

**CITY OF BUENA VISTA
ORGANIZATIONAL MEETING,
REGULAR COUNCIL MEETING,
PUBLIC HEARING AND EXECUTIVE SESSION
COUNCIL CHAMBERS
JANUARY 6, 2022 – 6:00 P.M.**

ORGANIZATIONAL MEETING:

CALL TO ORDER:

Mayor Fitzgerald called the meeting to order.

APPOINTMENT OF CLERK OF COUNCIL:

Councilman Henson made motion to reappoint Ms. Dawn Wheeler as Clerk of Council, seconded by Councilman Coffey, carried by Council.

APPOINTMENT OF CITY MANAGER:

Councilman Coffey made motion to reappoint Mr. Jason Tyree as City Manager, seconded by Councilman Henson, carried by Council.

APPOINTMENT OF CITY ATTORNEY:

Councilman Cooper made motion to reappoint Mr. Brian Kearney as City Attorney, seconded by Councilman Staton, carried by Council.

ELECTION OF VICE-MAYOR:

Councilman Coffey made motion to reappoint Ms. Cheryl Hickman as Vice-Mayor, seconded by Councilman Webb, carried by Council.

ADJOURN:

Mayor Fitzgerald adjourned the Organizational meeting.

PUBLIC HEARING AND REGULAR COUNCIL MEETING:

ADG #1: PLEDGE OF ALLEGIANCE AND PRAYER:

Councilman Cooper delivered the opening prayer.

ADG #2:

Mayor Fitzgerald read the following:

PUBLIC HEARING
CITY COUNCIL
JANUARY 6, 2022

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.

Approval of sale of three City-owned parcels through RFP process.

The Public Hearing will be held in the City Council Chambers located in the Municipal Building located at 2039 Sycamore Avenue in Buena Vista during the regular City Council meeting at approximately **6:00 PM on Thursday, January 6th, 2022**. Staff reports for each 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 opened the discussion by reminding Council that this issue was looked at in November and he wanted to point out two things:

- 1.) This staff report includes maps that shows the location of the property.
The only changes made to the RFP are as follows:
 - A.) When this was presented in November, Mr. Roberts said the City would cover the cost of curb and guttering. After further consideration he proposed that we change that. With a normal development, the developer would be required to cover the cost of curbing and guttering. The curb and guttering will apply to the Cedar Avenue property and the Orchard/Brook Street property. There will be no curb and guttering applied to the Chestnut Avenue property.
- 2.) Based on a conversation that Mr. Roberts had with the owner of the house on 1615 Brook Street which is right next to the property that we would put a house on, he suggested we require the developer to install a privacy fence along the property line, so they are not on top of each other. The property is odd shaped and is probably 5000 to 7000 square feet.

Councilman Henson wanted to know which way the house would be facing.

Mr. Roberts answered by saying he has not thought too much about which way the house will be facing. Some of it will depend on the house planning by the developer.

Councilman Coffey wanted to know what the City will charge for these parcels of land.

Mr. Roberts said the City will charge \$1.00 per parcel. He opined these are not really prime lots. The lot on Orchard is level but it is an odd, shaped lot. The lots on Cedar and Chestnut will require grading and site work. We want the land developed and to get the land off the City books. We need housing and the idea is to make it a very attractive proposition that recognizes the challenging position of these particular sites. The worst thing would be if we put the RFP out and we did not get responses and the properties continue to sit there. If we do this and we get the houses built within 2 years we have guaranteed tax revenue. If the houses are not built within 2 years, the land is reverted back to the City.

Councilman Henson wanted to know if Mr. Roberts has had very many inquiries on the lots.

Mr. Roberts said he has received some calls concerning the lots.

Councilman Coffey wanted to know if it has to be a contractor that purchases the lots.

Mr. Roberts said it is set up that way to ensure houses get built.

Mayor Fitzgerald said you are guaranteed if you sale the lots to a developer.

Mr. Roberts opined the idea is the developer is the one who submits the proposal. They will have to submit a specific house plan; a site plan on where the house will go; will have to submit proof that they are a class A contractor; must have documentation of their liability insurance. We will be assessing these developers on their experience with construction of other single-family houses. This will give us the opportunity to select the highest quality of developers.

Mayor Fitzgerald advised the developers will be building spec homes.

Mr. Roberts said this program is set up for a contractor to build a spec house. He opined it would be difficult for someone to time everything for someone who wanted to build a custom home. The idea with getting multiple submissions or proposals we will choose the best plan presented.

Councilman Coffey wanted to know if one contractor could purchase all the properties.

Mr. Roberts said that one contractor can purchase all of the properties.

Councilman Henson wanted to know if the houses will be limited to a single family or if a duplex could be built on the lots.

Mr. Roberts said to build a duplex you would need a conditional use permit.

Vice-Mayor Hickman wanted to know if someone would have to come before Council if they wanted a conditional use permit.

Mr. Roberts said Council would have to approve a conditional use permit. Mrs. Peggy Tomlin was in the audience and stated that she lives on Brook Street and would prefer the developer build the house to face Alleghany Avenue.

Mayor Fitzgerald closed the public hearing.

ADG #3 APPROVAL OF THE AGENDA:

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

ADG #4 APPROVAL OF THE MINUTES FROM THE PUBLIC HEARING AND THE REGULAR COUNCIL MEETING HELD ON NOVEMBER 18, 2021:

Councilman Cooper made motion to approve the November 18, 2021, minutes, seconded by Councilman Coffey, carried by Council with the exception of Vice-Mayor Hickman who did not attend the meeting.

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.

Mr. Jamie Goodin was in the audience and wanted to give Council 2 updates as follows:

- 1.) He opined that GOBV has had a great one and a half year. He advised that three more properties are under contract which leaves only three buildings left. He said that progress is being made on all the properties. He will be doing a revamp marketing effort for Linrick and Ramsey, the last two left.
- 2.) Mr. Goodin said he wanted to express his enthusiasm for Main Street Buena Vista. He is working on finalizing a plan for the first half of this year. They will be focusing on four tenants. One will be beautification and place making. They will be helping to get an RFP style for the town square property. They are looking for one other nice concrete project. He will be meeting with Kristina tomorrow on figuring out the grant for the new Main Street program. There are a number of Main Street programs in our region and across the country that are technically part of the Main Street program that have far cooler names. It does not have to be Main Street Buena Vista; it could be any number of things. His plan is to create a new signature event that will be a big fund raiser as well as important event style things. The next tenant will be building the organization. Getting volunteers to commit is a huge challenge especially in the last year and a half. He hopes to have a final working plan in the next couple of weeks. The plan will be a working plan

that will be open to Council's input. He has an open-door policy in terms of meetings, ideas, etc.

ADG #6 REPORTS:

1.) Mayor:

None.

2.) City Manager:

Mr. Tyree informed Council that he does have a contract on a house in Buena Vista. We have an eye on the weather and Public Works has been doing everything they can to take care of the streets. Also, some good news. Kristina Ramsey got the City a \$30,000.00 grant from Carilion for playground equipment. We are going to do a fund raiser to try to get another \$20,000.00. We are going to try to get some funds from the Community Foundation.

Mr. Roberts said we will pursue other grants for additional funds. He said \$50,000.00 is a good target.

Councilman Coffey said that Mark Tedrow brought catalogs of playground equipment. Mr. Tedrow sold playground equipment for a living. He said there are a lot of pieces that are continuous play or single pieces. Mr. Tedrow has said he will help us in any way he can.

Councilman Henson opined we need to get the community involved.

Mr. Tyree advised the State of the Community breakfast for tomorrow has been cancelled. At the next Council meeting we will have a resolution to purchase the trash truck. This is not being purchased through ARP funds. This was budgeted for in the Public Works maintenance budget. The DSS building consultants have been secured. This week Lexington signed a contract. They are looking at getting a new DSS building on a three mile stretch from Hardee's in Buena Vista to Lexington with the hopes it will be here near Food Lion. Mr. Tyree advised he has still been meeting with Hunter Young and RKK. They have been meeting with federal and state agencies to see what grant funds for which we are eligible. He opined that once we get that nailed down, they will be coming back to Council with their presentation.

Councilman Coffey wanted to know if RKK has decided which process they will use.

Mr. Tyree said that is part of the discussions he has been involved with.

Councilman Coffey opined we do not want to buy credits.

3.) City Attorney.

Mr. Kearney advised we do not need to have an executive session at the end of the Council meeting.

4.)Council Committee/Representative:

Councilman Henson started his report by saying there was a community breakfast at the Ramsey Center that was poorly attended. He opined the Christmas parade was a very good one with 108 entries. There were 150 cadets from the Harrisonburg High School ROTC in the parade. He advised that 290 people went through the Paxton House. He attended a round table meeting with Ronnie Campbell about Rockbridge County and Buena Vista area problems that he can work on in Richmond. He said he has had some complaints about the 10th Street railroad crossing. They are saying the speed hump needs to be leveled out.

Mr. Tyree said he knew they leveled some on it last week and wanted to know if more was needed.

Councilman Henson opined we need more speed limit signs at Vista Links. He said he has also had complaints about leaf collection.

Mr. Tyree said we are behind on leaf collection. We have had one machine down that is 35 years old. Maybe with the next round of ARP funds we can look at purchasing a new truck. They are trying to catch up.

Vice-Mayor Hickman wanted to know if we are getting quotes on the new machines.

Mr. Tyree advised that both Johnny and Corey are getting quotes on two machines.

Councilman Henson asked Mr. Roberts if he knew of anything further about the railroad behind Burger King.

Mr. Roberts said it has not been talked about anymore. He said that Bontex held the easement on the trussell and property line, but they only own half of the land.

Councilman Henson complimented Public Works on the snow plowing activity. They had two trucks trying to cover the entire City. He said a special thanks to the police department for clearing the snow in front of the BVRS and the BVFD.

Councilman Coffey wanted to know the status of the repairs on the sidewalks.

Mr. Tyree said he would get with Johnny Cole on the sidewalks. He asked Mr. Roberts if Mr. Cole had gotten with him about some of the grants helping with the repair on the sidewalks. He said he will follow up with Mr. Cole.

Vice-Mayor Hickman asked about the amount of time the railroad stops and blocks 10th Street traffic. She wanted to know if there is anyone we can contact to see if they have to stop there. She would like to limit the amount of time they stop at that crossing.

Councilman Coffey said that often times they are waiting on another train that is coming.

Mr. Tyree said there are limitations with the Federal Railroad Administration Act that if there is an oncoming train, they have to stop within so many miles or feet of that train. He said he would try to get a clear answer as to why they are stopping there for so long and so often.

**ADG #7 CONSIDER APPOINTMENTS TO VARIOUS
BOARDS, COMMISSIONS, AND COMMITTEES:**

THE BOARD OF ZONING APPEALS:

**MR. ART FURLER'S TERM WILL EXPIRE ON 12/31/25. THIS IS A
FIVE-YEAR TERM AND THE 11th TIME IT HAS APPEARED ON THE
AGENDA. THE TERM WILL BEGIN IMMEDIATELY. MR. FURLER HAS
MOVED AND IS UNABLE TO CONTINUE TO SERVE:**

**NO APPLICANTS: ADVERTISED THE NEWS GAZETTE JULY 7,
2021, POSTED ON SOCIAL MEDIA**

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

THE BOARD OF ZONING APPEALS:

**MR. TODD JONES TERM EXPIRED ON 12/31/21. THIS IS A FIVE-
YEAR TERM AND THE 1ST TIME IT HAS APPEARED ON THE
AGENDA. THE TERM WILL BEGIN JANUARY 1, 2022. MR. JONES IS
WILLING TO SERVE AGAIN IF REAPPOINTED.**

Councilman Henson made motion to re-appoint Mr. Todd Jones to the Board of Zoning Appeals, seconded by Councilman Coffey, carried by Council.

THE ROCKBRIDGE AREA COMMUNITY SERVICES:

**MR. KEITH HARTMAN'S TERM EXPIRED ON DECEMBER 31, 2021.
MR. HARTMAN IS NOT WILLING TO BE APPOINTED AGAIN TO THIS
BOARD. THIS TERM WILL BEGIN ON JANUARY 1, 2022, AND
EXPIRE ON DECEMBER 31, 2024:**

ONE APPLICANT – MR. CHRIS PLOGGER

Councilman Coffey motioned to appoint Mr. Chris Plogger to replace Mr. Keith Hartman on the RACSB, seconded by Vice-Mayor Hickman, carried by Council.

DABNEY S. LANCASTER COMMUNITY COLLEGE BOARD:

MR. ANDY WOLFE HAS RESIGNED. HE IS MOVING FROM BUENA VISTA. THIS TERM WILL BEGIN ON JANUARY 1, 2022, AND END ON JUNE 30, 2024. THIS IS THE FIRST TIME IT HAS APPEARED ON THE AGENDA:

NO APPLICANTS: ADVERTISED THE NEWS GAZETTE DECEMBER 8, 2021. POSTED ON SOCIAL MEDIA

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

OLD BUSINESS:

OB #1 DISCUSSION AND RESOLUTION FOR SALE OF CITY LAND:

Ms. Wheeler read the following Resolution:

RESOLUTION – R22-01

WHEREAS, in order to foster residential development and to increase the tax base of the City, Council believes it is in the best interest of the citizens of the City to convey three (3) parcels of City owned property in accordance with the terms and conditions of the Request for Proposal ("RFP"), attached hereto and made a part hereof; and

WHEREAS, prior to any conveyance of City owned real estate a public hearing is required by Virginia law to receive citizen input and comments; and

WHEREAS, a public hearing on the proposed conveyances outlined above was duly called and held on January 6, 2022, shortly after 6:00 p.m.

NOW THEREFORE BE IT RESOLVED after a public hearing at which time the

citizens of Buena Vista were given the opportunity to comment on the proposed conveyances

Council for the City of Buena Vista authorizes the conveyance of three (3) City owned parcels of

real estate in accordance with the terms and conditions of the attached RFP.

William H. Fitzgerald, Mayor

ATTEST:

Clerk of Council

Date of Adoption

Councilman Henson motioned to adopt the above Resolution, seconded by Councilman Coffey, carried by Council.

Councilman Henson explained at the last Council meeting they had discussed leasing the land on Forest Avenue to Jason Tomlin to use as a garden. He wanted to know if Council needed a full vote on the agreement.

Councilman Cooper motioned to approve the lease of land on Forest Avenue to Jason Tomlin in the amount of \$160.00 per year to be used as a garden, seconded by Councilman Henson, carried by Council.

Councilman Henson pointed out that at the last meeting it was stated the land is located next to Mr. Tomlin's parents, but it is actually located beside of his wife's parents.

NEW BUSINESS:

NB #1 DISCUSS: DUE TO THE HOUSING SHORTAGE IN THE CITY, THE CITY MANAGER'S OBLIGATION TO RESIDE IN THE CITY IS EXTENDED TO JUNE 30, 2022:

Mr. Kearney said this is a technical matter. Mr. Tyree's contract says he must be living in Buena Vista by the end of 2021. Due to the housing market, Mr. Tyree has not been able to purchase a home. His contract needs to be amended to extend the date to June 30, 2022.

Councilman Henson motioned to extend the date on Mr. Tyree's contract to purchase a house in Buena Vista to June 30, 2022, seconded by Councilman Webb, carried by Council.

NB #2 RESOLUTION FOR A GIFT TO THE CITY FROM ROBERT M. DAVIS ESTATE A SMALL PARCEL OF REAL ESTATE:

RESOLUTION R22-02

WHEREAS, the Estate of Robert M. Davis desires to gift to the City a small parcel of real estate described as "that portion of Lot 22, Block 3, Section 6, lying on the southeastern side of the public road passing through and over said lot (Long Hollow Road)"; and

WHEREAS, Council has determined that it is in the best interest of the City of accept

this gift.

NOW, THEREFORE BE IT RESOLVED that the City accepts the property described above, which is to be conveyed to the City by Deed of Gift to be recorded in the Clerk's Office of the Circuit Court for the City of Buena Vista and directs that this Resolution of acceptance be attached to said Deed.

William H. Fitzgerald, Mayor

Attest:

Clerk of Council

Date of Adoption

Councilman Coffey motioned to adopt the above Resolution, seconded by Councilman Webb, carried by Council.

NB #3 RESOLUTION URGING THAT THE GENERAL ASSEMBLY REQUIRE AND FUND TIMELY TRANSFERS OF INMATES AND FULLY REIMBURSE LOCAL HOUSING COSTS:

Mayor Fitzgerald opined this is one of the reasons why our jail cost is so high.

Mr. Tyree stated this is a resolution that we are doing regionally with Rockbridge, Lexington, and Buena Vista because we have a regional jail. Rockbridge has already approved the resolution, Lexington is approving theirs tonight, hopefully along with us. We will then submit the resolution tomorrow to the General Assembly and urge them to approve the resolution.

Councilman Coffey opined the problem is the DOC is as packed as the Rockbridge Regional Jail is.

Mayor Fitzgerald advised they are actually the DOC prisoners, but we are paying for them. Hopefully, we can get them to refund some money. He said by doing this resolution, we are trying to get a reimbursement.

Vice-Mayor Hickman stated she knows there is a fire code at the jail. She feels there are a lot more inmates that the fire code allows.

Ms. Wheeler read the following Resolution:

RESOLUTION #22-03

RESOLUTION URGING THAT THE GENERAL ASSEMBLY REQUIRE AND FUND TIMELY TRANSFERS OF INMATES AND FULLY REIMBURSE LOCAL HOUSING COSTS

WHEREAS, Section 53.1-20 of the Code of Virginia requires the Director of the Virginia Department of Corrections to receive eligible State-responsible

inmates within sixty days of the date on which the inmate's final sentencing order is transmitted to the Director: and

WHEREAS, a significant number of State-responsible inmates remain in local and regional jails well after this sixty-day period; and

WHEREAS, the funding provided by the State to house state-responsible inmates is routinely less than twenty-five percent of the actual cost for the localities to house such inmates; and

WHEREAS, localities are subsequently and unduly burdened by costs to house State-responsible inmates, resulting in the redirecting of local funding critical to such core services as education, other public safety activities, public

works, human services and economic development to absorb unfunded State corrections costs; and

WHEREAS, the General Assembly has by law directed the Virginia Department of Corrections to house state responsible inmates and is responsible for funding such costs.

WHEREAS, though the Virginia Department of Corrections has made and continues to make efforts to accept state-responsible inmates into state operated facilities, local and regional jails remain overcrowded; and,

Defined in § 53.1-20 as any inmate convicted of a felony before January 1, 1995, having a sentence of more than two years or any inmate convicted of a felony on or after January 1, 1995, having a sentence of more than one year.

NOW, THEREFORE, BE IT RESOLVED that the undersigned request that the Virginia General Assembly fund the actual cost of housing state-responsible inmates as described in the Virginia Compensation Board report to the General Assembly entitled Annual Jail Revenues and Expenditures Report, and

BE IT FURTHER RESOLVED that the General Assembly develop additional inmate capacity in the State-supported penal system in order to reduce the strain on local and regional jails.

Adopted December 13, 2021.

Mayor, City of Covington

Chair, Alleghany County Board of Supervisors

Chair, Bath County Board of Supervisors

Chair, Rockbridge County Board of Supervisors

Mayor, City of Lexington

Mayor, City of Buena Vista

EXECUTIVE SESSION:

- (1.) ACCORDING TO SECTION 2.2-3711 (A) (7) OF THE 1950 CODE OF VIRGINIA, AS AMENDED, FOR THE PURPOSE OF CONSULTING WITH LEGAL COUNSEL CONCERNING THE CITY'S CURRENT LITIGATION WITH ACA FINANCIAL GUARANTY CORPORATION AND UMB BANK, N.A.**

ADJOURN:

There being no further business, the meeting was adjourned.

William H. Fitzgerald, Mayor

Attest:

Clerk of Council

Date of Adoption