

**CITY OF BUENA VISTA
REGULAR COUNCIL MEETING & PUBLIC HEARING
COUNCIL CHAMBERS
August 3, 2023, 6:00 P.M.**

The City of Buena Vista City Council met for a Regular Meeting and Public Hearing on Thursday, August 3, 2023, at 6:00 p.m.

Members Present:

Melvin Henson
Tyson Cooper
Danny Staton

Mayor Bill Fitzgerald
Vice-Mayor Cheryl Hickman
Steve Webb

Members Absent: Stanley Coffey

ADG #1: PLEDGE OF ALLEGIANCE AND PRAYER

Councilman Cooper delivered the opening prayer.

ADG #2: BUENA VISTA CITY COUNCIL PUBLIC HEARING

Community Development Block Grant (CDBG) Supplemental Funding Application for Downtown Streetscape

Tom Roberts reminded everyone of the \$1M in CDBG funds for downtown improvements in early 2022. He and Kristina Ramsey have been working on various aspects of that grant. Since then, they have been navigating many bureaucratic obstacles along the way. One element of that grant is streetscape improvements which will be along 21st street. This will include sidewalk repairs, intersection curb ramp reconstruction at Sycamore & 21st and Forest & 21st, new crosswalk markings as well as street trees and streetlights. In 2022, we also secured Transportation Alternatives Program (TAP) grant to help pay for the streetscape improvements. The combined budget between the two federal programs is about \$1.16M; the rough estimate for the scope of work we want to do is about \$1.5M. There is a difference of about \$350K. The Department of Housing and Community Development offered a new one-time CDBG program for supplemental infrastructure funds, so we are applying for those supplemental funds to cover the difference. These supplemental infrastructure funds are specifically to give funding to communities who already got a grant, but the project is more expensive than originally thought. They are still working with the engineers and the Central Shenandoah Planning District Commission to get the exact dollar amount that they are going to request and are drafting the grant application now. The second public hearing for this, as required for the process, will be next Thursday at Straws. He is unsure whether they will need a governing body resolution authorizing the application for this. If so, that will be on the next Council meeting's agenda. He then turned the floor over to Kristina Ramsey to update on the façade element of the project.

Miss Ramsey reported that there have been a lot of changes, but not much visual progress with the façade improvement program downtown. They put it out to bid twice as they were supposed to and the second time, they got one bid that came in at twice their budget. Due to this, they decided to shift gears and allow property owners to go materials only, but that put labor cost on them. Fortunately, over the last month, they were able to work with DHCD, and they are allowing a little more flexibility. We are allowed to drop the lien requirement and be a little more flexible and give additional support to property owners to cover some of the labor costs. As soon as we get an updated program design to DHCD and get it approved, we will be giving contracts out to

property owners within two weeks or so and they will begin construction soon.

Mayor Fitzgerald opened the floor up to the public for comment; no one spoke.

ADG #3: APPROVAL OF THE AGENDA

Councilman Cooper moved to approve the agenda, seconded by Councilman Staton, and carried by Council.

ADG #4: APPROVAL OF MINUTES FROM THE FOLLOWING COUNCIL MEETINGS:

February 2, 2023; February 16, 2023; March 2, 2023; March 16, 2023; April 6, 2023; April 20, 2023; May 4, 2023; May 18, 2023; June 1, 2023; June 15, 2023; July 20, 2023

Councilman Henson made a motion to approve all minutes, seconded by Councilman Cooper and carried by Council.

ADG #5: RECOGNITION/COMMUNICATION FROM VISITORS

Citizens who desire to speak to council will be recognized at this time. Please limit your statement to three (3) minutes.

Bryson Adams, 2505 Laurel Avenue, brought the RARO Director's report. He reported that after Spring sports concluded, they discovered boundary issues. South Augusta's All-Star teams were flagged for 13 players not living in the SA district: some being from our area and some being from others. District 4 has addressed that, and some people have been grandfathered in, but some haven't. It was noted that there was no count on how many kids were flagged in the regular season, so that number is probably a little higher. RARO is now sanctioned for all age groups for baseball. Adult programs are still going on with pickleball. RARO adventures was a big success. They are planning to implement a new, six-week track and field program this Fall geared toward ages 13-18. Fall sports registration is closed, but late registration is underway. Football is up 40 participants; cheerleading is up 50 additional kids. They expect this number to go up during late registration. People were questioning why they were signing up for football so early, but with these numbers they have now run out of helmets. Their Ridell rep told them that all of the high schools have the rest of the helmets, so they reached out to Dick's who gave them a regional rep and they will be price matching Ridell equipment. People registering late for football may not be able to play due to the lack of equipment. RARO serviced over 2,000 participants last year, 1,800 of those coming from this area and over 200 coming from surrounding counties. The biggest contributor was the adult leagues. Mr. Adams also reported that the Chamber met with them earlier this week and they are really excited about some of the things regarding the studies they have done in the area over the last few years.

Austin Rehl, 774 Longhollow Road, wanted to thank the City for their help setting up the water line and for all the help so far with his project

Bill Braddy, 55 Longview Meadow Drive, spoke on behalf of Austin Rehl, and stated that over the last week, he had conversations with three people who had children or family members who graduated from colleges with degrees. There was one who graduated with double majors at W&L and has decided he wants to be a master plumber. This is exactly the kind of need that Austin's institute can help fill in our area. There was another who graduated from SVU, has rehabbed some properties, and now wants to get his construction license. Mr. Braddy stated that he is a retired builder, so he understands the industry and appreciates subcontractors. There is a shortage in our nation of skilled, qualified business owners; not just here, but nationwide. This

institute will support a great need that we have in an area that has always fueled our economy. He reiterated that he feels that RCI is a great idea, and the location is awesome, and is a perfect spot to develop skilled labor that can stay in and service this region.

ADG #6: REPORTS

1. Mayor

Mayor Fitzgerald stated that the Rockbridge NAACP Freedom Fundraiser will be on August 19th from 2:00-5:00 p.m. at the James E. Thompson Sr. Community Center in Glasgow.

He then addressed a concern from the last Council meeting stating that three candidates used our council meeting for their political gain. He stated that this is no place to do your political speeches, talk about how great you are or what you can do, this is a place where we do business. He noted that "out there talking to the public is where you do that". He stated that he doesn't want anyone in chambers to use this to voice their political views. He established that if it happens again, he will end the meeting right away, regardless of what we are in the middle of. As a word of advice, he stated that Council candidates don't need to be up here arguing and discussing their political views. For those who have not been [on Council] to come to meetings, listen and try to learn. He reiterated that if it happens like that again, he will end the meeting.

2. City Manager

Mr. Tyree reported that Stan Coffey wants to thank everyone for their thoughts and prayers during his time in the hospital as well as at home recovering. He said that his recovery is going well, and he may actually be at the next meeting.

He reminded Council that if they would like to participate in the Labor Day parade, let Sarah know and she will get you signed up with Millie.

He also reminded Council that registration for the annual VML conference is open. The conference is October 8-10 in Norfolk; let Sarah know if you are interested in attending and she will get you registered.

Mr. Tyree then addressed the comment from the last meeting by a council candidate that she is holding a rally supporting Rockbridge Recovery. Mrs. Lori Turner with the Community Foundation contacted him and asked him to let Council know that Rockbridge Recovery was unaware of this event and have they no affiliation with it. They also put a post on Facebook for clarification to the public: 'For clarification purposes, from today's issue of the Rockbridge Advocate, Rockbridge Recovery is not hosting or supporting or advocating a rally in October. We are in no way affiliated with this event. It should not be labelled under our organizational name. As a 501C3 organization, we do not support any political affiliations. Thank you for your understanding.'

3. City Attorney

Mr. Kearney reported that there is another \$3333 additional money for the Opioid Abatement.

4. Council Committees/Representatives

Vice-Mayor Hickman stated that she rode up some of the streets, and the roads are in horrible shape. She opined that we need to possibly look at ARPA funds if we don't have the funding to start paving some of these roads. She noted that she is unsure how we have done that in the past as far as getting contractors, but something needs to be done sooner rather than later. She

also stated that if we can't get asphalt, we need to move on to something else. Mayor Fitzgerald asked Mr. Tyree to get with Corey Henson and get prices and see what we can do.

Councilman Henson reported that the Beach Music crowd was down some, possibly because of the heat or because people hadn't gotten the word about the campground being open yet. There was good event on Sunday with Bobby Smith's semi-retirement party. The money from that went to Glen Maury Park and will help fund the fence for the playground. He also noted that September is looking to be a busy month with 3 of 4 weekends booked at the park. Public Works is trying to keep up with mowing, low-hanging limbs, painting, curbing, etc., but there is not enough manpower to get it all done.

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

Economic Development Authority

Mr. Wayne Oyler's appointment expired on July 31, 2023. Mr. Oyler is willing to serve again. This is a four-year term and the first time it has appeared on the agenda.

Councilman Cooper moved to reappoint Mr. Oyler to the EDA. Councilman Webb seconded the motion, and it was carried by Council.

OLD BUSINESS

OB #1: SECOND READING OF A ZONING MAP AMENDMENT FOR REHL PROPERTY, TAX MAPS 8-1---1 & 2, TO REZONE FOR R6 RESIDENTIAL PLANNED UNIT DEVELOPMENT AND GENERAL MANUFACTURING TO INSTITUTIONAL

Mayor Fitzgerald stated that he rode up to the property and sees no reason for it to be rezoned.

Councilman Cooper asked if there had been any changes; Mr. Roberts stated that there had not.

Councilman Henson moved to read by title only, seconded by Councilman Cooper, carried by Council.

Councilman Cooper read the amendment by title.

A motion to approve the amendment was made by Councilman Cooper, seconded by Councilman Webb, and carried by Council.

Ms. Burch completed a roll call vote of Council as follows:

Member	Present	Absent	Yes	No	Abstain
Councilman Henson	X		X		
Councilman Cooper	X		X		
Councilman Webb	X		X		
Councilman Staton	X		X		
Councilman Coffey		X			

Vice-Mayor Hickman	X		X		
Mayor Fitzgerald	X		X		

The amendment was approved by a unanimous vote.

The adopted zoning map amendment is as follows:

**Zoning Map Amendment
Tax Map 8-1---1 and 8-1---2, 774 Longhollow Road**

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, approximately 285 acres of the property identified as 8-1---1 and 8-1---2 and depicted on “Exhibit A”, shall be rezoned from R6 Residential Planned Unit Development and GM General Manufacturing to INST Institutional, and the zoning map for the City will be amended to reflect this change.

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

William H. Fitzgerald, Mayor

Attest:

Sarah M. Burch, Clerk of Council

Date

OB #2: SECOND READING OF A ZONING MAP AMENDMENT FOR REHL PROPERTY, TAX MAPS 8-1---1 & 2, TO REZONE FOR R6 RESIDENTIAL PLANNED UNIT DEVELOPMENT AND GENERAL MANUFACTURING TO INSTITUTIONAL

Councilman Cooper asked if there had been any changes; Mr. Roberts stated that there had not.

Councilman Cooper moved to read by title only, seconded by Councilman Henson, carried by Council.

Councilman Cooper read the amendment by title.

Councilman Cooper asked Mr. Roberts what would happen if this land were zoned as institutional then Mr. Rehl isn't able to bring his vision to pass. He noted that he is fully supportive of this project, but it is difficult to open a college and most of them fail, so what happens if it does? Mr. Roberts stated that there will be a zoning text amendment at the first meeting in September that is paired with this rezoning. The institutional zone text amendment will clean up some of the language because they haven't touched the institutional zone language since it was adopted 20 years ago. One thing that it will do is to clarify and solidify that in the institutional

zone, all uses need to be related and have a direct connection to an institution. That language is not in the institutional zone right now but is implied, as that is the intent of the institutional zone. He stated in response to people who have asked to have a property rezoned to institutional, he asks if it has a direct relationship with an institution. He gave the following example: if the rezoning is approved, and next week Mr. Rehl is 'hit by a bus', and his children don't want to take it over and decide to sell the property, the people that buy it will either need to have an institution or they will need to have it rezoned. If the Catholic Church wants to buy it and place a Monastery there, that is fine because that is an institution. However, if John Doe buys it and wants to put in a 50-home subdivision, and he is a regular for-profit developer, that would not be a permitted use for the institutional zone now or after the text amendment, because it's not related to some kind of institution. The type of uses that could go on the site under the institutional zone other than Mr. Rehl's proposal are fairly limited, an educational institution, a religious order, or a non-profit hospital.

Councilman Henson also reiterated the previous concern mentioned about water meters on the property. He noted that he would like to see and recommends a separate water meter at each facility. This way, a leak could be pinpointed instead of relying on a master meter that won't show where a leak is. Vice-Mayor Hickman also noted trash pick-up and other things that will be utilized. Councilman Cooper noted that with the infrastructure being private, he is unsure if we can require him to do that because then the infrastructure becomes public, and it is up to Mr. Rehl to protect that for himself. However, that doesn't apply to the zoning, and we won't be attaching any conditions to the zoning.

Vice-Mayor Hickman asked for clarification if, with the rezoning, Mr. Rehl is required to have the institution or not. Mr. Roberts said that he is, and the legal entity does already exist and as Mr. Rehl stated, his plan is to start classes in the fall. Vice-Mayor Hickman noted that one of her concerns is that if it does become non-profit, then it is non-taxable and as far as the City goes, we are having issues with infrastructure as it is, so if we continue to do that and then it's non-taxable, then we aren't getting any revenue into the City to help contribute to the City as far as infrastructure and the water system that is barely functioning. She asked if there is any way to do something so that it is not able to be non-taxable for a period of time since changing the zone would allow it to be non-profit. Mayor Fitzgerald responded that they way that Mr. Rehl has it financed, his hands are tied for 30 years. Councilman Cooper also noted that even if it's not zoned institutional, it could always end up in the hands of a non-profit and become non-taxable. Mr. Roberts stated that if the zoning were not changed and left as residential R6, Mr. Rehl could still become a non-profit if he met the criteria under the tax laws for the real estate tax exemption. He also noted that as far as revenue to the City, there will not be City meters on every building, but there is a meter on the one connection, so we will be receiving the water and sewer payments. Since we are not having meters up there or having trash service up there, we aren't collecting those service fees, but we also do not have to run trash trucks up there, or supply and maintain meters, or read those meters, but we capture the revenue off of the one meter, without having to maintain the infrastructure.

A motion to approve the amendment was made by Councilman Henson, seconded by Councilman Staton, and carried by Council.

Ms. Burch completed a roll call vote of Council as follows:

Member	Present	Absent	Yes	No	Abstain
Councilman Henson	X		X		
Councilman Cooper	X		X		
Councilman Webb	X		X		
Councilman Staton	X		X		
Councilman Coffey		X			
Vice-Mayor Hickman	X		X		
Mayor Fitzgerald	X		X		

The amendment was approved by a unanimous vote.

The adopted zoning map amendment is as follows:

**Zoning Map Amendment
Tax Map 8-1---1 and 8-1---2, 774 Longhollow Road**

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, approximately 285 acres of the property identified as 8-1---1 and 8-1---2 and depicted on "Exhibit A", shall be rezoned from R6 Residential Planned Unit Development and GM General Manufacturing to INST Institutional, and the zoning map for the City will be amended to reflect this change.

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

William H. Fitzgerald, Mayor

Attest:

Sarah M. Burch, Clerk of Council

Date

OB #3: SECOND READING OF A CONDITIONAL USE PERMIT FOR CONVERTING EXISTING BUILDING TO MULTIFAMILY DWELLING AT 2424 MAGNOLIA AVENUE

Councilman Cooper asked if there had been any changes; Mr. Roberts stated that there had not.

Councilman Cooper moved to read by title only, seconded by Councilman Henson, carried by Council.

Councilman Cooper read by title.

A motion to approve the amendment was made by Councilman Henson, seconded by Councilman Staton, and carried by Council.

Ms. Burch completed a roll call vote of Council as follows:

Member	Present	Absent	Yes	No	Abstain
Councilman Henson	X		X		
Councilman Cooper	X		X		
Councilman Webb	X		X		
Councilman Staton	X		X		
Councilman Coffey		X			
Vice-Mayor Hickman	X		X		
Mayor Fitzgerald	X		X		

The Conditional Use Permit was approved by unanimous vote.

The approved CUP is as follows:

**Conditional Use Permit
2424 Magnolia Avenue**

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, pursuant to Section 614.04-8 of the Land Development Regulations, a Conditional Use Permit shall be issued for multifamily homes located in a single-use building, in conformance with the staff report attached as “Exhibit A”.

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

William H. Fitzgerald, Mayor

Attest:

Sarah M. Burch, Clerk of Council

Date

**OB #4: SECOND READING OF AN ORDINANCE TO ABANDON PORTION OF ALLEY
ADJACENT TO 1105 EAST 24TH STREET, BETWEEN HOLLY AVENUE AND SPRUCE
AVENUE**

Councilman Cooper asked if there had been any changes; Mr. Roberts stated that there had not.

Councilman Cooper moved to read by title only, seconded by Councilman Henson, carried by Council.

Councilman Cooper read by the amendment by title.

A motion to approve the amendment was made by Councilman Henson, seconded by Councilman Cooper, and carried by Council.

Ms. Burch completed a roll call vote of Council as follows:

Member	Present	Absent	Yes	No	Abstain
Councilman Henson	X		X		
Councilman Cooper	X		X		
Councilman Webb	X		X		
Councilman Staton	X		X		
Councilman Coffey		X			
Vice-Mayor Hickman	X		X		
Mayor Fitzgerald	X		X		

The Ordinance was approved by unanimous vote.

The adopted Ordinance is as follows:

**Abandonment of Public Right of Way
Portion of Alley of Block 39, Section 4**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BUENA VISTA, VIRGINIA, that after a duly with Section 15.2-2206 of the Code of Virginia, as amended, that the public right of way described in “Exhibit A” and “Exhibit B” attached hereto shall be vacated and abandoned upon receipt of the consideration noted in “Exhibit A” (“the Property”).

BE IT FURTHER ORDAINED that as a condition of the aforesaid abandonment and vacation, the City retains a perpetual easement over, under, and across the Property for the installation, maintenance, repair, or replacement of all utilities, including, but not limited to, water and sewer lines, electric, cable, telephone, and gas lines, and garbage pick-up.

BE IT FURTHER ORDAINED that this ordinance shall be recorded in the Clerk’s Office of the Circuit Court for the City of Buena Vista, Virginia, and indexed under the names listed in “Exhibit A”.

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

William H. Fitzgerald, Mayor

Attest:

Sarah M. Burch, Clerk of Council

Date

NEW BUSINESS

NB #1: MRS. BROOKE DALTON TO UPDATE COUNCIL ON MAIN STREET BUENA VISTA

Ms. Dalton could not attend the meeting due to a family emergency. Mrs. Elizabeth Braddy reported on her behalf.

Connect with Buena Vista is on August 21st, for new students, parents, and teachers to come downtown and learn more about with Buena Vista has to offer. This is for SVU and new teachers within in the public school system here. Everyone is invited and businesses will stay open late for this event. Outdoor recreation organizations like Glen Maury Park and Natural Bridge State Park have also been invited. The Placemaking Committee has purchased bike racks that say 'Bike BV'; they are just waiting for these to be delivered. The vinyl project is underway: the windows of abandoned buildings have been cleaned and vinyl has been installed past eye-level with phrases like 'Dine BV', 'Shop BV', 'Bike BV', and 'Recreate BV'. Hopefully this will keep people from peering inside and will look nice and cohesive. The Promotions Committee is highlighting what Mainstreet BV is doing. There is a new website up and running, and it has a directory on it. They are trying to get volunteers for the committees and with projects.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Sarah M. Burch, Clerk of Council

William H. Fitzgerald, Mayor