

**CITY OF BUENA VISTA
REGULAR COUNCIL MEETING
AND EXECUTIVE SESSION
COUNCIL CHAMBERS
OCTOBER 20, 2022, 6:00 P.M.**

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

MEMBERS ABSENT: None

ADG #1: PLEDGE OF ALLEGIANCE AND PRAYER:
Councilman Cooper delivered the opening prayer.

ADG #2: APPROVAL OF THE AGENDA:
Councilman Cooper made motion to approve the agenda, seconded by Councilman Coffey, carried by Council.

ADG #3: APPROVAL OF THE MINUTES FROM THE OCTOBER 6, 2022, REGULAR COUNCIL MEETING AND EXECUTIVE SESSION:

Councilman Coffey made motion to approve the above-mentioned minutes, seconded by Vice-Mayor Hickman, carried by Council with the exception of Councilman Cooper who abstained.
No one spoke.

ADG #5: REPORTS:

1.) Mayor:

None.

2.) City Manager:

Mr. Tyree started his report by saying that new trees have been installed on 20th and Magnolia. Some of the trees had died and they have been replaced. The City of Lexington notified him if BVRS continues to miss calls they will start charging the City for answering them. It is putting too much pressure on their squad

answering calls in Buena Vista. The cost will be approximately \$14,000.00 per month.

Vice-Mayor Hickman wanted to know if Lexington Rescue Squad had discussed this with the Buena Vista Rescue.

Mr. Kearney said the Lexington Squad will bill the BV citizens they transport.

Councilman Coffey said that they need to give Council some information on why the calls are not being answered by BVRS. He wants to know if they are missed because they are out on calls.

Mr. Tyree said they are not missing calls because they are out on other calls. Most of the missed calls are due to lack of staff. He is going to try to meet with Ronnie Slough and address those concerns. He said we have talked to them about it, and they have received some funds. He is hoping they are going to tell him the funds are going to be implemented and this will no longer happen. He just wanted to give Council a head's up.

Vice-Mayor Hickman wanted to know if the Lexington Squad has discussed this issue with the BVRS. She asked Mr. Kearney what our obligation is.

Mr. Kearney advised they will be billing the person they pick up.

Vice-Mayor Hickman said she cannot see how they could bill the City for calls answered in Buena Vista.

Mr. Kearney said unless they have to have an MOU with the City before they could do any billing for Buena Vista. He said Mr. Tyree was just trying to give Council a heads up and plans on meeting with the BVRS to try and solve this problem.

Vice-Mayor Hickman opined that Lexington should have reached out to the BVRS to discuss their plans.

Mr. Tyree said they have reached out to the BVRS. Dakota said they are missing about twenty-five calls per month. The missed calls are normally on the weekend.

Councilman Webb wanted to know if they are missing calls due to no one being available.

Vice-Mayor Hickman opined that someone should ask the rescue squad if the number is correct.

Mr. Tyree said he is planning on meeting with Ronnie and Dakota.

Vice-Mayor Hickman said the squad is spending a lot of time covering for Glasgow. She also thinks they are supposed to be doing mutual aid.

3.)City Attorney:

None.

4.)Council Committee/Representative:

Councilman Henson started his report by thanking Tom Roberts for putting together the 25th anniversary of the James R. Olin flood project during Mountain Day. He also thanked Jamie Goodin, Tom Roberts, and Kristina Ramsey on the Arts Council for Mountain Days. He attended a meeting on housing needs in the area, lack of

workers for area jobs, student housing and childcare. He also attended a meeting for grants for the recreational area of Glen Maury Park. He reminded everyone of all the Halloween events scheduled downtown and at GMP.

Councilman Coffey said that "Party Crashers" will be playing music beginning at 1:00 p.m. at their Spooktacular event at GMP which will begin at 12:00 to 4:00.

Councilman Henson advised that the leaf pickup schedule has been posted. He said the Scenic River Foundation went very well. There will be a Harvest Dinner at the BVFD beginning at 4:30 on Saturday, October 22, 2022.

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 13TH TIME THIS HAS APPEARED ON THE AGENDA. THE TERM WILL BEGIN IMMEDIATELY:

ADVERTISED THE NEWS GAZETTE AUGUST 24, 2022: POSTED ON SOCIAL MEDIA: NO APPLICANTS

Councilman Cooper made motion to appoint Ms. Jamie Green to fill this opening, seconded by Councilman Webb, carried by council.

WE HAVE AN OPENING ON THE BOARD OF ZONING APPEALS. THIS TERM WILL EXPIRE ON 12/31/25. THIS IS THE 4TH TIME THIS HAS APPEARED ON THE AGENDA. THE TERM WILL BEGIN IMMEDIATELY:

ADVERTISED THE NEWS GAZETTE AUGUST 24, 2022: POSTED ON SOCIAL MEDIA: NO APPLICANTS

Councilman Henson made motion to appoint Ms. Pat Mays to fill this opening seconded by Councilman Cooper, carried by Council with the exception of Vice-Mayor Hickman, who abstained.

OLD BUSINESS:

OB #1: SECOND READING OF AN ORDINANCE TO ABANDON PORTION OF PINE AVENUE ADJACENT TO 1125 PINE AVENUE, NEAR RESERVOIR HOLLOW:

Councilman Cooper motioned to read the above Ordinance by title only, seconded by Councilman Henson.

Ms. Wheeler the following Ordinance by title only:

Buena Vista

**Abandonment of Public Right of Way
Pine Avenue adjacent to 1125 Pine Ave
Ordinance Text**
10/4/2022 – ORD 22-15

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 approve the above Ordinance, seconded by Councilman Coffey.

Ms. Wheeler polled Council as follows:

	Present	Absent	Yes	No	Abstain
Mayor Fitzgerald	X		X		
Melvin Henson	X		X		
Tyson Cooper	X		X		

Vice-Mayor Cheryl Hickman	X		X		
Danny Staton	X		X		
Stanley Coffey	X		X		
Steve Webb	X		X		

NEW BUSINESS:

NB #1: RESOLUTION EMERGENCY OPERATIONS PLAN 2022:

Ms. Wheeler read the following Resolution:

Basic Plan — Appendix 8 — NIMS Resolution

8.8.2

RESOLUTION #R22-17

**Declaration of Adoption
National Incident Management System**

BE IT RESOLVED by the City of Buena Vista Department of Emergency Management as follows:

WHEREAS, at the request of the President, the Department of Homeland Security has developed the National Incident Management System (NIMS) for the purpose of unifying and coordinating all emergency responders' efforts during disasters; and

WHEREAS, the Department of Homeland Security has directed all Federal, State, Territorial, Tribal, and local entities involved in emergency response to adopt NIMS; and

WHEREAS, the Governor of the Commonwealth of Virginia has similarly endorsed NIMS by proclaiming it the official basis for management of incident response in Virginia; and

WHEREAS, the NIMS will enable responders at all levels to work together more effectively and efficiently to manage domestic incidents no matter what the cause, size, or complexity, including catastrophic acts of terrorism and natural disaster; and

WHEREAS, the City of Buena Vista Department of Emergency Management currently uses the Incident Command System (ICS) as referred to in NIMS; and

WHEREAS, the City of Buena Vista Department of Emergency Management recognizes the need for a single Incident Management System to be used by all local agencies and disciplines.

BE IT THEREFORE RESOLVED that the City of Buena Vista Department of Emergency Management adopts the National Incident Management System. That this system will be used at all incidents and drills, taught in all training courses, and reflected in all emergency mitigation, preparedness, response and recovery plans and programs.

Adopted by the City of Buena Vista City Council and effective on the date of adoption.

Mayor, City of Buena Vista

ATTEST:

Clerk, City Council

Adopted this day of _____ 2022

Vice-Mayor Hickman motioned to approve the above Resolution, seconded by Councilman Coffey, carried by Council.

NB #2: RESOLUTION FOR DECLARATION OF ADOPTION NATIONAL INCIDENT MANAGEMENT SYSTEM 2022:

Ms. Wheeler read the following Resolution:

Basic Plan — Appendix 9 — Resolution Adoption

8.9.2

Resolution #R22-18

**Resolution
Emergency Operations Plan**

WHEREAS the City Council of the City of Buena Vista, Virginia recognizes the need to prepare for, respond to, and recover from natural and manmade disasters; and

WHEREAS the City of Buena Vista has a responsibility to provide for the safety and well-being of its citizens and visitors; and

WHEREAS the City of Buena Vista has established and appointed a Director and Coordinator of Emergency Management.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Buena Vista, Virginia, this Emergency Operations Plan as revised is officially adopted, and

IT IS FUTHER RESOLVED AND ORDERED that the Director of Emergency Management, or his/her designee, are tasked and authorized to maintain and revise as necessary this document over the next four (4) year period or until such time be ordered to come before this board.

Mayor, City of Buena Vista

ATTEST:

Clerk, City Council

Adopted this _____ day of _____ 2022

Buena Vista/Lexington/Rockbridge Emergency Operations Plan

Councilman Staton made motion to approve the above Resolution, seconded by Councilman Cooper, carried by Council.

NB #3: MEMORANDUM OF UNDERSTANDING FOR JAIL OPERATING RESERVE FUND:

TABLE UNTIL THE NEXT COUNCIL MEETING:

NB #4: DISCUSSION OF APPROVAL OF SURPLUS FUNDS FOR RARO:

TABLE UNTIL THE NEXT COUNCIL MEETING:

NB #5: CONSIDER REQUEST TO WAIVE ROW ABANDONMENT PRICE FOR ROW SURROUNDING BLOCKS 49 AND 50, SECTION 6:

Mr. Tom Roberts started the discussion by saying they should recall when we adopted the City abandoned right of ways, we set the price of \$0.75, or the citizen could request to have the cost waived. In the packet, the map speaks for itself, is an abandonment request that will come before Council's next meeting. Tonight, we are not making a decision on whether or not to approve the abandonment but the price that we will charge. Mr. Roberts said as Council knows, Austin Rehl purchased the large tract of land north of the City. Back in the spring we approved the construction of a house up there for him. Mr. Rehl also purchased from Scott Sayre the land that is behind the Sayre factory. He purchased that land in order to get access to 32nd Street. Thirty second Street is much better than Long Hollow Road for road accessibility to his property. Mr. Rehl purchased the land from Scott Sayre, and it has a number of streets and alleys through it. He is asking for City Council to waive the price that would normally be charged for a right of way. We are talking about two blocks of Woodbine Avenue, two blocks of Juniper Avenue, one block of thirty-second Street, one block of thirty-third Street, and two blocks of alleys. All of this adds up to three and one-half acres of land. It is a lot of areas that are underdeveloped, wooded, or sloping terrain. There is little or no chance that this land would be developed as platted right now. The Planning Commission has looked at this from the land use side and has recommended the abandonment. The abandonment is necessary to construct the road that Mr. Rehl has planned. Again, looking at the map, the road he is planning cuts safely basically diagonally across the end of thirty-second Street. Mr. Rehl lives in Ohio and could not be here tonight. The reasons Council should considering when lowering the price are:

- 1.) The area to be abandoned is unusually large, three and one-half acres. If the land were priced at \$0.75 a square foot, the price would be \$115,875.00.

Councilman Coffey wanted to know why Council would even consider giving the land away.

Mr. Roberts said the land will be added to the tax base. Based on the best value of the adjacent property, if the area is abandoned, that three and one-half acres, would yield about \$800.00 per year in taxes.

Councilman Coffey wanted to know what Mr. Rehl is planning on developing on the land.

Once he begins developing the property, the value of the land will increase as well as the taxes will increase. Mr. Rehl is still developing his master plan and is not finalized as of yet. He said he cannot comment on the planned uses for the property as of yet.

Councilman Webb wanted to know how much Mr. Rehl paid Mr. Sayre for the three and one-half acres.

Mr. Roberts advised that he does not know how much Mr. Rehl paid Mr. Sayre for the land.

Councilman Coffey wanted to know why we would give three and one-half acres and not make any money.

Mayor Fitzgerald said we would give the land to Mr. Rehl to encourage development.

Mr. Roberts said at the end of thirty-second Street within the public right of way will not change, there will be about \$60,000.00 in paving and drainage ditch installed plus the value of the land at the end of thirty-ninth Street that is about \$173,000.00. That is where he will connect sewer to our system. The thirty-ninth right of way goes up and intersects the land there. He will install a manhole there. He will pay for additional seven hundred more feet of sewer to connect to our service. He will give the City right of way there. The utility work that will be done on thirty-ninety Street includes sewer, fiber-optic, and electricity. The sewer will benefit the owners on either side of this. There is one block on thirty-ninth Street that is not developed. Mr. Rehl is spending around \$230,000.00. They are asking that Council also consider the future potential for economic development.

Councilman Coffey wanted to know if Mr. Rehl did the seven hundred feet of infrastructure, will he have the right to sell the property?

Mr. Roberts said he will not have the right to sell the property. It will belong to the City's sewer system. He advised that Mr. Rehl is asking for the property be given to him at no charge.

Mr. Tyree opined that an average acre of land in Buena Vista goes for \$6,000.00 to \$7,000.00 depending on whether the land is commercial, industrial, or residential. Since this land is residential zoned now, the price per acre would probably be \$10,000.00 per acre.

Mr. Kearney reminded everyone that the three acres are not together.

Councilman Henson said the terrain is rough up there.

Councilman Coffey said he cannot see the City giving away \$115,000.00.

Mayor Fitzgerald said he can come back and have that piece of property be looked at as acres instead of lots.

Mr. Roberts advised we would retain easements as normal. He agreed there is a national gas line in thirty-second Street.

Councilman Cooper said he is not opposed . The one hundred forty-four-year payback period at \$100.00 per year, is not necessarily a gift from the City. There is no infrastructure up there. He is not inclined to say yes without some kind of development plan. He needs to see a business plan.

Mayor Fitzgerald said Mr. Rehl needs to bring his development or business plan back to Council before this can be approved.

Vice-Mayor Hickman wanted to know why we would consider this for just one person and not everyone.

Councilman Webb said there needs to be more continuity.

Vice-Mayor Hickman said she will need to see the plan before she will approve this request.

Mayor Fitzgerald said once again to have Mr. Rehl bring his business plan back to Council for further study before a decision is made on this request.

Mr. David Truslow approached Council and said he wants to make sure he does not get charged for anything concerning that property. It is his understanding that he will get half of the property on thirty-second Street.

Mr. Roberts said this is one of the details that needs to be worked out. If Council decides to give the property away at no charge, Council will give the land between Mr. Truslow and Mr. Rehl. If there is going to be a cost to it, then there is the question whether Mr. Rehl will pay for his part or not.

Vice-Mayor Hickman wanted to know if Mr. Truslow would be made to take half of the street and pay for it.

Mr. Roberts said that Mr. Truslow would not be forced to pay for half of the street.

Councilman Webb said if he does take the property, it will be sixty feet divided to thirty feet x 200 feet.

Mr. Roberts said the cost of the land would be approximately \$4,500.00.

Mr. Truslow said the property is mainly uphill and not a good building site.

EXECUTIVE SESSION:

- 1. ACCORDING TO SECTION 2.2-3711 (A) (1) OF THE 1950 CODE OF VIRGINIA, AS AMENDED, FOR THE PURPOSE OF DISCUSSING THE PERFORMANCE OF THE CITY MANAGER:**

CERTIFICATION OF EXECUTIVE MEETING

MOTION: Vice-Mayor Hickman

DATE: October 20, 2022

SECOND: Councilman Cooper

WHEREAS, the Buena Vista City Council has convened an executive meeting as follows:

- 1.) **ACCORDING TO SECTION 2.2-3711 (A) (1) OF THE 1950 CODE OF VIRGINIA, AS AMENDED, FOR THE PURPOSE OF DISCUSSING THE PERFORMANCE OF THE CITY MANAGER:**
- 2.) **ACCORDING TO SECTION 2.2-3711 (A) (1) OF THE 1950 CODE OF VIRGINIA, AS AMENDED, FOR THE PURPOSES OF DISCUSSING THE PERFORMANCE OF A CITY DEPARTMENT HEAD AND THE PERFORMANCE OF THE CLERK OF THE COUNCIL:**

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: Mayor Fitzgerald

ABSENT DURING MEETING: Mayor Fitzgerald

Dawn M. Wheeler
Clerk of Council

REGULAR SESSION: Councilman Cooper moved to return to regular session, seconded by Councilman Henson and carried by Council.

Vice-Mayor Hickman

Mr. Staton

Mr. Henson

Mr. Coffey

Mr. Webb

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

Dawn M. Wheeler
Clerk of Council

William H. Fitzgerald
Mayor