

**CITY OF BUENA VISTA
PUBLIC HEARING AND
REGULAR COUNCIL MEETING,
COUNCIL CHAMBERS
MARCH 3, 2022 – 6:00 P.M.**

**** Councilman Cooper was not in attendance*****

ADG #1: PLEDGE OF ALLEGIANCE AND PRAYER:

Councilman Coffey delivered the opening prayer.

ADG #2: PUBLIC HEARING:

Pursuant to Code of Virginia Section 15.2-2204 and Section 15.2-1800 and the City of Buena Vista Land Development Regulations, notice is given that the City Council of the City of Buena Vista will hold a public hearing to receive comment on the following matters.

- 1.) Request to abandon portion of 6th Street between Woodland Avenue and Magnolia Avenue
- 2.) Real Property (774 Long hollow Rd) R6 Residential Planned Unit Development (PUD) Plan of Development for one single-family house
- 3.) Subdivision review for land surrounding Greenwood Cemetery
- 4.) Zoning Text Amendment to repeal Article 14 Bed and Breakfast Establishments and replace with a new Section 714 Residential Transient Occupancy. This section will update existing regulations of bed and breakfasts and address short-term rentals (STR).

The Public Hearing will be held in Council Chambers, City Hall, 2039 Sycamore Ave, Buena Vista VA 24416. The meeting begins at 6:00 PM on Thursday, March 3rd, 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 buenavistava.org/planning.

- 1.) Mr. Tom Roberts opened the Public Hearing by stating that Council has a map in their staff report that shows it best. Sixth Street is about a half of a block with a steep drop off down to Woodland. Mr. Roberts said you only see the width of the street. Mr. Gearhart, the applicant, only wanted his half of the street. The neighbor across the way at 555 Woodland Avenue is not interested in purchasing her half of the road. He said he didn't realize until a couple of weeks ago that we could not abandon only a half of a street. He

is asking Council to table this item so they can go back and figure a way to do this. One way forward is to reconsider the pricing of right of ways. He has a proposal for this which he will present to Council at the next Council meeting. A request to abandon a portion of 6th Street between Woodland Avenue and Magnolia Avenue. He wants to table this until after they talk about pricing and then they will make an offer with the applicant.

- 2.) Mr. Roberts said again there is a map in the packet that shows the site plan of where the house will be on the property. There is also an example of the proposed house. That house is not exactly the floor plan. In R6 even if you are just going to build one house you do need a plan of development approved by Council. The plans are for one single family house. The whole property is 277 acres. The owner is planning on future development. The house is phase one. The rest of the development you will see in the future. This house will be served by public utilities. The engineer on the project is Hunter Young. He has developed a plan to connect to 34" Street for water and 39" Street for sewer. There is no clearing for this project. The house can be built on the existing field.

Councilman Henson said the developer will only use 17 acres out of the 277 to build the house on. The balance of the land will be developed.

- 3.) Mr. Roberts stated that a number of the folks in the audience are attending the meeting to speak about this subject. For this proposal the public review process and the process of the Planning Commission and Council review is doing what it is supposed to do. Since initially bringing this forward, he has gotten feedback from various members of the public. They have identified a number of issues that still need to be answered and sorted out. He is recommending that we table this one as well for further work. The Friends of Greenwood Cemetery started with Steve Douty about possible boundary adjustments of the City owned Greenwood Cemetery down by 1st Street. Adjustment boundaries at the cemetery would include where we think bodies are buried. A boundary adjustment would also give the cemetery more road frontage on 1st Street so we can have better access from 1st Street to the cemetery. During the discussion between Steve Douty and himself they discussed dividing the land into lots for residential development. That is where this whole subdivision idea came from. He opined we should stop and go through a more thorough subdivision design process for the residential lots. We need to make sure we are doing this right and addressing all of the issues. He apologized to the members of the public who have contacted him during the last week or two that have raised some questions. He has tried to answer some of those questions and have not had a chance to answer some of those questions. He said he did want to hit on some of the questions he has received from the public. He said he does not mean to silence their comments and he hopes they speak but he also wants to address some of them before they ask questions. One question is the City required to get consent from nearby residential property owners if they expand the cemetery. There is a Code of Virginia provision that if a City or County establishes the cemetery, they have to get consent of residential property owners that are within 250 yards of the cemetery. He has looked into this, and the answer is no if you are expanding the boundaries of the cemetery you are required to get consent from property owners only if you are building a new cemetery. Another question was will the lots in the new subdivision have any covenants on them like the covenants in Savernake. In Savernake

there are covenants that the houses have to be built a certain way, you can only clear so much of the land and that sort of thing. There are no covenants proposed at this time for the new subdivision and there are no deed restrictions on the land that Steve Douty owns. That land was never part of Savernake from the standpoint of covenants or deed restrictions. Any covenants or deed restrictions would have to be negotiated. Steve Douty's successor, Chris Pappas, would have to draw up those covenants if it proceeds. There are no requirements as of now for storm water management on these new lots. The property owner will need to have an engineer draw designs for stormwater management. That would be needed before we approve any subdivision. He was asked would there be anything done about the retention pond that is back in there above First Street and Larch Avenue. There have been problems from time to time with folks on Larch Avenue getting water from the retention pond. Maintenance or repair of the retention pond is a separate issue, but it is obviously connected to this. The retention pond needs to be addressed whether or not a subdivision is approved. If a new subdivision is approved on that land the engineering would have to factor in the retention pond.

Mayor Fitzgerald wanted to know who is responsible for the retention pond. Mr. Roberts said he is still working on that question. It may be the original developer of Savernake, the Dickinson family, but they are still determining that.

Vice-Mayor Hickman wanted to know how we would sustain the water in that area with another subdivision. It would be the same as it was earlier where we discussed putting in 2 pumps to be able to sustain what we already have. How could we consider another subdivision in that area with the water being as it is?

Mr. Roberts opined that after we fix the broken pumps, we should have enough water for a few more houses which would not create that much of additional demand. Any major development such as if someone extended the Savernake subdivision or a major development of a new school up on the hill, it would definitely require some major improvements. We would want to check to see if we have the capacity to build 5 houses. As drawn now there will be 5 residential lots. We will certainly check to make sure there is enough capacity to sustain 5 houses.

Councilman Coffey advised that we have just purchased 2 pumps to take care of the problem out there. He said he cannot recall the amount of water they can pump.

Mr. Tyree said they can pump 150 gallons per minute for each pump.

Councilman Coffey opined we need to have someone figure that in if 5 new houses are built. We almost lost the water out there around Christmas.

Mr. Roberts said this affirms that we need to double check the engineering; check the engineering for the stormwater; do the engineering for the water capacity. Hunter and Corey would double check before any final approval is given.

Mayor Fitzgerald said that right now we are not for sure what is going to happen.

Mr. Roberts advised these were the items he wanted to bring forward. He said again his recommendation is that we table this for further analysis.

Mr. Chris Wheeler, 150 Larch Avenue, Buena Vista explained the reason he is attending tonight is because of the retention pond. The pond sits right

above his house so when we get heavy rain of course it fills up. The way it is now is it is supposed to be trenched from the top of the pond to the base of the hill. However, it does not come down to the base of the hill, it feathers out. When it feathers out it goes through his back lot like a creek and then hits his neighbors down from there and gets under their houses. He said he has asked for many, many years for someone to trench it out all the way to the creek. He was told they would come and look but never did anything.

Councilman Coffey asked again who is responsible for the retention pond. He opined we need to find out who is responsible for taking care of it. If the City is not responsible, we need to find out who is.

Mr. Wheeler said he had a conversation with Stephen King who was the City engineer years ago when the subdivision was first put in. Mr. King said the City is responsible for the retention pond and they would maintain it, clean it and make sure it is in good condition.

Councilman Coffey stated this is the first he has heard about the problem with the retention pond. He opined if the City is responsible for maintaining the retention pond, we need to take care of it.

Mr. Roberts stated again that he does not know who is responsible for maintaining the retention pond.

Mr. Kearney said we need to go back to the minutes and see if the City accepted the responsibility of the retention pond and move on from there.

Councilman Webb wanted to know the distance from the retention pond to the creek.

Mr. Wheeler said it is about 200 yards. He said the pond has trees growing up in it. He believes there is a dummy drain in the center of the pond. The way they have it trenched when it gets up to 4 or 5 feet it starts coming down the hill.

Mr. Roberts advised that Steve Douty owns the land the retention pond is on.

Mr. Wheeler said if we were to extend 1st Street, it would come straight down. Councilman Coffey wanted to know if Robert Dickinson owned the land and Steve Douty got it from him. He feels if someone would talk to Robert Dickinson, he would probably know who is responsible for the retention pond.

Councilman Webb stated we are talking about 200 yards, not 2 miles.

Mayor Fitzgerald said we should find out by the next meeting who is responsible for the retention pond.

Mr. Tim Petrie, 160 Larch Avenue, Buena Vista was the next person to address Council. He said in addition to what Mr. Wheeler just supplied as far as the drainage and the retention pond, he opined, as a Planning Commission member, it was premature of the Planning Commission to call for the subdivision. He said he is all aboard with the Friends of the Greenhill Cemetery. He feels the subdivision is inappropriate. He opined there is a lot about that area that is not appropriate for a subdivision. It would take a tremendous amount of engineering work to make it work as a subdivision. He said he is not saying that every lot up there would have issues, but it just adds to the problem of run off. He said every gutter and driveway will run off down the way to Larch Avenue. In addition to the stormwater runoff there is some hydro geological issues. He feels there are springs up there somewhere and the ground water is part of the problem once it pools. Once it hits whatever drainage it has, a lot of the ground water is coming up in saturated grounds. All throughout that basin where the creek is it will remain

that way. If there was a huge drain it would still create some problems through there. That whole creek was an expanded creek bed at one time. There are a lot of engineering issues there that need to be overcome. He said it looks like to him it is part of Savernake but there are still a lot of limitations to that property. Limitations have shown up over the years with Savernake. Savernake is one of the more poorly planned subdivisions in the City.

Mr. Danny Cole, 105 South Woodland Avenue, Buena Vista was next to approach Council. He advised that he is was the first person to purchase land in Savernake. He said he loves to hunt and fish. Often times he has thought about moving out of Buena Vista. Savernake gave him the country in Buena Vista. Another reason he built in Savernake was because of the Ordinances that are up there. They require 1 ½ acres to build on. He became concerned about the proposal when he received the letter from Tom about it being turned into a residential subdivision. He would lose all of the seclusion that he has if a subdivision was put in there. He said he feels he would almost be forced to move out in the country somewhere. He opined that a lot of the people that live in Savernake like the seclusion of the area. Mr. Cole said he does not have any problems at all with the Greenwood Cemetery ideas that have been proposed. He said he would help with getting the area cleaned up. He does have a problem with some of the proposed ideas that were given for the subdivision. One of those proposals was right across the street from him where there is a sliver of land that was intended for the Savernake pump house. He said from what he understands, there is already a connection there to accommodate houses that could be built. A bigger pumphouse will be at the end of the cul-de-sac. Behind that there is supposed to be a bigger pumphouse. In the proposal that he received from Mr. Roberts it is stated that they would like to see the City give up that 30-foot sliver of land to accommodate the cemetery's road frontage. However, he feels that it will more accommodate someone putting homes.

Mr. Roberts said that it's widest point, the sliver of land is 30 feet.

Mr. Cole said that by giving up that sliver and taking away the pump that could possibly take care of some of the issues that we are having. It would accommodate another house to be put there. He does not have a problem with housing being built there. He does have a problem with a house being put on .33 acres of land and it could be a duplex and cut all of the trees down that are up there and be on top of each other. He is afraid that the sliver of land was wanting to be given to the cemetery to accommodate more housing; not to accommodate the cemetery. He said he is not afraid of the dead people it is the live ones that he is scared of. He did find the Virginia Code that talks about establishing a cemetery and it does say in there that if the cemetery is established you have to have permission from everyone that is within 250 yards from the cemetery. He has asked Mr. Roberts to get back with him on that. Mr. Roberts told him he would talk to Mr. Kearney, but he never told him what Mr. Kearney said. Mr. Cole stated again that he does not have a problem with the cemetery. If a subdivision is put up there, he would like for Ordinances be given to that subdivision that are compatible with the ones for Savernake.

Mr. Chris Simpkins, 115 South Woodland Avenue, Buena Vista was the next to speak. He said he was here to reiterate on what Danny Cole has already said. He said he is all for the preservation of the graves and that sort of

thing. If there is anyway he can help, he would be glad to do so. He said when we start talking about the way the City's outlook is on the law, after speaking to his attorneys, the City is wrong in that matter. He said you do still have to consult with the owners of property within 250 yards of the cemetery.

Mr. Kearney asked Mr. Simpkins to have his attorneys call him.

Mr. Simpkins asked if we are establishing new ground with moving the boundaries outward. He said there are additional graves outside of the boundaries on the southeast side. He thinks the pumphouse will be needed in the future. As far as the future houses, he personally does not have a problem with future houses as long as the same Ordinances are applied to the new subdivision. His main concern is we are now going to say this is not part of Savernake, so the covenants don't apply to the new subdivision. He says if the City does not give the new subdivision the same covenants, then you could have someone putting a double wide up there which will affect the value of his property. He does not like that idea.

Councilman Coffey wanted to know if the property is part of Savernake.

Mr. Roberts advised that it depends on what you mean by Savernake. There is road frontage on South Woodland Avenue. The parcel we are talking about that surrounds the cemetery is not subject to the covenants of Savernake.

Councilman Coffey wanted to know if Robert Dickinson owned the property.

Mr. Roberts said Robert Dickinson did own the property.

Councilman Coffey said the point he is trying to make is that Danny Cole built there for the privacy, and he does not want to see that change.

Mayor Fitzgerald advised that he and Mr. Roberts will go look at the land tomorrow.

Mr. Kearney said what he has been told is that covenants do not apply to the parcel of real estate.

Mr. Roberts said that Robert Dickinson owned the land next to the Savernake neighborhood, but it was never recorded with covenants.

Mr. Kearney said that Mr. Dickinson wanted to claim the land as part agricultural for tax purposes. He did not develop the whole thing at once. He did one section with the covenants.

Councilman Coffey wanted to know if we have any control over the restrictions.

Mr. Kearney said the zoning rules and zoning Ordinances on what can be built within a zone cannot require any covenants on private land.

Councilman Henson wanted to know since that sliver of land was for the pumphouse would it be a part of Savernake.

Mr. Roberts said that sliver of land in the staff report is highlighted in yellow. Steve Douty thought that's where the pumphouse was supposed to go. He put that in the staff report. He did additional research and found that the sliver of land was not for the location of the pumphouse in the designs from 1996 and 2005. There was a location that was about 100 to 200 feet further north on Woodland Avenue where the pumphouse is going to be. The pumphouse was not built in 1996. He opined it should have been built in 1996 but then the pressure and dynamics of the whole water system changed when they built the high school and the new tank at the high school. The high tank at the high school is what made a pump station at that location not necessary. In the sliver of land that he suggested abandoning there was

not ever intended to be a pumphouse. He did not see anywhere in the plans where there were any connections for it. He opined that sliver of land was kept as part of the road because if you made it private property then it would have created a very odd and tiny strip of land that was 150 feet long and 30 feet at its widest and narrowing down to a point. It would have been a very odd shape of land separating the road from the cemetery. Whatever the reason he does not think that we really need it for a pumphouse. He said again there are significant concerns with the subdivision lines as proposed and so they will take it back. He is going to talk with Chris Pappas and see whether he wants to move forward or not. We can argue back some of the finer details, but they are all going to change. There will be further engineering work if it moves forward.

Mr. Kearney said it will require another public hearing if it does move forward. The next person to speak was Wayne Beverly, 100 Woodland Avenue, Buena Vista, the very first house. Everything there was a part of Savernake. He was the first one. The land they are wanting to develop belongs to the cemetery. That is why nothing has ever been put there because of the cemetery. He said he respects the cemetery. He will help them do anything that needs to be done to the cemetery. He opined that changing the boundaries does not make any difference. The runoff does come down the middle of his back yard. He stated that he has a letter that he is trying to find that Mr. Dickinson sent to him saying that it would be no houses around that cemetery. He said there would be a small pumphouse where Mr. Roberts said it is not supposed to be in the future. He said houses would go on past the cemetery land and then there would be another pumphouse. He said where they are wanting to rezone is not a part of Savernake. It all is a part of the cemetery. He has lived there for 28 years. That is the cemetery's land, and no one should be able to do anything with that land. He said you have to respect the dead people. Mr. Beverly said he will fight tooth and nail to prevent houses being put on the cemetery land. He said the same restrictions should be for everyone.

- 4.) Mr. Tom Roberts started the discussion by stating they have been working on this for a long time. The Planning Commission has looked at it. There are multiple steps of development. He has sent this to Council via email several times. We have gotten some really good feedback from the public on this during a couple of public hearings with the Planning Commission. This is updating our regulations for Bed & Breakfast and adding short term rentals like B&B's. Many localities in the State have now adopted regulations for short term rentals. We have seen how it has worked in other places and overall, this is a pretty permissive approach. The main limit would be the number of people that can stay in a unit. It would require registration for short term rentals. There is a lot of information in the staff report. RTO means Residential Transit Occupancy Use; STR means Short Term Rental. RTO is a broad category including Bed & Breakfast and STR. The details are really more than he can explain here but basically registering STR as type A & B STR depending on whether the owner is present. We would collect lodging taxes from STR which we are not doing now. Overall, the whole purpose of this is to collect lodging tax and make it fair between people that are staying at B&B's and people that are staying at motels. This is to put some basic guardrails in place, so we don't have problems down the road with STR. We want to avoid the possibility of a party house that gets rented

by 2 dozen people on the weekend or potential parking problems. Those are the goals that we have with this proposal.

Vice-Mayor Hickman wanted to know why this was being brought before Council.

Mr. Roberts said we have talked about regulating STR for several years. The purpose is to avoid potential problems. Right now, there aren't any problems because we don't have that many STR.

Vice-Mayor Hickman wanted to know if someone had brought this subject to Mr. Roberts attention.

Mr. Roberts said fortunately we have not any complaints from citizens or residents about STR in Buena Vista. The goals are to have regulations in place so there aren't issues and to capture the tax revenue.

Vice-Mayor Hickman wanted to know if there are a lot of STR's in Buena Vista.

Mr. Roberts advised there are between 12 and 14. People are renting out their houses; people renting out portions of their house and in some cases the whole house. He opined this is a fairly brisk business. We have approximately 12 and they are routinely booked. There is a decent amount of revenue that we are missing out on.

Mr. Tyree said there are 8 AB&Bs in Buena Vista now. They charge a local tax, but we do not see any of that tax.

Ms. Kristina Ramsey said this also supports tourism. Any registered STR have to have a license of some sort. We have very little lodging in Buena Vista. With these STR's not being registered they are not being advertised. By having them registered we are attracting more people and it also supports our tourism and lodging taxes.

Councilman Coffey wanted to know why we have not been getting lodging taxes.

Mr. Tyree said that Charles Clemmer has reached out to them see if we can get the taxes. This will actually be something we can send them and tell them they have to do this.

Mr. Bryson Adams, 2505 Laurel Avenue, Buena Vista was the next to speak. He stated that he is one of the AB&B host in Buena Vista. He opined with Mr. Roberts presenting this, it is a proactive approach to this which is super needed. The State of Virginia put a law on AB&B's that says when they take an occupancy tax it is their responsibility to give it out to the localities. He said he has been paying taxes the entire time. The tax is actually taken out of their rate each night. The Commissioner of the Revenue said we have actually received some STR tax payments. He said that he only knows of one or two properties that are not meeting the requirements that are proposed in these articles. He opined that what Mr. Roberts and the Planning Commission and through the efforts that Mr. Roberts has reached out to, the proposal is completely appropriate. He said he does not think anything is out of the norm and it will bring tax revenues to the City.

Mayor Fitzgerald closed the public hearing.

ADG #3: APPROVAL OF THE AGENDA:

Councilman Coffey made motion to approve the agenda, seconded by Vice-Mayor Hickman, carried by Council.

ADG #4: APPROVAL OF THE MINUTES FROM THE PUBLIC HEARING AND THE REGULAR COUNCIL MEETING HELD ON FEBRUARY 3, 2022:

Councilman Coffey made motion to approve the above-mentioned minutes, seconded by Councilman Webb, 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.

Mr. Jamie Goodin gave Council an update on Main Street Buena Vista. He opined that things are going fantastic. At the meeting they had last night, there were 45 people in attendance. They shared with the community what their plan is; what Main Street BV is. There were a lot of fantastic questions. Dozens of people have signed up to volunteer. He opined the Board has been absolutely crushing it. He advised there are people doing awesome stuff that he could not be happier with. They are looking forward to getting an exofficio as a member of their Board (someone from Council) in the not to distant future.

Some of the project updates are as follows:

Beautification is working on two things right now:

A downtown store front beautification project. They have been engaging in City public schools, SVU and some local artists to get digital photography and art from anyone that wants to participate. The photography could be of anything. Mr. Goodin said they want folks to drive downtown and know how much pride there is there and to look forward to all the great stuff that is on the way. They are going to fill all the windows that are empty right now. There are about 2 dozen empty store fronts downtown. When one of the store fronts are emptied people will know a new business is coming downtown.

They are partnering with Mountain Day. He said they just had a great meeting with them earlier this evening. They got some great ideas to not change the event but to pour gas on it, streamline it, making it much, much easier to process. They also have a great grants committee that are working on some grants. They are hosting Virginia Main Street folks and giving them a tour next week.

ADG #6: REPORTS:

1.) Mayor:

None.

2.) City Manager:

Mr. Tyree started his report by advising there was a Budget/Finance meeting held on Tuesday. He did send an email out listing the recent purchases of Public Works equipment. The Park/Recreation Committee updated the camping rules. We will continue to watch the grocery tax. Right now, the committee has approved

a comprise measure that basically eliminates the State 2.5% but keep the 1% that goes to local government. Corey Henson is meeting with the electricians that are looking at updating electrical equipment for Glen Maury Park campground. He hopes to have the quotes to Council at the next Council meeting.

3.)City Attorney :

None.

4.)Council Committee/Representative:

Councilman Henson said he has been approached by some citizens that have concerns about Auto Recyclers. They have reported that some of the plastic on the grounds have blown off into the road. Another complaint he has had is about the condition of some of the property around town.

**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 15th TIME IT HAS APPEARED ON THE
AGENDA.THE TERM WILL BEGIN IMMEDIATELY. MR. FURLER HAS
MOVED AND IS UNABLE TO CONTINUE TO SERVE:**

**ADVERTISED THE NEWS GAZETTE JULY 7, 2021, AND MARCH 2,
2022: POSTED ON SOCIAL MEDIA: NO APPLICANTS**

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

**WE HAVE AN OPENING ON THE BOARD OF ZONING APPEALS. THIS
TERM WILL EXPIRE ON 12/31/23. THIS IS THE 1st TIME THIS HAS
APPEARED ON THE AGENDA. THE TERM WILL BEGIN
IMMEDIATELY:**

**ADVERTISED THE NEWS GAZETTE MARCH 2, 2022: POSTED ON
SOCIAL MEDIA: NO APPLICANTS**

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

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 5TH TIME IT HAS APPEARED ON THE AGENDA:

ADVERTISED THE NEWS GAZETTE DECEMBER 8, 2021, AND MARCH 2, 2022: POSTED ON SOCIAL MEDIA: STEVE BALDRIDGE, LISA CLARK

This item will be carried over to the next scheduled Council meeting waiting for an application from Lisa Clark. Councilman Webb made motion to appoint Steve Baldrige to the DSLCC Board. The motion died on the floor without a second.

BUENA VISTA EDA:

MR. LYNN CHAPMAN IS MOVING AND WILL NOT BE ABLE TO SERVE ANY LONGER. THIS TERM WILL BEGIN IMMEDIATELY AND END ON MARCH 31, 2024. THIS IS THE 2nd TIME IT HAS APPEARED ON THE AGENDA:

ADVERTISED THE NEWS GAZETTE FEBRUARY 16, 2022: POSTED ON SOCIAL MEDIA: JOHN DRYDEN

Councilman Henson made motion to appoint Mr. Dryden to the BVEDA, seconded by Councilman Webb, carried by Council.

PUBLIC RECREATIONAL FACILITIES AUTHORITY:

MR. JASON TYREE'S TERM WILL EXPIRE ON JUNE 30, 2022. HE IS WILLING TO SERVE AGAIN IF REAPPOINTED. THIS IS A 4 YEAR TERM AND THE 1ST TIME IT HAS APPEARED ON THE AGENDA:

ADVERTISED THE NEWS GAZETTE MARCH 2, 2022: POSTED ON SOCIAL MEDIA:NO APPLICANTS

Councilman Webb made motion to re-appoint Mr. Jason Tyree, seconded by Vice-Mayor Hickman, carried by Council.

MR. WILLIAM FITZGERALD'S TERM WILL EXPIRE ON JUNE 30, 2022. HE IS WILLING TO SERVE AGAIN IF REAPPOINTED. THIS IS A 4 YEAR TERM AND THE 1ST TIME IT HAS APPEARED ON THE AGENDA:

ADVERTISED THE NEWS GAZETTE MARCH 2, 2022: POSTED ON SOCIAL MEDIA:NO APPLICANTS

Councilman Webb made motion to re-appoint Mayor William Fitzgerald, seconded by Vice-Mayor Hickman, carried by Council.

MR. MELVIN HENSON'S TERM WILL EXPIRE ON JUNE 30, 2022. HE IS WILLING TO SERVE AGAIN IF REAPPOINTED. THIS IS A 4 YEAR TERM AND THE 1ST TIME IT HAS APPEARED ON THE AGENDA:

ADVERTISED THE NEWS GAZETTE MARCH 2, 2022: POSTED ON SOCIAL MEDIA:NO APPLICANTS

Councilman Webb made motion to re-appoint Councilman Melvin Henson, seconded by Vice-Mayor Hickman, carried by Council.

MR. BRENT STYLER'S TERM WILL EXPIRE ON JUNE 30, 2022. HE IS WILLING TO SERVE AGAIN IF REAPPOINTED. THIS IS A 4 YEAR TERM AND THE 1ST TIME IT HAS APPEARED ON THE AGENDA:

ADVERTISED THE NEWS GAZETTE MARCH 2, 2022: POSTED ON SOCIAL MEDIA:NO APPLICANTS

Councilman Webb made motion to re-appoint Mr. Brent Styler, seconded by Vice-Mayor Hickman, carried by Council.

MS. DEIDRA DRYDEN'S TERM WILL EXPIRE ON JUNE 30, 2022. SHE IS WILLING TO SERVE AGAIN IF REAPPOINTED. THIS IS A 4 YEAR TERM AND THE 1ST TIME IS HAS APPEARED ON THE AGENDA:

ADVERTISED THE NEWS GAZETTE MARCH 2, 2022: POSTED ON SOCIAL MEDIA:NO APPLICANTS

Councilman Webb made motion to re-appoint Ms. Deidra Dryden, seconded by Vice-Mayor Hickman, carried by Council.

ROCKBRIDGE REGIONAL LIBRARY:

MR. THOMAS BELL'S TERM WILL EXPIRE ON MAY 31, 2022. HE IS WILLING TO SERVE AGAIN IF REAPPOINTED. THIS IS A 4 YEAR TERM AND THE FIRST TIME IT HAS APPEARED ON THE AGENDA:

ADVERTISED THE NEWS GAZETTE MARCH 2, 2022: POSTED ON SOCIAL MEDIA: NO APPLICANTS:

Vice-Mayor Hickman made motion to re-appoint Mr. Thomas Bell , seconded by Councilman Henson, carried by Council.

THE PLANNING COMMISSION:

MR. MIKE OHLEGER'S TERM WILL EXPIRE ON 6/30/22. HE IS NOT WILLING TO SERVE AGAIN. THIS IS A 4 YEAR TERM AND THE FIRST TIME IT HAS APPEARED ON THE AGENDA:

ADVERTISED THE NEWS GAZETTE MARCH 2, 2022, AND SOCIAL MEDIA: NO APPLICANTS:

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

OLD BUSINESS:

OB #1: SECOND READING OF AN ORDINANCE FOR A CONDITIONAL USE PERMIT FOR 2350 BEECH AVENUE:

Councilman Henson made motion to read by title only, seconded by Councilman Coffey, carried by Council.

Ms. Wheeler read the following Ordinance by title only:

Conditional Use Permit
2350 Beech Avenue
Ordinance Text ORD 22-01

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BUENA VISTA, VIRGINIA, that after a duly called public hearing, in accordance with the general welfare of the citizens of Buena Vista and in accordance with good zoning practices, pursuant to Section 614.04-8 of the Land Development Regulations, a Conditional Use Permit shall be issued for the purpose of constructing a four-family dwelling in conformance with the staff report and site plan attached as Exhibit A on the property at 2350 Beech Avenue, Tax Map number 27-1-5-28-2.

This ordinance shall be effective 30 days following adoption by City Council, or upon purchase of the property, whichever is later.

 William H. Fitzgerald, Mayor

ATTEST:

 Dawn Wheeler, Clerk of Council

DATE:

Councilman Coffey stated that he had asked Mr. Tyree about this Ordinance. There will be 4 apartments but only 2 meters. Mr. Tyree explained they use a firewall and only 2 meters are required. He opined that will cut the City out of money.

Mayor Fitzgerald stated that you still pay the same water rate, but the landlord will pay the water bill.

Vice-Mayor Hickman said you will have 4 trash pickups while being charged for only 2. She said there is a lot of student housing in the City which is cutting into the City's revenue. It is especially concerning to her because of the City's financial situation.

Councilman Coffey said the trash pickup is \$21.00 per month.

Ms. Wheeler advised that she and Councilman Coffey have recently worked with a tenant out on Enderly that lives in a duplex. The other duplex is empty, and he is still getting charged for 2 trash pickups. For every apartment, there will be a trash pickup charge on the water bill.

Councilman Henson made motion to approve the above Ordinance, seconded by Councilman Webb.

Ms. Wheeler polled Council as follows:

			Yes	No	Abstain
				Present	Absent
Mayor Fitzgerald	X		X		

Melvin Henson	X		X		
Tyson Cooper					X
Vice-Mayor Cheryl Hickman	X		X		
Danny Staton	X		X		
Stanley Coffey	X		X		
Steve Webb	X		X		

OB #2: SECOND READING OF AN ORDINANCE FOR A ZONING TEXT AMENDMENT FOR SECTION 630 AND SECTION 701:

Councilman Henson made motion to read the above Ordinance by title only, seconded by Councilman Coffey, carried by Council.

Ms. Wheeler read the following Ordinance by title only:

ZONING TEXT AMENDMENT
SECTION 630 AND SECTION 701
ORDINANCE TEXT
1/24/2022 – ORD22-02

AN ORDINANCE to amend Sections 630 of the Land Development Regulations of the Code of the City of Buena Vista, as amended, to reduce the minimum side setback on corner lots; and to repeal section 701 of the Land Development Regulations of the Code of the City of Buena Vista, as amended, to eliminate duplicative and conflicting setback regulations.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BUENA VISTA, VIRGINIA, that after a duly called public hearing, in accordance with the general welfare of the citizens of Buena Vista and in accordance with good zoning practices, Section 630 of the Land Development Regulations of the City of Buena Vista are hereby amended as follows in the attached Exhibit A.

BE IT ALSO ORDAINED that after a duly called public hearing, in accordance with the general welfare of the citizens of Buena Vista and in accordance with good zoning practices, Section 701 of the Land Development Regulations of the City of Buena Vista is hereby repealed.

This ordinance shall be effective 30 days following adoption by City Council.

 William H. Fitzgerald, Mayor

ATTEST:

 Dawn Wheeler, Clerk of Council

DATE:

Councilman Coffey made motion to adopt the above Ordinance, seconded by Council Henson.

Councilman Webb abstained because the property is in his neighborhood.

Ms. Wheeler polled Council as follows:

			Yes	No	Abstain
				Present	Absent
Mayor Fitzgerald	X		X		
Melvin Henson	X		X		
Tyson Cooper					X
Vice-Mayor Cheryl Hickman	X		X		
Danny Staton	X		X		
Stanley Coffey	X		X		
Steve Webb	X			(Abstain)	

OB #3: SECOND READING OF AN ORDINANCE FOR A ZONING TEXT AMENDMENT FOR SECTION 615 SEMINARY HILL HISTORIC DISTRICT:

Councilman Coffey made motion to read the following Ordinance by title only, seconded by Councilman Henson, carried by Council.

Ms. Wheeler read the following Ordinance by title only:

Zoning Text Amendment
Ordinance Text
Section 615 Seminary Hill Historic District
1/24/2022 – ORD22-03

AN ORDINANCE to amend Section 615 Seminary Hill Historic District of the Land Development Regulations of the Code of the City of Buena Vista, as amended, for the purpose of enhancing the perception of the overlay district by altering the name.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BUENA VISTA, VIRGINIA, that after a duly called public hearing, in accordance with the general welfare of the citizens of Buena Vista and in accordance with good zoning practices, Section 615 of the Land Development Regulations of the City of Buena Vista is hereby amended to read and provide as follows in the attached Exhibit A.

This ordinance shall be effective 30 days following adoption by City Council.

William H. Fitzgerald, Mayor

ATTEST:

Dawn Wheeler, Clerk of Council

DATE:

Councilman Henson made motion to adopt the above Ordinance.

Councilman Coffey wanted to know once again the reason why “Historic” is being removed from the district.

Mr. Roberts said it is entirely about reception. There are no changes to the procedures, no changes to the requirements, no changes to the boundaries.

Mayor Fitzgerald said the rules have not changed and they are not harsh.

Councilman Coffey stated he has asked for the rules to be sent to him and he has not received them.

Councilman Henson opined that the word “Historic” defers people from wanting to build in that area.

Mayor Fitzgerald said the word “Historical” is misleading. He opined if you go to Lexington and know it is “Historical” you know you will have to go through a lot of hoops which discourages people from wanting to build.

Mr. Roberts said once more that none of the guidelines or rules will change, just the name. Councilman Henson made motion to approve the Ordinance, seconded by Councilman Coffey.

Ms. Wheeler polled Council as follows:

			Yes	No	Abstain
				Present	Absent
Mayor Fitzgerald	X		X		
Melvin Henson	X		X		
Tyson Cooper					X
Vice-Mayor Cheryl Hickman	X			X	
Danny Staton	X		X		
Stanley Coffey	X			X	
Steve Webb	X			(Abstain)	

NEW BUSINESS:

NB #:1: DISCUSS THE MOU FOR THE GREENWOOD CEMETERY:

**MERMORANDUM OF UNDERSTANDING BY AND BETWEEN
THE CITY OF BUENA VISTA AND
THE FRIENDS OF THE GREENWOOD CEMETERY**

WHEREAS, the Greenwood Cemetery ("Greenwood") is owned by and located in the City of Buena Vista ("City") and is a historic cemetery that inters a diverse population with African American individuals being the dominant group buried at this site; and

WHEREAS, the Friends of Greenwood Cemetery ("Friends") have requested access to Greenwood in order to substantially upgrade the appearance and Greenwood and to honor the site and the individuals buried there; and

WHEREAS, the City applauds the efforts of the Friends and enters into this Memorandum of Understanding to outline the activities that the Friends intend to undertake:

1. Clean the area within the Greenwood boundary and install a perimeter fence around the boundary to protect Greenwood.
2. Erect a bulletin board and monument to honor those buried in Greenwood to include a history of Greenwood and the people interned there.
3. Develop an online presence through a website/Facebook page.
4. Keep the City informed of the activities that are occurring at Greenwood.
5. Identify gravesites and individual buried at the sites whenever possible.
6. Work with the Virginia Department of Historic Resources to obtain guidance on cemetery preservation as needed for the items contained within this Memorandum of Understanding.
7. Raise funds that are to be used at the discretion of the Friends to support activities listed in this Memorandum and any subsequent activities deemed necessary to achieve the Friends' goals as outlined in this document.

The City undertakes to cooperate and work with the Friends to accomplish the goals outlined above. The City shall 1) Provide liability insurance coverage to all volunteers at the site so long as they are covered in the general liability insurance policy for the City and 2) Provide in-kind services as available and authorized. The City applauds the work of the Friends in undertaking this project and looks forward to the successful implantation of the goals for this project.

The City understands and has entered into this Agreement based upon the representation that the Friends are a volunteer group and that their sole goal is to enhance Greenwood as outlined in this Memorandum. No party to this Agreement will be employed or receive any compensation for any activities associated with this Memorandum of Understanding and no City funds will be used except as appropriated by City Council, if any.

The City hereby states its intent to maintain Greenwood in the future, including reasonable routine maintenance and repair of improvements performed by the Friends, in such a condition that individuals may safely visit the gravesites. The City shall comply with all applicable statutory requirements.

This Memorandum of Understanding outlines the understanding of the parties and may be modified or revoked at any time by either party by written notification to the other party.

THE CITY OF BUENA VISTA

BY: _____

ITS: _____

THE FRIENDS OF GREENWOOD CEMETERY

BY: _____

ITS: _____

Councilman Henson made motion to table this MOU until Mr. Roberts has time to research it more.

Mr. Roberts stated that what they have before them is the Memorandum of Understanding between the City and the Friends of Greenwood Cemetery. We can definitely do this. We do not need to figure out if there is going to be a residential subdivision or not. These are separate issues. This will help the group begin the work we want them to do in the cemetery. He has worked with them to get the wording and they have reviewed the MOU. He recommends approval of the MOU.

Mr. Jake Shewey said it has been a while putting all of this together. He said they appreciate Tom, Jason, and Brian for the help they have given. Once again Mr. Shewey gave a report on the history of the cemetery.

Councilman Henson congratulated Mr. Shewey on what the committee has done and knows it has been a lot of hard work.

Mr. Danny Cole spoke again concerning the cemetery. He said that he fully supports the cemetery but is concerned the fencing will include new boundaries. There is a sliver of land that would allow another lot to build on.

Mayor Fitzgerald said due to the family situation, we need to wait to see what they decided about the land. We will have to have another public hearing after the family decides what they want to do.

Mr. Roberts reported that before Steve Douty passed away, he gave the Friends of the Greenwood Cemetery permission to come on his property and start clearing the land.

There is no issue with them going across the cemetery and Steve's land. Before they build a fence, we will need to finalize the boundaries if they are going to change.

Councilman Henson made motion for Council to give support to the Friends of the Greenwood Cemetery in the form of a MOU, seconded by Councilman Staton, carried by Council.

NB #2: DISCUSS HIRING A CAMPGROUND CONSULTANT:

Mr. Tyree and Councilman Henson think there are some plans that already exist that they will try to locate and research prior to spending any additional funds to hire a consultant. Vice-Mayor Hickman made motion to table this item, seconded by Councilman Henson, carried by Council.

NB #3: DISCUSSION OF LEAK DETECTION AND AUTHORIZATION TO ACQUIRE SERVICES AND SUPPLIES:

Mr. Tyree said this recently came up when talking with Corey Henson and Hunter Young about what is needed. One of the things that is being looked at from our PER perspective on the water system is they want us to narrow down on which parts of the City are the worst for leaks. Hunter has contacted a group which will cost about \$62,000.00. They plan on coming in and doing some leak detection. Our City crews would follow behind them and try to repair some of the leaks. It would give us a little bit better idea of where the worst places are in the City. Another \$30,000.00 would be for the finishing of the water modeling that is needed on the PER so we can try to get some additional grants for the water system. The total cost would be approximately \$112, 000.00 which includes \$10,000.00 for supplies.

Mayor Fitzgerald said it is beneficial to do this because then you have a plan on hand. A lot of grants want you to have a plan on hand to proceed. It also opens up the door to maybe get some better grants in the future.

Councilman Henson made motion to approve the above leak detection process, seconded by Vice-Mayor Hickman, carried by Council.

NB #4: FIRST READING OF AN ORDINANCE TO REQUEST TO ABANDON A PORTION OF 6TH STREET BETWEEN WOODLAND AVENUE AND MAGNOLIA AVENUE:

Councilman Henson made motion to table the Ordinance, seconded by Vice-Mayor Hickman, carried by Council.

NB #5: FIRST READING OF AN ORDINANCE FOR REHL PROPERTY (774 LONGHOLLOW ROAD) R6 RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) PLAN OF DEVELOPMENT FOR ONE SINGLE-FAMILY HOUSE:

Ms. Wheeler read the following Ordinance:

**R6 Planned Unit Development
Tax Map # 8-1---2
Ordinance Text
2/25/2022**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BUENA VISTA, VIRGINIA, that after a duly called public hearing, in accordance with the general welfare of the citizens of Buena Vista and in accordance with good zoning practices, the Plan of Development for the property at Tax Map 8-1---2 shown in Exhibit A is hereby approved, pursuant to Section 607 of the Land Development Regulations of the City of Buena Vista.

This ordinance shall be effective 30 days following adoption by City Council.

William Fitzgerald, Mayor

ATTEST:

Dawn Wheeler, Clerk of Council

Date:

NB #6: FIRST READING OF AN ORDINANCE FOR A SUBDIVISION REVIEW FOR LAND SURROUNDING GREENWOOD CEMETERY:

Councilman Henson made motion to table this Ordinance, seconded by Councilman Coffey, carried by Council.

NB #7: FIRST READING OF AN ORDINANCE FOR A ZONING TEXT AMENDMENT TO REPEAL ARTICLE 14 BED AND BREAKFAST ESTABLISHMENTS AND REPLACE WITH A NEW SECTION 714 RESIDENTIAL TRANSIENT OCCUPANCY. THIS SECTION WILL UPDATE EXISTING REGULATIONS OF BED AND BREAKFASTS AND ADDRESS SHORT-TERM RENTALS (STR):

Ms. Wheeler read the following Ordinance:

02/25/22

Zoning Text Amendment

Ordinance Text

Section 714 Residential Transient Occupancy Uses

2/25/2022

AN ORDINANCE to adopt a new section of the Land Development Regulations of the Code of the City of Buena Vista, as amended, entitled "Section 714 Residential Transient Occupancy," for the purpose of regulating transient occupancy establishments in the City, and to amend other sections of the Land Development Regulations to define relevant terminology to be used in Section 714.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BUENA VISTA, VIRGINIA, that after a duly called public hearing, in accordance with the general welfare of the citizens of Buena Vista and in accordance with good zoning practices, Section 714 of the Land Development Regulations of the City of Buena Vista is hereby adopted as follows in the attached Exhibit A.

BE IT ALSO ORDAINED that Article 3 Definitions of Terms Used in This Ordinance and Section 613 Recreational District are hereby amended as follows in the attached Exhibit A.

BE IT ALSO ORDAINED that Article 14 Bed and Breakfast Establishments of the Land Development Regulations is hereby repealed in entirety.

This ordinance shall be effective 30 days following adoption by City Council.

William Fitzgerald, Mayor

ATTEST:

Dawn Wheeler, Clerk of Council

Date

NB #8: DISCUSSION OF THE BUENA VISTA RESCUE SQUAD:

The City Manager, Jason Tyree, started the discussion by stating that he had sent an email to Council concerning the BVRS. He has asked Nathan Ramsey and the BVRS to present the proposal to Council. The BVRS contacted Rockbridge County to see what they could do to help them make sure they have long time service for Buena Vista. Their goal is to be around as long as they can, and we want to support them. The proposal that is in Council's packet does have some increase in budgets. He stated he wants to make sure before we get to far into the budget that this is something that Council wants to approve or go back to the drawing board.

Vice-Mayor Hickman said she is looking at the cost analysis. She opined that basically it is doubling the cost of staffing. They had been doing fine with running 1 crew until they have had problems staffing. She advised they have been running 1 crew since their beginning. That pretty much doubles the cost of staffing which is approximately \$300,000.00. If you take the \$585,00.00 and cut it in half it would be \$292,500.00 and then add in operational cost, it will be approximately \$416,271.00. Revenues are \$494,674.00 with the billing money and the local allotment. She shows \$78,403.00 over based on the revenue that was brought in. She wanted to know why we would want to double the cost for the BVRS. She said they had talked about increasing their coverage area and running the fire department. Vice-Mayor Hickman said we have a great fire department. We just purchased turn out gear for them at a cost of \$56,000.00. Her question is why would this proposal benefit Buena Vista? This is \$0.03 on the tax rate. She said she does not see this proposal as an answer which would double our staff and increase the cost by that much. She said we are talking about a \$100,000.00 increase. If they increase their coverage area you would get more billing money. She said she cannot see putting \$90,000.00 in turn out gear to run a fire department when we already have a fire department. You would be increasing the cost by \$300,000.00 just in manpower.

Mr. Ramsey said they are not planning on increasing the service area.

Vice-Mayor Hickman said it is her understanding that the service area would be expanded. Mr. Keith Holland who is on the board for the BVRS advised that 70% of the calls are in Buena Vista with 30% being in the County. The proposal is the County would absorb 60% of the cost with Buena Vista absorbing 40% which he feels is a good deal for the City. We are getting 70% of the services but the County will pay for 40%. They tried to include a provision saying if we increase the service area and answer more calls in the County, the County will increase their share. The expansion would cut Buena Vista's cost to 50/50. Mr. Holland said in the last 6 months Buena Vista has missed calls. He stated that someone has to cover the calls. Lexington and Glasgow have been covering calls for Buena Vista.

Vice-Mayor Hickman said the calls were not answered because they did not have 1 crew there. That is her problem with increasing our cost by doubling our manpower.

Mr. Holland said the calls were missed because we did not have any crew. The numbers are based on the number of calls they had at that time. The intent is to have additional crews, so we do not miss a call. If Buena Vista has 2 calls at one time, there is no one to

answer the second call. They are trying to be able to service the area adequately that we have not been able to do.

Vice-Mayor Hickman said if you go back and look Buena Vista did not miss their calls with 1 crew. Now we have no staffing and that is why they miss calls not because they need 2 crews.

Mr. Holland said he knows there have been instances when you are on a call and a second call comes in that you cannot answer.

Vice-Mayor Hickman said her question is if it is worth \$300,000.00.

Mr. Holland stated the fire department has also missed calls. The people they are talking about hiring would be trained for both fire and EMS so no one misses a call.

Vice-Mayor Hickman said she has supported the requests from the BVRS, but this proposal is wrong for Buena Vista as far as paying \$100,000.00 which is \$0.03 on the tax rate to cover our area. We only need 1 crew to run our squad. She asked again if this is worth \$300,000.00. Vice-Mayor Hickman then wanted to know if the fire department was missing calls.

Councilman Henson said they are missing some of the EMS calls.

Chief John Rowsey said they do not miss fire calls but have missed EMS calls.

Mr. Holland said for the last few years Buena Vista has had rescue service costs for \$110,000.00. There is nobody else in this area that has had that service for that amount of money. It is being subsidized by other people.

Vice-Mayor Hickman wanted to know who was subsidizing the BVRS.

Mr. Holland said the County is subsidizing them right now. With what the County is paying we are getting 30% of the services. The County's allotment is almost the same as Buena Vista's but are only getting 30% of the services.

Vice-Mayor Hickman said if we go to 70/30, \$22,000.00 to \$24,000.00 per our allotment which we can do that a whole better than \$100,000.00. She opined we cannot afford to raise the tax rates. It is a lot different in Lexington and the County. Both have a lot more people than Buena Vista.

Mayor Fitzgerald we also need to make sure we have a strong squad.

Vice-Mayor Hickman wanted to know if someone could justify the cost of the proposal.

Mr. Holland said that in Vice-Mayor Hickman's notes he saw if the squad ceases to exist in Buena Vista and the City has to provide the services; does that cost a half a million dollars?

Mr. Tyree said that is with the equipment.

Vice-Mayor Hickman said there is operational costs now and with what they are bringing in now this proposal would not make any sense.

Mr. Tyree said the reason it would be so much more for us is we would bring in full time people with benefits. He opined this proposal is the best one he has heard so far.

Vice-Mayor Hickman wanted to know if Mr. Tyree could give her a breakdown of the \$500,000.00? The cost is \$292, 500.00 and \$124,000.00 is the cost.

Mr. Tyree said those figures do not work because they are not answering calls.

Councilman Coffey said the thing that bothers him more than anything is, other than the cost we cannot afford, is they are holding a contract over the City's head. He stated we do

not have a contract with the rescue squad now and we pay their allotments every year. Why would the City of Buena Vista have to be under contract just to give them money?

Vice-Mayor Hickman then wanted to know who has say over the rescue squad in the County. The County would be staffing the squad so would they have control over the squad?

Mr. Holland said he is sure if Buena Vista wanted to hire the people the County would work in the opposite way and fund that. If Buena Vista wants to hire people, train them, pay them benefits, he feels sure the County would be more than glad to share the costs.

Councilman Webb said to do this it is putting in our tax base. Taxpayers with no say over the squad. What will happen two years from now and Rockbridge County and Lexington says your allotment now has gone up another \$70,000.00 or \$80,000.00 because things have gone up, people need raises, we have to buy new turn our gear. Now Buena Vista taxpayers are saying we do not have any say about the increase.

Councilman Coffey said we are going to be responsible for the turn out gear for the 12 people and will be responsible for training. He opined we cannot afford 12 more sets of turn out gear for \$48,000.00.

Mr. Holland said that is not going to be the case. They discussed it and the BVRS would not agree to paying for additional turn out gear.

Councilman Coffey wanted to know if the BVRS decides to go with the County, will the contract be between the County and the BVRS.

Mr. Holland said the County will not help the BVRS without a contract with the City. He wanted to know how providing a service to our citizens holding something over the City's head. You all have the right not to do anything.

Councilman Coffey said the proposal puts the City in a financial situation that we do not know where it is going to go.

Mr. Holland said the squad knows they are not sustainable.

Vice-Mayor Hickman wanted to know if doubling the cost be sustainable?

Mr. Holland said the numbers are based on last year's part-time people. We have hired some full-time people. Mr. Holland said the costs are too low. Every locality around us have given increases in salaries. He said he understands where Council is coming from, and they don't care about the citizens of Buena Vista.

Vice-Mayor Hickman said it is not true that they don't care about the citizens of Buena Vista and Mr. Holland should not have said that.

Mr. Nathan Ramsey said the BVRS missed 9 calls last month because they were out on another call. In order for the County to be sustainable and they also have to worry about County citizens in a 46-mile square service area that the BVRS and the BVFD have served very well through the years. They are concerned about the citizens of the County as well as the citizens of Buena Vista. If the County would just put 1 crew in Buena Vista that would be 70% of the calls. By putting the 2 crews in there, not expanding services or areas serviced, Buena Vista has to run calls to Glasgow. In order to make it acceptable for the County, the second crew could answer the Glasgow call and they would not have to send Lexington to answer the call. The additional crew would serve the County in other aspects such as mutual aid and going into the City of Lexington. The City of Lexington has about 1,800 calls per year with Buena Vista having 1,300 to 1,400 calls per year. That is why they are talking about having 2 crews around the clock. To touch on the turn out gear

piece of that it is something as we employ staff, they are dual trained. So, in order to perform the function, whether it is EMS or other, they have to supply turn out gear.

Vice-Mayor Hickman said they would have to show the missed calls for all localities for comparison. They missed 9 calls and she wanted to know if it is worth \$300,000.00 to the citizens in Buena Vista.

Mr. Ramsey said they need to know one way or another whether Council wants them to figure out how to help the BVRS.

Mayor Fitzgerald said no one gets the volunteers like they use to. He opined we need to figure out how to come up with the money. He feels this proposal would be a big benefit to Buena Vista.

Mr. Ramsey said in the grand scheme of things to have 4 personnel sitting here in the City to help the rescue squad, EMS is 90% of what they do, and to help the fire department. One of the biggest roles will be to help support the fire department. The staff can help clean up the fire trucks after they have been out on a call. To have 4 people here around the clock answering calls is a lot of money. The Board of Supervisors has not heard this proposal either. Buena Vista is the first to hear this presentation and the Board of Supervisors will hear it next. To move forward he can say it is really not a contract. It is an agreement that says we are all in this together. They already have one with Lexington. It is reviewed annually and can be changed.

Councilman Coffey said that Mr. Ramsey calls it an agreement that the City Manager will have to sign. He opined it might as well be a contract. He said you can call it whatever you want to call it, but it still puts the City under a financial hold.

Mr. Holland said that the \$300,000.00 extra is in manpower. Right now, Buena Vista's allotment is \$110,000.00. The City has given them \$25,000.00 of the money they asked for. This agreement would ask for another \$98,000.00 from Buena Vista based on the 60/40 agreement. It is not \$300,000.00 that will be coming from the City of Buena Vista. You have already done \$25,000.00 that lowers the \$98,000.00 to \$73,000.00.

Councilman Coffey advised that the \$25,000.00 that Council voted to give the rescue squad was to assist with salaries. After 6 months, the squad was going to come back to Council to ask for additional funds if needed. That has nothing to do with the \$190,000.00.

Mr. Holland said if you look at the agreement it says Buena Vista's allotment is \$110,000.00. Based on these other employees the additional cost to the City would be \$98,000.00 with the 60/40 split.

Vice-Mayor Hickman said it is \$292,500.00 for the other manpower to man 2 crews. That shoots the cost up . If you just run 1 crew at \$292,500.00 plus the operating cost is \$123,771.00, that is \$416,271.00. The squad brings in revenue of \$494,674.00 with the billing money and the 2 allotments. That is \$70,000.00 over. She does not understand why they can't manage and are going under now. These are your numbers, not hers, and she does not understand why you say the squad is going under.

Mr. Holland said they spent \$350,000.00 on a new vehicle last year but there is nothing in the projections that is improving the replacement of equipment because it does not last forever.

Councilman Coffey wanted to know if the squad keeps the \$83,000.00 that the County gives them.

Mr. Holland said the \$83,000.00 comes to the squad and they bank that money to use for operating costs.

Vice-Mayor Hickman said the \$83,000.00 is in their operating cost.

Councilman Coffey said the squad has to pay the County \$50,000.00 annually. They have only around \$800,000.00 now. In a couple of years that money will be gone. If something happens to this squad where they cannot keep it up and the County comes in and takes it over, then we are under a contract to take care of you all.

Vice-Mayor Hickman opined with a 5013C you cannot sale the things, you have to give it away. In her opinion if they are going to come in and expand the coverage area and it was going to pay for the extra manpower that you are going to put in there, she would say that is a great idea and it would pay for itself over time. It is not going to. You are going to have an additional \$300,000.00 for 2 crews and it is never going to pay for itself. You are upping your cost to make yourself better.

Mr. Holland said maybe he is seeing things wrong, but he opined that the rescue squad and the fire department should pay for themselves.

Councilman Coffey said the rescue squad is incorporated. They say the heck with it and shut down tonight. The City could not do a thing about it.

Mayor Fitzgerald suggested that Council think about the proposal for a while.

Councilman Henson said that he and Mr. Slough have been involved with the rescue squad and the fire department for a long time. He said they have seen a lot of changes. He opined the best thing they can do is provide service to the citizens in the run area. You cannot drag volunteers in now.

Mayor Fitzgerald suggested that this subject be tabled to the next Council meeting and try to come up with the money needed.

Vice-Mayor Hickman made motion to not consider this proposal, seconded by Councilman Coffey. She stated if they want to bring something back to Council that makes sense, she will welcome it. She wanted to know where we are going to come up with \$100,000.00. She said we didn't have it before so where are we going to get it now. We are going to have to stay within our means. She is all for us providing services, but we do not need 2 crews. If they want to bring it down to 1 crew like they have been doing and let the fire department do fire, she is all for it.

Councilman Henson said he would like to motion to keep the proposal. It died on the floor without a second.

Mayor Fitzgerald took the vote on Vice-Mayor Hickman's motion to not consider this proposal. Council voted as follows:

			Yes	No	Abstain
				Present	Absent
Mayor Fitzgerald	X			X	
Melvin Henson	X			X	
Tyson Cooper					X
Vice-Mayor Cheryl Hickman	X		X		

Danny Staton	X		X		
Stanley Coffey	X		X		
Steve Webb	X		X		

Councilman Coffey opined that Council has a responsibility, first and foremost as City Council members, to provide services to the citizens.

Councilman Webb said he has not had time to get comfortable with the numbers presented in the proposal. He said that every time Council tries to talk about it the Mayor says it is over and done with.

Mayor Fitzgerald said he suggested to think about the proposal until the next meeting and then come back. A motion came up to get rid of it now. He was offering 2 more weeks to look at the proposal and decide something.

Vice-Mayor Hickman said they could look at another proposal but not this one.

Mayor Fitzgerald said Council will have to wait until they bring a new proposal back.

Councilman Webb wanted to know how many people are rolling in the squad vehicle when they receive a call; a driver and 3 in the back?

Councilman Coffey said that 2 people are in the unit. The presentation said they will have 4 crew members at the building 24 hours per day.

Councilman Webb wanted to know what the other 2 crew members would do while the other 2 are answering a call.

Councilman Coffey said they would be waiting to see if another call comes in. It would increase the type of service provided with 2 crews there.

Vice-Mayor Hickman said not at a cost of \$300,000.00. She opined it makes no sense to her. She said if we needed 2 crews it would be different, but they have never run 2 crews.

Councilman Henson said the only time they ran 2 crews was when they had a lot of volunteers.

Councilman Coffey stated that he does not want anyone to think that he does not care about the citizens of Buena Vista. His thing as a Council member is to look out for the citizens of this town and the City. He said he will not take money out of their hands and charge them another \$0.03 on taxes

Mr. Ronnie Slough said that he also lives in Buena Vista and does not want the taxes to go up. He said the squad did not approach the County, they approached them. He said the squad has gotten \$110,000.00 for the last 3 years and never got a raise. He wanted to know if Council had any idea how much the City could afford to give them over the \$110,000.00.

Vice-Mayor Hickman said not until they do the budget. She said again that the proposal from the County has nothing beneficial for Buena Vista.

Mr. Slough said he has lived here all of his life and he cares about the City. He said he has thought about this for a long time. Mr. Slough said they do have 2 crews once in a while. When there is a paid crew at the building, they take 90 seconds to answer the call. He wishes we can try to work out something. He opined if they could get raised up to what the other department gets it would really help.

Councilman Webb said according to the figures that were passed out, the squad has over \$70,000.00 left over each year. He wanted to know where that money goes.

Mr. Slough said there are a lot of people in Buena Vista that don't have insurance. They have to subsidize those people. He said the fund drive was good this year. He said if they could get raised up to \$160,000.00 like the fire department it would be very helpful.

Councilman Webb said the fire department is not asking for money.

Councilman Henson said when Council gave the fire department \$56,000.00 for new turn out equipment there were a whole lot of other things on that list that they need. He opined that Council needs to look at both the squad and the fire department.

Vice-Mayor Hickman stated again that we need to sustain what we have, and we will not have money to give to the fire department.

Councilman Coffey said Council has never turned down the fire department and right now they are not on their last leg.

Mr. Slough said the rescue squad is not on their last leg either. In answer to where the \$70,000.00 that is left over goes, he said they use it to pay employees.

Councilman Coffey wanted to know how the squad will be able to buy a new unit the next time one is needed.

Mr. Slough said they have one 2017 unit and one 2014 unit. He said that the squad could buy one now since they have \$750,000.00.

Vice-Mayor Hickman said if they stay as they are now with running 1 crew, they will have \$70,000.00 left over. She stated again that it makes no sense to her to go with the proposal from the County.

Mr. Slough said again the squad is not going under right now. He said the squad is making close to \$300,000.00 per year. They had to hire a supervisor and will be paying him almost \$21.00 per hour plus benefits in order to get him to come to work for them.

Councilman Webb said that Council cares about the City also.

Vice-Mayor Hickman opined that we could do better with another proposal from the County. The one presented tonight does not benefit the City at all.

Councilman Coffey said the City signing a contract with the County will not fly either. From what he understands the Board of Supervisors have said if they do not get a signed contract with the City, they will not do anything.

Councilman Webb said it will be hard for the City to sign a contract with the County knowing we do not control anything with the rescue squad.

Vice-Mayor Hickman said that they should have never said that Council must not care about the citizens. If the squad is run by someone else, there is nothing anyone can do about what they say to do.

Mr. Ramsey wanted to know if the consensus was no contract with all 3 entities. Would entertain another proposal and shared services.

Councilman Coffey said he will not vote for the City to sign a contract with the County.

Mr. Kearney said the contract could be subject to annual review or every few months to review.

Mr. Ramsey said that the contract they have with Lexington has several options in it.

Councilman Coffey said Mr. Ramsey can bring back another proposal but he will not vote to sign a contract for the City. He opined the City does not need to be under contract because all we are doing is doing what we always do is give the squad money. He said that Council has to look at it further than one entity. They have to look at it as Council members for this City.

Mr. Slough said if Council decides to go into a contract with the County and decide to opt out after 1 year, they will have gotten rid of all the part time employees, and they will have to start from scratch again.

Vice-Mayor Hickmann said again they will have \$72,000.00 over what you have to pay for operations and manpower to run 1 crew and the other way you will be paying \$50,000.00 a year. This does not make any sense to her.

Mr. Slough said he would like to sit down and talk to Council without having a meeting.

Vice-Mayor Hickman and Councilman Coffey said they would be happy to sit down and talk to Mr. Slough about the squad.

Councilman Webb wanted to know if anyone has asked the County why they have to have a contract with the City and not just with the squad. He opined the deal should be between the County and the BVRS.

Mayor Fitzgerald asked Mr. Ramsey to see what he can bring back to Council concerning the rescue squad.

Mr. Slough said if it takes 2 at a time, he would like to meet with each Council member. He asked Mr. Kearney if that would be legal.

Mr. Kearney said you have to be careful because that rule does not apply to every meeting.

Vice-Mayor Hickman said that if someone wants to meet with Council outside of a Council meeting as long as there are no more than 2 Council members it is legal.

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

Dawn Wheeler
Clerk of Council

William H. Fitzgerald, Mayor