

**CITY OF BUENA VISTA  
PUBLIC HEARING AND REGULAR  
COUNCIL MEETING  
JULY 19, 2018**

The City Council for the City of Buena Vista met for a Regular Council Meeting and Public Hearings on Thursday, July 19, 2018, at 6:00 p.m. in Council Chambers (2039 Sycamore Avenue).

Council Members Present:	Mayor Bill Fitzgerald
Steve Baldrige	Daniel Staton
Stanley Coffey	Melvin Henson

Vice-Mayor Tyson Cooper

Members Absent: Lisa Clark

**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**

**JOINT PUBLIC HEARING #1**

**PLANNING COMMISSION/CITY COUNCIL**

**July 19<sup>th</sup> 2018**

Pursuant to Code of Virginia Section 15.2-2204, Section 15.2-2225, and the City of Buena Vista Land Development Regulations, notice is given that the Planning Commission and City Council will hold a joint public hearing to receive comment on one matter.

- 1) Comprehensive Plan text amendment to designate an Urban Development Area (UDA) within the City of Buena Vista for the purpose of advancing transportation planning. The entire City would be designated as a single UDA, which will make the City eligible for planning grants as well as Smartscale construction funding through VDOT.

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, July 19<sup>th</sup>, 2018. Staff reports for each matter, and a copy of the Comprehensive Plan, are available from the Director of Planning and Community Development, Thomas Roberts, 2039 Sycamore Avenue, Buena Vista VA 24416 or (540) 261-8607 or [troberts@bvcity.org](mailto:troberts@bvcity.org).

Chairman Dennis Hawes of the Planning Commission opened the Public Hearing by saying they want to amend the Comprehensive Plan to designate an Urban Development Area with the City of Buena Vista. This amendment will make us eligible for funds but it does not obligate us to use the funds. The only thing that will have to be done is putting the amendment into the Comprehensive Plan.

Mr. Tom Roberts, Director of Planning and Zoning, explained that this amendment is just a planning tool. The designation will help us become eligible for grants. The reason for the joint Public Hearing is the deadline for the designation snuck up on them. The Urban Development area is a concept of identifying an area of a locality to make transportation and walkability improvements.

Chairman Hawes closed the Public Hearing.

Dawn Wheeler read the following:

**PUBLIC HEARING #2**

**CITY COUNCIL**

**July 19<sup>th</sup> 2018**

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

- 1) Conditional Use Permit for home used as rental property pursuant to Section 711 of the Land Development Regulations, John Chapman, 2354 Chestnut Avenue
- 2) Zoning Text Amendment to amend Mixed Use district regulations to clarify language on dimensional regulation, multifamily uses, and miscellaneous confusing or conflicting references; and to apply the Buena Vista Design Guidelines to the district

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, July 19<sup>th</sup>, 2018. Staff reports for each matter, and a copy of the Comprehensive Plan, are available from the Director of Planning and Community Development, Thomas Roberts, 2039 Sycamore Avenue, Buena Vista VA 24416 or (540) 261-8607 or [troberts@bvcity.org](mailto:troberts@bvcity.org).

Mr. Roberts started the discussion by stating that the Planning Commission had a Public Hearing in June concerning the above subject. He advised this property is a large house across from the Parry McCluer Middle School on Chestnut Avenue. The property consists of 2 ½ lots and 6 bedrooms. The proposal brought before Council tonight is to allow up to 6 unrelated individuals to rent the house. The limit in the standard regulations is 4 unrelated individuals. The applicant provided a site plan showing landscaping improvements and location of 5 off street parking spaces: 4 of these spaces are accessing the alleyway and 1 is accessing the street. The house has previously rented to students. The impact on the alley is hard to determine in terms of the additional traffic. Some of the public comments at the Planning Commission meeting last month was individuals were concerned about crowding in the house; the traffic; the level of activity; general maintenance of the house. Another concern was the impact on the housing market and the price of rent in the City as a whole. There is also the issue of rental property available in the downtown area. There is also the potential impact if this request is denied houses will be more likely be split into duplexes. The ordinance that allows the conditional use permit process for more than 4 unrelated individuals was adopted in 2001. This is only the 2<sup>nd</sup> application that we have had. Any future applicants under this provision will look very carefully at what is decided tonight. At the Planning Commission meeting last

month the applicant requested 9 occupants. The Planning Commission denied the request and they have now dropped that number down to 6.

Mr. Hawes said the Planning Commission meeting last month was very well attended. There were a total of 10 speakers: 9 opposed and 1 mutual. There were valid neighborhood concerns such as traffic and noise. Be it 6 students or 9 students, those students will have visitors. Recently the Planning Commission recommended rezoning an area of town to R4 to allow for apartments. Council agreed and past that zoning request. It was brought up in the Public Hearing if the homes were converted to student housing then no one would come in and build new apartments. About 3 years ago the Planning Commission approved a site plan for SVU for 5 buildings. The college did not follow through with the funding but it is still in their plans. For a long time the Planning Commission has complained about the lack of enforcement about the number of unrelated individuals living in the same building. Mr. Hawes said since 2001 we have had 2 applications but there a bunch of residences that have more than 4 unrelated individuals living in them.

Councilman Baldrige asked that they look at the summary list about the concerns that people expressed. He wanted to know if any of them would be better served by having 8 people instead of 6. He said the original proposal was for 9 residents it has now been revised to 6.

Mr. Hawes said that by right there can only be 4 unrelated people in one residence.

Councilman Baldrige said if the property were converted into 2 duplexes, by right it could be 8. The concern was that the residents would be students. He opined we cannot discriminate against the students.

The next person to speak was Mr. John Chapman, 2354 Chestnut Avenue, Buena Vista. He said he appreciates the City's willingness to work with him throughout this whole process. He said he is a 2002 graduate of SVU and is currently teaching business there. He said his intent throughout the whole process has been to learn the regulations and rules so that they could abide by them. The Planning Commission's ruling did catch him a little bit by surprise but is happening living in a community where citizens can voice their opinions. They have reduced their request from 9 residents to 6. Technically, as the report states, the staff found that there was not a huge problem with their application. One of the other big issues that came up last time is enforcement and certainly that will be an issue. He opined if this application is allowed to move forward it would actually give the City more power to enforce the Ordinance. He said that

by right they could do 8. If the conditioning permit is approved there is actually more leverage the City would have to control the units. He said that in the report it says that while the impact of 1 house on property values of surrounding houses is unclear, the City wide pattern of renting houses to multiple unrelated individuals may be contributing to increased rental prices and may make it harder for families to acquire appropriate homes for owner occupancy. Additionally the availability of low cost rental housing in residential neighborhoods reduces the demand for new downtown apartments. He opined that both of these are great points. He feels this meeting tonight gives the City more opportunity to figure out where it wants to sit. He opined there are issues on both sides. He said these few lines identify some areas where there was some more data on specifically rental prices; what is contributing to the rental prices in Buena Vista. He opined that approving a Conditional Use Permit could possibly help the City to determine why the cost is low for rental housing and the effect of new apartments for downtown. He feels we need to investigate what is pushing low cost rental apartments. He feels the application stands on its own and it is a good thing for both himself and the City. He opined this is an opportunity to have more impact on the quality of these rentals and restricts to do more than what they have rights to do.

Councilman Baldrige wanted to know how many bedrooms are in the house.

Mr. Chapman said there are 6 bedrooms and 2 baths. He feels the house offers more space than what the school offers.

Councilman Henson stated that due to the location of the house he cannot agree to issue the Conditional Use Permit. He suggested that Mr. Chapman work with Tom Roberts to perhaps find another location that would not impact the neighborhood as much. He also mentioned that the City does not maintain the alleyways and should not be used as access to the residence.

Mr. Chapman said he could make a parking area for the cars since he does have 2 ½ lots at the location

Mayor Fitzgerald thanked Mr. Chapman for going through the process of trying to obtain a Conditional Use Permit.

Mr. Lyn Chapman, 150 Evergreen Avenue, Buena Vista was the next to speak. He said that he is the father of John Chapman. He also said he is the newest home owner in Buena Vista just arriving yesterday. Mr. Chapman said he wanted to speak as a resident of the City. He said he is very supportive of a strictly enforced rental ordinance. He opined we have to both be compliant and enforce the City regulations. He recommended for Council consideration to

approve the exception that is before Council and immediately makes public notice that as of one year from today, the City will strictly enforce all rental ordinances. If anyone who wants to have an exception, they will have to go through the proper process. He opined if the City denies this request; it will be making a statement of the risks of non-compliance or non-performance. He feels this will be one of the biggest issues the City will face in the coming years; how we are going to handle growth. He opined that a regulation will have to be strictly enforced. This application can provide a benchmark and an event that creates precedence for the City to impose strict compliances and enforcement of the rental ordinance. He opined if Council denies the application it will discourage other landlords from going through the process. It would be a huge discouragement for anyone else that would go through the process. If Council approves the application it says that the City is serious about enforcement and gives them an achievable milestone to say we are going to bring everyone into compliance. It will put the owners back on the Planning Commission and gives teeth to their ability to review applications. It would also put land owners on notice if they want to be compliant then they have to go through the process. What is great about this application, from a citizen's point of view, is the first application was rejected. There is a clear benchmark that says you cannot put 9 people in a residence. It gives the opportunity to set another benchmark. The benchmark for this application is 450 square feet per renter. The residence is also 2 ½ lots for 6 renters. He suggested that Council approve the application with a public announcement that all rental ordinances will be strictly enforced starting 8/1/18. He opined this is an opportunity for Council to enforce and amend rental regulations.

Councilman Coffey wanted to know if the application is approved, would Mr. Chapman be able to build a parking lot off of Chestnut Avenue on his lots.

Vice-Mayor Cooper said the application says they would use the alley for additional parking spaces. That would mean that the alley would have to be used for an entrance way and an exit.

Councilman Baldrige opined that Mr. Chapman could already put down gravel. He opined there is not capacity for Council to say yes or no to him making a parking area on his land.

Councilman Coffey said the point he was trying to make is if we want a parking lot in the middle of a neighborhood.

Again, Councilman Baldrige stated that Council has no opinion on what Mr. Chapman does with his land.

Mr. Roberts said that part of the Conditional Use Permit process is that if Council approves this application, part of the condition is that he will be required to build what is shown on the site plan. He opined the site plan can be changed.

Councilman Henson welcomed Mr. Chapman to Buena Vista. He said Council is looking at student housing, but under the Fair Housing Law, it cannot be denied.

Mr. Chapman said that as a citizen of Buena Vista he wants the ordinances to be enforced.

Councilman Henson said he has been on the Planning Commission for 8 or 9 years and they have been working on the ordinances for that long.

Mr. Chapman said that this problem is not unique to Buena Vista. There are a lot of college towns that are also struggling with rental properties. He opined that one of the unique things about this town is there is a real prospect for growth for both the town and the school. If we have a good solution in place that gives the Planning Commission some real teeth to say they are going to enforce the regulations with any exceptions going through a rigorous and fair review by the Planning Commission.

Councilman Coffey wanted to know if the City has someone to enforce the codes.

Mr. Scudder said that we do.

Councilman Baldrige said that earlier this year someone came in and said that there are 20 some other places that are not in conformance. He opined that the number is closer to 100. Not all of these are related to the college.

Ms. Danta Thompson, 2455 Sycamore Avenue, Buena Vista was the next person to address Council. She said she is a neighbor of the Chestnut neighborhood. It is her understanding that last month Chestnut went before the Planning Commission in reference to this application and they voted against the CUP. Last week her neighborhood was here in reference to a proposed rezoning and the Planning Commission voted against the rezoning. She said that Mr. Chapman gave reasons that Council should grant a CUP and one was to help the City to enforce rental rags and also give them the power. The City already has rental rags and they already have the power to enforce it. She said when she listens to rationale like somebody saying "Let's make marijuana legal so we can keep up with who is smoking." It really does not have anything to do with why you would or would not pass a CUP. Ms. Thompson said she grew up in Buena Vista, went away to college, raised a family in Pennsylvania and she

came to Buena Vista to retire. The reason she returned is because of the neighborhood. She wanted to retire where it is quiet and the integrity of the City. She opined that in the City of Buena Vista are those that want to rezone and destroy neighborhoods. She opined if Council opens that CUP up for Chestnut Avenue, they will be opening it up to others. Ms. Thompson said she is totally against the request. She opined that the City should not make decisions because a hand full of people have requested changes that benefits them but make decisions on a vision. Ms. Thompson said the City should have a vision; embrace that vision and make decisions that are best for everyone. Council should especially base decisions on the citizens that have been here for years and have invested their time and their interest. Decisions should not be made to create traffic hazards; to create noise; to create transit population in areas that we look at now as being safe, quiet and provides us what we need. She asked Council to really think about what they would do if they had a CUP; not only for Chestnut neighborhood but to all neighborhoods. She asked Council what their drawing card will be for Buena Vista. She wanted to know if Council had ever thought about the percentage of the students that graduate from SVU that stay in Buena Vista.

Vice-Mayor Cooper said that he and his wife stayed here. He said the largest number of graduates live in the Rockbridge area. He said many SVU graduates call Buena Vista home.

Ms. Thompson wanted to know how many graduates are living in Buena Vista as home owners.

Vice-Mayor Cooper said there are at least 40 living in Buena Vista. He said the real question is what we want the character of our neighborhoods to be. He said that he totally agrees with Ms. Thompson but warned that we should be careful to not say the college does not contribute anything to Buena Vista.

Ms. Thompson said she did not make that statement. She said she heard what Mr. Chapman said about contention. If you don't make the right kind of decisions based on vision and not based on individual preference, you are going to create contention between the residents and the school. She opined the school does not want contention and they do not want to have to come here every month to defend their neighborhoods.

Vice-Mayor Cooper advised that the president of the university, President Wilcox, sent his Executive Vice-President and Chief of Staff to the Planning Commission meeting last month to speak out against this Conditional Use Permit. Vice-Mayor Cooper said he does not feel like there is contention between the university and

the community though it is obvious to see that the university had no support and was not involved in any way with the requested permit. He just wants to make sure it is clear that the university is very much interested and invested in the community and the outcome of the future of the City. He said we are on the same page.

Ms. Thompson said she is sure the university does not have contention with the City and she does not look at the school as an enemy. She said as a human service worker here with a non-profit organization, she hears people voicing their concerns and their fear about takeover by the university. She also hears in terms of attitudes that are not positive. She said she is not saying that is her attitude but is saying that if we are not careful as a City about making decisions then we are going to create contention. One of the ways is to get a vision and all decisions be made on that vision. She said the only drawing card that Buena Vista has is the neighborhoods and you don't want to destroy the neighborhoods by rezoning it.

Mayor Fitzgerald then closed Public Hearing #2.

**ADG #3 APPROVAL OF THE MINUTES FROM THE REGULAR COUNCIL MEETING AND PUBLIC HEARINGS HELD ON MAY 3, 2018; APPROVAL OF THE MINUTES FROM THE REGULAR COUNCIL MEETING HELD ON MAY 17, 2018; APPROVAL OF THE MINUTES FROM THE REGULAR COUNCIL MEETING AND EXECUTIVE SESSION HELD ON JUNE 7, 2018; APPROVAL OF THE MINUTES FROM THE REGULAR COUNCIL MEETING HELD ON JUNE 21, 2018.**

Motion was made by Councilman Steve Baldrige to approve the minutes of the regular Council meeting and Public Hearings held on May 3, 2018, the minutes of the regular Council meeting held on May 17, 2018, the minutes from the regular Council meeting and Executive Session held on June 7, 2018 and the minutes from the regular Council meeting held on June 21, 2018, seconded by Councilman Coffey, carried by Council with the exception of Councilman Henson who abstained on the minutes from June 7, 2018 and June 21, 2018.

#### **ADG #4 RECOGNITION/COMMUNICATION FROM VISITORS:**

**Citizens who desire to speak on matters not listed on the agenda below will be heard at this time. Citizens who desire to speak on a specific item listed on the agenda, open for public comment, will be heard when that item is considered.**

Mr. Dave Miske, 120 East 22<sup>nd</sup> Street, Buena Vista was the first to speak. He opined that downtown is looking very good with the new mural and the newly planted trees. He wanted to know if more trees are scheduled to be planted.

Councilman Henson said that phase 1 of the project concentrated on Magnolia and phase 2 will concentrate on 21<sup>st</sup> Street.

Mr. Scudder said the trees are on the radar and should be planted in the Fall.

Dr. John Keeler, Superintendent of the Buena Vista City Public Schools was the next to speak. He extended an invitation to Council to attend the convocation at the school on August 6<sup>th</sup> beginning at 9:30 a.m. He said they are very proud of the work that has been completed recently. New seats were donated by W&L for the gym; the gym has been painted; the floor has been redone in the gym. He also invited Council to attend the picnic that will be held after the convocation. Last year at the Ramsey Center the schools started giving away school supplies for kids from Kling, grades K – 2<sup>nd</sup> Grade. This year supplies will be handed out for the kids at Kling, Enderly and the Middle School. They are able to do this with the help from Munters and their employees, the Masonic Lodge and the American Legion. They have purchased 624 backpacks which will be filled with school supplies. SVU also made a \$700.00 donation. They will also bring their football team up to the high school on August 11 to participate in the back to school celebration. Dr. Keeler said they have also been working on the Middle School this summer.

Councilman Henson stated that “Renew the Blue” is also helping with providing the supplies for teachers.

#### **ADG #5 REPORTS:**

**1.) Mayor**  
None.

**2.) City Manager**

Mr. Scudder started his report by saying that Tom Roberts provided a memo for him to share with Council. Joan Manley with the Rockbridge Services Disability Board is very active with us on trying to improve things

in the City for people with disabilities. Tom worked with them and they did a grant for around \$500.00 to make repairs to the entrance to Penny Park. He also mentioned an article that appeared in the News Gazette concerning recycling. He opined that recycling is a very dire situation. It seems to be costing more to recycle than to throw in the landfill. He said we are disappointed with the recent VDOT funding for road maintenance. Luckily we got about a million dollars to pave Sycamore Avenue about a year ago. This year we did not fair too well. Around that time we had to talk about repairs and estimates on Route 501, we had a corrective action plan for VDOT to get back the lane miles. For that stretch of road which is about 1.2 miles, it is \$50,000.00 to \$60,000.00 per year. VDOT is going to take that money away. When we made the commitment to do paving Council approved up to \$300,000.00 in improvements. He and staff met with VDOT again today and came to a resolution. The City will need to do some investigative work from 2<sup>nd</sup> Street going down the hill towards Munters. We will have to fix that section of road. Basically the other thing that is going to coincide with this is there is an option proposal for an industrial business coming in there. We are also applying for VDOT money for industrial access for that location. We will have to do some engineering work at that location for the utilities. The idea that we resolved with VDOT is they are not going to give us that money right now. We are going to do it on a month to month quarterly basis. He opined we are going to have to make those improvements or we will not get \$50,000.00 to \$60,000.00 a year for that section of road. Mr. Scudder said that further down the road there are places that we will have to patch. We have spent \$30,000.00 to \$35,000.00 on that work. Ms. Mastran will get some estimates on this work. We will apply for the same money next year. On a good note, some very nice industrial space is available. The caboose was pressure washed for a cost of \$150.00. Some pot hole patching was done in the park yesterday. Some of the crosswalks at school needed some attention. Public Works is trying to get ready for school openings.

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

None.

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

Councilman Henson advised there was a meeting of the Public Works/Public Safety Committee yesterday. Councilman Coffey, Mr. Scudder, Ms. Mastran and Adam Pantaze were in attendance. He said they talked about a lot of issues. They talked quite a bit about policies that are out there and not being enforced. He reported that Tom Roberts is doing a lot of enforcement work right now but his hands are tied on a lot of stuff and he needs help. They talked about limited manpower and the number of staff that is tied up with mowing. There should be 7 people in Public Works for the Street Crew but right now we only have 2. Everyone else is tied up with mowing and spraying. He opined that things are not getting done because the City does not have enough man power to do it. They talked a little bit about sight distance; street and traffic signs; brush collection; sign posts that need to be repaired. There was brush collected at 145 houses that produced 19.17 tons of brush alone. They talked about repeat calls from Columbia Gas under the 811 system. They also talked about building permits. He opined it was a very productive meeting and the next one will be held on August 15. Councilman Henson then asked Mr. Scudder if we are ready for the floodwall inspection.

Mr. Scudder said we are ready for the inspection.

Councilman Henson then wanted to know about the drainage of the canal.

Mr. Scudder said we have had contractors that we have shown it to and they have walked away. He does not have an answer.

Councilman Henson opined that Trina has downtown looking good. He said that some of the suckers on the trees need to be cut off because they are drawing from the trees. He then mentioned the helicopter that was cutting the power lines for Dominion Power. He thought it might be something the City could use.

Ms. Mastran stated that it cost an average of \$10,000.00 to \$12,000.00 per day for that type of work.

Councilman Henson said that when Frankie Hogan was Mayor, Council committed to putting the money that was made in the park back into the park for park improvements. He said it is his understanding that the funds are no longer going back to the park but going into the general fund.

Mr. Scudder said that is untrue. Some of the funds do go into park improvements and some do not. He said it is very complicated and that Councilman Henson would have to meet with Mr. Dudley and himself and let them explain it to him.

Councilman Coffey said that what Councilman Henson stated about the park funds is very accurate.

Mr. Scudder said once again that it is untrue.

Councilman Coffey said he wanted to thank Ms. Mastran for the meeting yesterday and he feels it was a very eye opening experience for him. He thanked her for the data gathering that she has done. He opined that all of Council needs to look at the sheets that she has compiled. It does not cost us to get rid of the brush but it does cost us to pick it up. Ms. Mastran is getting the weight numbers every time they go in and dump the brush. She also has the data on the 811 calls. This data research is being done to try to better Public Works and the City to give us more information and to be more informative to help Council. He thanked Ms. Mastran again for the information and said it was very interesting and feels it will be instrumental later on down the road. There will be information submitted to Council by the 8/15 Public Works/Public Safety Committee meeting.

Mayor Fitzgerald then said that he would like to move NB #1 up on the agenda for discussion now. **(THIS IS OUT OF ORDER FROM THE AGENDA)**

**NB #1 MR. RONNIE SLOUGH TO REQUEST ADDITIONAL FUNDS FOR THE BUENA VISTA RESCUE SQUAD:**

Mr. Slough said he had the OMS person here who works for the Department of Health and also works for the BVRS part-time. He had to leave to answer a call. Mr. Slough thanked the City Manager, Mayor Fitzgerald and Council for allowing them to speak tonight. He advised that over the last 9 years the Squad has operated without any additional donations from the City. Mr. Slough said that in May the roof on the squad building blew off and had to be repaired at a cost of \$17,870.00. The air conditioning units went out so they have signed a contract with Natural Bridge Heating and Air to repair or replace the roof units. They have had to pay \$11,000.00 to workman's comp. The salaries run from \$160,000.00 to \$170,000.00 per year. Funds from Medicare help pay these salaries. A few years back they built their fund up. In the last 2 years, their fund has gone down \$70,000.00 because of cuts from Medicare. Mr. Slough said that the OMS person who was just at the meeting but had to leave wrote a grant for the BVRS

in March, 2018 for a Lucas Machine. This machine automatically does CPR and costs \$14,000.00. The BVRS got a 50/50 grant so they had to pay \$7,000.00. Their Phillips Life Packs are becoming obsolete. Next year they will not have a service contract with Phillips. Carillion just purchased 40 of the units and what they are buying will be very compatible with Carillion's units. They have received a 50/50 grant for the purchase of 2 Life Packs. The total cost will be \$70,522.46. The grant payment will be \$34,409.00 which leaves the squad payment in the amount of \$36,113.46. They are asking that the City give a one-time gift of \$18,056.73. The squad will pay \$18,056.73 also.

After further discussion on the importance of having the Life Packs, Councilman Baldrige motioned to give the Buena Vista Rescue Squad a one-time gift of \$18,056.73 to purchase the Life Packs, seconded by Councilman Coffey, carried by Council.

#### **APT #4 CENTRAL SHENANDOAH EMERGENCY MEDICAL SERVICES COUNCIL: (OUT OF ORDER ON THE AGENDA)**

##### **Appoint Mr. Ronnie Slough to serve on this Council.**

Motion was made by Councilman Baldrige to appoint Mr. Ronnie Slough to serve on the Central Shenandoah Emergency Medical Services Council, seconded by Councilman Coffey, carried by Council.

#### **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 sixth 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 scheduled Council meeting.

**APT #2 ROCKBRIDGE AREA DISABILITY SERVICES BOARD:**

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

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

**APT #3 SHENANDOAH VALLEY PARTNERSHIP:**

**Appoint Ms. Rachel Moore for a 2 year term.**

Motion was made by Councilman Henson to appoint Ms. Rachel Moore to the Shenandoah Valley Partnership, seconded by Councilman Baldrige, carried by Council.

**OLD BUSINESS:**

**OB #1 SECOND READING OF A ZONING TEXT AMENDMENT  
ARTICLE 3, DEFINITIONS SECTION 302.06-1 ORDINANCE :**

Motion was made by Councilman Henson 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- ORD18-14**

**Zoning Text Amendment**

**Article 3, Definitions**

**Section 302.06-1**

**Ordinance Text**

**19 July 2018**

AN ORDINANCE to amend Section 302.06-1 of the Land Development Regulations of the Code of the City of Buena Vista, as amended, for the purpose of clarifying permitted occupancy of dwelling units.

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BUENA VISTA, VIRGINIA**, that after a duly called public hearing, in accordance with the general welfare of the citizens of Buena Vista and in accordance with good zoning practices, the Land Development Regulations of the City of Buena Vista are hereby amended to replace the definition of the word *family* with the text provided below:

302.06-1 *Family* means a single housekeeping unit consisting of

(1) An individual; or

(2) Two (2) or more persons related by blood, marriage, adoption, or guardianship; or

(3) Two (2) or more persons related by blood, marriage, adoption, or guardianship and not more than two (2) persons not related by blood, marriage, adoption, or guardianship; or

(4) A group of not more than four (4) persons not related by blood, marriage, adoption or guardianship.

Such housekeeping units are distinguished from persons occupying a boarding house, dormitory, hotel, or tourist home. Private household workers employed and housed on the premises may be considered as included in the family occupying said premises but shall not be counted toward occupancy thresholds.

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

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Mayor

ATTEST:

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Clerk of Council

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Date of Adoption

Motion was made by Vice-Mayor Cooper to adopt the above Ordinance, seconded by Councilman Baldrige.

Ms. Wheeler polled Council as follows:

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

**OB #2 SECOND READING OF A ZONING TEXT AMENDMENT,  
ARTICLE 3 DEFINITIONS SECTION 302.02-1, 302.03-1 AND  
302.20-9 ORDINANCE :**

Mr. Tom Roberts advised the only change to the Ordinance was the definition of basement.

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

Ms. Wheeler read the following Ordinance by title only:

**ORDINANCE ORD-18-15**

**Zoning Text Amendment**

**Article 3, Definitions**

**Sections 302.02-1, 302.03-1, and 302.20-9**

**Ordinance Text**

**19 July 2018**

AN ORDINANCE to amend Sections 302.02-1, 302.03-1, and 302.20-9 of the Land Development Regulations of the Code of the City of Buena Vista, as amended, for the purpose of clarifying determination of habitable spaces within a dwelling unit and counting number of stories of a building.

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BUENA VISTA, VIRGINIA**, that after a duly called public hearing, in accordance with the general welfare of the citizens of Buena Vista and in accordance with good zoning practices, the Land Development Regulations of the City of Buena Vista are hereby amended to amend the definitions of the words *basement*, *cellar*, and *story*, and to read and provide as follows:

302.02-1 Basement means a story having part but not more than one-half (½) of its height below grade. A basement shall not be considered a story for the purposes of determining building height.

302.03-1 Cellar means a story having more than one-half (½) of its height below grade. A cellar shall not be considered a story for the purposes of determining building height.

302.20-9 Story means that portion of a building, other than the cellar, included between the surface of any floor and the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it.

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

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Mayor

ATTEST:

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Clerk of Council

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Date of Adoption

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

Ms. Wheeler polled Council as follows:

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

**NEW BUSINESS:**

**NB #2 DISCUSS AND APPROVE A NEW PUMP STATION AT GLEN MAURY PARK:**

Ms. Trina Mastran, Public Works Director, started the discussion by stating that the City has 3 pump stations. The lift station at the park is very antiquated and is down to 1 pump. The quote was received from Sydnor Hydro in the amount of \$35,970.00. The hazard is that at some point this 1 pump could fail and the State requires that we have a duplex system.

After some discussion, motion was made by Councilman Henson to approve the purchase of the new pump, seconded by Vice-Mayor Cooper, carried by Council.

**NB #3 READING OF AN EMERGENCY COMPREHENSIVE PLAN AMENDMENT APPENDIX B. URBAN DEVELOPMENT AREA (UDA):**

Mr. Tom Roberts started the discussion by saying this is the item that the joint Public Hearing was held on at the beginning of the meeting. The Planning Commission did vote in their session 4 to 0 to recommend approval of the following Ordinance.

Councilman Baldrige wanted to know if this Ordinance is for pedestrian and vehicle traffic.

Mr. Roberts advised that this designation will make us eligible for Smart Scale Grant funding and also for technical assistance for planning. The Smart Scale Grant project for this year is for a sidewalk on Rockbridge Avenue.

Ms. Wheeler read the following Ordinance:

**ORDINANCE ORD 18-16**

**Comprehensive Plan Amendment**

**Appendix B. Urban Development Area (UDA)**

**Ordinance Text**

**19 July 2018**

AN ORDINANCE to amend the Comprehensive Plan of the City of Buena Vista, as amended, for the purpose of designating the entirety of the City as an Urban Development Area (UDA).

**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 planning and zoning practices, the Comprehensive Plan of the City of Buena Vista is hereby amended as add as Appendix B the attached Exhibit A, “Urban Development Area (UDA).”

**BE IT FURTHER ORDAINED THAT**, this ordinance is being entered into for the general welfare of the City and shall take effect immediately in accordance with the laws of the Commonwealth of Virginia, and to the extent that such laws are inconsistent with the Charter for the City of Buena Vista, this Ordinance shall be considered an emergency Ordinance.

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William Fitzgerald, Mayor

ATTEST:

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Dawn Wheeler, Clerk of Council

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Date

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

Ms. Wheeler polled Council as follows:

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

**NB #4 DISCUSS AN ORDINANCE FOR A BUDGET AMENDMENT FOR POLICE CARS:**

Chief Hartman opened the discussion by saying that Lt. Harrison has been working on a project for the Police Department for the last couple of months with USDA. They have given the Police Department an opportunity for a \$25,000.00 grant to purchase 2 new police vehicles. In the past 3 years they have gotten

almost \$500,000.00 in grants and a lot of funding from the City. They are asking for next year's money to be used to help purchase the vehicles. They have been able to purchase 3 new cars in the last couple of years. These 2 new vehicles will replace two (2) 2006 Crown Vics.

Lt. Harrison said they get the most out of them by buying 2 vehicles at the same time. They will give the Police Department 35%, up to \$25,000.00 one time. They have the money in their budget now to purchase one of the vehicles. They will still give 35% to purchase the vehicle that they already have funds for in the budget which is about \$14,000.00. To get up to the \$25,000.00 they must purchase 2 vehicles at the same time. It is his understanding that this is only a one time chance from USDA. If Council gives the additional \$15,000.00 they will be able to purchase both vehicles. He said that if they receive \$25,000.00 from USDA; \$15,000.00 from this year's budget; \$15,000.00 from next year's budget; some insurance money they already have from vehicles that have been wrecked and some asset forfeiture money, they will have enough funds to purchase both vehicles.

Motion was made by Vice-Mayor Cooper to approve the Police Department's request to take \$15,000.00 from next year's budget to purchase 2 new vehicles, seconded by Councilman Coffey, carried by Council.

**NB #5 FIRST READING OF A ZONING TEXT AMENDMENT  
ARTICLE 6, USE IN DISTRICT SECTION 614, MIXED USE  
DISTRICT ORDINANCE :**

Mr. Tom Roberts read the following Ordinance:

**ORDINANCE**

**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.

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William Fitzgerald, Mayor

ATTEST:

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Dawn Wheeler, Clerk of Council

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Date

Mr. Roberts said the Planning Commission discussed over several months some amendments to the Mixed Use District. Mixed Use District is the Magnolia Avenue corridor from 9<sup>th</sup> Street to Park Avenue. He said he presented this

saying that he really wants a downtown master plan in the future. He also wants to do an overhaul of the Mixed Use District regulations. However, there are some things that need to be fixed in the meantime. For example, we can change apartments from Conditional Use or By Right Use for the 2<sup>nd</sup> floor of buildings. He said that downtown you can have apartments above businesses By Right but would have to have a Conditional Use Permit for the 1<sup>st</sup> floor residential. The Planning Commission did not want people to have to get a Conditional Use Permit if they only wanted to put apartments upstairs over their business. The other change is applying the Buena Vista design guidelines in the Mixed Use District. We have design guidelines that apply to the Mixed Business District on 29<sup>th</sup> Street; they apply to Institutional District; they apply to everything West of the river. The purpose of the design guidelines is a few rules about good urban design.

**NB #6 FIRST 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. Tom Roberts read the following Ordinance:

**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.

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William Fitzgerald, Mayor

ATTEST:

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Dawn Wheeler, Clerk of Council

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Date

Councilman Baldrige said that sometime between the 1<sup>st</sup> reading and the 2<sup>nd</sup> reading there could be an amendment addressing parking. However, that only becomes relevant if Council approves the CUP. If Council does not approve the CUP, then by right he can have parking anywhere he wants and he can have as many people as he wants as long as he converts the house into 2 units.

Mayor Fitzgerald opined it would be very expensive to convert the house into a duplex. He said we have so many out there that it is out of control. The home owners have done things without even asking permission. He does not feel we should be able to change it either way until we get what we have under control. After we get it under control we can decide if we want to move it up to 6 or drop it back to 4. He opined we have a lot of people here that has crammed their houses full of students.

Councilman Baldrige said this follows the rules. The rules are they come and do a petition and we consider each petition.

Mayor Fitzgerald said the rule also says that only 4 unrelated people can live in a residence. He does appreciate the method that Mr. Chapman took because not many are doing that.

Mr. Scudder stated that we are a little short staffed because of Fred being ill. When we get a complaint about too many people living in a house we investigate the complaint and send out a letter.

Vice-Mayor Cooper said his concern is we are completely overwhelmed. He said he knows a corporate citizen that would be happy to turn over 50 to 90 but if we did that today, there is no way we could respond to that. He said he appreciates Tom's proactive approach. He knows that Tom has contacted several people in the last few days.

After some further discussion, Councilman Baldrige said that the college wants to make sure anyone who rents to students follow the rules of Buena Vista. He does not feel this is a student renter problem because the City and the school have worked so hard to make it not a problem. He said we have proactive City employees and college employees who have been working behind the scenes for over a year and a half to make sure that as the growth occurs in the college that we are not going to have students out of compliance. Looking at the history there is a gray market of renting and it is huge. He said he had to work for years with the President's Administrative Handbook at the college. Every year that he reviewed it he would find things that was not compliant with the words on the paper. You are always faced in those situations with 2 options. Change the language to conform to a good practice which is already being done or you

educate the workers on the proper way to do things. He feels we really need to have a good conversation about what is best; the way it has been done; the way it is written; the way it has been done for citizens for different parts of the City. He said we do not have rental zones all over the City. He said we have only 3 rental zones in the City and the property that is closest to the college is not a rental zone. He believes we would be smart to decide where we want to encourage multi family or multi person residences. He opined one of the good places is going to be close to the college. He opined we need to look at our ordinances and zoning and decide where we want to put fertilizer. The only control we have with this issue we are discussing now is whether we issue a CUP. He said he does not know what the better decision would be: issue a CUP and have 6 people living there or do not issue a CUP and let the property be turned into a duplex. He feels there are pros and cons in whatever choice Council makes. We all want additional manufacturing entities, commercial entities, additional eateries, additional personnel who are great parents that work here in Buena Vista.

Councilman Coffey said that Ms. Thompson had said we need a vision for our community and not just for right now. He said he has mixed feelings about having a dwelling like what is proposed in a neighborhood like that.

Vice-Mayor Cooper opined this is a good time since we are reviewing the Comprehensive Plan and it is a vision. He said that is the document we should be using and he assumes most everyone has not read it. He has not read it in its entirety. The committee is about to put the Comprehensive Plan to the Planning Commission and they will bring it to Council. He opined that is the vision and when it comes before Council we need to use it.

Ms. Danta Thompson said she is on the committee reviewing the Comprehensive Plan. She opined that is not a vision. She said Council has goals but not a vision. Ms. Thompson said you have to be able to distinguish between a goal and a vision.

Vice-Mayor Cooper agreed that you can't have goals without a vision. He said that part of the Comprehensive Plan is to plan for the future and we need a vision. He said the Comprehensive Plan is the legal document. He has also worked on the Comprehensive Plan and agrees with Ms. Thompson. He said that he and Ms. Thompson are saying the same thing.

Ms. Thompson said she is not against progress or development but she is against destroying neighborhoods.

Vice-Mayor Cooper said his feeling on the CUP is the character of the neighborhood. The neighborhood is intended to be a single family neighborhood. There may be a building next door that has students or couples living in it but it is still intended to be a single family neighborhood.

Councilman Henson said there was a golf tournament held for Fred Fix over the weekend and that Fred actually was able to play. He also thanked everyone for their support of him while he was out.

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

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Dawn M. Wheeler

Clerk of Council

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William H. Fitzgerald

Mayor