

**CITY OF BUENA VISTA
REGULAR COUNCIL MEETING
AUGUST 2, 2018**

The City Council for the City of Buena Vista met for a Regular Council Meeting on Thursday, August 2, 2018, at 6:00 p.m. in Council Chambers (2039 Sycamore Avenue).

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

Members Absent: 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 APPROVAL OF THE MINUTES FROM THE REGULAR COUNCIL MEETING AND PUBLIC HEARINGS HELD ON JULY 19, 2018.

Motion was made by Councilman Henson to approve the minutes from the Regular Council Meeting and Public Hearings held on July 19, 2018, seconded by Councilman Coffey, carried by Council with the exception of Council Member Clark who abstained.

ADG #3 RECOGNITION/COMMUNICATION FROM VISITORS: Citizens who desire to speak on matters not listed on the agenda below will be heard at this time. Citizens who desire to speak on an item listed on the agenda, open for public comment, will be heard when that item is considered.

Mr. John Butler, the City's representative on the Department of Social Services Board gave a report on the Social Services Department. He advised there is a law suit against the Department of Social Services Board. He said that Buena Vista is not mentioned in the suit. However, the Social Services Board and the County of Rockbridge are. Mr. Butler said that most of the things that the Department of Social Services do is confidential. He advised that he has met, either personally or in a group, with all of the employees. He opined the employees are working very hard even with all of the controversy that is going on. He then read an article from the News Gazette that was written by Ms. Perry. He opined the article is completely truthful. The Board hired Susan Adcock two years ago and she has done a wonderful job. Citizens have called for all of the Board of Directors to resign. Mr. Butler said he is willing to resign if necessary but does not want to do so. He said he has been involved for many years with Child Foster Services and that is one of the reasons he became involved with Social Services. He opined that the ship is moving forward; the employees are working hard; it will take a long time to get the negative things that have happened behind the department.

Council Member Clark said that in her time as being a liaison both of the appointees from the City of Buena Vista attended the meetings and were active in the conversations. She would prefer that Council not ask anyone to resign from the Board at this point.

Councilman Baldrige said that neither of the representatives from Buena Vista were members of the Board when the alleged problems started.

ADG #4 REPORTS:

- 1.) **Mayor**
None.

2.) City Manager

Mr. Scudder started his report by saying there was a CSA case about a year ago from Buena Vista and some of the reimbursement is in question. They are challenging some of the paperwork; if it was approved by FAP it is a pretty substantial number.

Vice-Mayor Cooper wanted to know what the CSA and the CMPT Board are.

Mr. Scudder said the CMPT is the Community Management/Planning Team. It handles CSA cases like children in need, children not showing up for school, family problems.

Mr. Scudder advised that the DANA building has been purchased by NIMCO. He opined this is positive news for the City. NIMCO is a very solid and sound company that has a division in Stuarts Draft.

3.) City Attorney

None.

4.) Council Committee/Representative

Councilman Henson said "Hats Off" to the Public Works Department for the good job they did getting ready for last weekend. There were over 1800 people at the Beach Music Festival and 107 cars in the car show. He said that only a small percentage were from Buena Vista. He opined there was about \$10,000.00 spent in town over the weekend along with about \$1700.00 in camping fees.

Mr. Scudder advised that a couple of years ago Mary Huffman asked him if we could spring for money for a band on Friday night of the Beach Music Festival. He opined the band was very good on Friday night and feels the money was well spent on having the band on Friday night.

Councilman Henson said there were only 2 people working in maintenance for the events on Saturday. He opined we should have more help next year. He also mentioned some key City officials were out of town on Saturday and Sunday. Councilman Henson also reported complaints about the mowing at the cemetery. He said people are complaining because after the grass is cut it is not cleaned off the tombstones. He opined that both Council and the Planning Commission need to start thinking about citizens having more vehicles at their houses. He said we do not have a rule about off street parking. There are several people in the community that park their cars right near the intersection and it blocks the sight of oncoming traffic. The law says you must be back 20 feet from an intersection and sight distance of about 200 feet. He opined that Council needs to start thinking about the growth of the City and how we are going to handle it.

CONSIDER APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS, AND COMMITTEES:

APT #1 ROCKBRIDGE AREA COMMUNITY SERVICES BOARD:

Ms. Lori Turner has resigned. Her term will expire on December 31, 2020. This is the seventh time this item has appeared on the agenda. **ADVERTISED THE NEWS GAZETTE 3/21/18; WEB SITE AND CHANNEL 18 3/15/18. NO APPLICANTS**

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

APT #2 ROCKBRIDGE AREA DISABILITY SERVICES BOARD:

Ms. Rebekah Powers has resigned. Her term will expire January 31, 2021. This is the third time this item has appeared on the agenda. **ADVERTISED THE NEWS GAZETTE 6/27/18; WEB SITE AND CHANNEL 18 6/19/18. NO APPLICANTS**

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

APT #3 SHENANDOAH VALLEY WORKFORCE DEVELOPMENT BOARD:

Ms. Janice Shanks has resigned. Her term ended June 30, 2018. This is a 4 year term. The Shenandoah Valley Workforce Development Board has asked that we appoint someone from the private sector to replace Ms. Shanks. They have also requested that Ms. Rachel Moore be appointed as an alternate representative. **ADVERTISED THE NEWS GAZETTE AUGUST 1, 2018; WEB SITE AND CHANNEL 18 7/26/18. NO APPLICANTS**

Motion was made by Councilman Henson to appoint Ms. Rachel Moore as the alternate representative, seconded by Vice-Mayor Cooper, carried by Council.

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

Vice-Mayor Cooper requested that Council get copies of all the by-laws for each committee or commission that Council is responsible for appointing members.

APT #4 BUENA VISTA ECONOMIC DEVELOPMENT AUTHORITY:

Mr. Jacob Thayer has resigned. His term will expire on July 31, 2019. This is the first time this item has appeared on the agenda. ADVERTISED THE NEWS GAZETTE AUGUST 1, 2018; WEB SITE AND CHANNEL 18 7/27/18. NO APPLICANTS

This item will be carried over the next Council meeting.

APT #5 REGIONAL INDUSTRIAL DEVELOPMENT AUTHORITY:

Mr. Jacob Thayer has resigned. His term will expire on January 31, 2021. This is the first time this item has appeared on the agenda. ADVERTISED THE NEWS GAZETTE AUGUST 1, 2018; WEB SITE AND CHANNEL 18 7/27/18. APPLICANT: MR. BRENT STYLER

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

OLD BUSINESS:

OB #1 SECOND READING OF A ZONING TEXT AMENDMENT ARTICLE 6, USE IN DISTRICT SECTION 614, MIXED USE DISTRICT ORDINANCE

Mr. Tom Roberts advised there are no changes to the Ordinance since the first reading.

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

Ms. Wheeler read the following Ordinance by title only:

ORDINANCE ORD 18-17

Zoning Text Amendment

Article 6, Uses in Districts

Section 614 Mixed Use District

Ordinance Text

19 July 2018

AN ORDINANCE to amend Section 614 of the Land Development Regulations of the Code of the City of Buena Vista, as amended, for the purpose of clarifying conflicting and ambiguous language and promulgating a vibrant, livable downtown.

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, Section 614 Mixed Use District of the Land Development Regulations of the City of Buena Vista is hereby amended as to read and provide as written in the attached Exhibit A, "Section 614 Mixed Use District."

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

William Fitzgerald, Mayor

ATTEST:

Dawn Wheeler, Clerk of Council

Date

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

Ms. Wheeler polled Council as follows:

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

OB #2 SECOND READING OF A CONDITIONAL USE PERMIT FOR HOME USED AS RENTAL PROPERTY PURSUANT TO SECTION 711 OF THE LAND DEVELOPMENT REGULATIONS, JOHN CHAPMAN, 2354 CHESTNUT AVENUE:

Mr. Kearney said there have been no changes made to the Ordinance since the first reading.

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

Ms. Wheeler read the following Ordinance by title only:

ORDINANCE

Conditional Use Permit

2354 Chestnut Avenue

Home Used as Rental Property

Ordinance Text

19 July 2018

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 up to six (6) unrelated individuals to reside at 2354 Chestnut Avenue, Buena Vista, Virginia, as detailed in "Exhibit A" is granted. This conditional use permit is pursuant to Section 711, Homes used as rental property, of the Land Development Regulations.

BE IT FURTHER ORDAINED that this conditional use permit is granted subject to the following conditions: That the occupancy of the dwelling unit shall not exceed six unrelated individuals; and that there shall be at least five (5) off-street parking spaces maintained as shown on the site plan in the attached Exhibit A. The permit is subject to other conditions such as may be found in Section 711, Homes used as rental property.

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 Fitzgerald, Mayor

ATTEST:

Dawn Wheeler, Clerk of Council

Date

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

Mayor Fitzgerald opined that the Planning Commission has already denied 9 occupants and then it was reduced to 6. It is only supposed to be 4 occupants. He opined it needs

to stay at 4 occupants and deny the Ordinance.

Councilman Baldrige opined if Council does deny the Ordinance, then if they make the house into 2 units, it will be for 4 occupants in each unit for a total of 8 occupants.

Council Member Clark stated that the City has a Code that state 4 occupants and Council must follow the code.

Mayor Fitzgerald opined that when Council gets off track that is when everything gets to be a mess. He said we need to follow the rules.

Councilman Coffey said he agrees with the Mayor. He opined that once we start enforcing the code, then we can come back as a Council and discuss whether we want to go to 5 or whatever number of occupants. He also said we need to educate the citizens about the codes. If the house is made into 2 units, there will have to be a lot of work done in order to meet code. Councilman Coffey also said we need to think about the future. He said he would not want a parking lot between houses. He also said that he appreciates Mr. Chapman's efforts in doing things the right way but he will not approve this Ordinance.

Councilman Baldrige opined that zoning, Ordinances and Conditional Use Permits will increase in the future. He said that in every zone within the City there are uses by right and Conditional Use. They are different for different parts of the City. He wants everyone to understand that if we are not willing to allow property owners to get approved Conditional Use Permits where the zoning allows for Conditional Use, what we are basically saying is the Conditional Use does not exist.

Council Member Clark said that Conditional Use Permits come to Council for a reason.

Councilman Baldrige said we are sending the message to people to buy property only if it is by right. He opined he does not want Council to be knee jerk about Conditional Use Permits.

Mayor Fitzgerald said again we need to go by the rules. He also said again we need to get code enforcement under control before we look at Conditional Use Permits.

Councilman Baldrige stated that we need to get code enforcement under control now. He said the pressure is here because of the growth of the college. He also said that the college wants good housing for their students.

Councilman Henson advised that you cannot say "Students Only" because of the Fair Housing Law. He has spoken to Mr. Chapman and he recognizes his need. However, he is even against 4 occupants because you cannot use the alley for parking and feels

there should not be a parking lot between houses. He will vote to deny the Ordinance.

Motion was made by Council Member Clark to deny the Conditional Use Permit Ordinance, seconded by Vice-Mayor Cooper.

Ms. Wheeler polled Council as follows:

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

NEW BUSINESS:

NB #2 RESOLUTION FOR THE SMART SCALE PROGRAM: (OUT OF ORDER ON THE AGENDA)

Mr. Tom Roberts said this is the actual project that is being proposed: a sidewalk from Hardee's to the Vista Apartments. If we are successful being awarded the project the work will not start until 2023-2024 and not be completed until 2028-2029. He said we need to put the application in now. This is just a Resolution of support for the project.

Ms. Wheeler read the following Resolution:

RESOLUTION – R18-02

WHEREAS the Smart Scale program through the Virginia Department of Transportation provides funding to localities for transportation infrastructure projects; and

WHEREAS the City of Buena Vista amended its Comprehensive Plan on July 19th, 2018 to designate an Urban Development Area within the City of Buena Vista, making the City eligible to receive funds through the Smart Scale program; and

WHEREAS there exists a critical need for repair, improvement, and expansion of the City's pedestrian infrastructure, such as sidewalks; and

WHEREAS the Smart Scale program will provide up to 100 percent of eligible project costs on a reimbursement basis; and

WHEREAS a Resolution of Support is required to be submitted with a Smart Scale program project application;

NOW THEREFORE BE IT RESOLVED by the Council of the City of Buena Vista that the Rockbridge Avenue Sidewalk project furthers the goals of the Comprehensive Plan and supports the general safety and welfare of the citizens of Buena Vista.

AND BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to cause such information or materials as may be necessary to be provided to the Virginia Department of Transportation and to enter into such agreements that may be necessary to permit formulation, approval, and funding the Rockbridge Avenue Sidewalk project through the Smart Scale program.

AND BE IT FURTHER RESOLVED that the City of Buena Vista hereby agrees to accept all maintenance responsibilities for the permanent infrastructure constructed as part of this project, and to keep this facility reasonably open for public use for the

expected useful life of the project.

William Fitzgerald, Mayor

ATTEST:

Dawn M. Wheeler, Clerk of Council

Date: _____

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

NB #1 THE BUENA VISTA POLICE DEPARTMENT TO DISPLAY UTV AND EQUIPMENT PURCHASED WITH GRANT FUNDS:

Chief Hartman said through good fortune they have received over \$100,050.00 free money from grants. He said they had items in the parking lot that have been purchased with some of the grant money.

Council Member Clark invited everyone to the convocation at the high school on Monday, August 6th beginning at 10:00 a.m. She also advised that all students from K through grade 7 will receive free school supplies this year. They will also be receiving free breakfast and lunch all year. The schools received money for this from a Federal grant. Council Member Clark also said the schools were able to feed families during the summer with grant money.

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

Dawn M. Wheeler

Clerk of Council

William H. Fitzgerald

Mayor