said the computer system there is up and down all day. He wanted to know if this situation has been looked at.

Mr. Scudder said it has been looked at and it is one of the things that we have been looking at because of our IT connections. It is another phase of the whole IT upgrade that we really must do for the City. He opined we do not have an option; this work must be done.

**EXECUTIVE SESSION:**

**ACCORDING TO SECTION 2.2-3711 (A) (1) OF THE 1950  
CODE OF VIRGINIA, AS AMENDED, FOR THE PURPOSE OF  
EVALUATING THE PERFORMANCE OF THE CITY MANAGER:**

**CERTIFICATION OF EXECUTIVE MEETING**

---

MOTION: Councilman Henson

DATE: November 7, 2019

SECOND: Vice-Mayor Cooper

**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 that to the best of each member's knowledge (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

ABSENT DURING VOTE:   None

ABSENT DURING MEETING: None

**REGULAR SESSION**: Councilman Henson moved to return to regular session, seconded by Council Member Clark, carried by Council.

Mayor Fitzgerald       Mr. Baldrige       Mr. Staton       Mr. Henson

Vice-Mayor Cooper   Mr. Coffey       Ms. Clark

---

Dawn M. Wheeler

Clerk of Council

After returning to regular session, Councilman Staton wanted to discuss the water issues that Janet Fix has been experiencing. He wanted to know if the City will be liable if something would happen to Mrs. Fix because of her water.

Mr. Kearney said the City would be liable if our water caused her harm.

Mr. Scudder said we are doing all the tests on our water that are required by the Health Department.

Councilman Coffey said we are not testing for bacteria.

Mr. Kearney stated if we are conforming with the regulations of the Health Department, we would not be liable.

Mayor Fitzgerald stated that we are not responsible for the water from the meter to the house. We cannot go any further than what the Health Department says to go.

Mr. Scudder said there are dead end water lines all over the City. We cannot test for her only.

Mr. Kearney stated that if we are following the Health Department rules, we are not responsible for anything further.

**ADJOURNMENT** – There being no further business the meeting was adjourned.

---

William H. Fitzgerald, Mayor

---

Dawn M. Wheeler, Clerk of Council