

**CITY OF BUENA VISTA
REGULAR COUNCIL MEETING
MAY 17, 2018**

The City Council for the City of Buena Vista met for a Regular Council Meeting on Thursday, May 17, 2018, at 6:00 p.m. in Council Chambers (2039 Sycamore Avenue).

Council Members Present:	Mayor Bill Fitzgerald
Steve Baldrige	Melvin Henson
Stanley Coffey	Tyson Cooper, Vice-Mayor
Daniel Staton	

Council Members Absent: Lisa Clark

ADG #1 PLEDGE OF ALLEGIANCE AND PRAYER:

Mayor Fitzgerald opened the meeting by requesting that everyone stand and repeat the Pledge of Allegiance. Vice-Mayor Cooper delivered the opening prayer.

Mayor Fitzgerald motioned to add discussion of land purchase to the agenda under new business, seconded by Vice-Mayor Cooper, carried by Council.

ADG #2 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. Jerry Miller, 2215 Walnut Avenue, Buena Vista was the first to address Council. He wanted to know how many Council members were aware of the amount of money that is being expended at the golf course irrigation pond. He opined that some of Council may be blindsided by the figures: \$6,500.00 was spent last summer in a failed attempt to plug a leak in the pond. It has not been determined if the recent attempt to plug the leak is successful or not. However, the cost would certainly be as much or more than last year. In the summer of 2015, eight million nine hundred twenty-eight thousand gallons in treated City water, mainly from Dickinson Well, was pumped into the Vista Links irrigation

pond. This water was free of charge to the golf course. If you or I had used an equal amount of water the cost would have been \$66,781.44 @ the rate of \$7.48 per 1000 gallons. Much less City water was used during the summer of 2016 and 2017. Now at the beginning of the 2018 season treated City water has been used again, starting May 11, 2018. The water is being provided at a flow rate of approximately 150 gallons per minute; 9000 gallons per hour; 216 gallons in 24 hours; 1,512,000 gallons per week. This usages costs \$11,309.76 per week being the cost to you or I for the equal amount of water. Here again the City is receiving absolutely no payment what so ever. The cost for chlorine, fluoride and a host of other chemicals goes through the roof when the City water is provided to the pond. In September of 2006 a well was drilled at the GMP entrance specifically for providing water to the irrigation pond. This well has been a disappointment as it does not provide a sufficient amount of water and has been plagued with numerous pump and electrical problems. The total cost of this well has been enormous but no mention of this well is ever discussed at a City Council meeting. No one has had the authority to order City water to be provided free of charge to the pond. Those ordering the use of our water are not even Buena Vista residents. The Buena Vista water and sewer systems are owned by the Buena Vista Public Service Authority. This Authority was formed in December of 2011 to provide funding for the Dickinson Well filtration system. The BVPSA would be the appropriate body to meet and to decide whether or not to give our water away to someone who does not live here or pay taxes here. He opined that City Council intends to approve the FY2019 budget, appropriate funds for the operation of the City and establish the tax rates for 2019 tonight. The City Council has no authority to raise the trash pick up to \$19.00 per month. This would also be the duty of the BVPSA since they are the owners of the water and sewer system as well as being responsible for refuse collection and disposal. The requirements for advertising change in the rates, fees and the charges can be found in the Code of Virginia § 15.25136, rates and charges.

Mayor Fitzgerald wanted to know if the facts that Mr. Miller stated were true.

Mr. Kearney advised Mr. Miller that his statement about the BVPSA controlling the trash is incorrect. The assets for the refuse were never transferred over to the BVPSA. The refuse is controlled by Public Works. Mr. Kearney advised that the assets from water, sewer, infrastructure and plants were transferred to the BVPSA. The water and sewer rates were listed in the public notice but they did not change this year. If we had changed the rates we would have had to have a Public Hearing under the BVPSA. The BVPSA was very specific because we were trying to generate a revenue stream in order to get the loan. The revenue

stream was the water and sewer revenue. We already had the water revenue pledged earlier for a Federal loan.

Councilman Coffey wanted to know who is authorized to send the water to the pond.

Mayor Fitzgerald then wanted to know about the well for the golf course.

Councilman Staton wanted to know if any water from the well is going to the golf course.

Mr. Scudder said that water for the golf course has been an issue since day 1. Sometimes the well cannot keep up with the amount of water that is needed to water the course. There has been many, many discussions over the past 6 ½ years concerning water for the golf course. He explained when the golf course needs water we have an approved Health Department valve that was installed years ago that we can turn on and use City water to maintain the golf course. He said we had an engineering report in 2013 that discussed a lot of the different water issues with Dickinson Well, bringing new wells on line, whether to connect Hall Springs or not. At the end of the day, the engineers report said the cost of water treatment for a million gallons of water is around \$300.00. When we turn the water on in an “as needed situation”, which is infrequent; maybe a couple of times per year we are watering the golf course with public water. Mr. Scudder said when we bought Dickinson Well on line; we doubled the City’s water production.

Mayor Fitzgerald opined that after all the money we have spent on Dickinson Well he really does not want to waste the water.

Mr. Scudder said the engineering study stated the cost is low.

Councilman Coffey wanted to know who is paying for the water used at the golf course.

Mr. Scudder stated again that the engineering report said the cost is around \$300.00 for a million gallons of water. He also said we do not charge the schools for water.

Mayor Fitzgerald opined the schools are different. He said the schools don’t use as much water as the golf course.

Councilman Baldrige said he disagrees: City water is City water.

Mr. Miller said the schools are not for profit like the golf course.

Mayor Fitzgerald said he would meet with Mr. Scudder on Friday and meet with Mr. Miller on Saturday to discuss the water usage.

ADG #7 REPORTS:

1.) Mayor

Mayor Fitzgerald started his report by saying that he attended the SVU graduation. He also attended the 5K and the luau was very interesting.

2.) City Manager

Mr. Scudder said he went to the Eagles Nest for the unveiling of the mural that was created by Washington and Lee Students with the help of the Eagles Nest members.

3.) City Attorney

Mr. Kearney stated that ACA filed a Brief that is 77 pages. It did not contain anything new and we have 30 days to file a reply. He will take care of the reply.

4.) Council Committee/Representative

Councilman Baldrige advised that he attended the groundbreaking for RARO and opined it was a nice ceremony.

Councilman Coffey said that last Friday he and Jay went around town looking at sites to fix up. One was a sewer line that has a 3 ½ foot deep hole from the street back to the cleanup. The hole is full of trash and the yard is in terrible shape. Councilman Coffey said he didn't know if this site had been taken care of or not. He said that photos were taken of the alley behind Mays Grocery where there is a deep manhole that has been created by the garbage trucks. He said when the garbage trucks go in the alley, the truck will rock and catch the corner of Mr. Mohler's eave and if the truck rocks in the opposite direction, it hits the utility pole. He said they also checked the creeks for graffiti. Some of the graffiti has been removed but there is still some under a bridge that is readable. He thanked Public Works for fixing the hole at Kenney's.

Councilman Henson said that Tom Roberts has an update on the above situation.

Mr. Scudder said that Mr. Cole has ordered a riser to put in the manhole behind Mays Grocery.

Councilman Staton wanted to know if we have a time table when projects for Public Works will be started. He would like to obtain one if possible. Mayor Fitzgerald said he would also like to have a copy.

Mr. Scudder said he will get the list. He also said he has been working with Adams Paving to pave the road to the upper campground behind the pool. This will be done at no charge to the City.

Councilman Henson said he had the opportunity to attend the Chamber breakfast and said a good crowd was there. He said that SVU is growing; next year they are anticipating around 1,000 to 1,100 students. He thanked the Boy Scouts and the American Legion for participating in the "Take Pride in America" project. Councilman Henson said that it seems to be a problem with tall grass in the City.

Mr. Roberts advised that letters were sent out today regarding high grass.

Mr. Scudder said a lot of letters concerning high grass has been sent out this year.

Councilman Henson then approached the subject about faded signs within the City. He said some citizens said they can't see the signs and if they are ticketed, they do not want to pay their ticket.

Councilman Baldrige mentioned that some of the stop signs are faded also.

Councilman Henson then wanted to know our plan if we have a high water event.

Mr. Scudder said we monitor the high water through NOAA and gauge the water on the river.

Councilman Henson complimented Public Works for the great job they are doing with the limited number of employees. He said they are knocking things off the bucket list; some as old as 5 years. He then advised he will be on vacation beginning June 1st for about 6 weeks. He said he will have his phone.

CONSIDER APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS, AND COMMITTEES:

APT #1 PUBLIC RECREATIONAL FACILITIES AUTHORITY:

Mr. Tim Dudley's term will expire June 30, 2018. This is a 4 year term. Mr. Dudley is not willing to serve again. This is the third time this item has appeared on the agenda. **NO APPLICANTS: ADVERTISED THE NEWS GAZETTE APRIL 4, 2018; CHANNEL 18 MARCH 28, 2018; WEB SITE MARCH 28, 2018**

Mr. Scudder said that when Mr. Dudley was appointed to this Authority he was the City Manager and suggested that he be appointed to the Authority. Motion was made by Councilman Henson to appoint Mr. Scudder to the PRFA, seconded by Councilman Baldrige, carried by Council.

Mr. Scudder explained this is an authority and we are looking into the possibility in the next few months of a big park improvement plan. He said we are going to look at special financing. The idea he has is if we can find some low interest money it would be worthwhile to do a big fix to our parks.

APT #2 ROCKBRIDGE AREA COMMUNITY SERVICES BOARD:

Ms. Lori Turner has resigned. Her term will expire on December 31, 2020. This is the third time this item has appeared on the agenda. ADVERTISED THE NEWS GAZETTE 3/21/18; WEB SITE AND CHANNEL 18 3/15/18

APPLICANT: BRENT STYLER

Mr. Styler requested that his name be taken off this board. He said he had it confused with the Social Service Board. There are no other applicants.

NEW BUSINESS: (THIS IS OUT OF ORDER ON THE AGENDA – OLD BUSINESS SHOULD HAVE BEEN TAKEN CARE OF BEFORE ANY NEW BUSINESS)

NB #1 DISCUSS PURCHASE OF LAND (ADDED TO THE AGENDA FROM EARLIER DISCUSSION DURING COUNCIL MEETING):

Mr. Scudder started the discussion by advising that over the last year we purchased the land around the soccer field and we also had it surveyed so we

would know what we had. We discovered we had more land than we originally thought we had. There was a piece of property near our land that spurred some issues and investigations. We are trying to negotiate to purchase that land also. The property sold for about \$10,000.00 off of the listed price. He and Mayor Fitzgerald feel we need to purchase the land now. In the future we can do something with the land that will be revenue producing and benefit the park. The land is an extension of Glen Maury Park. The property owner is asking a firm price of \$25,000.00 for 10 lots. The lots are located in the middle of all of the other land that we own. He advised that he has 2 contracts that need to be executed if Council approves the purchase of the land. The money to purchase the land will be a transfer from the general fund.

Councilman Coffey motioned to authorize Mr. Scudder to sign the contracts to purchase the land, seconded by Vice-Mayor Tyson, carried by Council.

NB #2 PROCLAMATION FOR NATIONAL POLICE WEEK:

Vice-Mayor Cooper read the following Proclamation:

PROCLAMATION

WHEREAS, the well-being of all citizens of Buena Vista is preserved and enhanced as a direct result of the vigilance and dedication of the members of the Buena Vista **Police** Department; and

WHEREAS, the men and women of the Buena Vista Police Department, at great risk to their personal safety, presently serve their fellow citizens as guardians of peace; and

WHEREAS, on average, more than **57,180** peace officers are assaulted each year, resulting in over 16,500 injuries; one peace officer is killed somewhere in America every 58 hours, and **135** peace officers were killed in 2017. Since the first known line-of-duty death in 1791, over 21,541 U.S. law enforcement officers have made the ultimate sacrifice; and their names are memorialized on the wall of the National Law Enforcement Memorial in Washington D.C.

WHEREAS, each year, during the month of May, a week is set aside and designated as Police Week; and

WHEREAS, the purpose of such designation is to honor the memory and hold tribute to the many courageous and heroic police officers who have

laid down their lives in the protection of our homes and our persons, and to those officers who continue to faithfully protect and serve the citizens of Buena Vista ; and

WHEREAS, it is important to promote public respect and appreciation for the protection and rescue efforts in which our police officers are performing.

NOW, THEREFORE, I, William Fitzgerald, Mayor of the City of Buena Vista, Virginia, do hereby proclaim May **13 through May 19, 2018**, as

NATIONAL POLICE WEEK

and urge all citizens to honor police officers for their outstanding service to the City of Buena Vista , and to honor the memory of all police officers who have given their lives in the performance of their official duties.

IN WITNESS WHEREOF,
I have hereunto set my
hand and caused to be
duly affixed the Seal of the
City of Buena Vista,
Virginia, this 17th day of
May 2018.

William Fitzgerald, Mayor
City Of Buena Vista, VA

ATTEST:

Dawn Wheeler
Buena Vista Clerk of City Council

Chief Hartman thanked Council for the Proclamation. Our last line of duty death was in 1982. He opined it is important for us as a community to not forget those officers that have made the ultimate sacrifice. He thanked Council for all the things they do for the Police Department and the support they also give.

NB #3 CHESSIE TRAIL TAP GRANT DISCUSSION:

Mr. Tom Roberts started the update by saying we first applied for the grant in 2015. The project is to better connect the Chessie Trail to the river walk. We have talked a lot about this over the last number of years. This connection will be going under the Route 60 Bridge to get people who are walking on the trail into the City. We pursued this source of funding because it seemed like a really good way to fund a high quality trail connection. Under the bridge will be a lot safer than crossing over Route 60. We were awarded the grant last summer but as we have gotten deeper into it and we have had the entities look at it a little bit more, it has become apparent that in order to meet the specifications required by the grant, we will have to build the trail to ADA specifications (this is Federal money). To build the trail to conform to ADA standards, it will cost a lot of money. The project budget was \$231,219.00. We are not really sure because we have not done any detail engineering work but the engineer thinks it could be anywhere between \$300,000.00 to \$500,000.00. He opined that is a lot of money for a few hundred feet of trail plus time and energy to manage. There is an existing steep trail under the bridge already. Mr. Roberts recommended that we use volunteer labor and possibly City labor to do some moderate improvements to the existing steep trail.

Councilman Coffey wanted to know if this connection would block the access to fishing in that area.

Mr. Roberts said there are boulders on either side of the boat ramp to prevent vehicular traffic. The trail will be used only by pedestrians and bicyclist. Mr. Roberts recommended cancelling the TAP grant since no money has been spent yet. The engineer has not charged any money as of yet so if we are going to cancel the grant, now is the time to do it.

Vice-Mayor Cooper wanted to know if the costs would be an additional \$200,000.00 or \$300,000.00 or was that the total cost for the project.

Mr. Roberts said the total could be a total of between \$300,000.00 and \$500,000.00

Vice-Mayor Cooper said that it is his understanding that the ADA standards have not been modified that much in the last several years. He does not understand why the cost is so high.

Mr. Scudder advised that an earlier engineer looked at the project. They provided a rough estimate. The engineer that has looked at it now said because of the slope it will cost more money to do the project and we have to match 20%.

He opined that we do not need to spend this much money. We can use volunteers and prisoners for the labor.

Mr. Roberts said the funds we were planning to use for the match would be \$53,735.00. He said that around \$40,000.00 was slated to come from the Regional IDA fund. The 3 localities agreed to each to spend their portion of the IDA funds on regional trail development. The County is using their portion of the money on the South River Bridge. This opens up the opportunity to spend those funds on some other aspects of the trail. We would be looking at other options. There is the Brushy Blue Trail that goes all the way from the Brushy Hill Preserve in Lexington to the George Washington National Forest. This includes the Chessie Trail and the Woods Creek Trail in Lexington and it goes through the City of Buena Vista. We will be looking at some potential uses for those funds before wayfinding signage. There are a lot of ways we can improve the trail. He opined if we could ever get that easement from Bontex that trail section would need some improvements. He advised that he did speak with VDOT about the option to cancel the grant request and they do understand that budgeting issues has come up. We will not get penalized for cancelling the grant.

Councilman Henson wanted to know if it would impact future grant requests if we cancelled this grant.

Mr. Scudder said it would not impact future requests for grants. He said this happens frequently on some projects.

Councilman Henson motioned to cancel the grant due to the projected cost, seconded by Councilman Coffey, carried by Council.

Vice-Mayor Cooper suggested we send VDOT a thank you letter.

Mr. Scudder said he would send the letter.

OLD BUSINESS: (THIS IS OUT OF ORDER ON THE AGENDA – OLD BUSINESS SHOULD HAVE BEEN TAKEN CARE OF BEFORE ANY NEW BUSINESS)

OB #1 SECOND READING OF THE ORDINANCE FOR THE FY2019 BUDGET APPROVAL:

Councilman Baldrige motioned to read the Ordinance by title only, seconded by Vice-Mayor Cooper, carried by Council.

Ms. Ruth Ann Snyder read the following Ordinance by title only:

**AN ORDINANCE APPROVING THE FISCAL YEAR 2019
BUDGET**

ORDINANCE – ORD 18-06

BE IT ORDAINED, the City Council on May 3, 2018 held a public hearing on the proposed budget for fiscal year 2019; and

BE IT FURTHER ORDAINED, the City Council during a series of work sessions, has developed a balanced budget for fiscal year 2019;

Now, BE IT STILL FURTHER ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BUENA VISTA, that the following budget be and the same is hereby adopted for fiscal planning purposes:

GENERAL FUND REVENUE

<u>ITEM</u>	<u>PROPOSED</u>
	<u>2018/19</u>
General Property Taxes	\$ 5,814,000
Other Local Taxes	1,513,900
Permits, Privilege Fees	37,050
Fines and Forfeitures	60,700
Earnings from Investments	35,000
Charge for Services	801,172
Miscellaneous Revenue	205,536
Non-Categorical Aid from Virginia	1,005,429
Shared Expenses	811,195
Categorical Aid from Virginia	2,593,317
Categorical Aid Federal	50,000
Transfers - Other Funds	<u>10,000</u>
TOTAL GENERAL FUND REVENUE	\$12,937,299

GENERAL FUND EXPENDITURES

City Council	\$	39,598
City Manager		76,124
City Attorney		70,000
Finance Director		289,292
Independent Auditor		40,000
Commissioner of the Revenue		220,890
Reassessment		33,000
Board of Equalization		3,000
City Treasurer		270,559
Insurance		68,600
Insurance Consultant		6,000
Electoral Board		97,633
Circuit Court		6,250
General District Court		6,800
Juvenile & Domestic Relations Court		33,490
Clerk of the Circuit Court		239,887
City Sheriff		423,497
Commonwealth's Attorney		272,841
Criminal Justice Services		69,317
Police Department		1,496,691
Fire Department		158,000
Rescue Squad		110,903
Probation Officer		3,000

	<u>2018-19</u>
Charge for Services	\$2,234,545
WATER & Sewer Fund Revenues	\$2,234,545

WATER & SEWER EXPENDITURES

Administration & Engineering	\$ 329,738
Water Maintenance	251,181
Sewer Maintenance	292,311
Wastewater Treatment Plant	648,754
Water Production	206,335
Debt Service	506,226
WATER & SEWER FUND EXPENDITURES	\$2,234,545

PARKS AND RECREATION REVENUE

<u>ITEM</u>	PROPOSED
	<u>2018-19</u>
Revenue From Money and Property	\$ 106,000
Charge for Services & Misc. Revenue	37,500
Transfer From General Fund	232,312
TOTAL PARK FUND REVENUE	\$ 375,812

PARKS AND RECREATION EXPENDITURES

Administration	\$ 103,961
Recreation Department	106,992
Activities Department	19,300
Maintenance of Parks and Campgrounds	87,772
Swimming Pool	57,787

TOTAL PARK FUND EXPENDITURES \$ 375,812

GOLF COURSE REVENUE

	PROPOSED
<u>ITEM</u>	<u>2018-19</u>
Charge for Services	\$ 402,074
TOTAL GOLF COURSE REVENUE	\$ 402,074

GOLF COURSE EXPENDITURES

Golf Operations	\$ 402,074
TOTAL GOLF COURSE EXPENDITURES	\$ 402,074

SCHOOL CONSTRUCTION REVENUE

	PROPOSED
<u>ITEM</u>	<u>2018-19</u>
City Funds	\$ 305,134

Transfer School Operation Fund	177,931
Interest Recovery	18,173

TOTAL SCHOOL CONSTRUCT REVENUE \$ 501,238

SCHOOL CONSTRUCTION EXPENDITURES

Literary Loan	\$ 405,000
Bus Lease	53,474
Middle School Loan	42,764

TOTAL SCHOOL CONSTRCT EXPEND \$ 501,238

SENIOR CENTER FUND REVENUE

<u>ITEM</u>	<u>PROPOSED</u> <u>2018-19</u>
BV/Lex/Rock County	\$ 8,500
TOTAL SENIOR CENTER REVENUE	\$ 8,500

SENIOR CENTER FUND EXPENDITURES

Utilities and Operation Costs	\$ 8,500
TOTAL SENIOR CENTER EXPEND	\$ 8,500

SCHOOL NUTRITION FUND REVENUE

<u>ITEM</u>	<u>PROPOSED</u> <u>2018-19</u>
Nutrition Revenues	\$ 397,991
TOTAL SCHOOL NUTRITION REVENUE	\$ 397,991

SCHOOL NUTRITION FUND EXPENDITURES

Nutrition Expenses	\$ 397,991
TOTAL SCHOOL NUTRITION EXPEND	\$ 397,991

Mayor

ATTEST:

Clerk of Council

Date of Adoption

Motion was made by Councilman Baldrige to adopt the above Ordinance, seconded by Councilman Coffey.

Ms. Snyder polled Council as follows:

	Present	Absent	Yes	No	Abstain
Mayor Fitzgerald	X		X		
Melvin Henson	X		X		
Vice-Mayor Tyson Cooper	X		X		
Steve Baldrige	X		X		
Lisa Clark		X			
Daniel Staton	X		X		
Stanley Coffey	X		X		

OB #2 SECOND READING OF AN ORDINANCE ESTABLISHING THE TAX RATES FOR THE CITY OF BUENA VISTA FY2019:

Vice-Mayor Cooper motioned to read the following Ordinance by title only, seconded by Councilman Steve Baldrige, carried by Council.

Ms. Ruth Ann Snyder read the following Ordinance by title only:

**AN ORDINANCE ESTABLISHING THE TAX RATES FOR THE
CITY OF BUENA VISTA,
VIRGINIA FOR THE FISCAL YEAR 2019**

ORDINANCE – ORD 18-07

BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF BUENA VISTA, VIRGINIA, that in accordance with Section 26-1 of the Code of the City of Buena Vista, there is hereby levied upon taxable real estate an effective tax rate of One Dollar and Twenty-One Cents (\$1.21) per One Hundred Dollars (\$100.00) assessed valuation for the fiscal year 2019, said levy to be based upon the value of such property as of July 1, 2018.

BE IT FURTHER ORDAINED, that there is hereby levied upon Personal Property a tax rate of Five Dollars and Eighty-Five Cents (\$5.85) per One Hundred Dollars (\$100.00) assessed valuation for the calendar year 2019, said levy to be based upon the value of such property as of January 1, 2019.

BE IT FURTHER ORDAINED, that there is hereby levied upon all public service corporation real estate the sum of One Dollar and Twenty-One Cents (\$1.21) per One Hundred Dollars (\$100.00) assessed valuation for the fiscal year 2019, said levy to be based upon the value of such property as of January 1, 2018.

BE IT STILL ORDAINED, that the Water rate shall be Seven Dollars and Forty-Eight Cents (\$7.48) per one thousand gallons of water and the Sewer rate shall be Seven Dollars and Forty-Four Cents (\$7.44) per one thousand gallons of water.

BE IT STILL ORDAINED, that the Refuse fee shall be Nineteen Dollars and zero cents (\$19.00) per month residential and shall be Eight Dollars and Forty cents (\$8.40) per unit commercial.

BE IT STILL FURTHER ORDAINED, that all other tax rates not expressly defined above shall remain the same until further action by council.

Mayor

ATTEST:

Clerk of Council

Date of Adoption

Motion was made by Councilman Henson to adopt the above Ordinance, seconded by Vice-Mayor Cooper.

Ms. Snyder polled Council as follows:

	Present	Absent	Yes	No	Abstain
Mayor Fitzgerald	X		X		
Melvin Henson	X		X		
Vice-Mayor Tyson Cooper	X		X		
Steve Baldrige	X		X		
Lisa Clark		X			
Daniel Staton	X		X		
Stanley Coffey	X		X		

**OB #3 SECOND READING OF AN ORDINANCE
APPROPRIATING FUNDS FOR THE OPERATION OF THE CITY
OF BUENA VISTA FOR THE FY2019:**

Motion was made by Councilman Henson to read the following Ordinance by title only, seconded by Councilman Baldrige, carried by Council.

Ms. Ruth Ann Snyder read the following Ordinance by title only:

**AN ORDINANCE APPROPRIATING FUNDS FOR THE
OPERATION OF THE
CITY OF BUENA VISTA FOR THE FISCAL YEAR 2019**

ORDINANCE – ORD 18-08

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BUENA VISTA, VIRGINIA, that in accordance with 4-1, Budgets and Appropriations, of the Charter of Buena Vista, funds to support the operations of the City for the Fiscal Year 2019 is hereby appropriated effective July 1, 2018 in the amount of \$16,857,459 and in accordance with the following provisions:

General Fund	\$12,937,299
Water & Sewer Fund	2,234,545
Parks & Recreation Fund	375,812
Golf Course Fund	402,074
School Construction Fund	501,238
Senior Center Fund	8,500
School Nutrition Fund	397,991
Total FY 2019 Budget	\$16,857,459

Mayor

ATTEST:

Clerk of Council

Date of Adoption

Motion was made by Councilman Baldrige to adopt the above Ordinance, seconded by Councilman Coffey.

Ms. Snyder polled Council as follows:

	Present	Absent	Yes	No	Abstain
Mayor Fitzgerald	X		X		
Melvin Henson	X		X		
Vice-Mayor Tyson Cooper	X		X		
Steve Baldrige	X		X		
Lisa Clark		X			

Daniel Staton	X		X		
Stanley Coffey	X		X		

OB #4 SECOND READING OF AN ORDINANCE FOR ZONING MAP AMENDMENT TO REZONE ALL LOTS WITHIN BLOCK 8 AND BLOCK 21 OF SECTION 6 FROM R3 RESIDENTIAL LIMITED TO R4 MEDIUM DENSITY RESIDENTIAL FOR THE PURPOSE OF BUILDING MULTIFAMILY HOUSING. THESE TWO BLOCKS ARE BOUNDED BY ROCKBRIDGE AVENUE, 31ST STREET, CATALPA AVENUE AND 32ND STREET:

Motion was made by Councilman Baldrige to read the following Ordinance by title only, seconded by Vice-Mayor Cooper, carried by Council.

Mr. Calvin Smith, 171 East 31st Street, Buena Vista started the discussion by stating that he had hoped Mr. Ramsey would be in attendance tonight so that he could let Council know before they voted what would be placed on the property. He opined that Council was going to vote on Blanket Rezoning and they do not know what is coming in there. He said he thought that the building would be only for SVU students, not the local people. He feels that Council should not vote for something that is not going to benefit the people from Buena Vista. It will only benefit people that will live in Buena Vista for 9 months. On the application it never said anything about local people. It said the property would be for married students that are now living in people’s basements. It is his opinion that this is only for the college. He also opined that Councilman Baldrige and Vice-Mayor Cooper should not vote on the Ordinance since they both work at the college. He also said that Mayor Fitzgerald should not vote since he works for Mr. Ramsey.

Councilman Henson stated that Mr. Ramsey said the building will be used to help anyone and everyone.

Mr. Smith said that he has attended all the meetings and that Mr. Ramsey did not make the above statement. He opined if any of the 3 voted on this Ordinance it would be a conflict of interest.

Ms. Ruth Ann Snyder read the following Ordinance by title only:

ORDINANCE – ORD 18-09

Zoning Map Amendment

**Blocks 8 and 21 of Section 6 from R3 Residential
Limited to R4 Medium Density Residential**

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, all Lots within Blocks 8 and 21 of Section 6 as shown on the attached “Exhibit A,” is rezoned from Residential Limited R3 to Medium Density Residential R4, and the zoning map for the City will be amended to reflect this change.

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

Mayor

ATTEST:

Clerk of Council

Date of Adoption

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

Ms. Snyder polled Council as follows:

	Present	Absent	Yes	No	Abstain
Mayor Fitzgerald	X		X		
Melvin Henson	X		X		
Vice-Mayor Tyson Cooper	X		X		
Steve Baldrige	X		X		
Lisa Clark		X			
Daniel Staton	X		X		
Stanley Coffey	X		X		

OB #5 SECOND READING OF AN ORDINANCE FOR ZONING TEXT AMENDMENT TO REORGANIZE CERTAIN SECTIONS OF THE LAND DEVELOPMENT REGULATIONS BY RENUMBERING. NO TEXT CHANGES ARE PROPOSED:

Motion was made by Vice-Mayor Cooper to read the following Ordinance by title only, seconded by Councilman Henson, carried by Council.

Ms. Ruth Ann Snyder read the following Ordinance by title only:

ORDINANCE – ORD 18-10

Zoning Text Amendment

Multiple Articles **Ordinance Text**

AN ORDINANCE to amend the Land Development Regulations of the Code of the City of Buena Vista, as amended, by moving certain sections and renumbering certain sections for the purpose of improving navigation and clarity of the zoning code.

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 Land Development Regulations of the City of Buena Vista are hereby amended by renumbering as follows:

1. Move Article 1600 Seminary Hill Neighborhood Historic District to create a new section (615) in Article 6 Uses in Districts
2. Move Article 1700 Mixed Business to create a new section (616) in Article 6
3. Move Article 1900 Institutional District to create a new section (6/7) in Article 6
4. Move Article 2000 to create a new section (618) in Article 6
5. Move portion of §2011 (table of setbacks for all districts with notes) to create a new section (630) in Article 6
6. Move Article 13 Standards for Telecommunication Antennas and Towers to create new section in Article 7

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

Mayor

ATTEST:

Clerk of Council

Date of Adoption

Motion was made by Councilman Henson to adopt the above Ordinance, seconded by Councilman Baldrige.

Ms. Snyder polled Council as follows:

	Present	Absent	Yes	No	Abstain
Mayor Fitzgerald	X		X		
Melvin Henson	X		X		
Vice-Mayor Tyson Cooper	X		X		
Steve Baldrige	X		X		
Lisa Clark		X			

Daniel Staton	X		X		
Stanley Coffey	X		X		

OB #6 SECOND READING OF AN ORDINANCE FOR ZONING TEXT AMENDMENT TO AMEND THE DEFINITIONS OF “BASEMENT” AND “CELLAR” FOR THE PURPOSE OF CLARIFYING OCCUPANCY REGULATION FOR BELOW-GROUND RESIDENTIAL SPACES:

Motion was made by Vice-Mayor Cooper to read the following Ordinance by title only, seconded by Councilman Baldrige, carried by Council.

Vice-Mayor Cooper wanted to know if changes had been made to the above Ordinance.

Mr. Roberts said the only change was removing the text that has been struck through. There are no actual changes in the wording.

Councilman Baldrige said there are 2 of these Ordinances tonight. This is one that he would like more time to mull over and talk to landowners to see if there should be an amendment. He proposed to place this Ordinance for adoption on the agenda for the June 21st meeting.

Councilman Baldrige motioned to move this item to our agenda for the June 21st meeting, seconded by Councilman Coffey, carried by Council.

ORDINANCE

Zoning Text Amendment

Article 3, Definitions

Sections 302.02-1, 302.03-1, and 302.20-9

Ordinance Text

An Ordinance to amend Sections 302.02-1, 302.03-1 and 302.20-9 of the Land Development Regulations of the Code of the City of Buena Vista, as amended, for the purpose of classifying determination of habitable spaces within a dwelling unit and counting number of stories of a building.

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 Land Development Regulations of the City of Buena Vista are hereby amended to amend the definitions of the words *basement*, *cellar*, and *story*, and to read and provide as follows:

302.02-1 Basement means a story having part but not more than one-half (1/2) of its height below grade. ~~A basement shall count as a story for the purpose of height regulations, if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.~~ **A basement shall not be considered a story for the purpose of determining building height, except when it is used or suitable for habitation.**

302.03-1 Cellar means a story having more than one-half (1/2) of its height below grade; ~~and which may not be occupied for dwelling purposes.~~ **A cellar shall not be considered a story for the purposes of determining building height.**

302.20-9 Story means that portion of a building, other than the ~~basement~~ **cellar**, included between the surface of **any floor and** the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it.

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

Mayor

ATTEST:

Clerk of Council

Date of Adoption

OB #7 SECOND READING OF AN ORDINANCE FOR ZONING TEXT AMENDMENT TO AMEND THE DEFINITION OF “FAMILY” TO CLARIFY RELATIONSHIPS BETWEEN OCCUPANTS IN A DWELLING UNIT:

Councilman Baldrige motioned to read the following Ordinance by title only, seconded by Vice-Mayor Cooper, carried by Council.

Motion was made by Councilman Baldrige to postpone the vote until the June 21st meeting, seconded by Councilman Coffey, carried by Council.

ORDINANCE

Zoning Text Amendment

Article 3, Definitions

Section 302.06-1
Ordinance Text

AN ORDINANCE to amend Section 302.06-1 of the Land Development Regulations of the Code of the City of Buena Vista, as amended, for the purpose of clarifying permitted occupancy of dwelling units.

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 Land Development Regulations of the City of Buena Vista are hereby amended to repeal the definition of the word *family* and to read and provide as follows:

302.06-1 *Family* means a single housekeeping unit consisting of

(1) An individual; or

(2) Two (2) or more persons related by blood, marriage, adoption, or guardianship; or

(3) Two (2) or more persons related by blood, marriage, adoption, or guardianship and not more than two (2) persons not related by blood, marriage, adoption, or guardianship; or

(4) A group of not more than four (4) persons not related by blood, marriage, adoption or guardianship.

Such housekeeping units are distinguished from persons occupying a boarding house, dormitory, hotel, or tourist home. Private household workers employ0 and housed on the premises may be considered as included in the family occupying said premises but shall not be counted toward occupancy thresholds.

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

Mayor

ATTEST:

Clerk of Council

Date of Adoption

OB #8 SECOND READING OF AN ORDINANCE FOR ZONING TEXT AMENDMENT TO AMEND §711 HOMES USED AS RENTAL PROPERTY; CONDITIONAL USE PERMIT REQUIRED, FOR THE PURPOSE OF CLARIFYING APPLICATION OF THIS REQUIREMENT:

Motion was made by Vice-Mayor Cooper to read the following Ordinance by title only, seconded by Councilman Coffey, carried by Council.

Ms. Ruth Ann Snyder read the following Ordinance by title only:

ORDINANCE – ORD 18-11

Zoning Text Amendment
Article 7, Use Regulations
Section 711

Ordinance Text

AN ORDINANCE to amend Section 711 of the Land Development Regulations of the Code of the City of Buena Vista, as amended, for the purpose of clarifying permitted occupancy of dwelling units.

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 Land Development Regulations of the City of Buena Vista are hereby amended to amend Section 711 to read and provide as follows:

Sec. 711.00. ~~Homes used as rental property; conditional use permit required.~~ **Group homes; conditional use permit required.**

~~711.00.1 Property owners are required to obtain a conditional use permit when any single family home is altered, constructed or used to 1) generate rental income and 2) where five or more unrelated persons (individually) pay rent.~~

Property owners are required to obtain a conditional use permit when any dwelling is altered, constructed, or used for residential occupancy by any person or combination of persons other than a family, as herein defined, and any occupant is a lessee of any portion of the same property.

711.00.1 The term *lessee* means a person or entity that has entered into agreement, written or otherwise, for the use of land, a building, or part of a building for any period of time in exchange for compensation. Such compensation may be monetary or otherwise.

711.00.2 This requirement shall not apply to dwelling units governed by Article 14 Bed and Breakfast Establishments which are properly licensed by the City.

711.00.3 This requirement shall not apply to residential facilities identified in Code of Virginia, § 15.2-2291.

~~711.01 Repealed Specific conditions imposed are:~~

~~711.01-1 Any front yard, side yard or rear yard that is less than that required by this Code is not further reduced;~~

~~711.01-2 Any exterior addition or alteration does not change the general appearance and character of the building from a single detached dwelling.~~

~~711.02 Repealed The dwelling shall have a minimum gross floor area as follows:~~

~~711.02-1 R-1 Zoning District 1,200 square feet~~

~~711.02-2 R-2 Zoning District 1,200 square feet~~

~~711.02-3 R-3 Zoning District 960 square feet~~

~~711.02-4 R-4 Zoning District 960 square feet~~

~~711.02-5 MU Zoning District 960 square feet.~~

~~711.02-6 Any other Zoning District 960 square feet.~~

711.03 Requirements for rentals dwelling type properties:

711.03-1 The basement area cannot be calculated in the floor area.

711.03-2 Each dwelling unit must contain at least one bathroom and one kitchen and one bedroom.

711.03-3 Sleeping will only be allowed in bedrooms.

711.03-4 Off-street parking shall conform to the requirements of article

711.03-5 Dwellings covered under this article shall be inspected and

approved by the building inspector as being in compliance with the latest minimum requirements of the International Building Code, the International Residential Code or the International Property Maintenance Code, whichever is applicable before occupancy shall be granted.

711.03-6 Three substantiated nuisance or noise complaints or any one violation of conditions required by city council will be grounds for revocation of the conditional use permit. Substantiation shall be accomplished pursuant to a complaint heard before the General District or Circuit Court for the City of Buena Vista pursuant to the nuisance and noise control ordinance of the city. Substantiation shall exist when there has been a finding of guilt.

711.03-7 Each dwelling is subject to an annual inspection by the city to ensure Code compliance.

711.04 Submission requirements.

711.04-1 All applicants for a conditional use permit for must submit:

711.04-1.1 The site plan shall be submitted to the building inspector for his approval prior to the site plan being submitted to the office of planning and zoning.

711.04-1.2 Building inspector shall only sign the site plan with his signature and the date only after the plan has met the appropriate building code requirements.

711.04-1.3 The site plan may be required to be submitted to any city department for their respective approval prior to this being submitted to the office of planning and zoning if applicable.

711.04-1.4 The office of planning and zoning may waive a department head's signature and date should such not be applicable.

711.04-1.5 All submittals shall be uniform in scale.

711.04-1.6 A copy of the plat.

711.04-1.7 A sketch of the general development is required for each rental covered under this article.

711.04-1.8 Address and location(s) of the existing or proposed rental unit(s) or efficiency(ies).

711.04-1.9 All existing and proposed streets.

711.04-1.10 The distances to all lot lines and public rights-of-way.

711.04-1.11 The location of all existing and proposed structures on the lot.

711.04-1.12 Number of floors, floor area, height and location of each building and proposed general use for each building. If a multifamily residential building, the number, size and type of dwelling units.

711.04-1.13 Location of rental unit(s) or efficiencies: is it at the rear of building, first floor, second floor, etc.

711.04-1.14 Location of proposed fencing.

711.04-1.15 Number of rental units or efficiencies.

711.04-1.16 Label each building and/or rooms as apartment, efficiency or otherwise.

711.04-1.17 Show the size (length and width) of each room, including ceiling height of each room, and location of access to the unit(s) or efficiencies.

711.04-1.18 Length and width of each room to be rented.

711.04-1.19 Each room on the site plan shall be designated as a kitchen and location of sink, stove and cupboards, bedroom #1, bedroom #2, living room, hallway bathroom(s) and location of sink, bath and stool in each, and identify each additional room.

711.04-1.20 Ceiling heights in each room.

711.04-1.21 Door entrances to each room within the rental.

711.04-1.22 Exterior entrance and location on floor plan.

711.04-1.23 Location of any driveways.

711.04-1.24 Dumpster location on lot and/or trash handling to be addressed with site plan for each tenant.

711.04-1.25 All off-street parking shall be shown with size and width of each parking spot and its location (rear, side, front of building, elsewhere).

711.04-1.26 If parking space(s) provided is not in the rear or side of the distance from parking space(s) to the dwelling units or efficiencies. If owner is leasing this property, please provide name and phone number on site plan.

711.04-1.27 Any additional items as deemed necessary by the office of planning and zoning and the planning commission.

711.04-1.28 Conversion - Site plan shall be submitted to the office of planning and zoning and in turn be submitted to the planning commission for their approval.

711.04-1.29 Existing structures may be converted for single unit or multiunit residential rental uses, multifamily rental use, and shall meet the minimum requirements as set forth in this section and shall meet all for buffer zones, off-street parking, rental sizes and height.

711.04-1.30 Any conversion which involves an existing nonresidential or multifamily use rental, or one which would result in the creation of a combination of nonresidential rental and residential rental use, or which would result in the creation of a multi-unit rental dwelling shall meet the minimum requirements as set forth in this section and shall meet all for buffer zones, off-street parking, rental sizes and height limitations.

711.04-1.31 Parking shall meet the requirements of section 703 of the Buena Vista Land Use Regulations.

711.04-1.32 It shall be the responsibility of the landlord to show on the application the location and size of each parking space for all rental property.

711.04-1.33 Failure to observe any regulation shall result in penalties as allowed by the Land Use Regulations in article 11, Violation and Penalty.

711.05 Items to be considered prior to granting a conditional use permit.

711.05-1 The impact on property values.

711.05-2 Traffic generation.

711.05-3 Parking.

711-05-4 The population density of the neighborhood.

711.05-5 The effect on the existing infrastructure.

711.05-6 Number of occupants of the each dwelling unit.

711.06 Conditions.

711.06-1 The planning commission and/or the city council may apply conditions to the property to maintain the intent of these regulations.

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

Mayor

ATTEST:

Clerk of Council

Date of Adoption

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

Ms. Snyder polled Council as follows:

	Present	Absent	Yes	No	Abstain
Mayor Fitzgerald	X		X		
Melvin Henson	X		X		
Vice-Mayor Tyson Cooper	X		X		
Steve Baldrige	X		X		
Lisa Clark		X			
Daniel Staton	X		X		

Stanley Coffey	X		X		
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OB #9 SECOND READING OF AN ORDINANCE FOR ZONING TEXT AMENDMENT TO AMEND §703 OFF-STREET PARKING TO CREATE CONDITIONAL USE PERMIT PROCESS FOR OFF-SITE PARKING LOCATED MORE THAN 600 FEET FROM A PERMITTED USE:

Motion was made by Vice-Mayor Cooper to read by title only with the correction as stated by Mr. Roberts, seconded by Councilman Baldrige, carried by Council.

Ms. Ruth Ann Snyder read the following Ordinance by title only:

ORDINANCE – ORD 18-12

Zoning Text Amendment
Article 7, Use Regulations
Section 703, Off-Street
Parking

Ordinance Text

AN ORDINANCE to amend Section 703 of the Land Development Regulations of the Code of the City of Buena Vista, as amended, for the purpose of regulating off-site required parking within the City.

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 Land Development Regulations of the City of Buena Vista are hereby amended to amend Section 703.01 and 703.03 to read and provide as follows:

703.01 *General requirements.* For the purpose of this ordinance, the following general requirements are specified:

703.01-1 Parking spaces for all ~~dwellings~~ **uses** shall be located on the same lot with the main buildings to be served;

703.01-2 If an off-street parking space cannot be reasonably provided on the same lot on which the main use is conducted, such space may be provided on other off-street property, provided such space lies within 600 feet of ~~the property line~~ of such main use;

703.01-2.1 By conditional use permit, the City Council may permit provision of required off-street parking more than 600 feet of such main use. This permit may be granted upon determination that practical difficulties prevent location of required parking on the same lot as the main use, or where the public safety or the public convenience would be better served by a location other than on the same lot.

703.01-2.2 For uses located in the Institutional zoning district, required off-street parking may be provided at any location within the Institutional district regardless of proximity to the associated use. Location of off-street parking for uses located in the Institutional zoning district shall not require a conditional use permit. Off-site parking located in a zoning district other than Institutional, for a use located within the Institutional district, must be within 600 feet of the district or receive a conditional use permit as provided in 703.01-2.1.

703.01-2.3 An off-site parking facility shall be in the ownership of the same property owner as the main use, or participating property owners shall have a duly-recorded legal agreement providing access and use of the required parking spaces. Should the legal agreement terminate, the use for which off-site parking

was provided shall be considered nonconforming and any and all approvals, including conditional use permits, shall be subject to revocation. Continuation or expansion of the use shall be prohibited unless the use is brought into compliance with the parking regulations of this section.

703.01-3 The required number of parking spaces for any number of separate uses may be combined in one ~~lot~~ **parking facility**, but the required space assigned to one use may not be assigned to another use at the same time;

703.01-3.1 A common or cooperative parking facility shall be in the ownership of the same property owner as the main use, or participating property owners shall have a duly-recorded legal agreement providing access and use of the required parking

spaces. Should the legal agreement terminate, the use for which off-site parking was provided shall be considered nonconforming and any and all approvals, including conditional use permits, shall be subject to revocation. Continuation or expansion of the use shall be prohibited unless the use is brought into compliance with the parking regulations of this section.

703.01-4 Area reserved for off-street parking in accordance with the requirements of this ordinance shall not be reduced in the area, encroached upon or changed to any other use unless the use which it serves is discontinued or modified;

703.01-5 Off-street parking existing at the effective date of this ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use. Existing off-street parking which is provided in an amount less than the requirements stated hereinafter shall not be further reduced.

703.03-6.15 ~~Repealed.~~ All required parking spaces shall be provided on the same building site as the use of the building for which they are required.

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

Mayor

ATTEST:

Clerk of Council

Date of Adoption

Motion was made by Councilman Henson to adopt the above Ordinance, seconded by Councilman Baldrige.

Ms. Snyder polled Council as follows:

	Present	Absent	Yes	No	Abstain
Mayor Fitzgerald	X		X		
Melvin Henson	X		X		
Vice-Mayor Tyson Cooper	X		X		
Steve Baldrige	X		X		
Lisa Clark		X			
Daniel Staton	X		X		
Stanley Coffey	X		X		

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

Dawn M. Wheeler

Clerk of Council

William H. Fitzgerald

Mayor