

AMENDED

**CITY OF BUENA VISTA
PUBLIC HEARINGS AND REGULAR
COUNCIL MEETING**

MAY 2, 2019

The City Council for the City of Buena Vista met for Two Public Hearings and a Regular Council Meeting on Thursday, May 2, 2019 at 6:00 p.m. in Council Chambers (2039 Sycamore Avenue).

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

Members Absent: None

ADG#1 PLEDGE OF ALLEGIANCE AND PRAYER: Mayor Fitzgerald opened the meeting by requesting that everyone stand and repeat the Pledge of Allegiance. Councilman Baldrige delivered the opening prayer.

ADG #2 PUBLIC HEARING #1

PUBLIC HEARING

CITY COUNCIL

May 2nd 2019

Clerk of Council, Dawn Wheeler read the following:

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 a Conditional Use Permit application for 2027 Magnolia Avenue, Tax Map 34-1-2-16-22. The Buena Vista Fire Department, located directly across the alley at 2010 Sycamore Avenue,

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proposes to erect a 12' x 21' metal carport to function as a grilling pavilion behind the building at 2027 Magnolia Avenue. A Conditional Use Permit is required because the use is not within a permanent enclosed structure, pursuant to Buena Vista Land Development Regulations 614.03-1.

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 2nd, 2019**. A staff report, and a copy of the Comprehensive Plan, is available from the Director of Planning & Community Development, Thomas Roberts, 2039 Sycamore Avenue, Buena Vista VA 24416 or (540) 261-8607 or troberts@bvcity.org.

Mr. Roberts opened the Public Hearing by stating that the Buena Vista Fire Department has had grills across the alleyway for a while. They have previously been under a temporary tent structure. They would like to use the more permanent car port structure to cover the grills. He opined it is much more attractive. Staff and the Planning Commission recommends approval. Mr. Roberts said the land is owned by the Humphries family from Clifton Forge and they have given approval for the land to be used by the BVFD.

Councilman Henson said the BVFD has lost 2 tents because of wind damage.

Mayor Fitzgerald closed Public Hearing #1.

ADG #3 PUBLIC HEARING #2

NOTICE OF PUBLIC HEARING

PROPOSED 2019/2020 MUNICIPAL BUDGET

CITY OF BUENA VISTA

Councilman Baldrige read the following:

The City of Buena Vista will conduct a public hearing on May 2, 2019 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 2020 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

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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 2020.

Real Estate- \$1.24 per \$100 assessed valuation

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

Refuse Fee- \$19.00 per Month Residential, \$8.40 per unit Commercial

Water- \$7.58 per 1000 gallons

Sewer- \$7.54 per 1000 gallons

GENERAL FUND REVENUE

<u>ITEM</u>	PROPOSED
	<u>2019/20</u>
General Property Taxes	\$6,395,890
Other Local Taxes	1,588,700
Permits, Privilege Fees	42,775
Fines and Forfeitures	71,720
Earnings from Investments	35,000
Charge for Services	806,713
Miscellaneous Revenue	220,536
Non-Categorical Aid from Virginia	1,005,429
Shared Expenses	836,637
Categorical Aid from Virginia	3,008,317
Categorical Aid Federal	50,000
Transfers - Other Funds	<u>10,000</u>
TOTAL GENERAL FUND REVENUE	\$14,071,717

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GENERAL FUND EXPENDITURES

City Council	\$	39,598
City Manager		77,834
City Attorney		70,000
Finance Director		322,535
Independent Auditor		40,700
Commissioner of the Revenue		210,866
Reassessment		33,000
Board of Equalization		3,000
City Treasurer		281,793
Insurance		68,600
Insurance Consultant		6,000
Electoral Board		105,817
Circuit Court		6,250
General District Court		6,800
Juvenile & Domestic Relations Court		33,490
Clerk of the Circuit Court		243,150
City Sheriff		463,309
Commonwealth's Attorney		277,676
Criminal Justice Services		72,579
Police Department		1,594,785
Fire Department		158,000
Rescue Squad		110,903
Probation Officer		3,000

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Magistrate	416
Medical Examiner	150
Economic Development	148,783
Planning	229,615
Administration & Engineering	184,343
Street Maintenance	888,045
Street Lights	73,000
Refuse Collection Department	470,863
Refuse Disposal	250,000
Maintenance of Building & Grounds	385,934
Maintenance of Greenhill Cemetery	174,637
General Tax Relief	80,000
Retiree Medical Plan	30,000
Central Dispatch	311,328
School Fund	2,583,803
Regional Jail	380,000
Transfers to Other Funds	495,044
Debt Service	264,846
Social Services	2,300,000
Non-Profit Agencies	<u>511,548</u>
TOTAL GENERAL FUND EXPENDITURES	\$13,992,074

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WATER & SEWER REVENUE

PROPOSED

<u>ITEM</u>	<u>2019-20</u>
Charge for Services	\$2,574,348
WATER & Sewer Fund Revenues	\$2,574,348

WATER & SEWER EXPENDITURES

Administration & Engineering	\$ 345,703
Water Maintenance	346,626
Sewer Maintenance	365,935
Wastewater Treatment Plant	659,800
Water Production	309,173
Debt Service	502,064
WATER & SEWER FUND EXPENDITURES	\$2,529,302

PARKS AND RECREATION REVENUE

PROPOSED

2018-19

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Revenue From Money and Property	\$ 131,000
Charge for Services & Misc. Revenue	44,500
Transfer From General Fund	<u>189,910</u>
TOTAL PARK FUND REVENUE	\$ 365,410

PARKS AND RECREATION EXPENDITURES

Administration	\$ 89,866
Recreation Department	110,785
Activities Department	19,300
Maintenance of Parks and Campgrounds	87,672
Swimming Pool	<u>57,787</u>
TOTAL PARK FUND EXPENDITURES	\$ 365,410

GOLF COURSE REVENUE

PROPOSED

<u>ITEM</u>	<u>2018-19</u>
Charge for Services	\$ 437,122
TOTAL GOLF COURSE REVENUE	\$ 437,122

GOLF COURSE EXPENDITURES

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Golf Operations \$ 437,122

TOTAL GOLF COURSE EXPENDITURES \$ 437,122

SCHOOL CONSTRUCTION REVENUE

PROPOSED

ITEM

2018-19

City Funds \$ 305,134

Transfer School Operation Fund 195,581

Interest Recovery 18,173

TOTAL SCHOOL CONSTRUCT REVENUE \$ 518,888

SCHOOL CONSTRUCTION EXPENDITURES

Literary Loan \$ 405,000

Bus Lease 53,474

Middle School Loan 42,764

TOTAL SCHOOL CONSTRCT EXPEND \$ 501,238

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SENIOR CENTER FUND REVENUE

<u>ITEM</u>	PROPOSED <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>	PROPOSED <u>2018-19</u>
Nutrition Revenues	\$ 420,020
TOTAL SCHOOL NUTRITION REVENUE	\$ 420,020

SCHOOL NUTRITION FUND EXPENDITURES

Nutrition Expenses	\$ 420,020
TOTAL SCHOOL NUTRITION EXPEND	\$ 420,020

Mayor Fitzgerald started the discussion by stating that he has a problem with the increase. He opined if we show a real estate tax rate increase, he is afraid it will stunt the real estate market. If we do it will affect our appraisal values. He feels we will do more harm by increasing the real estate taxes now. He opined we can wait until next year when we reassess everything and then do the adjustment. He said he understands the point of why the tax rate must be equalized.

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Council Member Clark wanted to know if there is any proposal to change the personal property tax or the refuse charge. She pointed out that the General Fund shows \$14,071,717 in revenues and \$13,992,074 in expenditures. She wanted to know why they did not match.

Mr. Clemmer explained that the revenues must be higher than the expenditures.

Councilman Coffey wanted to know why on the General Fund Expenditures there is \$68,600 for insurance and we have an insurance consultant that is \$6,000.

Mr. Scudder explained that when he started working for the City of Buena Vista, they had used a company called McNary that evaluated on how fair the City was getting a fair shake on health insurance and VML insurance. He shopped around back in 2012 and ended up selecting Sam Rosenthal. He will be our back up on health insurance increases and VML increases. He took that line item in the budget from \$15,000 down to \$6,000. He is still debating whether we get that value. He has talked to Charles about it and they are trying to make a collective decision whether we feel like we get the value out of it.

Councilman Baldrige wanted to know if the function was to study whether we would be better off changing our insurance carrier.

Mr. Scudder said their main purpose is to give the City insurance advise.

Council Member Clark wanted to know if the Ordinance for the budget represents any cuts.

Mr. Scudder replied by saying the Finance Committee discussed some cuts, but nothing has been done on those cuts. The first reading of the Ordinance does not include any cuts.

Mayor Fitzgerald then opened the Public Hearing for anyone to speak concerning the budget.

The first person to speak was Mrs. Amy Gilliam, 1804 Oak Avenue, Buena Vista. Her first concern was that Council did not finish their discussion on the water rates before we have a Public Hearing on a budget that is based on the water rates. Ms. Gilliam said the Councilman Baldrige mentioned that people that are on Social Security have had a cost of living increase. Most people that got the cost of living increase get less money per month because their insurance went up. It has been five years since the water rates have been adjusted. She also came to Council at that time because the citizens of Buena Vista were already paying more for water than most localities in Virginia including the citizens in Lexington. She pulled the Draper Allen report back then and again now which shows that we pay 22.3% more per 3,000 gallons than the City of Lexington.

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She opined we have entirely less overhead for our water department than the City of Lexington. We have fewer employees and providing water to fewer residences so there has got to be less expenditures coming out. She said she has a real problem with raising our water rates. This is an enterprise fund and it is her understanding that an enterprise fund pays for the expenditures that are related directly to the water and sewer system. Mrs. Gilliam stated that in the past most of the City Managers salary comes out of the enterprise fund. Her problem is that part of the City Managers salary comes out of the enterprise fund and the City continually increases the rates and says that the increases are for infrastructure changes. She opined that the funding is not going for infrastructure changes. She said that \$0.10 sounds like it is not that much, and it is a little less than \$2.00 per month added to the water bills. She said it is the principal of the increase and the fact that we are already paying more than the other localities. She also wanted to know how the budget is monitored. She said she read in the newspaper that the Police Department is over \$300,000.00 on their budget. She wanted to know if Council gets reports from department heads and are informed about how the budget is enforced. Mrs. Gilliam said she does agree with Mayor Fitzgerald that if the tax rates go up on homes, it will affect our real estate values. She again stated it is not fair to the citizens of Buena Vista to keep raising everything and not providing the services that the citizens deserve. She opined that this Council may not be responsible for the irresponsibility of past Councils, but she feels this Council cannot play catch up now because the citizens of Buena Vista cannot continue to pay the increases.

Mr. Darrell Slagle, 13th and Maple, Buena Vista was the next person to address Council. Mr. Slagle stated that he is not in favor of the \$0.03 increase in real estate taxes. He said he had some questions for the City Manager. He stated the City received the Dominos grant for \$5,000.00 and it was reported in The Advocate that the money would fix approximately 20 potholes. Mr. Slagle stated that Mr. Scudder has been the City Manager since 2011. He opined that since Mr. Scudder became City Manager his salary has been close to or right at \$1,000,000.00. He wanted to know how much Mr. Scudder has paid the City in personal property taxes since he became the City Manager. He said give or take a \$1,000.00, he would estimate maybe \$5,000.00. He then wanted to know how much real estate taxes that Mr. Scudder has paid to the City.

Councilman Baldrige said that Mr. Slagle was probably out of order by the questions he was asking. He said that is a private conversation for a private citizen question. He said that all citizens either pay directly or thru rent.

Mr. Slagle said everyone knows the answer and the amount of real estate taxes paid by Mr. Scudder has been zero. He said that since Mr. Scudder has been paid approximately \$1,000,000.00 during his tenure as City Manager and has

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paid approximately \$5,000.00 in personal property taxes, he has paid enough to fill about 20 potholes in the City. He pointed out that Mr. Scudder is the highest paid leader of the City. Mr. Slagle said his statements are in reference to the \$0.03 tax increase that Mr. Scudder is proposing.

Councilman Baldrige stated that the comments and questions that he has proposed should be directed to Council and not the City Manager.

Mr. Slagle pointed out that since Mr. Scudder became City Manager, the real estate taxes have gone up \$0.34. He stated that he knows that Mr. Scudder owns a home elsewhere and he pays real estate taxes there. He proposes changes to the Charter in reference to the City Manager that will help the City. He opined the Charter Committee Board needs to go back and meet with Mr. Kearney and the Charter should say when you establish a residence in the City, it must be purchased and not rented. Mr. Slagle stated the Mr. Scudder is the first City Manager in the City of Buena Vista that has not purchased a home. When a \$0.03 proposed increase in real estate taxes is done, it should not only affect the citizens but the City Manager as well.

Councilman Baldrige advised Mayor Fitzgerald that we need to stick to germane questions.

Mr. Slagle said to sum it up it appears that the City pays good enough money to Mr. Scudder, but our City is not good enough for him to invest in and pay taxes. He opined that he is safe in saying after some of what has been said tonight, we expect the City Council members that they voted for to do something because Mr. Scudder's track record is cancerous; his personality is toxic.

Councilman Baldrige stated again that Mr. Slagle's comments were not germane budget.

Council Member Clark asked Mr. Kearney if there is a forum in an executive session for this type of conversation.

Mr. Kearney said he would look it up and let Council Member Clark know if there is a forum for this type of conversation.

Mr. Slagle stated again that Mr. Scudder is proposing the tax increase and it does not affect him. He opined the tax increase affects everyone else in the room except Mr. Scudder.

Councilman Baldrige stated that half of the people in Buena Vista pay rent. He wanted to know if they are not residents of the City if they pay rent.

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Mr. Slagle asked Councilman Baldrige to look around at the people that attended the meeting. He opined they were attending because they all care. He told Councilman Baldrige that he should care.

Councilman Baldrige stated that he cares deeply but the idea that if someone pays rent means that they do not help pay the costs for the City is absurd.

Mayor Fitzgerald said they all were straying a little bit too far.

Mr. Slagle said he is not in favor of the increase and if a proposal is made to raise the tax rate it should hit Mr. Scudder in his pocket as it does his. He said that as far as the water is concerned, Trina Mastran put it best when he was in a meeting with Mr. Scudder. He said Ms. Mastran said that either 100 gallons or 1000 gallons, he is not sure which, was equivalent to the cost of a drink. He said he is not in favor of any increases but if the water is increased it is the equivalent to the cost of a soda.

Ms. Cheryl Hickman, 2345 Birch Avenue, Buena Vista opined the citizens of Buena Vista are overtaxed and overpaying for water. She stated that she has lived in Buena Vista all her life as has Mr. Slagle. She said that of all her utilities, her water bill is the highest. She stated that surrounding cities and counties do not have water bills as high as they are in Buena Vista. She opined that you cannot continue to increase taxes on the citizens that are already overtaxed. Ms. Hickman advised that our personal property rate is the highest in the State. With the proposed increase in real estate taxes, the City will be the 4th highest in the State. She opined that her purpose and Mr. Slagle's purpose is not to attack Mr. Scudder or Council. She feels if the budget did not affect her, she would not be concerned about it. However, as a single mother it does affect her, and she is concerned. She opined that Mr. Slagle was not attacking Mr. Scudder but he does not pay what they pay in real estate taxes because he does not own a home in the City. She then reported that the City of Charlottesville pays \$0.95 per \$100.00 in real estate taxes and \$4.20 per \$100.00 in personal property taxes. With the proposed increase the City of Buena Vista will be paying \$1.24 per \$100.00 in real estate taxes and \$5.85 per \$100.00 in personal property taxes. She said she has not done all her research because she has been sitting on her hands like a lot of other people in the City. She opined the citizens have not been doing their part in the past. She intends to start doing her part and holding herself as well as Council members responsible for expenditures. She opined if the City cannot afford something then it needs to be cut out of the budget. She suggested if the City needs additional funding then we need to go over the budget to see where we can get if from. If things do not change, we are going to run everyone out of town who has been holding the City together. She

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said that people cannot afford to live in Buena Vista and that Council needs to do what is right for the citizens.

Councilman Coffey told Ms. Hickman that he agrees with her. He said back in the day when he was young, every Councilman pretty much held themselves accountable because they were business owners. When they decided, they made decisions that would help themselves and the citizens.

Ms. Hickman said the main thing she is trying to get Council to understand is the citizens cannot afford anymore increases. She also opined that the City needs to get someone to do something to get businesses in the vacant buildings downtown. She said that CornerStone Bank had to put up a building in a parking lot because there were no suitable buildings, they could use downtown. She also suggested that the City get an itemized list from Social Services to see if we can figure out why their services are so high.

Council Member Clark advised that a locality is responsible for anyone in the locality that has a mandated service such as foster care.

Ms. Hickman wanted to know how it is determined who receives the funds.

Council Member Clark said there is a community fund and a Community Plan Management Team among the committee. Each time a new circumstance comes up it comes before the committee and they decide whether to approve it. It is divided up by locality. Therefore, anything from Buena Vista that is approved, the City is responsible for whatever Medicaid does not pay. She said the amounts comes from the provider of the service that is used. For example, if a student needs in school counseling and does not qualify for Medicaid, the City is responsible for paying for that treatment. The provider bills the community for the services provided. The new legislation in Virginia has put a 2% cap on it for reimbursement so anything over 2% the locality is responsible for. It is out of our control as to how much we must fund Social Services. She said the only services that are mandated are foster care and IEP. All other services must be approved.

Councilman Baldrige said that each person that comes before that committee is treated fairly in terms as to whether they need the service. It is not based on whether we have allocated the money. Each person that comes before the committee that needs service is funded. He opined there are 2 drivers that contribute to the cost of Social Services: drugs and being intimate outside of marriage. If there was something that we could do to help change these 2 things it would lower the costs.

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Ms. Hickman wanted to know what would happen if we cannot pay for the services.

Council Member Clark said a lot of communities are in the same shape that we are, and that Social Services is a big part of our budget. She asked Mr. Scudder and Mr. Clemmer if the \$2,000,000 line item for Social Services is our actual share before reimbursement.

Mr. Scudder said the \$2,000,000 is before reimbursement. The State will reimburse 75% back to the City.

Ms. Hickman urged Council to look for another way to raise cash than increase taxes and water/sewer rates.

The next person to speak was Mrs. Janet Fix, 1104 Hawthorne Avenue, Buena Vista. She said she does not agree with the overall things going on in the City. The big thing for her is if the cost increases and she expects to receive something better for paying those increases. She opined you can't allow more and more spending without an improvement in quality. Her biggest issue is the water. Mrs. Fix advised that about 10 years ago she found out that she has copper contamination in her water. She requested bacterial testing in June of 2018, and it has not been done. She has had to go to doctors for 3 years to try to figure out what was going on with her health. The City dug the water lines out beside of her house and found out there was a leak in the water lines going across the creek. She said the pipes in her area are about 75 to 80 years old. Mrs. Fix said that copper deposits are on the inside of all the pipes. In order to solve the problem with her water, the City terminated her line. She is on a dead end and the water runs stagnant unless it is flushed. The director of Public Works came to her house and she was told that the water would be flushed every 2 weeks and they would send her a flush report. Since then she has received 1 report. The water line had not been flushed since September until 2 weeks ago. She opined that from 20th Street down you do not get any service from the City. She said she is not only unhappy about the quality of her water but wanted to know how Council can ask her to pay more for the water she has. She said if the City is in a situation where the rates need to be raised, it cannot be because people want to spend more money. She suggested that every department look at their budgets and try to make improvements; not just spend money. Mrs. Fix stated that as far as she knows there are no plans to replace all the bad water lines. She wanted to keep a piece of the bad pipe that was removed from her water line and she was not allowed to have the pipe. She was told the pipe is City property.

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Councilman Baldrige said he remembers Ms. Mastran coming to a Council meeting and advocating for water line improvements.

Mayor Fitzgerald asked Mr. Scudder to investigate the water problems that Mrs. Fix is having.

Mrs. Fix requested again a copy of the bacterial report that was done 2 weeks ago.

Mrs. Amy Gilliam wanted to discuss the water/sewer fund revenues. The difference in the revenues and the expenditures is \$45,000. She said she is under the impression that we cannot make money so she curious as to how much the proposed water/sewer increase will generate.

Councilman Baldrige said the hope is we will gain \$20,000 with the increase that will go into the enterprise funds.

Mrs. Gilliam said she has a problem with building a reserve based on the available figures when the majority of Mr. Scudders salary comes out of this reserve. She stated if someone could show her where Mr. Scudder spends 66% of his time on water and sewer then she would have no problem with part of his salary coming out of this fund. Mrs. Gilliam than addressed the golf course. She does not understand why we are putting something in the reserve for the golf course. She opined if the golf course is doing so well and is self sufficient why is the City supplementing it. She wanted an explanation as to why the City is keeping the golf course open. She also wanted to know if the City is making any payments on the golf course.

Mayor Fitzgerald said we are not making any payments on the golf course.

Mr. Kearney explained that all the courts have ruled in our favor and the City has not paid anything on the debt since 2015. ACA filled a suit against the City and all claims have been thrown out. He said there are still issues to be dealt with, but we do not have to make any more payments.

Mrs. Gilliam advised after the golf course came about our personal property tax was increased to \$5.85 per \$100 to pay for the golf course. She opined we have had multiple increases over the years to pay for the golf course. She feels that no one has ever come up with a true figure on what the golf course is costing the citizens of Buena Vista. She wanted to know where the money has gone if we are not paying for the golf course. Mrs. Gilliam said she does not trust City government. She also said that the citizens are paying \$1.50 meter tax each month and the meters have been paid for a long time ago.

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Council Member Clark advised that back when the golf course was built taxes were lowered. It was the lowest real estate tax we have ever had and at that time there was not a plan to pay for the golf course. At that very same meeting, Council cut \$250,000 out of the school budget to fund the golf course. She said some of the money has been used to do improvements at GMP and we also put approximately \$200,000 into the library building.

Mrs. Gilliam opined that our roads need serious work and we are putting \$200,000 in a library. She said we could move the library in to a trailer and even after putting \$200,000 in the building, it is still dilapidated. She opined that the City threw good money after bad yet again. She said the point she is trying to make is the City needs to go back to each department and find cuts in the budget. She also suggested that employees be furloughed.

Council Member Clark asked Mrs. Gilliam who would do the work if employees are furloughed. She said the City workers have been cut to the bare bone.

Mrs. Gilliam replied by saying “doing more with less.” She also opined that in the Treasurer’s office and the Commissioner of the Revenue’s office there are too many employees.

Council Member Clark said you cannot devalue the work employees are doing.

Mrs. Gilliam said she is not devaluing the work being done. She opined that sometimes the City may need to apply some business mentality to running the City. The City needs to come up with better solutions.

Mayor Fitzgerald closed Public Hearing #2.

ADG #4 APPROVAL OF THE MINUTES FROM THE REGULAR COUNCIL MEETING HELD ON APRIL 18, 2019:

Motion was made by Councilman Henson to approve the minutes of the April 18, 2019 meeting, seconded by Council Member Clark, carried by Council.

ADG #5 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 an item listed on the agenda, open for public comment, will be heard when that item is considered:

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Dr. John Keeler, Superintendent of the City of Buena Vista Public Schools updated Council on upcoming events within the school system.

ADG #6 REPORTS:

1.) Mayor

None.

2.) City Manager

Mr. Scudder started his report by saying he wanted to discuss a couple of VDOT road issues. We are getting the hot box, but he does not know when that will be in. When it does come in, we can do some real asphalt patching. He said he has been working with Johnny Cole on some road issues up on Long Hollow Road and Culvert Street. We have done as much as we can with the limited funds we have. We have matched millions of dollars with VDOT improvements. He has been working with Johnny getting estimates on repairing Culvert Street and Long Hollow Road with milling and paving. Also, 10th Street going up toward the cemetery. The costs for doing those sections is at about \$85,000. He opined that we need to fix those areas of road. We are also getting ready to embark on the road for the Industrial Park. We did get a \$350,000 grant from VDOT to build the Industrial Park road. He met with VDOT Transportation Board in Staunton and we are in the running for about \$650,000 to \$700,000 of VDOT grant money for Route 501 and Route 60. We have committed to pave from 1st Street to the entrance of the Industrial Park. It will cost over \$300,000 for paving these areas. Mr. Scudder reported that Corey Henson has been working very hard on the Park Avenue Well. This will cost over \$75,000 to repair and the funds will come out of the enterprise fund.

3.) City Attorney

None.

4.) Council Committee/Representative

Councilman Baldrige reported that the SVU graduation held today was great.

Councilman Henson reminded everyone that the Guy Carawan Memorial will be dedicated on Saturday, May 12 at GMP. The walkway dedication at Vista Links will be held on May 18 beginning at noon. He also advised that the Fire Department would be cooking chicken to help support the softball team. The Fire Department has a golf tournament scheduled for May 11 and will hold a carnival at the end of the month. Councilman Henson said he asked Mr. Scudder at the last meeting about the effect that curb and guttering would have on property value. It does not have any effect on the property value.

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CONSIDER APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS, AND COMMITTEES:

ADG #7 ROCKBRIDGE REGIONAL LIBRARY BOARD:

Mr. Tom Lominac's term will expire on June 30, 2019. This is a 4 year term. This is the first time this item has appeared on the agenda. Mr. Lominac is willing to serve again if reappointed. **NO APPLICANTS - ADVERTISED NEWS GAZETTE MAY 1, 2019; WEB SITE AND CHANNEL 18 APRIL 23, 2019**

Motion was made by Councilman Henson to reappoint Mr. Lominac to the Rockbridge Regional Library Board, seconded by Councilman Baldrige, carried by Council.

ADG #8 BOARD OF ZONING APPEALS:

Mrs. Marolyn Cash has resigned from the Board of Zoning Appeals. Her term will expire on December 31, 2020. This is the first time this item has appeared on the agenda. **NO APPLICANTS - ADVERTISED NEWS GAZETTE MAY 1, 2019; WEB SITE AND CHANNEL 18 APRIL 23, 2019**

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

OLD BUSINESS:

OB #1 RESOLUTION AUTHORIZING EXECUTION OF THE VIRGINIA WATER AND WASTEWATER AGENCY RESPONSE NETWORK MUTUAL AID AGREEMENT:

Motion was made by Council Member Clark to carry this item over to the next Council meeting, seconded by Councilman Baldrige, carried by Council.

NEW BUSINESS:

NB #1 PROCLAMATION FOR FOSTER CARE:

Clerk of Council, Dawn Wheeler read the following Proclamation:

PROCLAMATION

AMENDED

WHEREAS, children are key to our community's future success, prosperity and quality of life; and

WHEREAS, more than 5,300 children in Virginia's foster care system have a right to thrive, learn and grow in a safe and loving environment; and

WHEREAS, foster parents provide love, safety and stability that children need in order to overcome past traumatic experiences in order to reach their full potential; and

WHEREAS, the City of Buena Vista foster parents are caring for and nurturing children and youth in foster care today; and

WHEREAS, we must come together as a community to recognize the important role foster parents play in caring for children who have experienced abuse and neglect, supporting family reunification and building strong communities; and

WHEREAS, a need exists to identify more foster parents in order to ensure children, older youth, children with complex needs and siblings have a safe and stable home in their community; and

WHEREAS, there are numerous individuals, businesses, organizations, associations, religious groups and public servants who are dedicated to raising awareness about the needs of children and youth in foster care; and

WHEREAS, Foster Care Awareness Month is celebrated nationally to raise awareness about foster care and to encourage community involvement as foster families, volunteers and mentors.

AMENDED

NOW, THEREFORE BE IT RESOLVED that the City of Buena Vista Council does hereby declare May 2019 as Foster Care Awareness Month in the City of Buena Vista and urge all citizens to come forward and take action that will positively impact the life of a child in foster care.

BE IT FURTHER RESOLVED that the City of Buena Vista Council does hereby commend the Rockbridge Area Department of Social Services and Intercept Youth Services for their efforts to raise awareness surrounding this societal challenge.

William H. Fitzgerald, Mayor

DATE: _____

Motion was made by Councilman Baldrige to approve the above Proclamation, seconded by Councilman Henson, carried by Council.

NB #2 FIRST READING OF AN ORDINANCE APPROVING THE FISCAL YEAR 2020 BUDGET:

Councilman Baldrige read the following Ordinance:

AN ORDINANCE APPROVING THE FISCAL YEAR 2020 BUDGET
ORDINANCE

BE IT ORDAINED, the City Council on May 2, 2019 held a public hearing on the proposed budget for fiscal year 2020; and

AMENDED

BE IT FURTHER ORDAINED, the City Council during a series of work sessions, has developed a balanced budget for fiscal year 2020;

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>2019/20</u>
General Property Taxes	\$6,395,890
Other Local Taxes	1,588,700
Permits, Privilege Fees	42,775
Fines and Forfeitures	71,720
Earnings from Investments	35,000
Charge for Services	806,713
Miscellaneous Revenue	220,536
Non-Categorical Aid from Virginia	1,005,429
Shared Expenses	836,637
Categorical Aid from Virginia	3,008,317
Categorical Aid Federal	50,000
Transfers - Other Funds	<u>10,000</u>
TOTAL GENERAL FUND REVENUE	\$14,071,717

GENERAL FUND EXPENDITURES

City Council	\$ 39,598
City Manager	77,834
City Attorney	70,000

AMENDED

Finance Director	322,535
Independent Auditor	40,700
Commissioner of the Revenue	210,866
Reassessment	33,000
Board of Equalization	3,000
City Treasurer	281,793
Insurance	68,600
Insurance Consultant	6,000
Electoral Board	105,817
Circuit Court	6,250
General District Court	6,800
Juvenile & Domestic Relations Court	33,490
Clerk of the Circuit Court	243,150
City Sheriff	463,309
Commonwealth's Attorney	277,676
Criminal Justice Services	72,579
Police Department	1,594,785
Fire Department	158,000
Rescue Squad	110,903
Probation Officer	3,000
Magistrate	416
Medical Examiner	150
Economic Development	148,783
Planning	229,615
Administration & Engineering	184,343

AMENDED

Street Maintenance	888,045
Street Lights	73,000
Refuse Collection Department	470,863
Refuse Disposal	250,000
Maintenance of Building & Grounds	385,934
Maintenance of Greenhill Cemetery	174,637
General Tax Relief	80,000
Retiree Medical Plan	30,000
Central Dispatch	311,328
School Fund	2,583,803
Regional Jail	380,000
Transfers to Other Funds	495,044
Debt Service	264,846
Social Services	2,300,000
Non-Profit Agencies	<u>511,548</u>
TOTAL GENERAL FUND EXPENDITURES	\$13,992,074

WATER & SEWER REVENUE

PROPOSED

<u>ITEM</u>	<u>2019-20</u>
Charge for Services	\$2,574,348
WATER & Sewer Fund Revenues	\$2,574,348

WATER & SEWER EXPENDITURES

AMENDED

Administration & Engineering	\$ 345,703
Water Maintenance	346,626
Sewer Maintenance	365,935
Wastewater Treatment Plant	659,800
Water Production	309,173
Debt Service	<u>502,064</u>
WATER & SEWER FUND EXPENDITURES	\$2,529,302

PARKS AND RECREATION REVENUE

	PROPOSED
	<u>2018-19</u>
Revenue From Money and Property	\$ 131,000
Charge for Services & Misc. Revenue	44,500
Transfer From General Fund	<u>189,910</u>
TOTAL PARK FUND REVENUE	\$ 365,410

AMENDED

PARKS AND RECREATION EXPENDITURES

Administration	\$ 89,866
Recreation Department	110,785
Activities Department	19,300
Maintenance of Parks and Campgrounds	87,672
Swimming Pool	<u>57,787</u>
TOTAL PARK FUND EXPENDITURES	\$ 365,410

GOLF COURSE REVENUE

<u>ITEM</u>	PROPOSED
	<u>2018-19</u>
Charge for Services	\$ 437,122
TOTAL GOLF COURSE REVENUE	\$ 437,122

GOLF COURSE EXPENDITURES

Golf Operations	\$ 437,122
TOTAL GOLF COURSE EXPENDITURES	\$ 437,122

AMENDED

SCHOOL CONSTRUCTION REVENUE

<u>ITEM</u>	PROPOSED <u>2018-19</u>
City Funds	\$ 305,134
Transfer School Operation Fund	195,581
Interest Recovery	<u>18,173</u>
TOTAL SCHOOL CONSTRUCT REVENUE	\$ 518,888

SCHOOL CONSTRUCTION EXPENDITURES

Literary Loan	\$ 405,000
Bus Lease	53,474
Middle School Loan	<u>42,764</u>
TOTAL SCHOOL CONSTRCT EXPEND	\$ 501,238

SENIOR CENTER FUND REVENUE

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

AMENDED

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	\$ 420,020
TOTAL SCHOOL NUTRITION REVENUE	\$ 420,020

SCHOOL NUTRITION FUND EXPENDITURES

Nutrition Expenses	\$ 420,020
TOTAL SCHOOL NUTRITION EXPEND	\$ 420,020

William H. Fitzgerald, Mayor

ATTEST:

Clerk of Council

AMENDED

Date of Adoption

Council Member Clark wanted to know if changes are made to the Ordinance will it have to be read entirely again.

Mr. Kearney said if changes are made you can read the amended Ordinance and read only the changes that have been made. He also said if the Ordinance is decreasing you do not have to repost. If it is increased, we must repost. If the Ordinance is amended, the amended Ordinance will be read at the next meeting.

NB #3 FIRST READING OF AN ORDINANCE ESTABLISHING THE TAX RATES FOR THE CITY OF BUENA VISTA FOR THE FISCAL YEAR 2020:

Clerk of Council, Dawn Wheeler read the following Ordinance:

AN ORDINANCE ESTABLISHING THE TAX RATES FOR THE CITY OF BUENA VISTA, VIRGINIA FOR THE FISCAL YEAR 2020

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-Four Cents (\$1.24) per One Hundred Dollars (\$100.00) assessed valuation for the fiscal year 2020, said levy to be based upon the value of such property as of July 1, 2019.

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

AMENDED

Hundred Dollars (\$100.00) assessed valuation for the calendar year 2020, said levy to be based upon the value of such property as of January 1, 2020.

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 2020, said levy to be based upon the value of such property as of January 1, 2020.

~~**BE IT STILL ORDAINED**, that the Water rate shall be Seven Dollars and Fifty-Eight Cents (\$7.58) per one thousand gallons of water and the Sewer rate shall be Seven Dollars and Fifty-Four Cents (\$7.54) 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.

William H. Fitzgerald, Mayor

ATTEST:

Clerk of Council

AMENDED

Date of Adoption

Mr. Kearney advised that the rates for the water and sewer must be removed from the above Ordinance since they will be set by the PSA.

Councilman Baldrige motioned to strike the water and sewer rates from the City Tax Ordinance, seconded by Vice-Mayor Cooper, carried by Council.

NB #4 **FIRST READING OF AN ORDINANCE APPROPRIATING FUNDS FOR THE OPERATION OF THE CITY OF BUENA VISTA FOR THE FISCAL YEAR 2020:**

Clerk of Council Dawn Wheeler, read the following Ordinance:

ORDINANCE

AN ORDINANCE APPROPRIATING FUNDS FOR THE OPERATION OF THE CITY OF BUENA VISTA FOR THE FISCAL YEAR 2020

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 2020 is hereby appropriated effective July 1, 2019 in the amount of \$18,253,666 and in accordance with the following provisions:

General Fund	\$13,992,074
Water & Sewer Fund	2,529,302
Parks & Recreation Fund	365,410
Golf Course Fund	437,122

AMENDED

School Construction Fund	501,238
Senior Center Fund	8,500
School Nutrition Fund	<u>420,020</u>
Total FY 2020 Budget	\$18,253,666

William H. Fitzgerald, Mayor

ATTEST:

Clerk of Council

Date of Adoption

NB #5 DISCUSS OPIOID LITIGATION RETAINER AGREEMENT:

Mr. Kearney started the discussion by stating that the City of Lexington has already filed a suit and Rockbridge County is getting ready to. He said there are about 20 other localities that have filed suit and that it will eventually become Statewide. It will not cost the City anything and we may get something, or we may not.

Mr. Scudder said if they ask us for records, we will have to provide them.

AMENDED

Mr. Kearney said we may need some police records and it really is not that time consuming. He said we talked about doing this suit years ago. He said it is very lengthy process for the City of Lexington.

Councilman Baldrige advised that Juvenile/Domestic Relations Court is private. It is closed when it is about children. He is sometimes appointed to represent the children and sometimes he is appointed to represent the parents. Through those processes he has seen many, many families that have been broken apart and kids lives burdened so heavily because of drug use. A lot of the times foster care is for kids whose parents have spiraled into addiction and grandparents cannot take care of them. He said it breaks your heart to see how hard the situations are. The terrible toll is that the whole community bears this toll. He opined it is a very real heartache, a very real economic cost, a very real cultural and community cost and he does not know how to help people understand if you have family members or friends on drugs and they don't seem to think it is a big deal. They are so widely misinformed about where it can take people. He opined the costs are very real.

Vice-Mayor Cooper said he is not very familiar with the lawsuit.

Mr. Kearney explained that each locality is trying to say they have been hurt to a certain level with opioids. The lawsuit is against the manufactures, middlemen, people who have profited from prescription drugs. He went on to say that different groups are making money off the sale of drugs and profited and knew it was wrong. Opioids are very addictive, and they did not do anything about it.

Councilman Baldrige advised that Carilion is prescribing 60% less opioids than last year. However, people are turning to meth and heroin and this is a big problem in our part of the State.

Councilman Henson said this crisis also affects the Police and the EMT's.

Mr. Kearney said again that it is no cost to Buena Vista unless something is awarded to the City.

Councilman Henson said he would like to authorize Mr. Scudder to do what needs to be done to enter into the retainer agreement.

Councilman Henson then made the motion to authorize Mr. Scudder to enter into the retainer agreement, seconded by Councilman Coffey, carried by Council.

NB #6 FIRST READING OF AN ORDINANCE FOR A CONDITIONAL USE PERMIT FOR 2027 MAGNOLIA AVENUE:

Clerk of Council Dawn Wheeler, read the following Ordinance:

AMENDED

ORDINANCE

Conditional Use Permit

2027 Magnolia Avenue

Ordinance Text

2 May 2019

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, a conditional use permit to allow an unenclosed permanent structure at 2027 Magnolia Avenue, Tax Map 34-1-2-16-22, in accordance with Section 614.03-1 of the Land Development Regulations of the City of Buena Vista.

BE IT FURTHER ORDAINED that this unenclosed permanent structure is described as a prefabricated metal carport horizontally measuring 12 feet by 21 feet and is anchored to the ground at the rear of Lot 22 and is used for the purpose of housing grills and cooking of food.

This conditional use permit shall expire upon change of ownership of the property, in accordance with 802.03-12 of the Land Development Regulations.

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

William H. Fitzgerald, Mayor

AMENDED

ATTEST:

Clerk of Council

Date of Adoption

ADJOURNMENT: There being no further business Mayor Fitzgerald adjourned the Council meeting. He also called the PSA meeting back to order.

William H. Fitzgerald, Mayor

Dawn M. Wheeler, Clerk of Council