

**CITY OF BUENA VISTA
PUBLIC HEARINGS AND
REGULAR COUNCIL MEETING
(VIRTUAL MEETING)
JUNE 17, 2021 - 6:00 P.M.**

*****BUENA VISTA PUBLIC SERVICE AUTHORITY MEETING TO BE CONDUCTED BEFORE THE COUNCIL MEETING.**

ADG #1: PLEDGE OF ALLEGIANCE AND PRAYER:

Councilman Cooper delivered the opening prayer.

ADG #2: APPROVAL OF THE AGENDA:

Motion was made by Councilman Cooper to approve the agenda, seconded by Vice-Mayor Hickman, carried by Council.

ADG #3: MINUTES DELAYED DUE TO DAWN'S ABSENCE:

ADG #4: RECOGNITION/COMMUNICATION FROM VISITORS: CITIENS 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:

No one spoke.

ADG #5: REPORTS:

1.) MAYOR:

None.

2.) CITY MANAGER:

City Manager Tyree announced that Council will go back to live meetings beginning July 1. We are looking into potential hybrid options if Council is interested in them. If Council is interested, he would like to meet with each Council member, one on one. Mayor Fitzgerald opined that if Council is going back live, he sees no need for hybrid. He sees no need for both.

Councilman Cooper stated that he has seen a lot more participation from the community by using ZOOM for our meetings. He opined it would nice if we could stream it also for those who cannot make the meeting.

City Manager Tyree said that may be an option. He just wanted to let Council know we will be going back to live meetings on July 1 and to get their feelings about live streaming. We have received a lot of complaints about the flags on Magnolia Avenue. We do have new flags ordered. We are hopeful they will arrive before July 4th.

3.) CITY ATTORNEY:

None.

4.) COUNCIL COMMITTEE/REPRESENTATIVE:

Councilman Henson started his report but had computer issues.

Councilman Webb said he went down to Grace Auto to check out the car situation on the lot. He said there are at least 30 cars on the lot. He opined there has been no effort to get the lot cleaned up.

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

BUENA VISTA ECONOMIC DEVELOPMENT AUTHORITY:

MRS. LISA CLARK'S TERM WILL EXPIRE ON 1/31/2024. THIS IS A FOUR-YEAR TERM, AND THE FIRST TIME IT HAS APPEARED ON THE AGENDA. MRS. CLARK IS UNABLE TO CONTINUE TO SERVE. NO APPLICANTS

Mayor Fitzgerald wanted to know if this opening and the one for the RACSB needed to be advertised.

Mr. Kearney said it does not need to be advertised. Council already appointed Vice-Mayor Hickman and the only reason for advertising is to get someone to serve.

Motion was made by Councilman Webb to appoint Vice-Mayor Hickman to fill Mrs. Clark's unexpired term, seconded by Councilman Cooper, carried by Council.

ROCKBRIDGE AREA COMMUNITY SERVICE BOARD:

MRS. LISA CLARK'S TERM WILL EXPIRE ON 01/31/23. THIS IS A TWO-YEAR TERM AND THE FIRST TIME IT HAS APPEARED ON THE AGENDA. MRS. CLARK IS UNABLE TO CONTINUE TO SERVE. NO APPLICANTS

Motion was made by Councilman Coffey to appoint Vice-Mayor Hickman to fill Mrs. Clark's unexpired term, seconded by Councilman Henson, carried by Council.

BOARD OF ZONING APPEALS:

MR. ART FURLER'S TERM WILL EXPIRE ON 12/31/25. THIS IS A FIVE-YEAR TERM AND THE FIRST TIME IT HAS APPEARED ON THE AGENDA. MR. FULLER HAS MOVED AND IS UNABLE TO CONTINUE TO SERVE. NO APPLICANTS – WILL ADVERTISE IN THE NEWS GAZETTE ON JULY 7, 2021 - WILL POST ON OUR WEB SITE ALSO.

This will be carried over to the next Council meeting.

OLD BUSINESS:

OB #1 **CONSIDERATION FOR APPROVAL OF THE SPECIAL EVENT PERMIT AND POLICY:**

Councilman Cooper stated again his concern about the complexity of the policy.

Councilman Cooper motioned to approve the Special Event Permit and Policy, seconded by Councilman Webb, carried by Council.

NEW BUSINESS:

NB #1 **DISCUSSION OF A CIGARETTE TAX:**

City Manager Jason Tyree opened the discussion. He advised that in Council's packet there was a draft of Chapter 16 on the cigarette tax. He said this is a regional effort to implement a cigarette tax. Both the City of Lexington and Rockbridge County are looking at this tax also. They want to approve the tax as a regional effort. Both the City of Lexington and Rockbridge County have had Public Hearings on the subject. They do not want to implement the tax unless the City of Buena Vista approves the tax. He opined that it has to be a regional effort before the tax will work. He and Brian Kearney thought it would be good to discuss the tax with Council before having a Public Hearing. He said if a majority of Council is against the tax, we do not want to spin our wheels with it. They want to know if Council is all aboard and want to go ahead with the Public Hearing. Tonight, is just discussion. Mayor Fitzgerald said when it came up the last time, he was against it because it was not a regional effort. Now that it is regional, he is in favor of the tax.

Councilman Coffey said his personal opinion is that it is another tax, and it is directed to one sector of people.

Mayor Fitzgerald said it was not directed to one sector of people.

Councilman Coffey disagreed and said it is directed at people who smoke. He opined that we do not need another tax in the city. The tax did not last but one year the last time the city implemented it. The business owners in town do not want the tax. He said again that only people who smoke cigarettes will have to pay the tax and that is not fair.

Mr. Kearney said the difference this time from last time is the County could not have a cigarette tax. We have a cigarette Ordinance in our book.

Councilman Webb advised that the Rockbridge County Board of Supervisors tabled this cigarette tax to see what the City of Buena Vista and the City of Lexington did with the tax. He opined that Lexington never cared before about Buena Vista. He said it also creates extra work for the businesses. He opined that for a small business it will create a lot of work for them. It will also create more work for the Treasurer's office. According to the document they want records for 2 years on the number of cigarettes that a business sales. Councilman Webb said he is anti-tax.

Mr. Kearney said he was not sure how much work the tax would create for anyone.

Mr. Tyree said the real cost comes in at the distribution center, not the businesses. They are the ones who will be required to put the stamp on the cigarettes. Before it gets to the businesses, they will have the stamps on them. He opined the cigarette tax is really no different than our sales tax.

Councilman Webb said this would be different from the tax we had in the past. The Treasurer's office was responsible for putting the stamps on.

Mr. Tyree said all things would flow throw the Finance Director's office and not the Treasurer's office.

Mr. Kearney opined that keeping all the cigarette tax in the Finance Department would lighten the workload.

Mr. Tyree said the real cost comes in at the distribution center because they will be required to put the stamps on. For local businesses it is really no different than their sales tax.

Councilman Webb said these stamps are different than the ones we had in the past. The Treasurer's office sold the stamps, and the business was required to put them on.

Mr. Tyree said that would not be the case this time. They would have to go through the distribution center. Everything would flow through the Finance Director, Charles Clemmer's office and not the Treasurer's office.

Mr. Kearney confirmed it would flow through the Finance Department.

Mayor Fitzgerald added that businesses keep all records for 7 to 10 years so there would not be a problem to look back several years to get records.

Councilman Henson said he is opposed to the tax. He opined those small businesses are begging for more help already. This would only add to their problems.

Councilman Cooper stated that he is not interested in adding burdens to anyone. He said since this first came up last year, he has done a lot of thinking and research on the impact of a cigarette tax. Everyone who has ever studied this from Federal agencies to State agencies have found that a cigarette tax disproportionately affects the most vulnerable part of society. Councilman Cooper said this really does concern him. If this tax were implemented, it would generate about \$100,000.00 per year for the city. If that is the case, he would really prefer to institute a property tax that is for higher valued homes. According to the research that he has done, disproportionately those who smoke come from the lowest economic society. That is not saying that everyone who smokes is poor but the majority of the people who smoke come from the lowest economic society. Some researchers say that by adding a tax on cigarettes would discourage people from smoking, but the tax has had zero impact on getting people to quit smoking. He opined we could increase a carton by \$3.00 and what will happen is they will not feed their kids but purchase cigarettes. He said that smokers generally come from lower income population. He does not feel that we are trying to get smokers to quit but to generate more tax revenue. If we want to and need to, we should levy the tax on people who can afford to pay the tax. Councilman Cooper said if a kindergarten class has 20 students, most likely 16 of them will go to the office to pick up food for the weekend. He opined again, if we need more money we need to go after the people who can afford it. He is willing to pay more taxes rather than tax lower income people.

Mayor Fitzgerald opined that we are now singling another group of people.

Councilman Cooper said he is opposed to adding a burden to people that can least afford it.

Councilman Webb said he does not care about what Rockbridge County or Lexington do. He is concerned about Buena Vista. Councilman Webb said no more taxes.

Vice-Mayor Hickman said she is in agreement with no more taxes. She opined that their job, because of the government, is to live within our means. We should not segregate a class of people that smoke and add anymore burden on them. We will be doing well if we maintain our budget.

Mr. Tyree said before he started this job, he got an email from Jay about this potentially coming down. His email to Jay was almost 100% of what Tyson has said. He said that Councilman is 100% correct. He appreciates Council's input. It gives them direction in which way to go.

This item will not be forwarded to any other agenda.

NB #2 **DISCUSSION AND CONSIDERATION OF REQUEST TO DESIGNATE THE LOWER MAURY RIVER AS A VIRGINIA SCENIC RIVER:**

Mr. Tyree started the discussion by advising that the Scenic Maury River Committee has sent a memo that is in Council's packet. There is a memo to Buena Vista City Council requesting for Council to consider a segment of the Maury River as a scenic river destination. We have to submit a request to DCR. They will then send some

information back and we will do a public hearing. It helps identify scenic rivers and they do a lot of advertising for the State level, and it helps protect the rivers and streams, a lot of outdoor recreation, historic and natural characteristics of these rivers and streams. They really want to protect these rivers and streams for generations. Mr. Tyree said there is nothing really required from the city. He advised that most of the land on either side of the Maury River is owned by the city. This will not affect property or business owners. They are trying for us to keep the river clean. He has already talked to a non-profit group, and they already go down the James once a year cleaning up the river. He would like to have them come through Buena Vista next year to help clean up the river. We would provide a dumpster for them to dispose of the trash. He opined this is a great opportunity for us that we should take advantage of. He needs approval from Council, and he will proceed to send everything that is needed to the State.

Motion was made by Councilman Coffey for City Manager Jason Tyree to move ahead with this project, seconded by Councilman Staton carried by Council.

Councilman Cooper said to just make sure he understands, we are basically adding a title to this portion of the river, which will not help us or hurt us in any way.

Mr. Kearney opined that this would help the city, especially with tourism.

Vice-Mayor Hickman said the documents say they will not own the river in any way. Everything will stay the same.

City Manager Tyree said they work with several non-profit groups that work to clean the river. It basically opens the city up for additional grant opportunities for the cleaning of the river. The non-profits will float the river and clean up trash. He said we need a dumpster, and it will be a huge benefit for the city.

Ms. Kristina Ramsey said this past weekend there was a travel writer doing a story on the scenic James River. Next year they plan to write about the scenic Maury River. It would mean more advertisement and more attractive for Buena Vista if we do make it.

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

William H. Fitzgerald, Mayor

ATTEST:

Dawn M. Wheeler, Clerk of Council

DATE: