

CORRECTED

**CITY OF BUENA VISTA
REGULAR COUNCIL MEETING
JANUARY 2, 2020**

The City Council for the City of Buena Vista met for a Regular Council Meeting on Thursday, January 2, 2020 at 6:00 p.m. at the Buena Vista Municipal Building (2039 Sycamore Avenue).

Council Members Present:	Mayor Bill Fitzgerald
Melvin Henson	Danny Staton
Stanley Coffey	Cheryl Hickman
Tyson Cooper	Vice-Mayor Lisa Clark

Members Absent: None.

ADG#1 PLEDGE OF ALLEGIANCE AND PRAYER:

Mayor Fitzgerald opened the meeting by asking everyone to stand for the Pledge of Allegiance. Councilman Cooper delivered the prayer.

ADG #2 APPROVAL OF THE AGENDA:

Motion was made by Vice-Mayor Clark to remove ADG #8 from the agenda since Mr. Scudder has found 3 people to serve on the Board of Equalization. The motion was seconded by Councilman Cooper, carried by Council. Motion was then made by Councilman Cooper to approve the amended agenda, seconded by Councilman Henson, carried by Council.

ADG #3 PUBLIC HEARING

CITY COUNCIL

January 2nd 2020

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

- 1) Request for Abandonment of Public Right of Way by Michael Ohleger, for a 60' x 30' section of 26th Street at Hawthorne Avenue:

Mr. Tom Roberts started the discussion by stating that all of Council should have a staff report concerning this matter in their packet. The street is undeveloped and has no paving. Mr. Ohleger already owns a portion of 26th Street. This would extend the land that he owns to the whole length of his property.

Mr. Mike Ohleger, 2615 Hawthorne Avenue advised that this piece of property has been adjacent to his property since he moved to Buena Vista in 2003. A portion of 26th Street and the alley have been adjacent to his property before he purchased the property. He requested that the City abandon the property so he can square off his land and build a fence.

Mayor Fitzgerald closed Public Hearing #1.

- 2) Zoning Text Amendment to update the Mixed-Use MU zone to better address small-scale manufacturing and makerspace uses:

Again Mr. Roberts started the discussion by stating the request is to add better and clear language regarding small-scale manufacturing. This would apply to the Magnolia Avenue corridor. We already allow manufacturing that has a retail component. This would keep that and make the language clearer to anyone who would want to start a business. He also added some definitions and uses to address alcohol production. Right now, if someone wanted to open a micro-brewery downtown it would be permitted. However, now our code actually says it would be permitted. They are also addressing the concept of makerspaces. These are fairly new spaces where you often must have a membership and you share tools and equipment. They are not changing anything fundamentally that is not allowed.

Mr. Gavin Fox, 408 Highland Road, Lexington advised that he is a managing partner with the company that is seeking to buy the Mundet-Hermetite plant. He opined the definitions and the modifications and the additional clarity it adds is really helpful to them and what they are trying to accomplish. When they have people coming to them with business ideas it helps them to be able to counsel those people and say yes you can do this or no you cannot do this. He said he appreciates all of Tom's work in adding all the additional clarification because it helps them to help people that want to get into business.

Councilman Coffey wanted to know if Mr. Fox has worked with Jamie Goodin or Ed Walker. He said that every time that Ed Walker comes here, he tells Council that he has people that is wanting to come here but they are waiting for someone to break the ice.

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Mr. Fox stated that he has talked with Jamie on a good bit of this. He said that Mr. Walker has all those properties downtown that he wants to fill with retail and entertainment and those kinds of things. What they want to do with Mundet-Hermetite is to vet out those viable businesses in advance so that the owners know that when they go downtown, they have a viable business that is going to be successful. They are trying to put the business development aspect behind it; do some handholding, training, workshops, etc., to make sure that in a constrained environment they are going to be successful. They have some people coming to them outside of Jamie and Ed. They are both trying to make sure they do not step on each other's toes, but it is all intended to lift the economic development in Buena Vista.

Mr. Jamie Goodin said that he agrees with everything that Mr. Fox said. Mayor Fitzgerald closed Public Hearing #2.

- 3) Zoning Map Amendment to rezone approximately 3.5 acres of the former Mundet-Hermetite plant at 245 W 21st Street (26-1---C) from Light Manufacturing LM to Mixed Use MU:

Mr. Tom Roberts started the Public Hearing by stating the uses Mr. Fox is planning for Mundet-Hermetite is a variety of uses that will have customers facing greater customer activities. There will be people coming to the building for a variety of uses and in order to accomplish those you cannot do it in LM use; it must be done MU. This will make the property a lot more flexible. We will rezone as MU and then we will give a conditional use permit for small scale manufacturing. This will be used for small scale production establishments.

Mayor Fitzgerald closed Public Hearing #3.

- 4) Conditional Use Permit for warehousing and for small-scale manufacturing use at the former Mundet-Hermetite plant at 245 W 21st Street (26-1---C): Warehousing is one of the possible uses for the Mundet-Hermetite building.

Mr. Steve Baldrige, 164 Larch Avenue, Buena Vista addressed Council in favor of the use for the Mundet-Hermetite building. He said there are people in town who have institutional memory on how to start businesses. This would actually give a location so you could go there and talk to someone there and maybe they could say they could start doing that here and see if it works before renting space downtown. He opined it makes a great deal of sense to scale things and to have a location where people can have some of that mentoring. He said he does not think the City in anyway intends to create hurdles to start a new business. In fact, there are over 100 small businesses in Buena Vista that are run from the owner's homes. He opined this will be beneficial to the community.

Mr. Fox said they are trying to be a hub for opportunity and to have a place where people come together to ideate and to develop their

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businesses. The MU is the best possible way for them to figure out the mixture of things that is going to work best in Buena Vista so that people can come to them and put their concepts out and then to occupy store fronts downtown.

Mayor Fitzgerald closed Public Hearing #4.

The Public Hearing will be held in the City Council Chambers located in the Municipal Building located at 2039 Sycamore Avenue in Buena Vista during the regular City Council meeting at approximately **6:00 PM on Thursday, January 2nd, 2020**. Staff reports for each matter, and a copy of the Comprehensive Plan, are available from the Director of Community and Economic Development, Thomas Roberts, 2039 Sycamore Avenue, Buena Vista VA 24416 or (540) 261-8607 or troberts@bvcity.org or bvcity.org/planning.

ADG #4 APPROVAL OF THE MINUTES FROM THE REGULAR COUNCIL MEETING HELD ON DECEMBER 19, 2019 AND THE SPECIAL COUNCIL MEETING HELD ON DECEMBER 21, 2019:

Motion was made by Councilman Cooper to approve the minutes from the December 19, 2019 regular Council meeting, seconded by Councilman Coffey, carried by Council.

Motion was made by Councilman Cooper to approve the minutes from the December 21, 2019 special Council meeting, seconded by Councilman Coffey, 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.

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2.) City Manager

Mr. Scudder reported that Columbia Gas has moved into the Industrial Park. He also said there are a lot of good things going on in Buena Vista.

3.) City Attorney

None.

4.) Council Committee/Representative

Councilman Henson said that 2019 was a good year and feels that 2020 will be even better.

CONSIDER APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS, AND COMMITTEES:

ADG #7 BOARD OF ZONING APPEALS:

Mr. Casey Crookston has resigned from the Board of Zoning Appeals. His term will expire on December 31, 2021. This is the 15th time this item has appeared on the agenda. **NO APPLICANTS - ADVERTISED NEWS GAZETTE MAY 15, 2019; WEB SITE AND CHANNEL 18 MAY 13, 2019**

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

ADG #8 BOARD OF EQUALIZATION:

~~Council needs to appoint 3 citizens to the Board of Equalization. The term will start on July 1, 2020. The appointees will have to be approved by the Circuit Court Judge. This is the second time this item has appeared on the agenda.~~

OLD BUSINESS:

None.

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NEW BUSINESS:

NB #1 AUDITORS REPORT FROM ROBINSON, FARMER, COX:

Ms. Sadie Gibson gave Council the annual auditors report from Robinson, Farmer, Cox. (SEE REPORT IN MINUTE BOOK)

NB #2 FIRST READING OF AN ORDINANCE ZONING TEXT AMENDMENT SECTIONS 302 DEFINITIONS AND 614 MIXED USE:

Vice-Mayor Clark read the following Ordinance:

Zoning Text Amendment

Sections 302 Definitions and 614 Mixed Use

Ordinance Text

27 December 2019

AN ORDINANCE to amend Section 302 and Section 614 of the Land Development Regulations of the Code of the City of Buena Vista, as amended, to define terms related to the manufacture and processing of goods; and to regulate such uses within the Mixed Use zone, for the purpose of encouraging appropriate types of production activities that would contribute to economic activity and downtown vitality.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BUENA VISTA, VIRGINIA, that after a duly called public hearing, in accordance with the general welfare of the citizens of Buena Vista and in accordance with good zoning practices, Section 302 and Section 614 of the Land Development Regulations of the City of Buena Vista are hereby amended as follows in the attached Exhibit A.

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

William Fitzgerald, Mayor

ATTEST:

Dawn Wheeler, Clerk of Council

Date

**NB #3 FIRST READING OF AN ORDINANCE ZONING MAP
AMENDMENT TAX MAPS 26-1---C MIXED USE:**

Councilman Cooper read the following:

Zoning Map Amendment

Tax maps 26-1---C

Mixed Use

Ordinance

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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, 3.5 acres of the property at 245 West 21st Street (tax map numbers 26-1---C) shall be rezoned from LM Light Manufacturing to MU Mixed Use following the boundaries depicted on Exhibit A; and the zoning map for the City will be amended to reflect this change.

BE IT ALSO ORDAINED that the following Conditional Use Permits shall be granted to the portion of the same property which is zoned Mixed Use.

FIRST, that small-scale production establishments, as defined by the zoning ordinance, shall be permitted;

SECOND, that storage or warehousing shall be permitted, pursuant to Section 614.04-16 of this ordinance.

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

William Fitzgerald, Mayor

ATTEST:

Dawn Wheeler, Clerk of Council

Date

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**NB #4 FIRST READING OF AN ORDINANCE ABANDONMENT
OF PUBLIC RIGHT OF WAY 26TH STREET BETWEEN
HAWTHORNE AVENUE AND CEDAR AVENUE:**

Vice-Mayor Clark read the following:



Abandonment of Public Right of Way

26th Street between Hawthorne Avenue and Cedar
Avenue

Ordinance Text

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BUENA VISTA, VIRGINIA, that in accordance 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.

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William Fitzgerald, Mayor

ATTEST:

Dawn Wheeler, Clerk of Council

Date

Mr. Kearney advised the only thing we need to do to finish this up is on Exhibit A, consideration is to be determined since the first reading has a consideration number in it. We have a report from the Planning Commission with a proposed consideration. We have a policy that was adopted back in 2006 dealing with the sale or conveyance of closing any City streets. At that point and time, the policy was adopted that you would sale the streets; not give the streets away. You would sale them based upon the value of the adjacent property per square footage. Based upon the number of square footages that was being abandoned, that would be the price that would be associated with that parcel. Tom has come up with a formula based upon 4 or 5 adjacent properties to come up with a blended rate which would put this property value at \$3,011.00.

Mr. Roberts said the property is valued at **\$3,037.86**. He said when Mr. Ohleger approached the Planning Commission requesting the abandonment, he indicated that he is willing to pay up to \$2,500.00 since that is what the property is

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assessed at. He already owns a piece of land on 26th Street which is larger than this property, and it is assessed at \$2,500.00. The Planning Commission discussed the general policy and they would prefer that the City not charge adjacent owners for acquisition of abandoned property and recommended that the City not charge Mr. Ohleger for the property.

Mr. Kearney stated that the Planning Commission cannot give abandonment of property away at no charge.

Vice-Mayor Clark wanted to know if this is a true abandonment Ordinance if we are going to ask a selling price.

Mr. Kearney said it is part of the abandonment. We adopted a policy years ago that whenever the City wants to abandon property, they will charge the person purchasing the abandoned property.

Vice-Mayor Clark wanted to know if it is in our current policy that we can abandon the right of way for the property.

Mr. Kearney stated that under the Code of Virginia you are allowed to abandon or close streets. The Code also says you may charge a fair market value for the property that you are abandoning.

Vice-Mayor Clark wanted to know if the City has charged other people that have requested abandonment of property.

Mr. Kearney said that we have charged others for property that has been abandoned. The land belongs to the City.

Councilman Henson said the last one that was done was for Russ Tompkins.

Mr. Scudder said we have done some abandonment for SVU and was paid for in kind.

Mr. Roberts advised that the Planning Commission disagrees with the policy. He also said that he would like to remind Council that Mr. Ohleger is a member of the Planning Commission and did not ask for any special treatment concerning this abandonment.

Vice-Mayor Clark wanted to know if the Planning Commission was aware of the policy the City has for payment of abandoned property.

Mr. Roberts said they are aware of the policy.

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Mayor Fitzgerald wanted to know if they need to approve the Ordinance with the dollar amount that Mr. Roberts calculated.

Mr. Kearney said normally the person requesting the closure would come in with a calculated cost, but this time Mr. Roberts did the calculation.

Council Member Hickman said we should follow the policy and not show any favoritism.

Vice-Mayor Clark motioned to insert the final cost of **\$3,037.86** on Exhibit A for the abandonment, seconded by Councilman Cooper, carried by Council.

Mr. Roberts wanted to know what would happen if Mr. Ohleger does not agree to the price.

Mr. Kearney said the protocol is that the charge be paid now. If he does not agree to the price the Ordinance would not be recorded until the funds are received. Since it is such a small amount, payment will be required up front. If the amount was a large one, you could set the payment up to be paid over a 12- or 18-month period.

Councilman Cooper wanted to know if we ever propose abandoned property or is it always by request.

Mr. Kearney said the City could always abandon property. Normally the adjacent landowners have a reason for their request for abandonment. It is a much bigger issue if the street is not a paper street.

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

William H. Fitzgerald, Mayor

Dawn M. Wheeler, Clerk of Council