

**CITY OF BUENA VISTA
REGULAR COUNCIL MEETING AND
EXECUTIVE SESSION**

NOVEMBER 15, 2018

The City Council for the City of Buena Vista met for a Regular Council Meeting and Executive Session on Thursday, November 15, 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. Councilman Coffey delivered the opening prayer.

ADG #2 APPROVAL OF THE MINUTES FROM THE WORK SESSION, PUBLIC HEARING, REGULAR COUNCIL MEETING AND EXECUTIVE SESSION HELD ON NOVEMBER 1, 2018:

Motion was made by Councilman Baldrige to approve the above mentioned minutes, seconded by Councilman Staton, carried by Council.

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

Mr. Brent Styler, 2104 Walnut Avenue, was the first to speak. He said the Amish Cupboard is gone and he is getting his new building ready to open. He said they have a horse to go with the buggy at the new location. He opined that SVU offers an attractive program and they are growing. There will be even more students coming into Buena Vista. Many people agree that something needs to be done to accommodate students that cannot or do not want to be accommodated by SVU: some government agency needs to take the initiative. We have had two or three recent citizen initiatives and only one has carried. He opined that the Planning Commission or City Council, or both together, need to come up with a zoning density and location solution that will be most acceptable to most of the interested parties. People are starting to recognize the need for housing of this nature but the NIMBY, not in my back yard, has to be overcome. The best plans are knowing where we are when we start. There is much housing near SVU that is not over occupied. Housing for young married couples is needed. They are not looking for a large yard or fancy things. Six hundred square feet would probably be a mansion to what they are currently experiencing. Walking distance to SVU is important and that is also a good factor for traffic in and around the school. Increased housing density is important to keep construction costs and rental fees as far down as possible.

Mr. John Butler, 646 West 4th Street was the next person to address Council. Mr. Butler represents the City of Buena Vista on the Department of Social Services Board. He has been elected Chairman of the Board and they have 4 new members. They are still looking for another representative from the City of Buena Vista. Mr. Butler explained that Social Services are not just foster care and child protective services. As a new Board they have come up with a 3 pronged approach. He feels the most important thing is to find a new facility. Buena Vista is in the running as well as Lexington. The facility that Social Services now have is dangerous in many ways. The building is cold in the winter and hot in the summer. The fire exits meet code but there could be a serious injury and even death if there was actually a fire in the building. There is no privacy for clients that come in. There is a concern about handicap accessibility. There is no place for a handicapped person to stop and get into the building. He understands that one of the big problems will be costs. A new building will most likely cost 3 to 4

times what they are paying for rent now. Buena Vista covers about 20%, Lexington covers about 20% and Rockbridge County is responsible for the balance. He would like to see them relocate to Buena Vista because it will bring 30 to 40 people into the City for work. He encouraged Council to work with Mr. Walker to cut his bottom line. They will be comparing Dr. Hull and Ed Walker concerning the rent for the new building. They are also working on finding a new director which is a difficult position to fill. The part time director that is filling in does not want the position full time. They are working on improving community awareness. He has established a new policy that states they must have a staff meeting once a month. A Board member will be at each staff meeting.

Councilman Coffey wanted to know if they are going to rent a facility or buy one.

Mr. Butler said they will rent a facility and can offer a long term lease.

Council Member Clark wanted to know how the percentage is determined for each locality as far as funding goes.

Mr. Scudder advised that it is based on the number of people coming through for services for each locality.

Mr. Butler said the percentage varies from year to year.

ADG #4 REPORTS:

1.) Mayor

None.

2.) City Manager

Mr. Scudder started his report by saying he had sent an email to Council today advising that he, Rachel and Tom had a conference call with VDOT about the Industrial Park access road. Dickson Wentworth, who is our representative on the Commonwealth Transportation Board, participated in the conference call and he fully supports our request for the Economic Development money for the Industrial Park. He wants Jay to attend the Commonwealth's Transportation Board meeting in Richmond in December to talk about the Buena Vista project. The money is there and we qualify for it. Mr. Scudder said this is fast track because it is just not Columbia Gas but also the contractor for Columbia Gas. We also have Hunter Young on board. He will do some engineering and also prepare the bid documents. We had to do a transportation impact analysis which cost about \$10,000.00. The contract with Hunter Young is in the neighborhood of about \$20,000.00. The engineer that is working with Columbia Gas and the contractor for Columbia Gas has been doing a lot of engineering work. The engineer will do the design for the access road. We have had to make some

changes to the old engineering plan for preliminary engineering to get to the sewer pump station. We do not want to adversely impact Nick DeChamps property where Munters is located. He said he wants Council to be aware of what is going on since we have to build the road and the bids have to be out in February or early March. These are all upfront costs that the City will have to bear. When the sale of the land comes through we will have that money to help cover the costs for engineering. He opined this is a serious fast track. It will go before the Commonwealth Transportation Board on December 5th. He said he just wants the blessing of Council to continue to move forward with this project. He also wants to make sure that everyone is on the same page.

Mayor Fitzgerald opined this will be a great benefit to the City. He went on to thank Tom and Rachel for the work they have done on the project.

Mr. Scudder stated that he will enter into the agreements on behalf of the City.

Mr. Kearney said he wanted to make sure that everyone understands there is no guarantee that VDOT will give us the money. He said he feels positive that VDOT will come through with the funding but there is no guarantee. He opined that the work has to be done anyway. If the VDOT funding falls through, the City will have to incur the cost.

Mr. Scudder advised that he met with the auditors while they were here last week and there were no surprises. He also said that Mr. Ed Walker will be in town on Saturday with Senator Mark Warner. They will meet between 2 and 3 o'clock and will end up at JJ's.

Mr. Bill Braddy said the meeting will be held at the BV Arts Council Center.

3.) City Attorney

None.

4.) Council Committee/Representative

Councilman Henson wanted to know the status of the delinquent tax sales.

Mr. Kearney said that Stanco has made a partial payment on the back taxes for Bontex. Four other properties have come off the list and we have collected between \$10,000.00 and \$12,000.00.

Mr. Scudder wanted to know the drop dead date for the delinquent taxes.

Mr. Kearney said it was November 14th so they will start working on the suits since the drop dead date has passed. He said there are some time frames that have to be done and they are hoping it will all be done this fiscal year.

Mr. Scudder said the Treasurer's Office is very close to implementing credit card payments and DMV stops.

Councilman Henson then asked Mr. Scudder if he had found out anything about the fire hydrants.

Mr. Scudder said he has talked to Cory Henson with Public Works and they are aware of some of them.

Councilman Henson said they had a Public Works/Public Safety meeting yesterday with Mr. Scudder, Lt. Harrison of the BVPD, Ms. Mastran and himself. He said there are good things coming out of the meetings such as: the Walnut Avenue parking project; Christmas Parade safety; the Chestnut Avenue parking project.

Vice-Mayor Cooper wanted to know if the letter has gone out from Public Works concerning brush removal.

Councilman Henson said they are looking at implementing the program around March 1. They are still working on it. He said that Tom Roberts is working on the letter to be sent out.

Vice-Mayor Cooper said he would like to see the letter before it is sent out.

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 thirteenth 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 seventh 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 - APPLICANTS: MRS. AMY GILLIAM AND MRS. SKYE LOWRY

Motion was made by Councilman Henson to appoint Mrs. Gilliam to the BVEDA, seconded by Councilman Henson.

Motion was made by Vice-Mayor Cooper to appoint Mrs. Lowry to the BVEDA, seconded by Councilman Baldrige.

Ms. Wheeler polled Council as follows:

MRS. AMY GILLIAM

	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		

MRS. SKYE LOWRY

	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	

By a vote of 4 to 3, Mrs. Lowry was appointed to fulfill the unexpired term of Mr. Jacob Thayer to the Buena Vista Economic Development Authority.

APT #3 ROCKBRIDGE AREA SOCIAL SERVICES BOARD:

Mr. Billy Spence has resigned. His term will expire on October 31, 2020. This is the fifth 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.

OLD BUSINESS:

OB #1 SECOND READING OF AN ORDINANCE FOR ZONING TEXT AMENDMENT DWELLING UNIT REGULATIONS:

Motion was made by Council Member Clark to read the following Ordinance by title only, seconded by Councilman Henson, carried by Council.

Ms. Wheeler read the following Ordinance by title only:

Zoning Text Amendment

Dwelling Unit Regulations

Portions of Article 3 and Article 6

Ordinance Text

30 October 2018

ORDINANCE – ORD 18-18

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:

Motion was made by Councilman Henson to adopt the above Ordinance, seconded by Council Member Clark.

Mrs. Elizabeth Johnson, 2532 Chestnut Avenue was given permission to address Council concerning the above Ordinance. Mrs. Johnson said that she rents from Mr. Brent Styler. When she and her husband first came to Buena Vista they could not find any housing. They moved to Lexington and were eventually able to move to Buena Vista. They moved to 2532 Chestnut Avenue. She said the apartment is better than any apartment they looked at. They do not feel crowded and enjoy living there. She is not in favor of passing the above Ordinance.

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		

OB #2 SECOND READING OF AN ORDINANCE FOR ZONING MAP AMENDMENT 2574, 2638 AND 2656 CHESTNUT AVENUE:

Motion was made by Council Member Clark to read the following Ordinance by title only, seconded by Councilman Henson, carried by Council.

Ms. Wheeler read the following Ordinance by title only:

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 – ORD 18-19

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:

Mr. Tom Roberts said he has a signed copy of the proffer from SVU for the above Ordinance.

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

OB #3 DISCUSS INDUSTRIAL PARK DEVELOPMENT:

This item was discussed under the City Manager’s Report. It will be discussed again at the next scheduled Council meeting.

NEW BUSINESS:

NB #1 FRIENDS OF NATURAL BRIDGE STATE PARK TO GIVE AN UPDATE ON THE PARK:

Mr. Jim Jones, Manager of the Natural Bridge State Park was the first to address Council. Mr. Jones said they are asking for the same support as the City has given in the past. From January of 2018 until November 10, 2018, they have had about 156,921 visitors at the Bridge. Total revenues for that time frame were \$1,925,168.00. They are well on track to meet their goal. Their Business Manager has done a great job at putting together a merchandise and retail floor that has helped make up the difference in revenues lost due to bad weather. They have 1,412 volunteer hours. They have had 96 tour buses visit the Bridge and about 9,000 students for field trips. He said the park has 4 full time staff. Mr. Jones thanked Council for their past support.

Mr. Craig Campbell, Treasurer of the Natural Bridge State Park was the next to speak. Their mission is to preserve, protect and promote what is already one of the top 5 State parks in the Commonwealth. Mr. Jones handed out a card explaining Vision 2026 which outlines the directions of the State Park system from now until 2026, which will be the 90th anniversary of Virginia State Parks. As with most organizations their issues are with staffing and funding. You will hear the terms re-bench marking and mission critical staffing from Richmond. Since the 90's the park system has not made it to the bench mark for funding and for over 30 years staffing levels has been below critical. The immediate need at the Natural Bridge State Park is for 4 additional full time employees. They have funds available to cover the full time employee's salaries. However, the Natural Bridge State Park is the only Commonwealth park and agency covering the cost of State employee's salaries from locally generated funds. This needs to be rectified by the General Assembly. Their current budget request has been cut by about 50%. The Natural Bridge State Park is the 37th park out of 40 in the system. The State budget for natural resources is about 6/10's of the total budget. The Federal government has talked about raising that to 2% and that equates to a lot of dollars. He said the economic impact is significant. He opined that the Natural Bridge State Park is becoming an exciting destination and learning experience for students. They want to develop business and government partnering; develop outdoor initiatives to build family experiences; provide better communication enabling park visitors to experience fully the Botetourt, Buena Vista, Lexington and Rockbridge County areas. They are working hard to make Natural Bridge State Park without equal in the system.

Councilman Baldrige wanted to know if the park is open year round.

Mr. Jones stated the State parks are always open. The Visitor Center is closed only on Christmas day.

NB #2 DISCUSS COALITION AGAINST BIGGER TRUCKS:

Mr. Scudder started the discussion by stating we have a form letter supporting the coalition against bigger trucks that a lot of the localities surrounding the 81-64 corridor have provided. He said this subject has come up many times. He said we need to agree to support the effort to limit the truck sizes on Interstate 81 and 64.

Mayor Fitzgerald said they want full support from Council.

Councilman Henson opined based on the letter from Chief Hartman and knowing the conditions of the interstate roads and the amount of traffic, he made the motion to support the coalition against bigger trucks, seconded by Councilman Coffey, carried by Council.

Mr. Scudder opined the letters need to be signed by the Mayor.

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: Councilman Baldrige DATE: November 15, 2018

SECOND: Councilman Henson

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: Councilman Coffey 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