



City of Buena Vista City Council Regular Council Meeting & Public Hearing

November 21, 2024, 6:00 PM
Council Chambers – 2039 Sycamore Avenue

The City Council for the City of Buena Vista met for a Regular Council Meeting & Public Hearing on Thursday, November 21, 2024, at 6:00 p.m.

Members Present: Mayor Tyson Cooper
Steve Webb
Michelle Poluikis
Todd Jones
Ronald Cash

Members Absent: Vice-Mayor Danny Staton & Melvin Henson

ADG #1: CALL TO ORDER, PLEDGE OF ALLEGIANCE, & PRAYER

Mayor Cooper called the meeting to order and delivered the opening prayer.

ADG #2: BUENA VISTA CITY COUNCIL PUBLIC HEARING

Mayor Cooper opened the Public Hearing.

Adoption of a joint Resolution to amend and supplement the Articles of Incorporation of the Maury Service Authority to provide for a financed project to upgrade the MSA's water system facilities.

There being no public comment, Mayor Cooper closed the Public Hearing.

ADG #3: APPROVAL OF THE AGENDA

Councilman Webb moved to approve the agenda, seconded by Councilman Coffey, and carried by Council.

ADG #4: APPROVAL OF MINUTES FROM THE NOVEMBER 7, 2024, REGULAR COUNCIL MEETING

Motion to approve the minutes was made by Councilman Coffey, seconded by Councilwoman Poluikis, and carried by Council.

ADG #5: RECOGNITION/COMMUNICATION FROM VISITORS

- Cordelia Derr, 1353 Birch Avenue, gave Council an update from the last time she spoke to them regarding some concerns she has with RARO. She noted that they did issue new jerseys to those kids who originally received moldy ones. She briefly mentioned in her previous comments that there is a shortage of gym space for RARO basketball teams to practice. All teams, boys and girls, are fighting over gym space at just a couple of schools, all of which are Rockbridge County schools, and teams are having to hold practices later in the evenings because of this. Due to this, she strongly encouraged Council to consider a community rec center in Buena Vista. If the city had something like this, with one or two gyms, it would relieve some of these concerns with RARO.

ADG #6: REPORTS

1. Mayor

Mayor Cooper reported that he attended the Braver Angels event hosted by W&L, VMI, and SVU. The Braver Angels is a nonprofit group that encourages civil/political discourse. He also attended the state cross country meet at Virginia Tech where the PMHS team, including his sons, was competing; the boys won the state title for the second year in a row, and our lone female member took 10th place in the state.

He also announced, the with Mr. Todd Jones rotating off of Council and Councilman Coffey coming on board, he has asked Mrs. Poluikis to join the Budget & Finance Committee and Mr. Coffey to join the Outdoor Spaces Committee.

2. City Manager

Mr. Tyree reported that the pool renovations are almost complete; they just need to finish installing the water slide.

He also mentioned that the previously planned joint regional meeting on December 12th regarding an update on the DSS building is being rescheduled for after the first of the year. The DSS project has been slightly delayed due to the contractor's E&S control review.

3. City Attorney

None.

4. Council Committees / Members

a. Budget & Finance

None.

b. Outdoor Spaces

The Committee did their third city tour on November 9th, that included the area around Food Lion, Kling Elementary, around 33rd – 35th Streets & Catalpa Avenue, the 34th Street playground, the steps on 28th Street, and the area around the old Food Lion on 29th Street. One question Mr. Henson asked the group was, with the new DSS building and all the people coming into town for that, where will these people eat and shop? We should see some increased meals and sales tax, etc. Regarding the steps on 28th Street, they are in terrible shape and dangerous, causing most people to use a make-shift path beside the steps. This is definitely a project that needs some attention. Mr. Tyree noted that the committee will have another meeting after the first of the year to put together a presentation from all of their meetings to give to Council.

c. School Facilities

None.

Councilman Cash mentioned that there had been some damage to the Charlie Manuel sign and asked how we can go about getting that fixed; Mr. Tyree will be meeting with Dr. Francis to discuss the issue.

5. Department Heads / Constitutional Officers / Court Clerks

Corey Henson – Public Works

- They have gotten new vehicles and equipment this year, including a new loader and tire mounting machine.
- Installed 655 feet of curb and gutter
- Laid over 170 tons of asphalt with their hot box alone (2 tons at a time); for cross ditches from water repairs, sewer repairs, and water taps
- They have recently been working on hanging the Christmas lights and will be getting the Christmas tree up and decorated next week.
- Cleaned out the ditches at the entrance to Glen Maury Park. The PW team managed the project, cleaned out the pipes by hand, and planted grass seed.
- Assisted with the pool renovation. He noted that the concrete work is complete, and they are now working on cleaning and keeping the chemicals right.
- They are currently working on leaf pickup in the city.
- Mr. Henson celebrated 25 years of service with the city this year.

Councilman Webb asked if there was an update on the playground equipment for Penny Park; Mr. Henson stated that they are waiting on one part that was on back order.

Mayor Cooper asked how many miles of road we paved this year; including the Route 60 project and all the backstreets, it was about 4 ½ miles.

Councilman Coffey asked about the dip in the road in front of City Hall. Mr. Henson stated that this is something he plans to address after the first of the year.

Councilman Cash asked if something can be done about the manhole covers on Route 60 coming into town. Mr. Henson stated that they need to get riser rings for them, but they are in such a busy area that it is dangerous trying to get out there to measure them. The other concern with the risers is that snowplows will hit them, making them pop out unknowingly, then someone ends up driving into the manhole.

6. Invited Community Organizations

a. Kim Shaw – Rockbridge Area Community Services

Ms. Shaw stated that the Rockbridge Area Community Services serves Buena Vista, Lexington, Rockbridge, and Bath County and is our public mental health, substance use, and developmental disability agency; considered a safety net. They provide services through case management, group therapy, individual therapy, medication assisted treatment, and day programs. They have one day program here in Buena Vista, the Eagles Nest, and another in Lexington called the Magnolia Center. They also provide 24/7 emergency services and work closely with law enforcement in all of their localities. Last year, they began a new peer program; peers are individuals with lived experience. There is a peer that serves in the substance use program, a veteran peer, and a peer who works with the medication assistance program. Hugh Ferguson is the veteran peer, and he does a breakfast every month at the Route 60 VFW. Ellen Wheeler, along with her support dog Raine, is the medication assistance program peer. They are able to go throughout the facility to help calm clients and do a lot of

work in the community. They also pride themselves on their community partnerships with law enforcement, schools, DSS, Project Horizon, and hospice. They also have the Crisis Intervention Program, a partnership between law enforcement and the CSB, which Chief Handley is very active with. Last year, they provided services to approximately 1850 people with Buena Vista accounting for about 19% of those services; that is about 343 people and 82 unique emergency services.

Ms. Shaw noted some of the RACS events. First, she invited everyone to attend the Christmas performance by the Magnolia Players at the Magnolia Center on December 17th and 19th at 1:00 pm. They hold a Prevention Forum every year in July/August geared toward helping adults recognize what can best support them, and law enforcement does an exercise called Hidden in Plain Sight. This past year, they did safe talk training for all BVCPS employees which included a suicide alertness program. She also spoke about training for ACE, Adverse Childhood Experiences, which they will begin providing every other month in 2025. This training provides insight to why people may behave the way they do. They will hold a Trauma Informed Leadership training in the spring of 2025. All trainings are open to the public and you can find more information on those on the RACS website.

b. John Murphy – The Community Table

Mr. Murphy serves as a board member and treasurer for The Community Table. They are a nonprofit organization that has been in operation for about 13 years. They serve nutritious, balanced meals three times per week; dinner on Monday evenings and lunch on Wednesdays at the Piovano building next to the hospital where RARA is located and lunch on Fridays at the Fairfield Presbyterian Church. Meals are free to anyone in the community, although donations are accepted and appreciated. So far this year, they have averaged 984 meals each month and that number continues to increase. They help address food insecurity in Buena Vista, Lexington, and Rockbridge County. Mr. Murphy explained that if you're "food secure," you always have access to food to lead an active, healthy lifestyle. If you don't always have that access, you're missing meals, and/or you're not able to buy all the groceries you need, you are considered "food insecure." He noted that Buena Vista's food insecurity rate is almost 15%; meaning one in seven people have issues with either missing meals, not able to buy healthy food as they need, or are struggling to buy groceries. Buena Vista's rate is higher than in Lexington or the County and is almost double the statewide rate. They also serve more meals (almost 25%) to residents of Buena Vista than the other areas.

Mr. Murphy stated that he is here tonight not only to inform Council of the work they are doing, but also to request funding. Their expenses run more than \$7,000/month. As food costs increase, their costs increase as well, and they are currently operating at a loss. Councilman Coffey asked where they buy their food. Mr. Murphy said they partner with various caterers as well as the W&L Campus Kitchen. Councilman Coffey also suggested that they work with the local food banks.

Councilman Cash asked if they could try to have an occasional meal closer to the Glasgow and Goshen areas as he feels that they seem to be more impoverished than other areas and may have a harder time getting to town for these meals.

ADG #7: CONSIDER APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Planning Commission

Mr. Tim Petrie & Mrs. Kristie Gibbons' terms on the Planning Commission expire on December 31, 2024. These are four-year terms, and they are both willing to serve another term.

Applicant: Bryson Adams

Council was informed that Mrs. Gibbons is willing to remain on the Commission or resign from her seat if someone else was interested in serving.

Councilman Webb questioned if there would be a conflict of interest for Mr. Adams since he is a contractor. Mr. Tyree stated that Mr. Adams would just have to abstain from any votes regarding projects in which he is involved.

Councilman Webb moved to appoint Mr. Tim Petrie and Mr. Bryson Adams to the Planning Commission. Councilwoman Poluikis seconded, and the motion was carried by Council.

Rockbridge Area Network Authority

Mr. Ron Cash's term on the RANA Board expires on December 31, 2024. Mr. Cash does not wish to serve another term at this time. This is a four-year term and the first time it has appeared on the agenda.

Applicant: John Neuerburg

Mr. Tyree stated that, just as with Mr. Adams on the Planning Commission, Mr. Neuerburg would need to abstain from any votes involving projects for VTS since he works for them.

Councilman Webb moved to appoint Mr. Neuerburg to the RANA Board with Councilman Cash seconding; the motion was carried by Council.

Rockbridge Area Recreation Organization

Mrs. Deidra Dryden's term on the RARO Board expires on December 31, 2024. Mrs. Dryden does not wish to serve another term at this time. This is a four-year term and the first time it has appeared on the agenda.

Applicant: Cordelia Derr

Councilman Webb moved to appoint Miss Derr to the RARO Board. Councilman Coffey seconded the motion, and it was carried by Council.

OLD BUSINESS

None.

NEW BUSINESS

NB #1: OFFICER JENNIFER SMITH TO SHARE VSTOP YEAR IN REVIEW PRESENTATION

Officer Smith is the VSTOP investigator for Buena Vista. VSTOP is the Virginia STOP Violence Against Women Act grant for law enforcement agencies. It provides funds for law enforcement agencies in or

to increase the apprehension, prosecution, and adjudication of persons committing violent crimes against women. She noted that since she has been in this position over the last year she has attended trainings to improve her ability to better serve and work with the victims of domestic and sexual assault in the City. She ensures that she follows up with all victims to facilitate and foster an open line of communication between law enforcement and the victims. Officer Smith stays in contact with the victims and follows up with them throughout the process. She has also been working on facilitating better communication and collaboration with the Commonwealth Attorney's Office as well as with DSS, APS, and CPS. Prior to Officer Smith joining the force, APS and/or CPS would do their own investigation separate from the police department, so she is working to implement a joint investigation process to better serve these victims. She also ensures that every victim she makes contact with is aware of the resources available to them through Project Horizon. Additionally, she has been working with the Attorney General's Office, Lexington Police Department, and Rockbridge County Sheriff's Office to bring the lethality assessment protocol to Buena Vista. This is essentially an evaluation that predicts the likelihood of serious injuries or death as it pertains to intimate partner violence and affords the victims the opportunity to immediately be put into contact with a Project Horizon advocate right there on scene; this really closes the gap between victims and the services they need.

Officer Smith shared some statistics for Buena Vista. From October 1, 2023 through today, November 21, 2024, there have been 52 reported domestic assaults and 11 reported sexual assaults. In fiscal year 2023, Project Horizon provided emergency shelter, crisis intervention, counseling, and advocacy for 163 Buena Vista residents and answered 1,380 hotline calls from victims who are residents of the City. Of all the victims served by Project Horizon last year, 27% were Buena Vista residents. She also shared that Project Horizon provides their facility for forensic interviews with children through the Children's Advocacy Center. Project Horizon works tirelessly to aid in the sentiment that health families create better communities, but they can't do it on their own. She feels that it is incumbent on Project Horizon, BVPD, City Council, and the community to ensure that these resources are available to these victims. With that being said, she stated that as we head into budget season, it seems reasonable that the City show its support for Project Horizon through a financial commitment; something that shows our commitment to the work that they do for our citizens.

Councilman Coffey asked how much they would be requesting. Officer Smith stated that the emergency client services they provide include transportation, food, and medicine, as well as the 24/7/365 hotline, shelter maintenance, school supplies for children living in the shelter, etc. all takes money, so she feels \$3,000 would be a great amount to help with their expenses. Ms. Judy Casteel, Executive Director of Project Horizon, was also in attendance with Officer Smith and share that the City has supported Project Horizon in the past and they do serve a great deal of people from the City and would greatly appreciate the City's support.

NB #2: APPROVAL OF A RESOLUTION AMENDING THE ARTICLES OF INCORPORATION OF THE MAURY SERVICE AUTHORITY

Mr. Kearney explained that anytime the Maury Service Authority does a refinancing they have to amend their Articles of Incorporation to do a loan. Since the City is a member of the MSA and wants to continue being a member, we have to approve that the bylaws be amended to allow this new financing so that they can do some work to the water system just outside the city limits. He also added that this will come at no cost to the City.

Ms. Burch read the following Resolution:

**Resolution to Amend & Supplement
The Articles of Incorporation of
The Maury Service Authority**

WHEREAS by joint resolution of the City Councils of the Cities of Lexington, Virginia and Buena Vista, Virginia and the Board of Supervisors of Rockbridge County, Virginia (collectively, the “Localities”), the Maury Service Authority (“MSA”) was created under the Virginia Water and Sewer Authorities Act, Code of Virginia §§15.1-1239, *et seq.*, as amended, (now the Virginia Water and Waste Authorities Act, Code of Virginia §§, *et seq.*, the “Act”); and

WHEREAS such joint resolution creating the MS was duly filed among the records of the Virginia State Corporation Commission (“SCC”), and a Certificate of Incorporation was issued by the SCC for the MSA on August 7, 1970, providing the MSA with an initial term of fifty (50) years; and

WHEREAS the stated purposes of forming the MSA was “[to] acquire, finance, construct, operate, and maintain a water system consisting of a filter plant, pipelines, and other property and facilities incident and necessary in order to furnish a supply of water to the City of Buena Vista, the City of Lexington, and to the Rockbridge County Public Service Authority;” and

WHEREAS such joint resolution creating the MSA provided that no other or further projects were to be undertaken by the MSA until and unless the governing bodies of the Localities acted by subsequent resolution after public hearing relative to the specific additional projects to be undertaken; and

WHEREAS by a subsequent joint resolution duly adopted by each of the governing bodies of the Localities, duly filed among the records of the SCC, a Certificate of Amendment was issued by the SCC on August 23, 1996; and

WHEREAS pursuant to such subsequent joint resolution, the Localities stated their intent was “to acquire, finance, construct, operate, and maintain a waste water or sewage disposal system, said system to consist of a filter plant located in either Rockbridge County or the City of Lexington with access to the Maury River, and/or other property and facilities incidental to and/or necessary to treat waste water or perform the functions of a sewage disposal system to purchasers consisting of the City of Lexington, Rockbridge County, and the Rockbridge County Public Service Authority, and for the purpose of exercising the powers conferred by the Act in relation to such properties”; and

WHEREAS further, the Localities stated that “[no] other or further project shall be undertaken by the [MSA] until and unless the Councils of the City of Buena Vista and the City of Lexington, and the Board of Supervisors of Rockbridge County shall, by subsequent resolution after public hearing and with or without referendum, specify the further project or projects to be undertaken;” and

WHEREAS the Localities have adopted additional Resolutions since the creation of the MSA to authorize further specific projects to be undertaken by the MSA; and

WHEREAS the MSA, working cooperatively with the City of Lexington and the Rockbridge County Public Service Authority, now desires to (a) acquire, construct, rehabilitate, and equip the MSA’s water system and related facilities, including but not limited to replacing and upgrading water transmission lines along the Route 11 Bypass and other water supply and transmission upgrades, and (b) pay costs in connection with related financing(s) (the “Project”), all for the purpose of the

MSA’s continuing exercise of the powers conferred by the Act in relation to such water system properties and facilities; and

WHEREAS to such end, at the request of the of the MSA, the governing bodies of each of the Localities advertised a notice of public hearing regarding this Resolution at least one time in a newspaper of general circulation in and around the Localities, not less than seven (7) days prior to the holding of the respective public hearings by the governing bodies of the Localities, as required under the Act, as follows:

- (i) City of Lexington November 21, 2024
- (ii) City of Buena Vista November 21, 2024
- (iii) Rockbridge County November 25, 2024

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lexington, Virginia, the City Council of the City of Buena Vista, Virginia, and the Board of Supervisors of Rockbridge County, Virginia, that:

1. Pursuant to Virginia Code Section 15.2-5114(1), the Localities hereby extend the term of the MSA for an additional fifty (50) years from the November 25, 2024, last date of adoption of this Resolution.
2. The Project to be undertaken by the MSA in order to upgrade the its water system facilities is hereby specified and approved. As represented by the MSA, the preliminary estimate of total capital costs of the Project is not to exceed \$4,500,000. As represented by the MSA, the present preliminary estimates of initial rate increases for MSA water services related to the Project (*i.e.*, impact on rates) beyond current rates are as follows: \$0.00 Per Thousand Gallons for FY 2025, \$0.00 Per Thousand Gallons for FY 2026, and \$0.00 Per Thousand Gallons for FY 2027.

With regard to such cost estimates, in accordance with the provisions of the Act, each of the governing bodies of the Localities hereby determines that further preliminary estimates of capital costs and preliminary estimates of initial rates for water services related to the Project are impracticable.

3. The following Articles of Amendment are hereby approved:

*Articles of Amendment of
The Maury Service Authority*

The undersigned, on behalf of the Maury Service Authority (“MSA”), pursuant to the provisions of the Virginia Water and Waste Authorities Act, Code of Virginia, 1950, as amended, §§15.2-5100, et seq. (the “Act”), states as follows:

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1. *The name of the corporation is Maury Service Authority. The MSA is a public body politic and corporate of the Commonwealth of Virginia, duly created and validly existing under the Act. The principal office of the MSA is 130 Osage Lane, Lexington, Virginia 24450.*
 2. *The Articles of Incorporation of the MSA are hereby amended and supplemented to extend the term of the MSA for an additional fifty (50) years from November 25, 2024, pursuant to Virginia Code Section 15.2-5114(1).*

3. *The Articles of Incorporation of the MSA are hereby amended and supplemented to add the following project: (a) acquire, construct, rehabilitate, and equip the MSA’s water system and related facilities, including but not limited to replacing and upgrading water transmission lines along the Route 11 Bypass and other water supply and transmission upgrades, and (b) pay costs in connection with the related financing(s) (the “Project”). The preliminary estimate of total capital costs of the Project is not to exceed \$4,500,000. As represented by the MSA, the present preliminary estimates of initial rate increases for MSA water services related to the Project (i.e., impact on rates) beyond current rates are as follows: \$0.00 Per Thousand Gallons for FY 2025, \$0.00 Per Thousand Gallons for FY 2026, and \$0.00 Per Thousand Gallons for FY 2027.*
4. *Accordingly, the Articles of Incorporation of the Maury Service Authority are hereby amended and supplemented to extend the term of the MSA and to add the Project, all as generally described above in Sections 2 and 3 hereof, as approved by that certain joint Resolution to Amend and Supplement the Articles of Incorporation of the Maury Service Authority duly adopted by the City Councils of the Cities of Lexington and Buena Vista, Virginia, and the Board of Supervisors of Rockbridge County, Virginia (collectively, the “Localities”) at their respective regular meetings, after the holding of duly noticed public hearings therefor. The Localities are the governing bodies which duly created the MSA in 1970 by adoption of an original joint resolution.*

Executed in the name of the Maury Service Authority by the following localities:

CITY OF LEXINGTON, VIRGINIA

Frank W. Friedman, Mayor

CITY OF BUENA VISTA, VIRGINIA

Tyson T. Cooper, Mayor

COUNTY OF ROCKBRIDGE, VIRGINIA

Leslie E. Ayers, Chair, Board of Supervisors

THIS RESOLUTION TO AMEND AND SUPPLEMENT THE ARTICLES OF INCORPORATION OF THE MSA shall be effective immediately upon the adoption hereof by all the governing bodies of the Cities of Lexington and Buena Vista, Virginia, and the County of Rockbridge, Virginia.

CITY OF BUENA VISTA

The undersigned Clerk of the City Council of the City of Buena Vista, Virginia, hereby certifies that the foregoing constitutes a true and correct copy of the foregoing Resolution adopted by the Council at a duly called regular meeting on November 21, 2024, after the holding of a related public hearing on the same date, and that the record of the roll call vote is as follows:

Member	Present	Absent	Yes	No	Abstain
Councilman Henson		X			
Councilwoman Poluikis	X		X		
Councilman Webb	X		X		
Councilman Coffey	X		X		
Councilman Cash	X		X		
Vice-Mayor Staton		X			
Mayor Cooper	X		X		

Adopted this 21st day of November 2024.

CITY OF BUENA VISTA, VIRGINIA

By: _____
Mayor, City of Buena Vista, Virginia

Attest: _____
Clerk of Council

Councilman Webb made a motion to **approve** the Resolution, with Councilman Coffey seconding, and it was carried by Council.

NB #3: DISCUSSION & APPROVAL OF REMAINING ARPA FUND ALLOCATIONS

Mr. Tyree stated that staff originally planned to bring forth several projects that would be funded through the City’s remaining ARPA funds, which were to be obligated by December 31, 2024. However, the US Department of Treasury has issued guidance that states that “obligated” does not mean City Council simply approving the funding for a project. Funding is considered “obligated” when a planned purchase is under official contract. He added that any funds that are not obligated by December 31st have to be returned to the US Treasury. Our Finance Director along with our accountants at Robinson, Farmer, Cox, have come up with a solution. In 2021, we used some ARPA funds to cover public safety salaries and fringe benefits. We can do a correction for 2022, 2023, and 2024 that would use up the City’s remaining ARPA funds and “obligate” those funds so that we do not have to return them. The ARPA funds received in previous years would be recategorized from deferred revenue to revenue that supported public safety salaries and benefits in the applicable fiscal years and become part of the City’s General Fund.

Staff’s recommendation is for City Council to allocate the remaining ARPA funds towards public safety salaries and benefits for the 2022-2024 calendar years and applicable fiscal years. The remaining ARPA funds, which is around \$2M, are less than the amount spent on public safety salaries in those years, therefore no remaining ARPA funds would be available for refund to the Treasury. This basically takes expenses that were eligible to be used under ARPA, that we didn’t use, and recategorizes them.

Additionally, there are three unbudgeted projects that we would like to allocate from the General Fund balance:

1. The Sheriff’s Office is requesting \$7,500 to purchase four tablets that will work with the 911 Center’s new CAD system.
2. We received a grant from the National Trust for Historic Preservation for a study on our Buena Vista Library. The grant is a match, so we are asking for \$15,000 for that; if this isn’t allocated, the grant will need to be returned.
3. The network wiring and server room project is currently underway at City Hall, however, there are multiple aspects that have come in slightly higher than what was originally quoted. We are seeking \$40,000 to complete this project.

Mr. Tyree explained that these projects, totaling \$62,500, would not be ARPA funds, they will come out of the General Fund balance. So if these projects come in less than quoted, the difference would go back into the General Fund. He advised that once Council allocates the remaining ARPA funds, they can do a verbal resolution for the unbudgeted projects.

Councilwoman Poluikis made a motion to approve the verbal resolution to fund the \$62,500. Councilman Coffey seconded, and it was carried by Council.

Ms. Burch read the following Resolution:

Appropriation Resolution

BE IT RESOLVED by the City Council of Buena Vista, Virginia, that the American Rescue Plan Act (ARPA) funds are recategorized from deferred revenue to revenue that supported public safety salaries and benefits in the 2022, 2023, and 2024 calendar years and applicable fiscal years.

Approved: This 21st day of November 2024.

Tyson T. Cooper, Mayor

Attest:

Sarah M. Burch, Clerk of Council

Councilman Cash moved to **approve** the Resolution with Councilman Coffey seconding, and it was carried by Council.

NB #4: DISCUSSIN OF UPDATE TO EROSION & SEDIMENT CONTROL ORDINANCE

Mr. Roberts provided some background stating that this past fall we had some big rainstorms which caused some problems, particularly around 24th Street where we had several houses under construction; the storms washed out almost an entire city lot onto Laurel Avenue. We are building more houses now, and the problem is that most of the construction that happens is not subject to the erosion and sediment control laws that we currently have. The land disturbance threshold for E&S control laws is 10,000 square feet, and most of our single lots are 6,250 square feet, meaning most of our single-family home construction is less than the threshold. We do not have a mechanism for requiring contractors to control erosion during construction. We would like to require a land disturbing permit for all new construction. So, even if it is under 10,000 square feet, it would still require an erosion and sediment control permit. He added that for single-family home construction, we wouldn't require a plan done by an engineer that costs thousands of dollars, but an agreement in lieu of a plan. The agreement would include a letter prepared by the Building Official stating that they need to put up silt fences around the perimeter, heavy duty gravel at the site entrance so that mud isn't tracked onto the street from the site and similar things like that. Making these subject to the E&S control laws would give us a clear enforcement path if there are problems and if the problem isn't resolved, there would be a process for penalties. This is not intended to create a barrier for contractors or implement additional costs for them but will be standard procedures. The main change to the ordinance would be updating the definition of what land disturbing activity is.

Mr. Roberts added that the state laws governing erosion and sediment control, and the stormwater management program have changed effective as of this past July. Previously, the E&S control law was one section, and the stormwater management law was a separate section. They have now merged those, reconciled all the conflicts, and put those into one new state code section. So, we need to update our local ordinances that are modeled after the state ordinance.

Mayor Cooper asked if there were any concerns or objection to Mr. Roberts moving forward with this update; there were none.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Sarah M. Burch, Clerk of Council

Tyson T. Cooper, Mayor