

**CITY OF BUENA VISTA  
REGULAR COUNCIL MEETING  
FEBRUARY 15, 2018**

The City Council for the City of Buena Vista met for a Regular Council Meeting, on Thursday, February 15, 2018, at 6:00 p.m. in Council Chambers (2039 Sycamore Avenue).

Council Members Present:	Mayor Bill Fitzgerald
Steve Baldrige	Melvin Henson
Vice-Mayor Tyson Cooper	Daniel Staton
Lisa Clark	

Members Absent: Stanley Coffey

**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.

**ADG #2 APPROVAL OF THE MINUTES FROM THE PUBLIC HEARING, REGULAR COUNCIL MEETING AND EXECUTIVE SESSION HELD ON FEBRUARY 1, 2018:**

Motion was made by Councilman Baldrige to approve the minutes of the February 1, 2018 Public Hearing, Regular Council meeting and Executive Session, seconded by Councilman Staton, carried by Council with the exception of Council Member Clark who abstained..

**ADG #3 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.**

No one spoke.

## **ADG #4 REPORTS:**

### **1.) Mayor:**

Mayor Fitzgerald said our City Charter needs to be amended. He asked Council to think about what changes need to be made and they will talk about it at the next Council meeting. He then said he would like to work on the school budget. He advised that the school numbers and the City's numbers don't seem to match up. Mayor Fitzgerald said we need to figure out why they do not match. He said he went to get a list from the City that listed local, state and federal funds. The City has control over these funds and the school has to request money from the City for those funds. He said that Mr. Scudder gave him a list of every check that was wrote from the City. He asked Mr. Scudder if we have a list that just lists the schools. Mr. Scudder said he will have to get with Mr. Dudley to see if we have such a list. He opined that Mayor Fitzgerald had requested the expenditures and the revenues for the school.

Mayor Fitzgerald asked if anyone on Council would like to help him look into the report.

Council Member Clark said that she and Vice-Mayor Cooper would help him look at the report since they are both on the Finance/Education Committee.

Mayor Fitzgerald asked that Mr. Scudder give him 3 copies of the requested report. He then addressed the road at Reid's Hill. He opined the road is in need of some major repair. He said we collect property tax, personal property tax, water and sewer fees and also garbage pickup. He said we can dress that road up a little bit by cleaning it up and put some gravel down. He opined if the City collects taxes from the residents on Reid's Hill then we can do something to improve their road.

Mr. Scudder said we have worked on their road in the past and made some improvements.

Council Member Clark said we have been working on that road for at least 2 years. She explained that when that road was installed it was part of the County that was annexed in. There were no stipulations on how they had to do the road so they basically built their own road. At one point the City put some asphalt down on the rough spots and that created more problems than it did good. She opined that it really needs to be graded back down to the surface and graveled.

Mr. Scudder stated that he, Brian Kearney and the Public Works Directors have worked on the road. The road is a private road. Some of the citizens are willing to work on it and some are not.

Council Member Clark wanted to know if the road is within the City limits.

Mr. Scudder said the road is within the City limits.

Council Member Clark opined the City needs to help because we don't want to do anything that would prohibit emergency vehicles coming in and out of that area.

Mr. Scudder said we periodically do work on the road. He said every time we have a major rain the gravel washes away.

## **2.) City Manager:**

Mr. Scudder started his report by showing Council a Certificate of Appreciation from the Buena Vista Fire Department thanking the City for all we do for them. Back several months ago when Brian Brown was still here he worked on a "Go Virginia" project with Rockbridge County on advanced manufacturing for Byers Incorporated. It was a welding type of educational training that they wanted to do for our region because there is a big need for welders. In the first round of funding we were denied that grant. We went back and fine-tuned the grant and were awarded the grant.

Councilman Baldrige wanted to know what the matching funds would be. Mr. Scudder said he does not know what the matching fund will be.

## **3.) City Attorney:**

Mr. Kearney advised that to date the City has collected between \$70,000.00 and \$75,000.00 in back taxes which covers the first 30 days of the process. The Treasurer has entered into several agreements with citizens to make payments on the back taxes owed. He hopes to have this completed by the end of the year. He said there is still a lot to be done that will take some time to do. He then addressed the ruling on the golf course. He said the case has been dismissed and ACA has 30 days to appeal the Judge's decision. The Judge ruled exactly as we asked him to do. The Deed of Trust was not ruled upon but the validity of the Deed of Trust was voted upon properly. The Court never addressed that issue.

## **4.) Council Committee/Representative:**

Vice-Mayor Cooper said that he speaks regularly with citizens who cannot attend the Council meetings. A citizen asked him this week how they could obtain a copy of the minutes. He said the recent minutes are not on line. He also suggested that Council consider streaming or recording the Council meetings.

Councilman Baldrige opined the minutes are more valuable than the recording. He feels the minutes should be put on the web site.

Vice-Mayor Cooper agreed with Councilman Baldrige that the minutes are a whole lot more valuable than a recording. He opined it would be a relatively low cost to try live streaming. He said that if no one ever watches the recording then we can stop. However, if we get 20 to 40 people watching, it may be a value. He said there are a few Council

meetings that he will not be able to attend but if we were live streaming he may be able to watch them.

Mr. Scudder stated that he has already asked some staff to look into live streaming. He has asked that staff meet with Danny Morgan to see what it would take to live stream meetings.

Vice-Mayor Cooper said you can live stream on YouTube for free. The trick is the need for a camera. He said you can get a decent web camera for about \$100.00. He said he does not know if we have enough internet band width to live stream.

Mr. Scudder said we are looking at that also. We are looking at Centel who does their service through RANA. We would be able to tap into the fiber optic cable we have here.

Vice-Mayor Cooper then invited everyone to a fireside meeting that will be hosted by the Church of Jesus Christ of Latter Day Saints Sunday evening beginning at 7:00 p.m. on the origins of the LDS faith in this area. This will be held at the Mormon Chapel.

Councilman Henson then addressed the bad pipes around town. He said the work crew went out yesterday on a water main break that eroded the road out from under the break. He opined we need to start talking about some infrastructure repair.

Councilman Baldrige said when Ed Cahill was the Public Works Director we were given a priority for capital improvement projects. He opined we got the top 7 projects that we had funding for. He said we are also working on the camera to be able to create a map of where all the water leaks are.

Council Member Clark wanted to know where we are with the map.

Mr. Scudder said that Hunter Young and the PDC are working on the map. He said we did get a new camera a couple of years ago. They are also working on the water model.

Council Member Clark wanted to know if we have any idea of when that work will be complete. She opined if we had a good idea when that would be completed it would probably make it easier for Public Works to make that list of priorities and where they should start.

Mr. Scudder said he does not know when the work will be complete but he will check on it.

Councilman Baldrige said it is his understanding that the map will be the precursor on the highest priorities as to where we spend the money left over from the Dickinson Well project.

Mr. Scudder asked Mr. Tom Roberts who was in the audience where we stand on the GIS mapping project.

Mr. Roberts said we have been making some incremental progress on the GIS. In 2017 we did not make as much progress on utility infrastructure as we would have liked to. The water model would show us where our water lines are and the pressure. It would also show us the capacity so we are able to understand where the water is coming from and going to. That is still in progress and we should be close to finishing it. One of the reasons it was not done earlier is that they wanted to get some information on flows while SVU was in session rather than during the summer. He said more on the planning side, we have made a lot of progress in the last few months on the partial layer that shows property boundaries.

Council Member Clark wanted to know if by our next meeting we could get an update on where we are and a time line on completion of the map.

Mr. Roberts said he has had some conversation with Trina Mastran and she is very serious about getting the GIS layer completed.

Councilman Henson said the budget got hit real hard because 250 meters froze and had to be replaced.

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

### **APT #1 THE CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION:**

Mr. Tim Petrie's term will end on June 30, 2018. This is the fourth time this item has appeared on the agenda. The person that is appointed to fill his unexpired term must be an elected official.

Councilman Baldrige motioned to appoint Council Member Clark to fulfill the unexpired term of Mr. Petrie, seconded by Councilman Henson, carried by Council.

### **APT #2 PUBLIC RECREATIONAL FACILITIES AUTHORITY:**

Mr. Sam Mays has resigned. His term will expire on June 30, 2018. This is the first time this item has appeared on the agenda. **ADVERTISED: THE NEWS GAZETTE – 2/14/18; WEB SITE AND CHANNEL 18 2/8/18**

Councilman Baldrige said he sent an email to someone that he thought might be interested in serving but he has not heard back.

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

**OLD BUSINESS:**

**OB #1 SECOND READING OF AN ORDINANCE AMENDING CHAPTER 22, ARTICLE 1, SECTION 22-38 OF THE BUENA VISTA CITY CODE, URINATING, DEFECATING IN PUBLIC:**

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

Clerk of Council, Dawn Wheeler, read the following Ordinance by title only:

**ORDINANCE - - ORD 18-04**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BUENA VISTA, VIRGINIA**, that the Buena Vista City Code, Chapter 22, Article I be amended to promote the public health and welfare of the citizens of Buena Vista by adding the new section as follows:

Section 22-38: Urinating, defecating in public.

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- (a) It shall be unlawful for any person to urinate or defecate in or on any sidewalk, street or in any public place, or in any place where other persons are present, unless such urination or defecation be in a bathroom, restroom or other facility specifically designed for such purpose.
  - (b) Any person violating the provisions of this Section shall be guilty of a Class 4 misdemeanor.

This Ordinance shall become effective thirty (30) days after adoption.

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**WILLIAM H. FITZGERALD, MAYOR**

**ATTEST:**

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**CLERK OF COUNCIL**

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**DATE OF ADOPTION**

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

Ms. Wheeler polled Council as follows:

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

Stanley Coffey		X			
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**NEW BUSINESS:**

**NB #1 FIRST READING OF AN ORDINANCE ADDING TO THE BUENA VISTA CITY CODE CHAPTER 32, ARTICLE XXI, OPERATION OF UTILITY VEHICLES:**

Mr. Kearney said the only difference in the Ordinance that was read last time is we have now included the Buena Vista Firefighters and the Buena Vista Rescue Squad members to use utility vehicles on City streets, in addition to the school using them within the confines of SVU property.

Councilman Baldrige read the following Ordinance:

**ORDINANCE**

This ORDINANCE is for the modification of Chapter 32 of the Code for the City of Buena Vista.

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BUENA VISTA, VIRGINIA,** that Article XXI, Operation of Utility Vehicles shall be added to Chapter 32 of the City Code as follows:

**ARTICLE XXI. - OPERATION OF UTILITY VEHICLES**

**Sec. 32-910. - Definitions.**

The following words and phrases when used in this Article shall for the purpose of this Article have the meaning respectfully ascribed to them.

“Utility Vehicle” means a motor vehicle that is (i) designated for off-road use, (ii) powered by a motor, and (iii) used for general maintenance, security, agricultural or horticultural purposes. “Utility Vehicle” does not include riding lawn mowers.

“Street” means the entire width between the boundary lines of every way or place open to use of the public for purposes of vehicular travel in the City, including the streets and alleys, and, for law enforcement purposes, the entire width between the boundary lines of all private roads or private streets that have been specifically designated “highways,” as that term is defined in Code of Virginia, Section 46.2-100, by Ordinance, and also including sidewalks and multi-purpose paths.

### **Sec. 32-911. – Utility Vehicle Operation on Streets.**

It shall be unlawful for any person to operate a Utility Vehicle on or over any Street in the City except for local government employees, operating only upon Streets within the City, to fulfill a governmental purpose, which for the purpose of this Ordinance shall include members of the Buena Vista Firefighters and members of the Buena Vista Rescue Squad, provided the Utility Vehicle is being operated on Streets with speed limits of 35 mph or less and employees of public or private two-year or four-year institutions of higher education if operating on Streets within the property limits of such institutions, provided the Utility Vehicle is being operated on Streets with speed limits of 35 mph or less. Then, and in that case only, all Streets outlined above shall be designated as public highways for Utility Vehicle operation in accordance with the laws of the Commonwealth of Virginia.

The provisions of Section 46.2-916.3(A) of the 1950 Code of Virginia, as amended, shall not apply to Utility Vehicles operated by City employees or employees of public or private two-year or four-year institutions of higher education.

This Ordinance shall become effective thirty (30) days from the date hereon.

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**WILLIAM H. FITZGERALD, MAYOR**

**ATTEST:**

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**CLERK OF COUNCIL**

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**DATE OF ADOPTION**

**NB #2 ANNUAL POLICE DEPARTMENT AWARDS/ OFFICER OF THE YEAR/ SWEARING IN OF BVPD CHAPLAINS:**

Chief Hartman thanked Council for allowing the Police Department to have their awards and badge pinning ceremony. He announced that the Police Department received their accreditation last week and the State will be here on 3/15/18 to present the accreditation to the Police Department.

Chief Hartman said the first badge pinning is for an Auxiliary Police Officer. An Auxiliary Police Officer is an officer that is a volunteer citizen of the police force helping them with patrolling and other duties. They are not allowed to enforce the law or engage in dangerous tasks. Auxiliary Police Officers are called upon to supplement police work as needed. Although they do not perform the duties of required force, they take part in other police work to preserve peace and order. They also prevent crime and protect life and property as instructed by the Police Department. Depending on the community, Auxiliary Police Officers may assist in crowd and traffic control situations. They may also perform foot and bicycle patrols or provide security at local concerts and festivals which we have just about every weekend in the summer time. He then asked Randy Stinnett and his wife Debra to come forward for the badge pinning ceremony. Chief Hartman said

the program was started approximately a year ago with 3 officers. One dropped out and the other one is in the police academy. The goal was to put people in the department that would serve the community well. Randy has gone through an extensive amount of training in firearms and will do some driving training also. Randy is out every weekend between 8 and 10 hours riding with the officers. Chief Hartman said they are very proud and honored to have Randy as part of their team. Mrs. Stinnett pinned her husband.

Chief Hartman said the second program that was started this year is with Police Chaplains. They have a total of 4 Chaplains. Police Chaplains serve in a variety of ways. They may be called upon to assist in death notifications, assist and support victims in times of crisis, respond to suicide incidents and serve as part of the crisis response team. They visit sick or injured personnel and are a resource of counselors for members of the agency or members of their families. They also serve as a liaison with the other clergy in the community. They are called upon to deliver invocations or benedictions for public ceremonies as representatives of the Police Department. They are also on hand to serve inside the Police Department. The position of the Police Chaplain is typically a special, non-certified position that carries no law enforcement powers. It does require that the person have or developed a unique understanding of police work and the challenges that law enforcement officers and their families face on a daily basis. This understanding allows them to be a very effective part of the department, assisting inside and out in the patrol car. The role of the Police Chaplain can be a very demanding position as their services can be requested at all hours of the night; under all conditions. They are bound by the same ethics as law enforcement officers especially when it comes to confidentiality as well as following department procedures. He then recognized Hugh Bouchelle from the Church of Jesus Christ of the Latter Day Saints and Andy Wolfe from the Christ Episcopal Church. Mr. Bouchelle was pinned by his wife and Mr. Wolfe was pinned by his son. The other 2 chaplains are Reverend Bryan LePere from the Buena Vista Baptist Church and Reverend W.A. Mills from the Buena Vista Pentecostal Holiness Church. Chief Hartman then read the Law Enforcement Oath of Honor.

Chief Hartman then moved on to the Life Saving Award. Corp. Chris Plogger and Officer Jacob Moore were awarded the Life Saving Award. Chief Hartman then explained why both officers were awarded with the Life Saving Award.

He next awarded the following service awards:

10 Years – Alan Buzzard

10 Years – Jerry Waylon Miller

10 Years – David Lee Ramsey

15 Years – Randy Chittum

15 Years – Mitch Harrison

Chief Hartman then presented the Officer of the Year award to Officer Jacob Moore for his outstanding contributions to the citizens of Buena Vista and the Buena Vista Police Department.

Council Member Clark thanked the Police Department for all they do for our City.

Mayor Fitzgerald thanked everyone in the audience for attending and asked them to come back again.

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

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Dawn M. Wheeler

Clerk of Council

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William H. Fitzgerald

Mayor