

**CITY OF BUENA VISTA
REGULAR COUNCIL MEETING
AND PUBLIC HEARINGS MAY 3, 2018**

The City Council for the City of Buena Vista met for a Regular Council Meeting and Public Hearings on Thursday, May 3, 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

Council Members Absent: Lisa Clark, Daniel Staton

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 NOTICE OF PUBLIC HEARING #1
PROPOSED 2018/2019 TAX RATES
CITY OF BUENA VISTA

The City of Buena Vista will conduct a public hearing on May 3, 2018 shortly after 6:00 p.m. in the Council Chambers, 2039 Sycamore Avenue. The hearing will be conducted to receive public input on the proposed FY 2019 Tax Rates.

The hearing will be open to the public. Any person desiring to be heard will be given the opportunity to present oral or written testimony within reasonable time limits as determined by the City Council.

A complete copy of the budget and tax rates is available for review in the City Manager's office, City Hall, 2nd Floor, 2039 Sycamore Avenue.

The City Council is giving consideration to adopting the following tax, water and sewer rates and refuse fees for FY 2019:

Real Estate – \$1.21 per \$100 assessed valuation

Personal Property - \$5.85 per \$100 assessed valuation

Refuse Fee- \$19.00 per Month

Water Rate - \$7.48 per 1000 gallons

Sewer Rate - \$7.44 per 1000 gallons

Mr. Scudder started the discussion by saying that at the last Council meeting we had a brief presentation on the budget. He said this is basically the same budget that the City had last year except there is a 2% increase in salaries; there is a 5% increase in Social Services; increases in jail costs. All fees and real estate taxes remain the same except for the refuse rate which increased from \$17.00 per month to \$19.00 per month. He explained that the \$2.00 increase is going to help cover the increase in landfill costs at the Rockbridge Regional Landfill. The 2% increase does not totally cover the increase but it does soften it up. It represents a 12% increase in the residential rate. There is a company in Rockbridge County that does weekly pickup for residents and their rate is around \$20.00. There are a lot of jurisdictions that charge between \$26.00 to \$33.00 per month. That is the only change in the budget. It is a balanced budget. We have looked at some of our year end FY2017 actual revenues and some categories have maxed out. Mr. Kearney and his staff are working on having a tax sale this year. We have elevated the real estate collectables by about \$158,000.00. So far we have collected about \$80,000.00. Those are the only major changes in the budget. The jail costs are reflective of an increase in the number of inmates per day for each jurisdiction. The jail has also had a sufficient increase in health insurance and they have added 3 or 4 additional full time staff. The jail board felt that was what was needed; he was the only member of the board that voted against their request for additional funding. The Social Services line items have really gone up. The increase is driven by the court system and the needs that people find themselves in. We do not have any control over this cost. Council Member Clark asked Mr. Scudder to pan out with the State and Federal revenues that offset those programs. Based on the auditor's records, that number is about 80%. We have to cover about 20% of those costs. We did budget more money in that category as we did with the jail. Those figures are estimates only. He said that he had met with the Finance Committee, Vice-

Mayor Cooper and Council Member Clark and they went over the budget and was able to answer some of their questions. We funded what was asked for from non-profits and schools and it is a level funded budget for most departments. It does not include a lot of money because the money is not there for capital improvements. He opined we need to continue what we have been doing over the last 6 or 7 years; just see where we end up and see what breaks.

Mr. Kearney then suggested that the first Public Hearing be opened up. The Public Hearing is going to be outlining the tax rates for fiscal year coming forward. The real estate rate of \$1.21 per \$100.00 of assessed value has not been modified; the personal property rate of \$5.85 per \$100.00 of assessed value has not been modified; the refuse fee of \$19.00 has been modified by \$2.00; the water rate of \$7.48 per 1000 gallons and the sewer rates of \$7.44 per 1000 gallons has not been modified. Those are the current rates that have been proposed as part of the budget. He then opened the floor for discussion.

Councilman Henson wanted to know how much it will impact refuse or solid waste if the City stops picking up recyclables.

Mr. Scudder said we have looked at the impact if we stop recycling. He said we feel that the number will be north of \$100,000.00. He also reminded everyone that we will be charged \$32.00 to \$35.00 per ton for recycling. We use to have centrally located recycling bins and our citizens would take their recyclables to the recycle bin. He said between 7 or 8 years ago the City had a private company that said if the City bought the blue household bins they would collect the recycling. The private sector kind of got us in the household curbside recycling. It is just like another refuse route. The private company that started picking up the recyclables stopped picking it up. The City picked it up again and provided that service to our citizens. It will be even more expensive now because we are going to have to pay someone to take it.

Councilman Henson wanted to know if the citizens will still be able to take their recyclables down to 17th Street.

Mr. Scudder said that is the plan. Mr. Palmer opined that we would probably have to buy 2 or 3 more metal bins. The bins will cost about \$6000.00 each. We will still have to pay the tonnage and the mileage for hauling the recyclables. We will not be doing the curbside pickup. It is Council's decision on whether the City wants to provide the service or not. Providing the service is fairly costly and Ms. Mastran, Mr. Talley and Mr. Cole have worked with some of those numbers and analyzed it. He opined it is something that we will have to evaluate in the coming months after we do the budget.

Councilman Henson stated that a lot of our citizens do recycle but the cost is getting outrageous.

Councilman Baldrige said that his business has always used the recycling bins.

Mr. Kearney reminded Council that this is the Public Hearing and the discussion should be held when the first reading of the budget is addressed in the Council meeting. He then closed Public Hearing #1.

ADG #3 **NOTICE OF PUBLIC HEARING #2**
PROPOSED 2018/2019 MUNICIPAL BUDGET
CITY OF BUENA VISTA

The City of Buena Vista will conduct a public hearing on May 3, 2018 at or about 6:00 p.m. in the Council chambers, 2039 Sycamore Avenue. The hearing will be conducted to receive public input on the proposed FY 2019 Budget. The hearing will be open to the public. Any person desiring to be heard will be given the opportunity to present oral or written testimony within reasonable time limits as determined by the City Council. A complete copy of the budget is available for review in the City Manager's office, City Hall, 2nd Floor, 2039 Sycamore Avenue. The City Council is considering adopting the following tax, water and sewer rates, and refuse fees for FY 2019.

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Water- \$7.48 per 1000 gallons

Sewer- \$7.44 per 1000 gallons

GENERAL FUND REVENUE

<u>ITEM</u>	PROPOSED
	<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
Magistrate	416
Medical Examiner	150
Economic Development	147,520
Planning	210,942
Administration & Engineering	189,671
Street Maintenance	614,853
Storm Water and E&S	15,500
Street Lights	67,000

Refuse Collection Department	477,448
Refuse Disposal	250,000
Maintenance of Building & Grounds	308,095
Maintenance of Greenhill Cemetery	127,085
General Tax Relief	80,000
Retiree Medical Plan	30,000
Central Dispatch	313,409
School Fund	2,583,803
Regional Jail	380,000
Transfers to Other Funds	537,446
Debt Service	264,095
Social Services	1,800,000
Non-Profit Agencies	504,494
TOTAL GENERAL FUND EXPENDITURES	\$12,937,299

WATER & SEWER REVENUE	
<u>ITEM</u>	<u>PROPOSED</u>
	<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

Mr. Kearney said the budget proposal is 4 pages long and it outlines the revenues and expenditures for the City. We will be reading the budget later. He said if anyone has any comments or questions about the budget this is the time to come

forward and discuss them with Council. Mr. Kearney then closed Public Hearing #2.

ADG #4

NOTICE OF PUBLIC HEARING #3

Pursuant to Code of Virginia Section 15.2-2204 and the City of Buena Vista Land Development Regulations, notice is given that the City Council of Buena Vista will hold a public hearing to receive comment on seven (7) matters.

- 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.
- Zoning Text Amendment to reorganize certain sections of the Land Development Regulations by renumbering. No text changes are proposed.
- Zoning Text Amendment to amend the definitions of “basement” and “cellar” for the purpose of clarifying occupancy regulation for below-ground residential spaces.
- Zoning Text Amendment to amend definition of “family” to clarify relationships between occupants in a dwelling unit.
- Zoning Text Amendment to amend §711 Homes Used as Rental Property; Conditional Use Permit required, for the purpose of clarifying application of this requirement.
- 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.

The Public Hearing will be held in the City Council Chambers located in the Municipal Building located at 2039 Sycamore Avenue in Buena Vista during the regular City Council meeting at approximately 6:00 PM on Thursday, May 3rd 2018. Staff reports for each matter are available from the Director of Planning and Community Development, Thomas Roberts, 2039 Sycamore Avenue, Buena Vista VA 24416 or (540) 261-8607 or troberts@bvcity.org.

Mr. Roberts read the above notice.

Mr. Kearney then opened the floor for comments.

Mr. Calvin Smith, 171 East 31st Street, Buena Vista was the first to speak. He asked Councilman Henson if he knew what blanket rezoning means.

Mr. Kearney explained that blanket rezoning is a legal phrase that would be directed to him not to a Council member.

Mr. Smith said he was asking Councilman Henson the question because he voted on it and he didn't know what he was voting on.

Mr. Kearney said this is the time to address Council not to ask questions.

Mr. Smith continued by saying that on April 18, 2018 he went to Tom Robert's office to get information on this deal. He said that Mr. Roberts gave him a couple of things but not what he wanted. He asked Mr. Roberts why Mr. Wayne Davis did not get a letter. Mr. Roberts told him that he sent the letter certified mail but Mr. Davis did not get it. He also asked Mr. Roberts for the Code of Virginia rules which he never received. He then called Mayor Fitzgerald and met with him on Monday. He stated that Mayor Fitzgerald was working for Mr. Skip Ramsey who has requested the blanket rezoning.

Councilman Baldrige opined that Mr. Smith's question was out of order. He asked Mr. Smith if he wanted to tell Council what he understands blanket zoning is.

Mr. Smith opined that members of Council vote on items that they have no clue what they are voting for.

Mr. Kearney reminded everyone that it is a Public Hearing about the 6 specific things that are on the agenda.

Mr. Smith said he asked Mr. Roberts to show him the land that Mr. Ramsey and Mr. Coleman owned. He stated that according to the drawing he had, everything on the drawing that is slanted is what they own. He wanted to know why the alley was slanted.

Councilman Baldrige asked Mr. Smith to tell Council who was supposed to get a certified letter and how it is relevant to the conversation.

Mr. Smith answered by saying that Wayne Davis was the person that was supposed to get the letter. Mr. Davis lives right across from the property. He said the Code of Virginia says that a written notice should be given to all local planning representatives at least 5 days before the hearing to the owner, agent or the occupant of the home. It was not done. He said that Mr. Davis did not have the opportunity to come to the commission.

Councilman Baldrige asked Mr. Smith if his purpose is to make sure Council followed the rules.

Mr. Smith says that Mr. Ramsey owns 3 lots in front of his home and he owns more property on the side of his home. The City also owns 1 lot in the area of his

home. He stated that his father-in-law has lived there for 20 years and Mr. Ramsey has not mowed the grass for 20 years. He said that neither the City nor Mr. Ramsey have mowed the grass for 20 years. He said his family has been mowing the grass. Mr. Smith said that even though Mr. Ramsey has not maintained the property for 20 years he now wants to put apartments on the property. He also said that Mr. Roberts told him that the apartments would not hurt his property value and he does not agree. He then addressed vacating the alley. He opined it cannot happen. The alley has been there for 40 years and he has no way to get out if the alley is vacated. He found out from other jurisdictions in the State of Virginia you have to have a way to get out of your house. It also has to be maintained by the City. If the alley is vacated then the City must install a road for him to get out of his house. He opined if the alley is vacated he has no way for the rescue squad or police to get to his house. He said that Council voted to vacate the alley when it cannot be done. He wanted to know why there is a need to put the apartments on that part of the hill. Mr. Smith said that Mr. Ramsey stated that the apartments would bring in jobs but he feels that is not true. He asked Council to not allow Mr. Ramsey to construct the apartments.

Mr. Skip Ramsey was the next to speak. He said he wanted to dispute comments made by Mr. Smith. He said that Mr. Smith's father-in-law is deceased and the deal was that he would mow the grass for being allowed to use the property.

Mr. Kearney then closed Public Hearing #3.

ADG #5 APPROVAL OF THE MINUTES FROM THE REGULAR COUNCIL MEETING HELD ON APRIL 19, 2018.

Motion was made by Councilman Baldrige to approve the minutes of the April 19, 2018 meeting after correcting the word "contacts" to "context. The motion was seconded by Vice-Mayor Cooper, carried by Council.

ADG #6 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 #7 REPORTS:

1.) Mayor

Mayor Fitzgerald explained there was a lot of business to be taken care of tonight so he will report on the meetings he has attended at the next Council meeting. He also asked Council to please keep their comments short.

2.) City Manager

Mr. Scudder said the new 911 Center and the new radio transition over to the new system worked very well. They are having a few paging issues in some of the more remote areas and they are working on that. They are in the process now of dismantling the old system. The only sufficient thing that is left to be done is the CAD system.

3.) City Attorney

Mr. Kearney stated that Council had asked him at the last meeting to look into whether or not there would be any prohibitions against Mr. Styler being appointed to various boards and commissions. Under State law there are no prohibitions. He can serve on as many as he applies for and is appointed to.

4.) Council Committee/Representative

Councilman Baldrige announced that SVU will be holding their graduation on Saturday at 10:00 and the public is welcome to come.

Councilman Henson wanted to know the process for obtaining a burn permit.

Mr. Scudder said citizens can obtain a burn permit by contacting his office. The permit is reviewed by the Fire Chief and is jointly signed by the Fire Chief and himself.

Councilman Henson then wanted to know what was being done about replacing Fred Fix or having someone cover for him.

Mr. Scudder explained that we have staff that is filling in and also a company that helps with plan reviews. He said the closer we get to Fred's retirement date he will review it more. In the interim, we do have an agreement that is long standing with Rockbridge County. If we need an inspection they have agreed to help us.

Councilman Henson wanted to know if that was a formal agreement or just a handshake agreement.

Mr. Scudder said we can have a formal agreement if necessary.

**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**

There are still no applicants.

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.

APT #3 PLANNING COMMISSION:

Ms. Simone McKelvey has resigned effective April 10, 2018. Her term will expire 12/31/20. This is the second time this item has appeared on the agenda. **ADVERTISED THE NEWS GAZETTE 4/11/18; WEB SITE AND CHANNEL 18 4/11/18**

APPLICANTS: BRENT STYLER, CASEY CROOKSTON, PRESTON MANUEL

Vice-Mayor Cooper advised that the Commission recommended Bill Braddy.

Councilman Baldrige said he followed up on that and it is not happening now and is not certain if it will happen.

Councilman Henson motioned to appoint Mr. Preston Manuel to the Planning Commission Board, seconded by Councilman Coffey.

Councilman Baldrige motioned to appoint Mr. Brent Styler without a second. The motion died on the floor.

Mr. Preston Manuel was unanimously appointed to replace Ms. McKelvey on the Planning Commission Board.

OLD BUSINESS:

OB #1 DISCUSS CITY CHARTER COMMITTEE.

Five applicants: Mr. Tom Roberts, Mr. Bob Gay, Mr. Jerry Miller, Mr. Tim Petrie, Mr. Brent Styler

Councilman Henson wanted to know if the decision on the number of seats for this committee had been decided.

Mr. Kearney said it has been discussed and would like to break the Charter down into sections. He said there were discussions about 2 person sections; 1 Council member and 1 citizen. He said we would probably have 3 Council members and 3 citizens. He opined it will take some time to go through each section of the Charter.

Mayor Fitzgerald said he thinks that Tom Roberts should be more of an advisor and not a member.

Mr. Kearney said he felt it is very important to have Tom Roberts involved as well as himself.

Vice-Mayor Cooper opined that all of the candidates will be excellent to serve on this committee. He also said he would be willing to serve on multiple sections.

Mr. Kearney said this project is going to be a very long process. He said depending on what article you are working on, it could take many months to complete it.

Vice-Mayor Cooper opined the more involvement the better. He is disappointed that there are no females to serve as a committee member.

Councilman Baldrige nominated Bob Gay, Jerry Miller, Tim Petrie and Brent Styler to serve on the City Charter Committee. Vice-Mayor Cooper seconded the nomination, carried by Council.

OB #2 DISCUSS LIVE STREAMING COUNCIL MEETINGS:

Mayor Fitzgerald said that he does not have an opinion either way.

Councilman Baldrige said he was wondering if we could come up with some way that we could get a little bit more concrete input from community members as to how many people think that they would regularly use this. He said he has heard from a very small group who has more than once told him they would like for the meetings to be live streamed. He opined it is such a small group that he is not sure it is worth the outlay. The City has 6000 people and if there are 5 people that would like the service, he is not sure it would be worth the \$1500.00 that we spend every year on it.

Mayor Fitzgerald asked that it be put on the web site and see what kind of response we receive.

Vice-Mayor Cooper said the \$1500.00 price tag came way down. That was for a year's subscription for the service. He suggested we get the feedback and also have a trial run for about 3 months.

Mr. Roberts said it would be about \$600.00 up front for the camera and the hardware. He advised it would be a little less than \$1600.00 per year for the annual contract. If we do a monthly contract the cost would be \$140.00 per month.

Vice-Mayor Cooper opined we could try this for 3 months to see if there is an interest. If there is no interest, we can cancel.

OB #3 UPDATE "ON THE GO VIRGINIA GRANT":

Ms. Rachel Moore, Director of Economic Development advised that the grant has already been approved. It is a \$100,000.00 matching grant. Our contribution will be \$11,500.00 payable over 2 fiscal years. We will be able to certify 20 additional welders. The agreement is ready to be signed.

Mr. Scudder opined that both Buena Vista and Rockbridge County worked very hard to get the grant. It went through 2 rounds of State debate to get approved.

NEW BUSINESS:

NB #1 FIRST READING OF THE ORDINANCE FOR THE FY2019 BUDGET APPROVAL:

Councilman Baldrige read the following Ordinance:

AN ORDINANCE APPROVING THE FISCAL YEAR 2019 BUDGET

ORDINANCE

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>	PROPOSED
	<u>2018/19</u>
General Property Taxes	\$ 5,814,000
Other Local Taxes	1,513,900
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GOLF COURSE REVENUE

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<u>ITEM</u>	<u>2018-19</u>
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GOLF COURSE EXPENDITURES

Golf Operations	\$ 402,074
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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

**NB #2 FIRST READING OF AN ORDINANCE ESTABLISHING
THE TAX RATES FOR THE CITY OF BUENA VISTA FY2019:**

Councilman Steve Baldrige read the following Ordinance:

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

ORDINANCE

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

NB #3 FIRST READING OF AN ORDINANCE APPROPRIATING FUNDS FOR THE OPERATION OF THE CITY OF BUENA VISTA FOR THE FY2019:

Vice-Mayor Cooper read the following Ordinance with one change: Change 2016 to 2019:

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

ORDINANCE

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

NB #4 FIRST 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:

Vice-Mayor Cooper read the following Ordinance:

ORDINANCE

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

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

Councilman Baldrige read the following Ordinance:

ORDINANCE

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

NB #6 FIRST 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:

Vice-Mayor Cooper read the following Ordinance:

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

NB #7 FIRST 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 read the following Ordinance:

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

NB #8 FIRST 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:

Vice-Mayor Cooper read the following Ordinance:

ORDINANCE

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

NB #9 FIRST 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:

Councilman Baldrige read the following Ordinance:

ORDINANCE

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

**NB #10 APPOINTMENT OF DIRECTORS TO THE PSA:
COUNCILMAN STANLEY COFFEY, VICE-MAYOR TYSON
COOPER AND COUNCILMAN DANIEL STATON:**

Mr. Kearney said these appointments will be for the term of their seats on Council.

Councilman Henson motioned to appoint the above Councilmen to serve on the PSA for the remaining length of their seats on Council, seconded by Councilman Baldrige, carried by Council.

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

Dawn M. Wheeler

Clerk of Council

William H. Fitzgerald

Mayor