

**CITY OF BUENA VISTA
WORK SESSION, PUBLIC HEARING,
REGULAR COUNCIL MEETING AND
EXECUTIVE SESSION**

NOVEMBER 1, 2018

The City Council for the City of Buena Vista met for a Work Session, Public Hearing, Regular Council Meeting and Executive Session on Thursday, November 1, 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	Lisa Clark

Members Absent: None

ADG#1 PLEDGE OF ALLEGIANCE AND PRAYER:

Mayor Fitzgerald opened the meeting by requesting that everyone stand and repeat the Pledge of Allegiance. Council Member Clark delivered the opening prayer.

ADG #2 WORK SESSION – MR. ED WALKER:

Mr. Walker started the Work Session by saying that he wanted to give Council an update on the properties that he purchased in Buena Vista and to also introduce the students that are the development team for the entire year. He said they have been hard at work for the last 8 weeks. He said he told the students they don't really observe vacations. The work does not stop when school stops. They are trying to figure out for next summer how to get the school to fund some group of students to continue through the summer so they can continue year round working on their projects. Mr. Walker said they are big fans of Buena Vista and they feel it is a really

wonderful town. They want to share the work they are doing in other parts of Virginia and North Carolina and other communities that are in similar situations. By January of last year they closed on 12 buildings with an investment of about \$1,300,000.00. By the time this multi-year project is over the investment will be north of \$5,000,000.00. They have come up with a number of themes they feel are real important to capitalize on what makes Buena Vista great right now. They want to see what they can do to bring some more life to the street front stores. Over the summer while they were sorting out the critical path they wanted to tidy up by doing some painting and doing some work in the alleys. They spent about \$75,000.00 to \$80,000.00 just getting started in Phase I. They want to get to a place where they can take prospects into buildings. There was only one case where a building got away from them when a gutter was clogged during one of the recent big rain storms. They are preparing in the next 3 to 4 weeks to go public with their campaign to a broader audience. This will be encouraging people to come to Buena Vista. They have about a half of dozen prospects who either want to be lessees or more ideally from their perspective, they would want to see people become owner/occupants and invest directly in their buildings and their community. They are not only looking for people who can afford to rent but they also want awesome people with awesome ideas. They are looking for people that have experience and capital and the time to really invest in the community. The themes they have come up with are housing: they would very much like to see some multi-family housing. They have about 55,000 square feet they are in the process of developing. He would like to see at least 25 and as many as 40 downtown apartments. They are also interested in hospitality. They are getting ready to open an 18 room small hotel or boutique in Salem. They are big fans of anything that supports education. He opined that one of the biggest assets that Buena Vista has is the library. The library is extremely well used and run. He said he would love to see a new library go in one of the new locations. They have a team architect who can do drawings really fast. They are in the process of doing drawings for all of the buildings but also a schematic drawing for the library. Another theme is outdoors and public space and they really want to plant a flag in that. One thing they may do is make a public square where the hotdog stand was. They would love to see that area mature into any number of things such as a free space for outfitters to use as their landing space to meet their clients and go from there to get access to the Maury River or the trail. He opined that the Arts/Culture is amazing in Buena Vista and he is a huge fan of what is going on here.

They are working on which one of their buildings that would lend itself best to a community space where a lot of different uses could take place. Two of their prospects are food and beverage people. He is also a big fan of JJ's Meat Shack. It is the kind of place that people make a destination place. He said that as a team they are hoping to be able to put together a proposal for the Rockbridge Area of Social Services to be in Buena Vista. They have been working like crazy on getting them in Buena Vista. They met with one of the Board members last week. They are also interested in beautification. They would like to take anything that is not as pretty as it should be and convert it into something more attractive. They want to be able to put together a digital presence that gets the word out how great things are. They are working with Phillip Nowlin to help tell the story that they see when it is not what exists now. Mr. Nowlin is in the process of doing the same thing for Buena Vista to talk about the advantages of the town and the area and then specifically what they see happening in particular buildings. He then showed a video about the Peacock building in Salem that he owns. They are working on a similar video for Buena Vista. He said there will probably be two videos. One will be really short to check out Buena Vista. The other one will be longer that will be sent to perspective tenants which talks about particular buildings. You have to do the projects bit by bit by bit. He then thanked Council for coming to Roanoke to look at some of the buildings he has redone. He then summarized what the project is doing. They are a private land and building portfolio for the good of the community. They have tried to get a collection of buildings that was underutilized and try to get them into the right hands. They will continue to buy great things at great prices. They will also sell buildings to awesome experienced people with awesome ideas. They will not sell to people who will not do anything. They will lease "as is" property to great folks at obviously cheap rates but every single building they have are in need of complete gut rehab. They are driving for complete rehabs. Any of the buildings are a minimum of \$300,000.00 to \$500,000.00 at \$150.00 per square foot.

Mr. Hugh Brown of Roanoke, Virginia was the first student to speak. He is a third year law student at W&L. He is specifically tasked with attempting to better understand, learn and find suitable arrangements for multifamily housing. The buildings he is personally responsible for are 2043 and 2047 Magnolia Avenue. They are trying to seek out the individuals that can provide the best possible source of business or whatever activity that may generate the best possible outcome for the community as a whole.

He has been able to spend a lot more time in town and getting to know Buena Vista. He said he really likes what he sees in BV.

Mr. Chris Henry of Augusta, Georgia was the next student to speak. He is heading up the public health theme. His focus is on DSS located in Lexington who is looking for a new location. His buildings are the group of 3 buildings on West 22nd Street and Magnolia Avenue. All of these buildings are historical buildings.

Mr. Cole Bollman from Tallahassee, Florida and has lived in this region for the past 7 years. He is in law school at W&L. He is in charge of the outdoor public space. His main area is the public space across the street from the library. He said they are very fired up about the prospects they have for that area. He opined it will be a great space for a staging area for outfitters. He said he loves Buena Vista and is very grateful to be a part of this group. He is excited to see where it goes from here.

Mr. Alec Smith from Palm Springs, California is a third year law student at W&L. He has been tasked with food and beverages. His building is the old Ford building on Forest Avenue. He advised there is a potential prospect of a very well-known bakery in Arizona with ties to Buena Vista. This year has been his first time of coming to Buena Vista. He opined it is beautiful and he can't believe it took him 3 years to come to BV.

Mr. William Jenkins from Detroit, Michigan is a third year law student at W&L. He has been tasked with beautification and blight. He said Buena Vista is beautiful and he will work with people in town to make it more beautiful.

Mr. Rodolfo A. Alatraste Pena is from Mexico. On the way here he was thinking about what really hits him about BV. He said he went to see his sister in California last week and he noticed that people out there avoid making eye contact with others. He said that the people in BV are not like that. He said they will look you in the eye as they pass by and speak. He is part of the arts/culture team that will be overseeing the Arts/Council building on Magnolia.

Mr. Walker said there is another student by the name of Katie that could not be with them tonight. She is in charge of the education team and she is heading up the library project. He said we are very lucky to have a library system that is so strong. Mr. Walker said all they are trying to do is to bring more activity to the streets. He said that Cole has his hands full because he is driven insane that Blue Ridge Outdoors is always talking

about all these outdoor towns in Virginia but not Buena Vista. He said we have so much more to build on than those other places.

Councilman Coffey wanted to know if there are any prospects now.

Mr. Walker replied by saying that prospects are always tricky. He said they have awesome prospects right now. The public information will be put out in the next several weeks. They have great prospects in food and beverage and entertainment ideas. Of the 6 they are working with directly right now are people we would love to have. He said they got a great call yesterday and the momentum is really building. He advised that Mark Warner will be coming here in mid-November because he really wants to stay close to this project.

Mr. Dave Miske stated that the Paxton House has been completely restored and the canal is basically an overgrown ditch. He wanted to know with all of the things that Mr. Walker has going on if he had thought about making the canal part of the outdoor recreation project.

Mr. Walker said he has not thought about the canal and they cannot afford to do anything with the canal. He opined there are a lot of great buildings in Buena Vista with the Library being one of them. He said the Library needs to be completely redone if we could figure out how to do it. He feels there is an opportunity for the Library to go off of the City's expense side of the ledger and in to the income side of the ledger. He feels it is a mistake for communities to lose control of iconic buildings. Mr. Walker said they are waving the flag pretty hard for Buena Vista. He said renovating houses is not economically feasible without some kind of income to service the debt.

Mr. Sharaki wanted to know if Mr. Walker had considered partnering with DSLCC for the library.

Mr. Walker said that was an interesting thought and he is a big fan of community colleges. He was trying to get DSLCC on Main Street. They are trying to figure out what is feasible and desirable.

Councilman Coffey wanted to know if Mr. Walker wants to put the food/beverage and music together. He advised there are a lot of musicians in the area.

Mr. Walker said they have done a lot of projects and live music is one of their specialties.

Mr. John Fairchild wanted to know if there are any plans to bring any retail businesses.

Mr. Walker said that is not only an interesting small town challenge but it is every size. There are ways that you can do it but attracting them is almost always the Moses type. He said there are a few around like Becky's but it is very tough and very rare.

Councilman Baldrige said he has heard a few people wondering if there would be a possibility of something similar to downtown Williamsburg. He said there is a William and Mary bookstore but it has so much more than just being a bookstore. SVU no longer has a physical bookstore and neither do the Blues. He said it is his understanding that the Library has more foot business than any other place downtown. He mentioned that Mr. Walker may want to consider having a community room at the Library. He then addressed the subject of multifamily housing. Councilman Baldrige said we have to own up to it and find it. He also wanted to know if perhaps they could look at condominiums. There are people that want good housing that do not want to take care of real estate. There are also older folks that love to be around the culture, the arts and the outdoors and would love to not mow a lawn and worry about maintenance.

Mr. Walker advised that the schematic they had done contemplates the idea of a community room at the Library. He said there are people in the Library at all times. Mr. Walker also said the condo people are more mobile. He may have the first 2 stories of a building apartments and the 2 upper floors condos. Mr. Walker said the condo closings give you cash that you can spend to support the financing for the apartments. He said a mix of ownership types or occupant types is real helpful. Mr. Walker said he is always sensitive to what people like. He said that sometimes the direct and indirect benefits are great. He also said a lot of stuff has to fall in place. The river is a super star part of their program. He said they have to make the access to the river good. He ended his presentation by saying that he will sell Buena Vista to others.

ADG #3 PUBLIC HEARING

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

- 1.) Zoning Map Amendment to rezone 2574, 2638 and 2656 Chestnut Avenue, Tax Map numbers 28-1-5-47-8, 28-1-5-46-3 and 28-3-5—2,**

from R2 Residential to INST Institutional for the purpose of using the buildings at 2574 and 2638 Chestnut Avenue for offices.

- 2.) Zoning Text Amendment to update definitions and regulations pertaining to dwelling units. The following items are addressed in the amendments: definitions of works related dwelling units; intent statements for the R2, R3 and R4 zones; changing duplexes from a by right use to a conditional use; eliminating triplexes and quadplexes as permitted uses in R3; manufactured housing as a conditional use; and car ports. The purpose of the amendments is to preserve and enhance single-family neighborhood character.

The Public Hearing will be held in the City Council Chambers located in the Municipal Building located at 2039 Sycamore Avenue in Buena Vista. The Public Hearing will immediately follow a scheduled City Council work session which begins at 6:00 PM on Thursday, November 1, 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 or online at <https://bvcity.org/planning/>.

PUBLIC HEARING #1

- 1.) Mr. Tom Roberts said there are 3 houses across from the SVU campus. SVU would like to have some flexibility on how to use these buildings; they could use them as offices, classrooms or student housing. We are recommending the rezoning to Institutional with a Historic Overlay. SVU has proffered several conditions. The proffers are they will only use the buildings that are there now. They cannot tear the buildings down and build something else there without getting the property rezoned again. They will also limit uses to offices, classrooms or student housing. At the previous Planning Commission meeting there was some discussion about single family housing versus student housing. The proffer would allow them to have student housing; something like a dorm use. That would be more than 4 unrelated people. SVU is not really committing to a specific use for each of these buildings. They are actually likely to shift uses from semester to semester or year to year over the next several years.

Mrs. Deidra Dryden, 2512 Chestnut Avenue was the first to speak during the Public Hearing. She has lived at 2512 Chestnut Avenue for 20 years. Her house is straight down the street from the houses that are being discussed. She has been working at SVU since there were only 73 students. Mrs. Dryden said that she does not remember there being any problem in the neighborhood. The reason she is in favor of this rezoning is that she believes that houses are living breathing things that need to be taken care of. She opined they are being better taken care of when

someone is walking in and out of them every day. She said she has seen some years where the houses need to be used as a classroom and some years where they were needed for office space. She said that she and her husband restored a building downtown. She opined that SVU is one of the key factors in the growth of Buena Vista.

Mr. Bill Braddy, 2748 Walnut Avenue was next to speak. He is also an employee of SVU.

Council Member Clark wanted to know if the Institutional label for the zoning would also allow the residential side to happen as well.

Councilman Baldrige said with the zoning it could be a family that works at SVU.

Council Member Clark opined this rezoning would grant SVU more power to use the 3 houses as they need to be used.

Mr. Roberts stated that the purpose of the proffers is to take the long list of uses that you can have in Institutional such as athletic fields, library, churches, a dining hall and limit it down to these 3 uses.

Mr. Braddy said he is excited about Ed Walker being here. He said he is a transplant but has fallen in love with the City. He opined the river and mountains are great but it is the people that they love. They are glad to be a part of this community. SVU is asking for the rezoning of 3 properties that currently sit right on the edge of all the other Institutional zoned properties. It is really just bringing in existing property that SVU owns to conform to the surrounding property. He advised that SVU is all for the integrity and the single family residential feel that surrounds the college campus. They feel like it adds to the character and identity of SVU. They want to maintain that feeling. Mr. Braddy said that people come from all over the country and instantly fall in love with the SVU campus. They plan on preserving the campus as best as they can. They have grown in the last 5 years by about 50%. They have had a 10% increase each year and they are now over 1,000 students. All projections are that they will continue to grow over the next few years. With the past growth and the continued expected growth, they need to plan on those areas that have been identified: housing, office space, classroom space. He said that most might be aware that they are applying for a USDA project and it is progressing very well. Until that happens, which is 2 or 3 years out, they need to continue to grow and accommodate that growth. These 3 properties and also a property that is already zoned Institutional become very critical to that planned growth. They need to be able to use those facilities with their growth. They have not decided yet which property is best suited but they are in the planning process over the next couple of months of evaluating all of their assets and see what they

need for next August, the following August and then 3 years from now. They need the flexibility that Mr. Roberts has mentioned. He opined that for the next 2 years they may need office space but they need the flexibility to grow and do those things. It is working. He opined they have great staff at SVU that provides great leadership. He opined they have wonderful students. On the City's service day, over 800 volunteers from SVU participated. He said the students were very excited about volunteering and there is already talk about what they can do in the fall. Students that only been here for a month and a half and they are already talking about what they can do next year. He said one of the concerns last time was parking. They are doing everything they can on campus to handle some of the public street parking. He said that SVU welcomes the partnership with the City. Mr. Braddy said he spoke with Mr. Graybill who is a neighbor and he is 100% in favor of this project.

Mr. Tim Petrie, 160 Larch Avenue was the next to speak. He said he served on the Planning Commission when the planning process for the growth of SVU started. He opined it is a very difficult process introducing an institution into a neighborhood. There were a lot of unknowns back 15 to 20 years ago. He is in support of this rezoning. It is needed as part of the housing and it needs to be faced. During the planning process for SVU and the neighborhood is a piece meal process. It is a continuing growing thing and he is happy to see that this particular zoning proposal is here now. He opined that SVU has grown a lot more than people would have imagined. Mr. Petrie suggested that the requested rezoning be approved. This started a long time ago and is growing and succeeding.

Mrs. Kathy Janiczek, 349 East 26th Street, on the corner of Walnut Avenue was next to speak. She said she lives on the same block that the 3 houses are on. She said she is not for the rezoning. She moved here 5 or 6 years ago and purchased the house 12 or 14 years ago. She wanted to live in Buena Vista in retirement and also wants to live in a residential community. She said she is not opposed to the use of the houses. She advised they have always been used for other things. She is weary of the piece meal process. The last time this rezoning came to Council she drove from Detroit to speak opposition to it. Her home cost \$200,000.00 and has been evaluated at \$160,000.00. She wanted to know what will happen to the value of the homes on "the hill" if more and more of them are not used as residences. She said she does not trust the university because the houses they have owned in the past have been allowed to decay and have been torn down. She said she really enjoys the people from the university but she feels she has to speak up as a property owner and ask Council to protect the property owners. She would like to see a variance on zoning rather than

changing the zoning. She has been informed by Mr. Roberts that it cannot be done. She also pointed out that on her block there is a 3 story dorm. She said again that she loves the students and does not mind them being there. However, she does mind having 3 or 4 house torn down to put in a parking lot.

Mayor Fitzgerald closed Public Hearing #1.

PUBLIC HEARING #2

Mr. Tom Roberts opened Public Hearing #2 by saying the Planning Commission has been working on this definition of dwelling units for several months. They have whittled it down to 6 elements. He explained the focus here is to protect our single family neighborhoods. There are a couple of items that are simply clean up items like updating definitions of terminology; updating definitions of dwellings, dwelling units, 2 family dwellings and also the word dormitory. The things that really relate to our single family neighborhoods are updating and reinforcing the intent language for R2, R3 and R4 zones. The second one is changing duplexes from a by right use to a conditional use in R2 and R3 zones. The next items are eliminating 3 and 4 family dwellings to permitted use in R3 and changing manufacturing housing (mobile homes) from by right use to conditional use in R4. The last item is defining the word car port and clarifying that it does count as an accessory building.

Mrs. Donta Thompson, 2455 Sycamore Avenue was the next person to speak. Mrs. Thompson said she supports changing duplexes from a by right use to a conditional use; eliminating triplexes and quadplexes as permitted use in R3. She said she is in support of that change because she feels it will do more toward preserving the integrity of the neighborhoods in Buena Vista. She said she grew up here and left when she was 16 and moved to Philadelphia, Pennsylvania. She said she always thought about coming back here to retire. Buena Vista represented to her, after living in a metropolitan area, like Mayberry USA type of environment. If you go about changing it you are going to find that you do not have the playing card or the gem that Buena Vista offers. She stated that she is all for progress and she is still working towards it in terms of assisting Buena Vista. Mrs. Thompson opined that one of the greatest things that Buena Vista has is your neighborhoods. She said when she went out this morning she saw people in their neighborhoods sitting on their porches drinking coffee or tea and she thanked God for us having streets that are not full of hustle and bustle. She said that Buena Vista has so much going on and she is in support of any change that will preserve our neighborhoods.

Mrs. Znadi Critchfield, 2614 Cedar Avenue spoke next. She said when she and her husband first moved here they had a hard time finding a home. She said they decided to invest in a home that they could also rent out to other people that needed housing. Right now they rent to 4 students and in the future will only be renting to 2 students. She said she improvised with people that don't want a lot of change in their neighborhoods. She opined that SVU students are not like the students at W&L and VMI. They basically do not party. She feels that SVU has been part of getting Buena Vista going again. If there is nowhere for the students to live, they will not want to come to school here. She opined that the City needs to make some adjustments to accommodate the school. There is a need for more housing for students and married couples.

Mr. Cole Critchfield, 2614 was the last to speak. He opined their biggest issue right now is they were not planning on buying a home that could be turned into a duplex. After they purchased the home and tried to turn it into a duplex they were told the square footage was not met. Their house is about 3200 square feet; the basement is approximately 980 square feet and the upstairs is approximately 2,400 square feet. They have lived in 7 houses since they have been married and they have never lived anywhere that was more than 1,000 square feet. Mr. Critchfield said they feel that 1,200 square feet is a little excessive. For them to come into regulations they would have to make their upstairs smaller to make their basement bigger or add on to their house. Now with the definition of a single family dwelling going from 4 unrelated to 2 unrelated they may not be able to afford their home because of the restriction on the number of unrelated persons living in a single family dwelling.

Mayor Fitzgerald then closed Public Hearing #2.

ADG #4 APPROVAL OF THE MINUTES FROM THE REGULAR COUNCIL MEETING AND EXECUTIVE SESSION HELD ON OCTOBER 18, 2018:

Motion was made by Vice-Mayor Cooper to approve the minutes from the Regular Council Meeting and Executive Session held on October 18, 2018, seconded by Councilman Baldrige, carried by Council.

ADG #5 RECOGNITION/COMMUNICATION FROM VISITORS: Citizens who desire to speak on matters not listed on the agenda below will be heard at this time. Citizens who desire to speak on an item listed on the agenda, open for public comment, will be heard when that item is considered.

No one spoke.

ADG #6 REPORTS:

1.) Mayor

None.

2.) City Manager

Mr. Scudder reported that we did some good work on Reid's Hill Road and it looks great. He said that he and the Mayor looked at some areas in the City such as DSLCC and the entryways to the City and decided to hire a part time person to help keep them up with landscaping and flowers and such. Mr. Scudder reported that Columbia Gas has postponed the project on Magnolia Avenue until spring. The auditors will be here next week.

Councilman Coffey said he has talked in the past about the little risers on Magnolia and people tripping over them. Instead of painting or putting stripping on them we are going to put planters and plants to make them less dangerous.

Mr. Scudder advised that John Cole has ordered 12 concrete planters.

Councilman Coffey said that his son and his wife who are landscapers, can give ideas on what to plant and when.

3.) City Attorney

Mr. Kearney said the hearing was held yesterday in Richmond and opined that it went very well. He said it is hard to tell when an opinion will be coming forward. It can be any time in the next 2 weeks to the next 5 months.

4.) Council Committee/Representative

Councilman Henson thanked Tom Roberts, Rachel Moore and Katy Patterson for the job they did on the Halloween event. He said there were approximately 1,000 kids participating. He then said he has discussed the leaning sign posts for several years and they are still not fixed. He then wanted to know why the fire hydrant at 29th and Catalpa still has not been fixed.

Mr. Scudder said he would follow up with Corey Henson to see where we are on repairing the fire hydrant.

Councilman Henson then wanted to know how many fire hydrants we have in town that has plastic bags over them. He advised there is a time limit that they either have to be replaced or repaired.

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 twelfth 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 BUENA VISTA ECONOMIC DEVELOPMENT AUTHORITY:

Mr. Jacob Thayer has resigned. His term will expire on July 31, 2019. This is the sixth 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 to the next Council meeting.

Councilman Coffey wanted to know if anyone had ever questioned the people as to why they resign.

Councilman Baldrige said there are a lot of different reasons that people resign.

APT #3 ROCKBRIDGE AREA SOCIAL SERVICES BOARD:

Mr. Billy Spence has resigned. His term will expire on October 31, 2020. This is the fourth time this item has appeared on the agenda. **ADVERTISED THE NEWS GAZETTE SEPTEMBER 5, 2018; WEB SITE AND CHANNEL 18 8/30/18. NO APPLICANTS** – This item will be carried over to the next Council meeting.

APT #4 RARO:

Mr. Eric Catlett's term will expire on December 31, 2018. This is the second time this item has appeared on the agenda. Mr. Catlett is willing to serve again if re-appointed. ADVERTISED THE NEWS GAZETTE OCTOBER 17, 2018; WEB SITE AND CHANNEL 18 10/11/18. NO APPLICANTS

Motion was made by Council Member Clark to re-appoint Mr. Catlett to the RARO Board, seconded by Councilman Henson, carried by Council.

OLD BUSINESS:

None.

NEW BUSINESS:

NB #1 RESOLUTION FOR THE INDUSTRIAL PARK.

Ms. Rachel Moore, Director of Economic Development, said she has exciting news about the Industrial Park. She advised we are at a point at the Industrial Park to move forward with going after VDOT for Economic Development Access funds to establish the opening and the drive space into the Industrial Park. Columbia Gas will be officially announcing tomorrow that they are coming to Buena Vista. What is in front of Council tonight is the Resolution to go forward with obtaining the VDOT funds. One of the things they are hoping to do is come in here real quickly so they are working on a time line.

Councilman Baldrige opined it will help us have safe access to the Industrial Park.

Ms. Moore said as of right now there is no access to the Industrial Park from Route 501.

Council Member Clark stated that tonight Council will need to approve the Resolution to go after the money.

Ms. Moore said that is correct and if the Resolution is approved she will forward it to VDOT tomorrow. It will go before the Commonwealth Transportation Board in

December.

Council Member Clark read the following Resolution:

RESOLUTION – R18-05

At a regularly scheduled meeting of the Buena Vista City Council held on Thursday, November 1, 2018, on a motion by Councilman Henson, seconded by Councilman Coffey, the following resolution was adopted by a vote of 7 to 0:

WHEREAS, the City of Buena Vista desires to assist in the development of property for the purpose of economic development located off of South Magnolia Avenue (U.S. Highway 501) in the City of Buena Vista, Virginia, within the Buena Vista Industrial Park; and

WHEREAS, Columbia Gas of Virginia, Inc. is expected to enter into a long-term lease agreement to run its planned operations on property within the Buena Vista Industrial Park for the purpose of constructing a Mobile Operating Deployment Facility; and

WHEREAS, this new facility is expected to involve new private capital investment in land, building, and equipment of approximately \$3.4 million and Columbia Gas of Virginia, Inc. is expected to employ 10 persons at this facility; and

WHEREAS, operations are expected to begin at this new facility on or about December 1, 2019; and

WHEREAS, the subject property has no access to a public street or highway and will require the construction of a new roadway to connect with South Magnolia Avenue (U.S. Highway 501); and

WHEREAS, the City of Buena Vista hereby guarantees that the necessary environmental analysis, mitigation, and fee simple right of way and utility relocations or adjustments for this improvement, if necessary, will be provided at no cost to the Economic Development, Airport and Rail Access Fund; and

WHEREAS, the City of Buena Vista acknowledges that no land disturbance activities may occur within the limits of the proposed access project prior to appropriate notification from the Department of Transportation as a condition of the use of the Economic Development, Airport and Rail Access Fund; and

WHEREAS, the City of Buena Vista hereby acknowledges that the Virginia

Department of Transportation's Economic Development Access (EDA) Program may provide up to a maximum of \$650,000 for a project and requires matching funding, up to \$150,000 from the City of Buena Vista, for estimated eligible project costs over \$500,000, up to \$800,000.

WHEREAS, the City of Buena Vista hereby guarantees that financing of all ineligible project costs, project costs exceeding the EDA Program project allocation, EDA Program required locality matching funds, if applicable, and all costs not justified by eligible capital outlay will be provided from sources other than those administered by the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED THAT: The Buena Vista City Council hereby requests that the Commonwealth Transportation Board provide Economic Development Access Program funding to provide adequate road access to the planned Columbia Gas of Virginia, Inc. facility operation on property within the Buena Vista Industrial Park;

BE IT FURTHER RESOLVED THAT: The City Manager and/or his designee(s) is authorized to act on behalf of the Buena Vista City Council to execute any and all documents necessary to secure the funding sought through the Economic Development Access Program up to the maximum amount of funding eligible under the Economic Development Access Program; and

BE IT FURTHER RESOLVED THAT: The City of Buena Vista will request the new roadway, so constructed, to be added to receive maintenance payments in accordance with the provisions of Section §33.2-319 of the *Code of Virginia*, and such request for street additions for municipal assistance payments will be submitted, together with a copy of this resolution and such maps and other documents as may be necessary in the manner prescribed by the Department.

Bill Fitzgerald, Mayor

City of Buena Vista

Attest:

Dawn Wheeler, Clerk of the Council

City of Buena Vista

Date:

Councilman Henson wanted to know if this would also allow us to go across the road with water and sewer.

Mr. Scudder said this Resolution was just for the road but we do anticipate going across the road with water and sewer.

Motion was made by Councilman Henson to approve the Resolution, seconded by Vice-Mayor Cooper, carried by Council.

Ms. Moore said that Columbia Gas donated \$5,000.00 to our volunteer day and they are really excited to be coming to Buena Vista.

NB #2 DISCUSS DISSOLVING THE CHARTER REVIEW COMMITTEE.

Mayor Fitzgerald started the discussion by saying the committee was formed in February and we are now in November and have had only 2 meetings. He said he is very impatient. He opined the committee should be dissolved and think about forming another committee a little bit later.

Councilman Henson said he does not agree with Mayor Fitzgerald. He opined the committee the first time around wanted to find out who is going to enforce the Charter. He said we have had problems with enforcement of the Codes and the Charter. The first meeting they talked about enforcement and the second meeting they elected a Chairman. He feels we need to let the Chairman and his committee go with it and see where they go. He opined there are a lot of things that need to be changed in the Charter.

Council Member Clark said that she agrees the Charter needs to be looked at. She said she was going to be bold and say that it was the most unproductive committee that she has ever been a part of. She opined we were not making any progress. She feels that Council needs to regroup and decide the best way to review the Charter.

Councilman Coffey wanted to know why the committee was unproductive.

Vice-Mayor Cooper opined that Council was not clear enough when they set it up as to exactly what the expectations for the committee were for the timeframe, the way it operates and exactly what the purpose of the group was. He agreed with Councilman Henson who said the first meeting the committee was trying to figure out exactly what the purpose of the committee was. He feels that Council could have been far clearer in establishing the committee. He felt there was a little bit more progress made in the second meeting but even then the discussion went back to what the committee thought they should do. They were not exactly sure about how to do it. Vice-Mayor Cooper opined that Council should have been more specific in laying out the parameters for what Council wanted the group to do.

Councilman Coffey wanted to know why it could not be done without disbanding the committee. He opined there are things in the Charter that need to be changed that are not clearly written. He feels that Council will be giving up on something that they should not be if the committee is disbanded.

Council Member Clark stated that Council is not giving up on the project but they need to look at different ways to tackle the project.

Mayor Fitzgerald said that he takes full blame for the confusion. He would like to dissolve the committee and look at it again at a later date.

Mr. Tim Petrie, who was appointed Chairman at the second meeting, said that he agrees with Tyson who said the mission of the committee was not spelled out clearly. The logistics of putting something together like this can be pretty daunting. He said if you look at all the people who are on the committee, there is an impression that the majority of them felt that it was an update to the Charter because it is an older document. There are things about it that are not 2018 and it is a good time to look at it with 2018 eyes. There were also ones on the committee that wanted to change the Code. He opined that is two different things: updating and change is two different things. He said if you really want a deep change to the Code he feels there needs to be support from the community that is not there. He opined there may be a handful of people who want a big change but he thinks that is not what he is hearing. He said perhaps that Council can get together and propose the mission on what the committee should do and the committee will do it.

Councilman Coffey said that he thinks that appointing Mr. Petrie as Chairman was a good choice. He agrees that Council should go back and give clear instructions on what they want done with the Charter. He does not want to disband the committee and said if there is anyone on the committee that does not want to be, tell Council and they

can appoint someone else.

Mr. Petrie said that Mr. Kearney explained from the beginning what needed to be done. He said it is not an easy process. The impatient part he understands and he feels with a little bit more direction and clarity about what the end results need to be, the committee should be ok. He said he will do whatever he can to help the process along. He stated that it will be a long drawn out process.

Vice-Mayor Cooper said there was a headline in a newspaper from 1951 when the Charter was last reviewed, that said there was trouble in Buena Vista over trying to review the Charter. He opined this is not an easy process. Vice-Mayor Cooper said it was not easy 70 years ago and it will not be today.

After further discussion from Council concerning either keeping the committee or disbanding it, the following votes were taken:

- 1.) Motion was made by Councilman Henson to retain the current committee as it is under the leadership of Tim Petrie, seconded by Councilman Coffey.

Ms. Wheeler polled Council as follows:

	Present	Absent	Yes	No	Abstain
Mayor Fitzgerald	X			X	
Melvin Henson	X		X		
Tyson Cooper	X			X	
Steve Baldrige	X			X	
Lisa Clark	X			X	

Daniel Staton	X			X	
Stanley Coffey	X		X		

2.) A second motion was made by Councilman Baldrige to dissolve the committee at this point and reconfigure what the mission and scope of this committee will be, seconded by Council Member Clark.

Ms. Wheeler polled Council as follows:

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

NB #3 FIRST READING OF AN ORDINANCE FOR ZONING TEXT AMENDMENT DWELLING UNIT REGULATIONS.

Ms. Dawn Wheeler, Clerk of Council read the following Ordinance:

Zoning Text Amendment

Dwelling Unit Regulations

Portions of Article 3 and Article 6

Ordinance Text

30 October 2018

ORDINANCE

AN ORDINANCE to amend Articles 3 and 6 of the Land Development Regulations of the Code of the City of Buena Vista, as amended, for the purpose of clarifying ambiguous language and promulgating safety, quality of life, and strong property values in the City's single-family neighborhoods.

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 following sections of the Land Development Regulations of the City of Buena Vista are hereby amended to read and provide as described below and in the attached Exhibits.

Section 302, Exhibit A. The text of Exhibit A includes only those portions of Section 302 that shall be amended. 302.04-5, 302.04-8, and 302.04-9 shall be amended to read as written in Exhibit A. 302.03-16 shall be added to Section 302.03. 302.04-10 shall be added to Section 302.04.

Section 602, Exhibit B. The text of Exhibit B shall be added to Section 602.04 and shall not replace or repeal any other portions of Section 602.

Section 603, Exhibit C. The text of Exhibit C shall entirely replace the text of Section 603.

Section 604, Exhibit D. The text of Exhibit D shall entirely replace the text of Section 604.

Section 605, Exhibit E. The text of Exhibit E shall entirely replace the text of Section 605.

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

William Fitzgerald, Mayor

ATTEST:

Dawn M. Wheeler, Clerk of Council

Date:

NB #4 FIRST READING OF AN ORDINANCE FOR ZONING MAP AMENDMENT 2574, 2638 AND 2656 CHESTNUT AVENUE.

Mr. Tom Roberts read the following Ordinance:

Zoning Map Amendment

2574, 2638, and 2656 Chestnut Avenue

Tax maps 28-1-5-47-8, 28-1-5-46-3, and 28-3-5--2

Institutional with Seminary Hill Historic District

Ordinance Text

30 October 2018

ORDINANCE

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 properties at 2574, 2638, and 2656 Chestnut Avenue, identified by tax map numbers 28-1-5-47-8, 28-1-5-46-3, and 28-3-5—2 and generally located on the 2500 and 2600 blocks of Chestnut Avenue, and shown on the attached “Exhibit A,” are rezoned from R2 Residential to Institutional with the Seminary Hill Historic District Overlay, and the zoning map for the City will be amended to reflect this change.

BE IT ALSO ORDAINED that these properties shall be subject to the following voluntary provisions proffered by the property owner, Southern Virginia University:

1. These proffers are voluntarily submitted by Southern Virginia University pursuant to Code of Virginia Section 15.2-2297. The following provisions are proffered for the properties known as 2574, 2638, and 2656 Chestnut Avenue, or tax map numbers 28-1-5-47-8, 28-1-5-46-3, and 28-3-5—2, respectively. These proffers shall apply only in the event that the subject properties are rezoned, and shall only apply if they are accepted in full by the City of Buena Vista.
2. These proffers are intended to promulgate good planning and the health, safety, and general welfare of the neighborhood. They address specific potential

concerns about compatibility of uses with the adjacent properties and intensity of use of the sites.

3. The buildings at 2574, 2638, and 2656 Chestnut Avenue shall remain the primary structures on their respective parcels, and shall not be demolished. Additions, remodeling work, and accessory buildings shall be relatively minor and shall be of the same scale, massing, and materials of the existing buildings and shall be compatible with the neighborhood.
4. The use of the properties at 2574, 2638, and 2656 Chestnut Avenue shall be limited to one or more of the following permitted uses, exclusively, in the Institutional zone:
 - a. 1903.02-2 Business, private, public and vocational schools and classrooms, academic facilities, administrative offices and associated support structures.
 - b. 1903.03-3 Dormitories.
 - c. 1903.03-6 Multifamily homes/apartments.
 - d. 1903.03-7 Single family dwellings.
 - e. 1903.03-9 Tourist homes.
5. Nothing in these proffers shall prevent the property owner from pursuing a conditional use permit for a use listed in Section 1904 Conditional Uses of the Institutional District.

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

William Fitzgerald, Mayor

ATTEST:

Dawn M. Wheeler, Clerk of Council

Date:

Council Member Clark said that one of the things that has interested or intrigued her is if someone moves into our City and they buy a home and they think they can do something with it that they later find out they can't. She just wants to make sure that we are taking all the routes that we can to educate the real estate folks selling these homes as to what the codes are. The buyer should also be clear with the real estate person on what they plan to do with the home. She said that she loves SVU being in the City and the overall impact has been grand from an educational standpoint. Our schools are full of good volunteers and young student teachers. It is her opinion that SVU Teacher's Ed students are learning from the best. The City of Buena Vista teachers are the best and have always had to do a lot more with a lot less. It is remarkable to see. Council Member Clark said that she hired 2 people from that program this year. She opined it is

critical that we preserve our neighborhoods. She also feels it is a citizen's responsibility when they look at where they are going to buy a home to look at what the neighborhood looks like. She said as growth continues at the school, as a Council and as a City, we are going to have to remain responsive to the needs of the university and to the needs of the students but also to the needs of our residents. She likes folks being able to come to Council with the Conditional Use. Council Member Clark said that she wants the City to take every opportunity that they can when someone buys a home to make sure they know all of the things that they can and cannot do with the home.

Councilman Baldrige said we have a nice pamphlet that shows the different zones and we have never had that before. He advised that he handles a lot of real estate settlements and they use to not have that pamphlet. He said they have both electronic and a paper copy. In some ways we made some changes about 8 years ago that he feels like we will need to back track and redo what we were thinking about. One thing that he has talked to Tom about is not found here. It is the concept of an accessory use. He opined as he has looked at it he cannot find a fair reasonable explanation for why a subsidiary use, like a basement apartment that is intended for a young married couple, needs to be anything bigger than 900 square feet. He said he really is uncomfortable with our current language that says that it has to be 1,200 square feet. He said he really likes the idea of a subsidiary use and putting limitations on what that subsidiary use could be. He opined it does maintain the nature of a neighborhood. There are exactly these kinds of subsidiary uses all over this community that have been traditional for a hundred years when someone had a family member that needed to live with them. He opined we have to have a way we can say you can have a subsidiary use but it is still a single family neighborhood.

Mr. Tom Roberts said that Council Member Clark's specific question was if you can get a conditional use permit for a lower square footage than 1,200 or 960. The answer is no. You could get a conditional use for a duplex but you cannot get a conditional use to eliminate any of the provisions of the rest of the zoning. However, you can have a person or a married couple living in your basement. He said if we look back maybe 5 years or somewhere in the past our definition of what a single family dwelling was and our language about what a duplex was; our definitions and code terminology just left a lot of un-clarity about having apartments, duplexes or if you can have boarders living in your home. With several other amendments we have already implemented most importantly the definition of families. We have a clear definition of what a single family occupancy is. One of those definitions is 2 more people, related by blood, marriage, adoption or guardianship is basically a traditional nuclear family. There cannot be any more than 2 additional people living in the dwelling that are not related. Your house can be configured in almost any way that you want for those boarders in that traditional nuclear family. That basically means you can have a ranch home with a walkout basement; an upstairs (Mom, Dad and 2 kids) that live their life upstairs. In the walkout basement you have a kitchen, a bedroom, a living area and a bathroom and you can rent it out to a married couple. The occupancy of your whole house meets the definition of a single family dwelling. You cannot have a family living upstairs and 4 people living in the basement, regardless of their relationship to each other.

EXECUTIVE SESSION:

According to Section 2.2-3711 (A) (1) of the 1950 Code of Virginia, as amended, for the purpose of evaluating the performance of the City Manager.

CERTIFICATION OF EXECUTIVE MEETING

MOTION: Council Member Clark DATE: November 1, 2018

SECOND: Councilman Baldrige

WHEREAS, the Buena Vista City Council has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Buena Vista City Council that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Buena Vista City Council hereby certifies that to the best of each member's knowledge (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Buena Vista City Council.

VOTE: AYES: ALL

NAYS: NONE

ABSENT DURING VOTE: NONE

ABSENT DURING MEETING: NONE

Dawn M. Wheeler

Clerk of Council

REGULAR SESSION: Vice-Mayor Cooper moved to return to regular session, seconded by Councilman Baldrige, carried by Council.

Mayor Fitzgerald

Mr. Baldrige

Mr. Staton

Mr. Henson

Vice-Mayor Cooper

Ms. Clark

Mr. Coffey

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

Dawn M. Wheeler

Clerk of Council

William H. Fitzgerald

Mayor