

**CITY OF BUENA VISTA
REGULAR COUNCIL MEETING AND EXECUTIVE SESSION
COUNCIL CHAMBERS
JULY 7, 2022, 6:00 P.M.**

MEMBERS PRESENT: Mayor Fitzgerald Vice-Mayor Hickman
Councilman Henson Councilman Staton
Councilman Coffey

MEMBERS ABSENT: Councilman Cooper Councilman Webb

ADG #1: PLEDGE OF ALLEGIANCE AND PRAYER:

Councilman Coffey delivered the opening prayer.

ADG #2: APPROVAL OF THE AGENDA:

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

**~~ADG #3: APPROVAL OF THE MINUTES FROM THE JUNE 16, 2022,
PUBLIC HEARING AND REGULAR COUNCIL MEETING:~~**

ADG #4: RECOGNITION/COMMUNICATION FROM VISITORS: Citizens who desire to speak to Council will be recognized at this time. Please limit your statement to three(3) minutes.

No one spoke.

ADG #5: REPORTS:

1.) Mayor:

None.

2.) City Manager:

Mr. Tyree started his report by congratulating Kristina Ramsey who has been promoted to Economic Development Director for the City of Buena Vista. Mr. Tyree said that Ms. Ramsey has done an excellent job with Economic Development, and she will have a report ready for Council at the next meeting. We are still working on the electrical at Glen Maury Park. The electrician has gotten a lot of the supplies and Public Works is going to break ground on it very soon. They will be digging the trenches so the City will be able to save some of the funds. Mr. Tyree reported there was vandalism at Glen Maury Park. The bathroom behind the multi-purpose was damaged and also the bathroom at the double decker was damaged. Also, some electrical damage was done at the double decker. We are working with the Police Department on this vandalism.

Vice-Mayor Hickman wanted to know if we have working security cameras at the park.

Mr. Tyree said we have a couple of cameras near the multi-purpose that are password protected. A former Police Department officer did not give us the password and said he lost them. The electrician said he can install cameras as part of his work.

Vice-Mayor Hickman suggested that we go to Wal Mart and get cameras to install at the park and they should not cost more than \$200.00.

3.) City Attorney:

Mr. Kearney started his report by advising the bonds were paid off last Friday and the remaining balance was also paid off. ACA requested a delay in the closing from July 13 to July 20 because they may have a buyer.

4.)Council Committee/Representative:

Councilman Henson said that Council has been given a report from the BVFD on the number of calls they ran after the high wind event. On June 17, the BVFD ran 17 calls after the high wind event. The flags on the 10th Street Memorial Bridge did not sustain any damage. Public Works has been very busy working on several new projects in the City and also working on several routine projects. USSA and RARO have been keeping the ball fields busy by having tournaments. The pool is doing well this year. He opined that camping is going good since organizing the rally field. Fridays in the Park has been doing well. On July 1 there were over five hundred people in attendance. During the winter we would like to do electrical upgrades throughout the park; organizing the campground to accommodate the new age campers; better serve and enhance more campers to enjoy our beautiful area. The pool needs major repairs and upgrades in order to operate next year due to the age of the pool. A modern upscale playground could be installed at the park. We have received a \$3,000.00 grant from Carilion and a \$250.00 grant from the tourism group. They are also out with a donation jar at all events held at the park. There will also be a Guns and Hoses ballgame on August 5th at GMP. All donations will be given for the new playground equipment. The American Legion said they will buy the shirts for the ball players.

Councilman Coffey said he wanted to thank the park employees for the Guy Carawan Bluegrass event and the Fiddler's Convention. He also thanked them for the Fridays in the Park events. He opined the park looks good and he is proud of the park employees.

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

THE BOARD OF ZONING APPEALS:

WE HAVE AN OPENING ON THE BOARD OF ZONING APPEALS. THIS TERM WILL EXPIRE ON 12/31/23. THIS IS THE 7TH 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.

**ROCKBRIDGE AREA COMMUNITY SERVICES BOARD:
MS. CHERYL HICKMAN HAS RESIGNED. HER TERM WILL EXPIRE ON
JANUARY 31, 2023. THIS IS THE FIRST TIME THIS HAS APPEARED
ON THE AGENDA:**

**ADVERTISED THE NEWS GAZETTE JUNE 29, 2022: POSTED ON
SOCIAL MEDIA JUNE 27, 2022: NO APPLICANTS**

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

OLD BUSINESS:

**OB #1: SECOND READING OF AN ORDINANCE REVISING A
REQUEST TO ABANDON PORTION OF 6TH STREET BETWEEN
WOODLAND AVENUE AND MAGNOLIA AVENUE:**

Mr. Roberts advised that no changes have been made to the Ordinance since the first reading.

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

Mr. Roberts read the following Ordinance by title only:

ORDINANCE – R22-08
ABANDONMENT OF PUBLIC RIGHT OF WAY
6TH STREET BETWEEN MAGNOLIA AVENUE AND
WOODLAND AVENUE
ORDINANCE TEXT

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BUENA VISTA, VIRGINIA, that in accordance with Section 15.2-2206 of the Code of Virginia, as amended, that the public right of way described in “Exhibit A” and “Exhibit B” attached hereto shall be vacated and abandoned upon receipt of the consideration noted in “Exhibit A” (“the Property”).

BE IT FURTHER ORDAINED that as a condition of the aforesaid abandonment and vacation, the City retains a perpetual easement over, under, and across the Property for

the installation, maintenance, repair, or replacement of all utilities, including, but not limited to, water and sewer lines; electric; cable; telephone; and gas lines; and garbage pick-up.

BE IT FURTHER ORDAINED that this ordinance shall be recorded in the Clerk’s Office of the Circuit Court for the City of Buena Vista, Virginia, and indexed under the names listed in Exhibit A.

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

William Fitzgerald, Mayor

ATTEST:

Dawn Wheeler, Clerk of Council

Date:

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

Mr. Tyree polled Council as follows:

	PRESENT	ABSENT	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			

OB #2: SECOND READING OF AN ORDINANCE TO ABANDON PORTION OF 26TH STREET BETWEEN HAWTHORNE AVENUE AND CEDAR AVENUE:

Mr. Roberts advised that no changes have been made to the Ordinance since the first reading.

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

Mr. Roberts read the following Ordinance by title only:

ORDINANCE - ORD 22-09
ABANDONMENT OF PUBLIC RIGHT OF WAY
26TH STREET BETWEEN HAWTHORNE AVENUE
AND CEDAR AVENUE
ORDINANCE TEXT

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BUENA VISTA, VIRGINIA, that in accordance with Section 15.2-2206 of the Code of Virginia, as amended, that the public

right of way described in "Exhibit A" and "Exhibit B" attached hereto shall be vacated and abandoned upon receipt of the consideration noted in "Exhibit A" ("the Property").

BE IT FURTHER ORDAINED that as a condition of the aforesaid abandonment and vacation, the City retains a perpetual easement over, under, and across the Property for the installation, maintenance, repair, or replacement of all utilities, including, but not limited to, water and sewer lines; electric; cable; telephone; and gas lines; and garbage pick-up.

BE IT FURTHER ORDAINED that this ordinance shall be recorded in the Clerk's Office of the Circuit Court for the City of Buena Vista, Virginia, and indexed under the names listed in Exhibit A.

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

William Fitzgerald, Mayor

ATTEST:

Dawn Wheeler, Clerk of Council

Date:

Vice-Mayor Hickman made motion to adopt the above Ordinance, seconded by Councilman Coffey.

Mr. Tyree polled Council as follows:

	PRESENT	ABSENT	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			

**OB #3: SECOND READING OF AN ORDINANCE FOR A
CONDITIONAL USE PERMIT FOR TWO-FAMILY DWELLING AT 2519
SYCAMORE AVENUE:**

Mr. Roberts advised that no changes have been made to the Ordinance since the first reading.

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

Mr. Tyree read the following Ordinance by title only:

ORDINANCE – ORD22-10
CONDITIONAL USE PERMIT
2519 SYCAMORE AVENUE
ORDINANCE TEXT

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 603.03-8 of the Land Development Regulations, a Conditional Use Permit shall be issued for the purpose of renovating and existing building to be a two-family dwelling in conformance with the staff report and site plan attached as Exhibit A on the property at 2519 Sycamore Avenue, Tax Map number 27-1-5-26-21.

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

William Fitzgerald, Mayor

ATTEST:

Dawn Wheeler, Clerk of Council

Date:

Vice-Mayor Hickman made motion to adopt the above Ordinance, seconded by Councilman Coffey.

Mr. Tyree polled Council as follows:

	PRESENT	ABSENT	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			

OB #4: SECOND READING OF AN ORDINANCE FOR A ZONING TEXT AMENDMENT – DRIVE-THROUGH FACILITIES IN SEMINARY HILL DISTRICT:

Mr. Roberts advised that no changes have been made to the Ordinance since the first reading.

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

Mr. Roberts read the following Ordinance by title only:

ORDINANCE – ORD22-11
ZONING TEXT AMENDMENT
ORDINANCE TEXT
615 SEMINARY HILL DISTRICT-
DRIVE THROUGH FACILITIES

AN ORDINANCE to amend Section 615 Seminary Hill District of the Land Development Regulations of the Code of the City of Buena Vista, as amended, for the purpose of allowing drive-through facilities as a conditional use.

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 as follows in the attached Exhibit A.

BE IT ALSO ORDAINED that Article 3 Definitions of Terms Used in This Ordinance is hereby amended as follows in the attached Exhibit A.

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

 William Fitzgerald, Mayor

ATTEST:

 Dawn Wheeler, Clerk of Council

 Date:

Vice-Mayor Hickman made motion to adopt the above Ordinance, seconded by Councilman Coffey.

Mr. Tyree polled Council as follows:

	PRESENT	ABSENT	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			

NEW BUSINESS:

NB #1: CAPTAIN WAYLON MILLER TO DISCUSS SCHOOL RESOURCE OFFICER GRANT/POSITION:

Captain Miller started the discussion by advising at the end of school last year Buena Vista City Public Schools did request an additional full time school resource officer. For the past four years plus, we have had one full time school resource officer at Parry McCluer High School. He was also assigned additional duties to the other three schools. They are having some problems at the schools and that is why they are requesting an additional officer. Their request comes from their concern about the recent school shootings. Currently we have one full time school resource officer that is paid with grant money. They have applied for a second school resource officer grant. The grant is a total of \$99,446.00 with a 19.42 percent match which totals \$12,812.00 for this particular grant. That match can be divided. There is a proportion for equipment cost which can offset some of the match. The match will not be entirely a cash match. That will leave them for FY2023, \$80,134.00. The grant does require DCJS to approve the grant for the position to be filled with a certified law enforcement officer with a minimum of three years' experience. Their plan would be to fill the position with a current police officer, and they would be requesting to fill the position vacated for the school resource officer with another officer. He is being told by the grant administrators the first year there will not be a requirement of a match of the 19.42 percent. He has not received and answer on when we will receive the balance of the \$80, 134.00 we just received. Those funds will account for both the salaries and the benefits of the SRO positions.

Mr. Tyree said we approved one school resource officer with the grant. We approved an additional SRO with the additional grant. We will back fill it currently with a patrol officer.

Vice-Mayor Hickman stated that they have approved for one SRO in the budget.

Mr. Tyree said we do for the current SRO position. There are two in the budget because we assumed we were going to get both grants.

Captain Miller said they just recently received word that we were going to be awarded the grant.

Vice-Mayor Hickman asked if Council has already addressed the second SRO.

Mr. Tyree said the difference is we were not planning to back fill a patrol position.

Vice-Mayor Hickman said they are adding a new position in the budget. She said she went over the Police Department budget line per line with them, so she knows there are two SROs in their budget.

Councilman Coffey wanted to know if he is correct by saying the two SROs are in the budget under grant money and the new patrol officer will be hired at a lower rate of pay.

Captain Miller replied that would be something for consideration.

Vice-Mayor Hickman stated again that she went over the police department budget line by line, and the second SRO was approved in the budget.

Captain Miller said it was not in the budget for an additional SRO, but they did add in the budget for one new police officer.

Vice-Mayor Hickman said that was not stated that way in the budget.

Mr. Tyree advised that Mr. Clemmer had said there is additional funding in the budget for a second SRO. He suggested they meet with Mr. Clemmer to see if there are funds already in the budget because it was increased from what it had been in the past.

Chief Hartman advised that SRO Jelly Ramsey was the original officer under the grant full time. There was another grant we got in the past three years for a part time SRO. They took one of their police officers who was working on the street to visit the other schools. SRO Ramsey would stay at the high school.

Vice-Mayor Hickman said she understood what Chief Hartman had said but in their budget for this year there was more money requested for the SRO.

Chief Hartman said the budget may have been incorrect. When they applied for the COPS grant from the Federal government that they received back in October, that was for an additional officer who was sent to the academy in January. That is how they came up with seventeen police officers. Chief Hartman said they cannot function with the second SRO full time without hiring a new officer.

Captain Miller said they were using the patrol staff in the schools.

Vice-Mayor Hickman stated that she wants the police department to have another officer she is just questioning if that position was already in the budget.

Captain Miller said he wanted Council to know what the police department is doing.

Councilman Coffey wanted to know if the grants were for four years.

Captain Miller said they do run in a four-year cycle. The amount of the funds can change. He noticed this year the composite index, based on the schools' finances, did change about a percent and a half. You do have to apply for the grants each year. The reason is somewhat of a guarantee when they speak with the agencies that you will receive the grant for four years. After the four years have elapsed it does leave them discussing more on how to proceed beyond the four years. You can still apply for the grants, but it is considered to be a new grant and not a continuous grant. The grant they have been using for the part time SRO expired on June 30, 2022. This is a new grant cycle that went into effect July 1, 2022. The first SRO grant will be in its fourth year and the second SRO grant will be in its first year of the four-year cycle.

Councilman Coffey opined that there should be an SRO for each of our four schools and wanted to know if there was anything the police department or Council could do to get more grants for those positions.

Captain Miller said the State government is really pushing hard to get the funds for the grants. He said they do realize the seriousness of the situation with all of the recent shootings. Captain Miller advised they do want to expand the SRO program. This would double our security presentation in the schools by adding an additional officer. We could divide the schools up, but it would not be where an SRO is assigned to one school. They would work in conjunction with each other to make sure all four schools are covered. They want to increase their presentation and education in the schools. They are working with the schools to increase safety and are also working on a plan to have an active shooter drill in August. Both Lexington and Rockbridge County have done this recently to train their officers.

Councilman Henson suggested that Council approve the request for the second SRO and the additional officer to fill that vacancy.

Vice-Mayor Hickman stated that she wanted to look at the budget to make sure what is in the police department is correct. She is not clear on what is in the budget and will not vote until she is clear.

Councilman Henson wanted to know the time limit that Council has to make the decision.

Captain Miller said they have both acceptance letters to be signed by the City Manager. They will be moving forward with the first SRO grant which has already been approved. They will have to wait for approval on the second grant .

Mr. Tyree said it is in the budget for two SRO's. It is the back fill that was not in the budget.

Vice-Mayor Hickman wanted to know if the police department could wait on the approval until the next scheduled Council meeting.

Captain Miller said they can wait until the next Council meeting to get the approval.

Mr. Tyree advised there is a Budget/Finance Committee meeting scheduled for Tuesday and they can discuss this at that meeting.

EXECUTIVE SESSION:

ACCORDING TO SECTION 2.2-3711 (A) (3) OF THE 1950 CODE OF VIRGINIA, AS AMENDED, FOR THE PURPOSE OF DISCUSSION THE POSSIBLE ACQUISITION OF REAL PROPERTY FOR A PUBLIC PURPOSE, WHERE DISCUSSION IN AN OPEN MEETING WOULD ADVERSELY AFFECT THE BARGAINING POSITION OR NEGOTIATING STRATEGY OF THTE CITY BY LIMITING THE POTOENTIAL PRICE AND CONDITIONS ASSOCIATED WITH ANY SUCH ACQUISITION:

CERTIFICATION OF EXECUTIVE MEETING

MOTION: Vice-Mayor Hickman

DATE: July 7, 2022

SECOND: Councilman Henson

WHEREAS, the Buena Vista City Council has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Buena Vista City Council that such executive meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, that the Buena Vista City Council hereby certifies that to the best of each member’s knowledge (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Buena Vista City Council.

VOTE: AYES: ALL
 NAYS: NONE

ABSENT DURING VOTE: Councilman Cooper, Councilman Webb

ABSENT DURING MEETING: Councilman Cooper, Councilman Webb

Brian Kearney
City Attorney

REGULAR SESSION: Vice-Mayor Hickman moved to return to regular session, seconded by Council Member Henson, carried by Council.

Mayor Fitzgerald	Mr. Staton	Mr. Henson
Vice-Mayor Hickman	Mr. Coffey	

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

Brian Kearney
City Attorney

William H. Fitzgerald
Mayor