

**CITY OF BUENA VISTA
REGULAR COUNCIL MEETING
SEPTEMBER 21, 2017**

The City Council for the City of Buena Vista met for a Regular Council Meeting on Thursday, September 21, 2017, at 6:00 p.m. in Council Chambers (2039 Sycamore Avenue).

Council Members Present:	Mayor Larry Tolley
Steve Baldrige	Melvin Henson
John Dyer	Tim Petrie
Bill Fitzgerald	

Members Absent: Vice-Mayor Clark

ADG#1 PLEDGE OF ALLEGIANCE AND PRAYER:

Mayor Tolley opened the meeting by requesting that everyone stand and repeat the Pledge of Allegiance. Councilman Baldrige delivered the opening prayer.

ADG#2 APPROVAL OF THE MINUTES FROM THE SEPTEMBER 7, 2017 PUBLIC HEARING AND REGULAR COUNCIL MEETING:

Motion was made by Councilman Baldrige to approve the minutes from the September 7, 2017 Public Hearing and Regular Council meeting, seconded by Councilman Fitzgerald, carried by Council with the exception of Councilman Petrie who abstained.

ADG#3 RECOGNITION/COMMUNICATION FROM VISITORS:

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

No one spoke.

ADG#4 REPORTS:

MAYOR:

Mayor Tolley started his report by advising he attended the one year anniversary for Fox Trot last Friday. People Link and J&C Upholstery also joined in the celebration. He opined that it was a good turn out and that Mr. and Mrs. Fox seem to be pleased with the way things are going for them. Mayor Tolley stated that he appreciates what they are doing for our community and their willingness to invest in our community. He also attended the Guns-N- Hoses football game. The Guns won the game and we will have something to recognize them in the not too distant future. Their intent is to make this football game an annual event. Yesterday the monthly Mayors/Chair meeting was held at lunch instead of breakfast. They had their usual topics of discussion with a lot of the discussion centering on the EOC Center. This project has been delayed for one reason or another. Mr. Sutter from Rockbridge County is on top of this project so it is in his hands to get that project finished. The regional fire tower was also discussed. This morning Brian Brown, Jay Scudder, and Mayor Tolley met with SVU. They updated SVU on things happening in the City and SVU updated them on happenings going on at SVU. He opined there were a lot of positives on both sides. SVU is enjoying a 15% enrollment increase this year. In the last 3 years their enrollment has increased by 40%. SVU is very pleased at what is going on at the University. Their next building projects will be an educational building and student dorms. He stated as we all know, with growth there comes challenges and there will be challenges on both sides.

Councilman Petrie stated that one of the things that is missing is the lack of data of student population at SVU for the Comprehensive Plan. He opined as they go forward with the student population being part of the community, any updates to the Comprehensive Plan should include data about the number of students. He opined that we should acknowledge that they are a growing population that cannot be ignored. He stated that he is happy to hear that SVU is doing quite well.

Mayor Tolley said they also discussed with the growth in enrollment there will be a need for more employees that will need to live somewhere. It will affect our housing market and he feels we all need to be aware of that.

Councilman Dyer opined we would also have to be prepared to support the increase in demand on our infrastructures.

Mayor Tolley said that was also discussed. One thing that we do have in common is they are using the same engineer that the City uses, Mr. Hunter Young. Mr. Young is very knowledgeable about what the City's situation is and he feels there is a very good connection there. He feels timing is the big issue and will be challenging.

CITY MANAGER:

Mr. Scudder shared a chart showing workforce participation. In the State, we fall in the middle at 56 to 65 percentile. However, within our region, Rockbridge is orange and Lexington is red. Buena Vista has more workforce participation than either one. There is a big publication that goes out all over the United States called Recreation News. This week with the new Nothin Fancy update we are in the number two spot that is listed in the United States in that magazine. Several years ago we put together Comcast Cares Day which has been good for Buena Vista. Brian Brown and Bryan LePere work very hard to get volunteers for this project. This year we received a check for \$1,280.00 back from Comcast. The Magnolia Avenue revitalization is going well. We actually squeezed a little bit of extra money from VDOT for the Magnolia Avenue and the Safe Route to Schools projects. Mr. Scudder stated that they are very happy with that outcome.

Mayor Tolley said the first bids we received for the Safe Route to Schools were well above what we had anticipated.

Mr. Scudder said the main issue with that project is all of the Federal guidelines and checks and balances that have to be monitored which puts the engineering costs out of sight. He opined that is typical for a project like that and very typical for a project that is small. You have to do the same type of stuff for a small project that you do for a large project. It makes engineering outrageous on a small project.

CITY ATTORNEY:

None.

COMMITTEE REPORTS:

Councilman Petrie said just a follow up to what he had said earlier, he wanted to know if there is the possibility of additional funding as the Comprehensive Plan Committee progresses if they find gaps in providing information to Tom.

Mr. Scudder said we are members of VML, VACO and also VMGLA. There is help in those areas as well as the Weldon Cooper Center at UVA. There also may be some work we could do with the PDC.

Mayor Tolley wanted to know if the Comprehensive Plan Committee has a regular scheduled meeting.

Mr. Roberts said they meet on the second Monday of the month. He said they will meet in October and have the draft updated plan at the November meeting for reviewing. Once the plan is reviewed by the Planning Commission it will be available for public comment. Once the Planning Commission votes on it the plan will be presented to Council for approval.

Councilman Henson said the Guns and Hoses event went really well and they would like to make it an annual event. He also advised that Police Chief Hartman has been elected to the Board of the Virginia Police Chiefs Association. He then wanted to know the status of the fire hydrant on 19th and Sycamore.

Mr. Scudder said the fire hydrant has come in but Public Works has not had time to install it.

Councilman Henson then wanted to know about the power surges at GMP and how many complaints he has had about the damage that has been done to campers.

Mr. Scudder said we have had some complaints from time to time. He advised we have been trying to get some comprehensive analysis done on the electrical on the upper/ lower campground. He has not been able to complete that and he is not aware of many down on the rally field.

Councilman Henson said that most of the complaints are from the upper campground.

Mr. Scudder opined it is kind of a mixed bag. We are aware of it and will get some work done this winter.

CONSIDER APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS, AND COMMITTEES:

None.

OLD BUSINESS:

OB #1 MR. SCUDDER TO GIVE A REPORT ON CREEKS WITHIN THE CITY OF BUENA VISTA:

Mr. Scudder started his report by stating we have done a fair amount of research on creeks. He made reference to the map that Mr. Roberts gave to Council that

shows the areas that have had some level of channelization of flood control done on them. He said the big red mark on the map is the James Olin floodwall. Since the last meeting staff did an inspection of all the areas in the City and made some notes on them. He said he has assigned a staff member that is familiar with the areas and the maintenance of them, the duty of organizing and documenting annual work that is done on these creeks and areas that have had some type of flood control on them. He then gave a report of the work that has been done since May of 2016:

- 1.) May, 2016 – Knoll's Run by the salvage yard
- 2.) June, 2016 – Chalk Mine Run adjacent to Everbrite and Route 60
- 3.) August, 2016 – Chalk Mine Run adjacent to Everbrite and Route 60
- 4.) August, 2016 – Chalk Mine Run adjacent to the Buena Vista Motel
- 5.) August, 2016 – Knoll's Run by the salvage yard
- 6.) April, 2016 – Indian Gap Run cleared debris
- 7.) April, 2017 – Indian Gap Run cleared debris on the bridge at 16th Street and Chestnut
- 8.) May, 2017 – Chalk Mine Run adjacent to Everbrite and Route 60
- 9.) June, 2017 – Cut brush, trees and weeds at the intersection of 13th and Maple Avenue and 12th Street on Cedar Avenue
- 10.) August, 2017 – Chalk Mine Run adjacent to Everbrite and Route 60
- 11.) September, 2017 – Knoll's Run creek cleared debris on 15th Street and Chestnut Avenue
- 12.) September, 2017 – Intersection of Long Hollow and Orchard cut brush, trees and weeds
- 13.) September, 2017 – Just finishing the gabions at Pedlar Gap at Evergreen

Prior to 2016 when we had two full prison crews all of the creeks were clear cut twice a year in 2014 and 2015. Work that employees do on a routine basis prior to any storm forecast is inspect all the areas where the creeks intersect with the streets. Any debris or build up is removed from those locations. He advised that we have worked out a new program with the Rockbridge Regional Jail that our staff member who has been assigned this project will be working on. This is a

Trustee Workforce Program and there is a minimal cost associated with the program. Chief Redman at the prison said he thinks they will soon be on a solid staffing program. As soon as that occurs we will be getting crews regularly. The staff member that has been assigned to these projects will be going out there and clearing the creeks. We have reviewed the operation and maintenance manuals for all of these areas. He has highlighted the specific tasks that need to be completed and reported on. We have been working on the creeks every year. Because of the lack of prison crews this year we have not done as much work. We will pick that back up again as soon as we are able to get the prison crews.

Councilman Henson wanted to know about Long Hollow Road and the culvert. He said that area has been a problem in the past.

Mr. Scudder said he is going to talk to one of the property owners near the bridge. There is a block and concrete retaining wall and they have big trees on their property that are comprising the integrity of that wall. Mr. Scudder said the area is part of the regular inspections.

Councilman Henson reported that rocks have built up at Pedlar Gap where it dumps into the canal.

Mayor Tolley opined the map is good for him because it shows pretty well where the litigation work has been done and where it hasn't been done.

Mr. Scudder said that when the water got up at Pedlar Gap it eroded stream banks and gabions were put in.

Mr. Roberts said the map shows the main project was done with federal funding. It does not show bridges removed or replaced over the years. The smaller projects were funded by VDOT. He also said there are some bridges that have been taken out by flooding over the last 30 years. The two Pedlar Gap projects were done with emergency funding in the 90's. The choice of where certain projects are done with emergency funding that address acute problems. Other than the Pedlar Gap project and the Chalk Mine Run project all were conceived at the same time as they were finishing up the floodwall. After the floodwall project was completed it led to the watershed project in 1999.

Mayor Tolley advised that we did not have an event during the construction of the floodwall which is recognized. The follow up to that is there were projects on the books. He wanted to know if there is any way we can identify on a map where those projects would have been.

Mr. Roberts said that he can work on putting the other projects on a map. He said the only problem would be if we were to totally redo the watershed plan the engineers might propose slightly different projects.

Mayor Tolley said he would not expect anything any different. He said we have a letter we need to respond to.

Mr. Scudder stated that he has done a draft response to the letter.

Mayor Tolley opined we need to know and understand what is left to be done realizing that there is money involved that is probably beyond our capability. At some point and time there will be money available. We will have to have it identified to answer their questions. He opined we cannot answer in the negative based on money. He feels it has to be answered in the positive that we want to continue these projects and then we will have to figure out how we will get the money.

Councilman Henson stated that Council said that Knoll's Run has been kicked out the system. He wanted to know why.

Mr. Roberts said that Knoll's Run is recognized of what it would do during a flood event and how it would overflow its banks. Given the location and all the conditions, it was determined that there is nothing that can be done to it in cost effective maintenance. He opined that you can stop flooding of any creek based upon how much money you want to spend on it. The damage we would avoid is not worth the cost of the improvements.

OB #2 SECOND READING OF AN ORDINANCE TO REZONE SECTION 5, BLOCK 21, LOTS 13,14,15 AND 16 OR AS TAX MAP NUMBER 18-1-5-21-14 LOCATED AT 2806 BEECH AVENUE FROM R3 RESIDENTIAL LIMITED TO MB MIXED BUSINESS:

The first reading of this Ordinance was done on September 7, 2017 and no changes have been made to the Ordinance since the first reading. Clerk of Council, Dawn Wheeler, read the following Ordinance:

ORDINANCE

ZONING MAP AMENDMENT

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, Lots 13, 14, 15 and 16 of Section 5, Block 21 as shown on the attached "Exhibit A," is rezoned from Residential Limited R3 to Mixed Business MB and is rezoned to the Seminary Hill Historic District Overlay for the City of Buena Vista, and the zoning map for the City will be amended to reflect this change.

This Ordinance shall take effect thirty (30) days from the date hereon.

Larry F. Tolley, Mayor

ATTEST:

Clerk of Council

Date of Adoption

Motion was made by Councilman Fitzgerald to adopt the above Ordinance. The motion died on the floor since there was not a second to adopt the Ordinance.

Mr. Kearney said the Ordinance can be presented to Council again in 12 months with sufficient modifications.

OB #3 DISCUSS THE STATUS OF THE CITY'S WEBSITE:

Mr. Brian Brown started by advising that the City's website is live. There are corrections that need to be made and they are being worked on. He opined that the website is a good one for the money that we paid for it.

NEW BUSINESS:

NB #1 DISCUSS ADJUSTING THE FEE FOR A CERTIFICATE OF APPROPRIATENESS FOR HISTORIC OVERLAY:

Mayor Tolley started the discussion by stating that he was the one that requested we take a look at our fee that is charged when a Certificate of Appropriateness is requested. After discussions with both staff and citizens he was told that our fee was pretty significant compared to other localities. He deemed it a road block for businesses to get around; particularly for a startup business. It could be doubly costly if someone takes the initiative to do something in the area of a sign. If they do not have a Certificate of Appropriateness they may have to remove the sign, pay the fee and then put the sign back up. After discussion with staff and the City Manager, he asked that this item be put on the agenda to discuss changing the fee from \$300.00 to \$25.00 for signs. You will still be required to have a Certificate of Appropriateness which will have to be presented to the Planning Commission but there will not be a fee for it. We will have an idea of what you are planning on doing but you don't have to pay \$300.00 for the Certificate of Appropriateness.

Councilman Petrie said that when the program was initiated there were different layers of labor involved.

Councilman Baldrige said that after having time to mull this over, he does not know if the parameter for the land that is covered by the Sem Hill Historical section is really appropriately part of that Sem Hill Historical section. He opined if some of the places are not in the overlay they would not have to pay the fee. One of the things that does not make sense to him is what is and is not in the historical overlay.

Mr. Scudder said the Planning Commission will have to look at and bring back to Council. We have had a few businesses over the recent years and they wanted their own new sign and the fee was \$300.00 because of the overlay section. He thinks it will be simple to just segment out the sign portion. Anything else that would happen in the district would be substantial such as an expansion or remodel. For the applications that we have seen in recent years are for signs. It would be simple to make the sign fee \$25.00.

Councilman Dyer wanted to know how he would know where the Historical section is located if he was going to put up a sign.

Councilman Petrie said it is in the zoning book.

Mr. Roberts said you would be told if you were going to renovate your property and inquired about the permits that would be needed. It would depend on where the property is located as to the size of the sign that would be needed. If the wording or logos are changed on existing signs then the sign fee of \$25.00 would have to be charged.

Councilman Dyer said that he bought a building in the Historic District and did all kinds of signage on the face of it.

Mr. Brown said that Councilman Dyer's building is in the Buena Vista Historic District which does not have the same regulations as the Seminary Hill Historical section.

Mr. Roberts said the difference for clarification because it is kind of confusing. In the City of Buena Vista we have two historic districts. They are very different in their nature. There is the Seminary Hill Historic District which is at the north end of town that covers Seminary Hill, Beech Avenue and the 29th Street corridor east of Route 60. That is a locally designated historic district. It was put together and adopted in 2001. It is primarily a zoning overlay and adds the level of historic district review committee. It also applies to the design guidelines. The downtown historic district is a different creature. We work with an historic consultant to research all the buildings in that district and develop a nomination to the National Register of Historic Places. That is submitted and approved by the State Department of Historic Resources. In a sense that is a designation that is sort of proof that the buildings really are historic in the eyes of the State. That district makes up buildings within that historic district eligible for State and historic tax credits. It is more of an economic development tool in that sense.

Councilman Dyer suggested they look at the Seminary Hill District. He opined there is no logic as to why the layout and configuration of it.

Mayor Tolley said it is going to need some attention.

Councilman Petrie said he was on the Planning Commission when the Seminary Hill Historic District was formed. They had developed a master plan for their university. The Planning Commission and the administration were thinking the center of the university is the main building. They were trying to maintain some sort of uniformity of the university and that was around the same time when the institutional zoning came about. In order to maintain some sort of integrity of that area, using the main building as a guide, the historic overlay was kind of put into existence.

Councilman Dyer opined it is like a jigsaw with a bunch of pieces missing.

Councilman Petrie said it was imperfect but the logic behind it was what he explained.

Councilman Baldrige said the college is beginning to grow and we are seeing some real potential commercial benefit to the community. They are reaching that critical path whether to support this or that or the other. He said to imagine if someone said they wanted to put a Wendy's on 29th Street. He wanted to know if this would make it easier or harder; more or less likely that Wendy's would be able to put in an eatery on 29th Street because 29th Street is designed as Seminary Hill Historic District. He wanted to know what it means because we have 29th Street on the Seminary Historic District.

Councilman Petrie agreed that the Seminary Historic District needs tweaking badly. He said in defense of what was done way back then it was not thought of as the only time we would review this is when someone wanted to rezone the area.

Mayor Tolley opined we are now seeing the growth that they envisioned 20 years ago.

Councilman Petrie said the forethought was things will change over time. It was an initiative that took off successive Planning Commissions and successive City Councils to look at it and say that some changes need to be made.

Motion was made by Councilman Henson to lower the signage fee from \$300.00 to \$25.00, seconded by Councilman Fitzgerald, carried by Council.

ADJOURNMENT: There being no further business Mayor Tolley adjourned the meeting.

Larry Tolley, Mayor

Dawn M. Wheeler, Clerk of Council