

**CITY OF BUENA VISTA
REGULAR (VIRTUAL) COUNCIL MEETING, PUBLIC
HEARING AND EXECUTIVE SESSION
JUNE 18, 2020**

The City Council for the City of Buena Vista met for a Public Hearing, a Regular (Virtual) Council meeting and Executive Session on Thursday, June 18, 2020 at 6:00 p.m.

Council Members Present:
Melvin Henson
Stanley Coffey
Tyson Cooper

Mayor Bill Fitzgerald
Danny Staton
Cheryl Hickman
Vice-Mayor Lisa Clark

Members Absent: None.

ADG #1 PLEDGE OF ALLEGIANCE AND PRAYER:

Mayor Fitzgerald opened the meeting by asking everyone to stand for the Pledge of Allegiance. Vice-Mayor Clark delivered the prayer.

ADG #2 PUBLIC HEARING:

**PUBLIC HEARING
CITY COUNCIL
June 18th 2020**

Pursuant to Code of Virginia Section 15.2-1800, notice is given that the City Council will hold a public hearing to receive comment on the following matters.

- 1) Leasing the vacant lots at the corner of 17th Street and Magnolia Avenue (Tax map ID 41-1-2-20-23, 24 and 25) to Lewis Hamilton for use as a parking area for JJ's Meat Shak restaurant.
- 2) Donation of City-owned parcels at 6th and Magnolia Avenue (Tax map ID 47-1-1-27-1 and 47-1-E—A) from the City of Buena Vista to Dabney Lancaster Community College Foundation or related entity.

The Public Hearing will be held virtually via Zoom at approximately 6:00 PM on Thursday, June 18th, 2020. Instructions for joining the Zoom meeting

may be found at <https://www.buenavistava.org/city-services/government/city-council/council-agenda-minutes/> along with the meeting agenda. Citizens may join the meeting via computer or traditional telephone. Any person desiring to be heard will be given the opportunity to speak during the meeting or may submit written comments by email or USPS at the addresses below. Additional instructions may be found on the website listed above. Staff reports for this matter, and a copy of the Comprehensive Plan, are available from the Director of Community and Economic Development, Thomas Roberts, 2039 Sycamore Avenue, Buena Vista VA 24416 or (540) 261-8607 or troberts@bvcity.org or www.buenavistava.org/planning.

Mr. Tom Roberts, Director of Community and Economic Development spoke first and wanted to remind Council that the lots for JJ's were discussed several months ago. The lots are at the corner of 17th of Magnolia and Sycamore. There have been delays because of COVID-19 and nothing has changed since it was discussed several months ago.

Dr. John Rainone, the President of Dabney S. Lancaster Community College addressed Council and thanked them for their considerate donation to DSLCC. He said they are excited about expanding in Buena Vista. They intend to make the old Ford dealership on Forest Avenue into a manufacturing facility. They have been applying for grants and should be eligible for more money from Federal grants. They will be offering machine welding and air conditioner repairs classes in Buena Vista. They also hope to attract some small business owners to share the building with DSLCC. Dr Rainone thanked Council for always supporting DSLCC.

Councilman Coffey wanted to know how much JJ's will be paying to lease the land.

Mr. Kearney advised they will be paying \$350.00 per year. This figure is based on the tax value of the land. Right now, the City is not receiving tax money for the land because it is a FEMA lot.

Mayor Fitzgerald closed the Public Hearing.

ADG #3 APPROVAL OF THE AGENDA:

Motion was made by Councilman Cooper to approve the agenda, seconded by Councilman Coffey, carried by Council.

ADG #4 APPROVAL OF THE MINUTES FROM THE REGULAR COUNCIL MEETING (VIRTUAL) HELD ON JUNE 4, 2020 AND THE EXECUTIVE MEETING (VIRTUAL) HELD ON JUNE 3, 2020:

Motion was made by Councilman Cooper to approve the above-mentioned minutes, seconded by Councilman Coffey, carried by Council.

ADG #5 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

a specific item listed on the agenda, open for public comment, will be heard when that item is considered:

Ms. MarVita Flint, Commissioner of the Revenue, advised Council that she does not have the numbers for the reassessment. The assessor will be back this Wednesday to take 9 or 10 more phone calls. We must have the numbers back by June 30. She will have the figures for Council at their July 2nd meeting.

ADG #6 REPORTS:

1.) Mayor:

None.

2.) City Manager:

Mr. Scudder said he has had positive feedback from the citizens concerning the pothole patching. He opined that Public Works has done a really good job. He will give the bid documents to Councilman Henson and Councilman Coffey for the paving of Route 60 and Route 501. There will be a meeting for discussion of use of the CARE funds. He will also meet with water/sewer to discuss projects that may be handled with USDA funds.

3.) City Attorney:

None.

4.) Council Committee/Representative:

Councilman Henson advised that Public Works have used over 40 tons of asphalt in repairing potholes.

Councilman Coffey thanked everyone on Council for their budget perseverance and how they took care of business. He said not everyone agreed but he appreciated their input.

Councilman Cooper opined that Council needs to get serious about setting a vision. He said the City is required to have a Comprehensive Plan review every 5 years, but we have never finished the process. He suggested they set a strategic plan and vision and complete the Comprehensive Plan. He feels this should be completed by the end of the year.

Mayor Fitzgerald advised that the Comprehensive Plan has been worked on by a committee and they should have it done in one more meeting.

Mr. Roberts advised there is more work to do on the Comprehensive Plan. They have a couple of more chapters to work on and the other 7 chapters need to be tweaked. He stated that he has had conversation with Mr. Scudder and both the Comprehensive Plan, and the Strategic Plan should be achievable by the end of 2020.

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

ADG #7 THE CITY OF BUENA VISTA PLANNING COMMISSION:

Mr. Dennis Hawes term will expire on July 31, 2020. This is a 4-year term. Mr. Hawes is willing to serve again if re-appointed. This is the first time this has appeared on the agenda.

ADVERTISED THE NEWS GAZETTE: JUNE 17, 2020 – WEB SITE AND CHANNEL 18 – JUNE 10, 2020

Motion was made by Vice-Mayor Clark to reappoint Mr. Hawes, seconded by Councilman Coffey, carried by Council.

ADG #8 THE ROCKBRIDGE COUNTY SOCIAL SERVICES BOARD:

Mr. John Butler's term will expire on July 31, 2020. This is a 4-year term. Mr. Butler is moving from our area and cannot be re-appointed. This is the first time this item has appeared on the agenda.

ADVERTISED THE NEWS GAZETTE: JUNE 10, 2020 – WEB SITE AND CHANNEL 18 – JUNE 9, 2020

Vice-Mayor Clark said that she served on this board for a while. She opined it is a very important committee. She also mentioned that a Council member can serve on this board.

Council Member Hickman said she had considered serving on the board but right now her plate is pretty full.

Vice-Mayor Clark said the board meets at least one time per month and sometimes two.

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

OLD BUSINESS:

None.

NEW BUSINESS:

NB #1 DISCUSS THE CARES ACT:

Mr. Scudder advised that a committee has been established including himself, Charles Clemmer, Mayor Fitzgerald, and Mr. Kearney to try to determine how some of the money can be used. He has been consulting with people up and down the valley trying to find out ways the money can be spent. He will bring the ideas on how to spend the money to the next Council meeting.

NB #2 FIRST READING OF AN ORDINANCE TO INCREASE THE FEE FROM \$10.00 TO \$20.00 AS PART OF THE COSTS IN EACH CRIMINAL OR TRAFFIC CASE IN DISTRICT AND CIRCUIT COURTS IN WHICH THE DEFENDANT IS CONVICTED OF A VIOLATION OF ANY STATUTE OR ORDINANCE:

Ms. Wheeler read the following Ordinance:

ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BUENA VISTA, VIRGINIA, that in accordance with §53.1-120 of the *1950 Code of Virginia*, as amended, a fee of Twenty Dollars (\$20.00) shall be assessed as part of the costs in each criminal or traffic case in district and circuit courts in which the defendant is convicted of a violation of any statute or ordinance. The assessment shall be collected by the clerk of the court in which the case is heard, remitted and held by the City Treasurer and appropriated by City Council to the Sheriff's Office solely for the funding of courthouse security personnel and, if requested by the Sheriff, equipment and other personal property used in connection with courthouse security.

This ordinance shall take effect on July 1, 2020 and shall amend the May 10, 2007 Ordinance to reflect the increase in the fees allowed under §53.1-120 of the *1950 Code of Virginia*, as amended.

This Ordinance shall take effect 30 days after the second reading and adoption of the Ordinance.

William H. Fitzgerald, Mayor

ATTEST:

Clerk of Council

Date of Adoption

Mr. Kearney pointed out that the Ordinance must take effect 30 days after adoption. Our Charter states that the Ordinance will take effect 30 days after the second reading and adoption of the Ordinance.

Councilman Cooper said this is being prompted by a change in State law.

Mayor Fitzgerald opined this Ordinance will be handled by the courts.

Mr. Kearney said the courts will enforce the Ordinance.

Mr. Scudder said the Sheriff's office is aware of the Ordinance

Ms. Wheeler said she would make sure the Sheriff's Office and both Courts would get a copy of the Ordinance once it is adopted.

Councilman Cooper wanted to know how much money would be generated from this increase.

Mr. Scudder said we have not looked to see how much money will be generated from this increase. He said the Statewide fees have not been adjusted for a long time.

Councilman Staton wanted to know if we could go higher than the \$20.00.

Mr. Scudder said we cannot since it is regulated by the State.

NB #3 RESOLUTION DONATING LAND ON MAGNOLIA AVENUE TO DSLCC:

Councilman Henson started the discussion by stating that each member of the Public Safety Committee looked at the site, and they are not opposed to donating the land to DSLCC. However, they would like to have some restrictions on the land:

- 1.) No parking on Magnolia Avenue.
- 2.) No driveways off Magnolia
- 3.) Leave an additional 5 feet of land on the back side which will give them about a 20-foot alleyway

Mayor Fitzgerald said the Planning Committee would make those regulations of which Councilman Henson is a member of.

Mr. Scudder said he thinks what Councilman Henson is pointing out from the Planning Commission perspective is since we are donating the land, we can place those restrictions on it. Mr. Scudder said that all the access to the land will have to be off 6th Street.

Mayor Fitzgerald said he agrees there should not be an entrance off Magnolia.

Mr. Roberts said he also agrees about the entrance. He said he has not looked very closely at the site, but he feels the access should be from 6th Street. He said if we want to make it a deed restriction as far as parking goes, we could do that. Mr. Roberts opined that a deed restriction may not be the best vehicle for that because street parking is not part of the land that we will convey. Street parking is already in the City's control so we may be able to just prohibit street parking without a deed restriction. He said there is currently street parking there. We can put up no parking signs. He said that he and Mr. Kearney are checking the closed street. In some of the old plats there is a street shown there without a name. This land is the very corner of the Enderly Heights plat separate from the Buena Vista plat of 1892. Mr. Roberts said they will get that finalized and confirmed as to whether there is a street there that needs to be vacated or not.

Mr. Kearney said the land is called the Slopes of Enderly shown on the survey of 1890 of Enderly Heights. He will take care of working on the title to make sure it is correct. Mr. Kearney said we can put in the deed no entrance off Magnolia. He said we can put whatever kind of restrictions on the property that we want.

Councilman Henson said the biggest concern is sight distance.

Council Member Hickman wanted to know the value of the land.

Mr. Kearney said the value is \$34,000.00 for tract A and the other 2 pieces, (Parcels 1 and 2) is \$12,600.00 for a total of \$46,600.00.

Ms. Wheeler wanted to know if the Resolution needed to be revised to include the parking restrictions, etc.

Mr. Kearney said we could add that Mr. Jay Scudder is authorized to sign whatever documentation that is necessary and to add appropriate covenants to the deed.

Mr. Roberts said he just wants to make sure we are clear when he was referring to the road that we may or may not need to vacate, it is not shown on the map. The alleyway behind the property could also be vacated

Ms. Wheeler read the following Resolution:

RESOLUTION – R20-05

WHEREAS, in order to promote the continued growth and expansion of the Dabney S. Lancaster Community College Workforce Center located on Forest Avenue within the City of Buena Vista, which has a direct positive impact on the citizens of the City, Council for the City of Buena Vista hereby enters into this Resolution.

BE IT RESOLVED that after a duly called Public Hearing the City hereby agrees to enter into a Deed with the DSLCC Real Estate Foundation conveying a parcel of real estate located off of Magnolia Avenue having Tax Map #'s of 47-1-1-27-1 and 47-1-E-A to be sold by the Foundation to help obtain funding for the Workforce Center; and

BE IT FURTHER RESOLVED that Jay Scudder, City Manager for the City of Buena Vista, is hereby authorized to sign whatever documentation is necessary in order to effectuate this transaction **and to add such conditions and covenants, as necessary.**

William H. Fitzgerald, Mayor

Attest:

Clerk of Council

Date of Adoption

Motion was made by Councilman Cooper to approve the Resolution with the changes noted, seconded by Councilman Coffey.

Ms. Wheeler polled Council as follows:

	Present	Absent	Yes	No	Abstain
Mayor Fitzgerald	X		X		
Melvin Henson	X		X		
Tyson Cooper	X		X		
Cheryl Hickman	X		X		
Vice-Mayor Lisa Clark	X		X		
Danny Staton	X		X		
Stanley Coffey	X		X		

NB #4 RESOLUTION LEASING LAND TO LEWIS HAMILTON:

Council Member Hickman motioned to approve the Resolution, seconded by Councilman Coffey.

Ms. Wheeler read the following Resolution:

RESOLUTION- R20-06

WHEREAS, in order to promote the continued growth and expansion of JJ's Meat Shack, within the City of Buena Vista, which has a direct positive impact on the citizens of the City, Council for the City of Buena Vista hereby enters into this Resolution.

BE IT RESOLVED that after a duly called Public Hearing the City hereby agrees to enter into the Lease, attached hereto as Exhibit "A", with Lewis Hamilton and.

BE IT FURTHER RESOLVED that Jay Scudder, City Manager for the City of Buena Vista, is hereby authorized to sign whatever documentation is necessary in order to effectuate this transaction.

William H. Fitzgerald, Mayor

Attest:

Clerk of Council

Date of Adoption

Ms. Wheeler polled Council as follows:

	Present	Absent	Yes	No	Abstain
Mayor Fitzgerald	X		X		
Melvin Henson	X		X		
Tyson Cooper	X		X		
Cheryl Hickman	X		X		
Vice-Mayor Lisa Clark	X		X		
Danny Staton	X		X		
Stanley Coffey	X		X		

EXECUTIVE SESSION:

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 INTERIM CITY MANAGER:

CERTIFICATION OF EXECUTIVE MEETING

MOTION: Councilman Cooper
 SECOND: Councilman Coffey

DATE: June 18, 2020

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

Dawn M. Wheeler
Clerk of Council

REGULAR SESSION: Councilman Cooper moved to return to regular session,
seconded by Vice-Mayor Clark, carried by Council.

Mayor Fitzgerald
Vice-Mayor Clark

Ms. Hickman
Mr. Cooper

Mr. Staton
Mr. Coffey

Mr. Henson

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

Dawn M. Wheeler
Clerk of Council

William H. Fitzgerald
Mayor

ADJOURNMENT: There being no further business, the meeting was
adjourned.

WILLIAM H. FITZGERALD, MAYOR

Dawn M. Wheeler, Clerk of Council