

**CITY OF BUENA VISTA  
REGULAR COUNCIL MEETING  
MARCH 18, 2021  
(VIRTUAL)**

The City Council for the City of Buena Vista met for a Regular (Virtual) Council meeting on Thursday, March 18, 2021 at 6:00 p.m.

Council Members Present:  
Melvin Henson  
Stanley Coffey  
Tyson Cooper

Mayor Bill Fitzgerald  
Vice-Mayor Cheryl Hickman  
Steve Webb  
Danny Staton

Members Absent: None.

**ADG #1 PLEDGE OF ALLEGIANCE AND PRAYER:**

Councilman Coffey delivered the opening prayer.

Mayor Fitzgerald welcomed our new City Manager Mr. Jason Tyree. Mr. Tyree said the employees, and everyone here has been great. He said he is grateful to be in Buena Vista. He also said that Mr. Scudder has been very helpful through the transition. Mayor Fitzgerald said we are glad to have Mr. Tyree here.

**ADG #2 APPROVAL OF THE AGENDA:**

Motion was made by Councilman Coffey to approve the agenda, seconded by Councilman Staton, carried by Council.

**ADG #3 APPROVAL OF THE MINUTES FROM THE PUBLIC HEARING AND REGULAR COUNCIL MEETING (VIRTUAL) HELD ON MARCH 4, 2021:**

Motion was made by Councilman Coffey to approve the above-mentioned minutes, seconded by Councilman Webb, carried by Council.

**ADG #4 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.**

Mr. Tom Roberts said he wanted to inform Council about the IWORK system for zoning and tracking. He said in December we signed a contract with IWORK which is a cloud-based system. It has been a huge improvement from what we had. We are now able to accept applications on-line for zoning and building permits. He said they are going to put a link on the City's home page. He then

showed a short tutorial on how to use the system. It is live and ready for the public to use.

Mr. Roberts started to read a letter received from Patricia Gibson and was stopped by Mayor Fitzgerald.

Mayor Fitzgerald said the Public Hearing was held last week and all public comments for this subject should have been made last week. He said that all of Council has a copy of her letter, but no public comments will be made this week. Vice-Mayor Hickman wanted to know if the letter could not be read as a public comment from a citizen.

Mayor Fitzgerald said the rule is only public comments can be made on a subject during the Public Hearing. After the Public Hearing we can accept comments via letters, email, and phone calls.

The next person to speak was Ms. Skye Lowery. She said she is not sure of the protocol for presentation of a petition. She is speaking for all the people that has signed the petition to reinstate all the partial funding to the Buena Vista Library. Ms. Lowery stated that every library had their funding cut. The Buena Vista Library was cut 20% where the other libraries were cut 10%. The reduction has cost the Buena Vista Library librarians, operation hours and community programs. If the funding is not re-stored, we could lose more of these programs. She opined the programs are very important to our community. She said the library is not just a place to get books: it is a pillar to our community and City. It is a vital asset to our downtown and with all the talk about revitalizing downtown, she finds it inexplicable a little bit hypocritical that the City Council would cut funding to one of the few institutions that is a gathering place for people in this town. Ms. Lowery said we do not have a movie theater or a bowling alley. She wanted to know why we would cut funding to a place that provides so much interaction and community service to our community and brings people into the downtown area of Buena Vista. She said our community uses the library and she has the numbers from the Rockbridge Regional Library system. Six of the last seven months our library has done more circulation than Bath, Glasgow, and Goshen. In some of those months, Buena Vista did more than Glasgow and Goshen combined. We have more cases than Bath and Glasgow that come in. Clearly our community needs and wants the local library. She requested that Council reinstate at least partial funding so these programs that our community relies on do not go away. She then wanted to know where she should submit the petition.

Mayor Fitzgerald asked that she take it to Ms. Wheeler in the City Manager's office, and she will make copies to give to each Council member.

Ms. Kristina Ramsey advised Council that the BVEDA had a meeting last week to review 2 applications for the Façade Improvement Program and both were approved. The first one awarded was for the Flowers and Things in the shopping center beside Don Tequila. The second one approved was the 3-story building near City Hall beside of the railroad tracks. That building will be completely rehabbed: including murals and interior. In the near future there will be apartments upstairs.

## **ADG #5 REPORTS:**

### **1.) Mayor:**

None.

### **2.) City Manager:**

Mr. Tyree advised that he met with some of our engineers, Hunter Young and RKK who are working on our water and sewer projects. Tom has received another forestry grant this year for planting trees. He reminded everyone there is another regional clinic for our employees to get vaccines for COVID. He also thanked Mr. Scudder for helping him along during the transition.

### **3.) City Attorney:**

None.

### **4.) Council Committee/Representative:**

Councilman Henson reminded everyone of the Public Works/Public Safety meeting on Tuesday.

## **ADG #6 CONSIDER APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS, AND COMMITTEES:**

### **THE ROCKBRIDGE DISABILITY SERVICES BOARD:**

**MS. PAM ROBEY'S TERM EXPIRED ON DECEMBER 31, 2020. THIS IS A 4 YEAR TERM AND THE NINETH TIME IT HAS APPEARED ON THE AGENDA. MS. ROBEY IS NOT WILLING TO SERVE AGAIN. ADVERTISED FEBRUARY 3, 2021 THE NEWS GAZETTE: WEB SITE AND CHANNEL 18 JANUARY 27, 2021 – NO APPLICANTS**

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

### **THE ROCKBRIDGE DISABILITY SERVICES BOARD:**

**MS. LISA CLARK'S TERM EXPIRED ON JANUARY 31, 2021. THIS IS A 4 YEAR TERM AND THE FOURTH TIME IT HAS APPEARED ON THE AGENDA. MS. CLARK IS NOT WILLING TO SERVE AGAIN. ADVERTISED FEBRUARY 3, 2021 THE NEWS GAZETTE: WEB SITE AND CHANNEL 18 JANUARY 27, 2021 – NO APPLICANTS**

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

**THE BUENA VISTA ECONOMIC DEVELOPMENT AUTHORITY:**  
**MR. GEORGE HUGER'S TERM WILL EXPIRE ON MARCH 31, 2021. THIS IS A 4 YEAR TERM AND THE FOURTH TIME IT HAS APPEARED ON THE AGENDA. MR. HUGER IS NOT WILLING TO SERVE AGAIN. ADVERTISED FEBRUARY 3, 2021 THE NEWS GAZETTE: WEB SITE AND CHANNEL 18 JANUARY 27, 2021 –**

An application was received from Mr. Steve Baldrige. Motion was made by Councilman Cooper to appoint Mr. Baldrige to the BVEDA, seconded by Councilman Staton, carried by Council.

**THE CENTRAL SHENANDOAH PLANNING COMMISSION:**  
**MAYOR FITZGERALD'S TERM WILL EXPIRE ON JUNE 30, 2021. THIS IS A FOUR-YEAR TERM. HE IS WILLING TO SERVE AGAIN. THIS IS THE FIRST TIME THIS ITEM HAS APPEARED ON THE AGENDA:**

Motion was made by Councilman Cooper to re-appoint Mayor Fitzgerald to the Central Shenandoah Planning Commission, seconded by Councilman Webb, carried by Council.

**THE DABNEY S. LANCASTER COMMUNITY COLLEGE BOARD:**  
**MR. ANDY WOLFE'S TERM WILL EXPIRE ON JUNE 30, 2021. THIS IS A FOUR-YEAR TERM AND THE FIRST TIME THIS ITEM HAS APPEARED ON THE AGENDA. MR. WOLFE IS WILLING TO SERVE IF RE-APPOINTED. ADVERTISED ON MARCH 17, 2021 THE NEWS GAZETTE: SOCIAL MEDIA MARCH 11, 2021:**

**NO APPLICANTS**

Motion was made by Councilman Henson to re-appoint Mr. Wolfe to the Dabney S. Lancaster Community College Board, seconded by Councilman Cooper, carried by Council.

**THE ROCKBRIDGE REGIONAL LIBRARY:**  
**MS. JESSICA GIBBONS TERM WILL EXPIRE ON JUNE 30, 2021. THIS IS A FOUR-YEAR TERM AND THE FIRST TIME THIS ITEM HAS APPEARED ON THE AGENDA. MS. GIBBONS IS WILLING TO SERVE AGAIN IF RE-APPOINTED. ADVERTISED ON MARCH 17, 2021 THE NEWS GAZETTE: SOCIAL MEDIA MARCH 11, 2021:**

**NO APPLICANTS**

Councilman Cooper advised that Ms. Gibbons has changed her name to Ms. Whipple. Motion was made by Councilman Cooper to re-appoint Ms. Whipple to the Rockbridge Regional Library, seconded by Councilman Webb, carried by Council.

**THE MAURY SERVICE AUTHORITY:**

**MR. JIMMY CARTER'S TERM WILL EXPIRE ON MAY 31, 2021. THIS IS A FOUR-YEAR TERM AND THE FIRST TIME IT HAS APPEARED ON THE AGENDA. MR. CARTER HAS MOVED FROM BUENA VISTA AND CANNOT SERVE AGAIN. ADVERTISED ON MARCH 17, 2021 THE NEWS GAZETTE: SOCIAL MEDIA MARCH 11, 2021:**

**NO APPLICANTS**

**OLD BUSINESS:**

**OB #1 SECOND READING OF AN ORDINANCE FOR CONDITIONAL USE PERMIT FOR EFFICIENCY APARTMENTS AT THE REAR OF 2175 MAGNOLIA AVENUE:**

**Conditional Use Permit  
2175 Magnolia Avenue  
Ordinance Text ORD 21-03**

**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, a Conditional Use Permit shall be granted to the building at 2175 Magnolia Avenue for the purpose of allowing two apartments as depicted in the attached "Exhibit A" and pursuant to Section 614.04-8 of the City of Buena Vista Land Development Regulations.

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

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William Fitzgerald, Mayor

ATTEST:

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Dawn Wheeler, Clerk of Council

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Date:

Motion was made by Councilman Coffey to read the Ordinance by title only, seconded by Councilman Staton, carried by Council.

Ms. Wheeler read the Ordinance by title only.

Vice-Mayor Hickman started the discussion by saying that she has talked with several business owners and citizens. She had someone call her yesterday that was for allowing the Ordinance with restrictions. She said that she agrees with the Ordinance with restrictions. We have main street which consists of 3 blocks. We want tax revenue from that business district. She does not want to promote apartments. We as citizens really do not get a lot out of that except for the real estate taxes and personal property taxes. She opined that she wants businesses downtown. She said she understands helping the business owners to try to get income. She said she has been on the fence about the Ordinance. Vice-Mayor Hickman said the only way she could vote for the Ordinance with good conscious is with some restrictions. She wants the business owner to have a business in the front of the property in order to have apartments in the back. They would also require a parking permit where there would not be an issue for other business owners if someone was parking where they were not supposed to be. They would have to have off street parking. No more than 25 to 30% of the building could be used for apartments. She said she wants to encourage businesses downtown. She opined that is how we will keep from raising taxes by getting businesses downtown. We have some of the highest tax rates in the State in this small City. She said she wants to be known for a lot of things, but high taxes are not one of them. She opined we need to get businesses downtown in order to get foot traffic downtown. That is why she is such a big advocate for the Town Square.

Mayor Fitzgerald said he agrees with Vice-Mayor Hickman and also agrees it should be retail space in front of the building. You cannot guarantee that the retails are going to be rented all the time.

Vice-Mayor Hickman said we could put a requirement in the Ordinance that the retail space must be occupied within 6 months or whatever you must have a business and you must keep the business up front. She said we can very well do that.

Mayor Fitzgerald disagreed with Vice-Mayor Hickman saying you cannot because if the retail people move out you cannot tell the renters that they must move because the front of the store is empty.

Mr. Kearney said we cannot put a condition that the front be rented. You can make a condition that 1000 square feet in the front of the building or whatever square feet you determine is a commercial enterprise. You are talking about requiring retail or a commercial enterprise.

Vice-Mayor Hickman said a business that brings tax revenue to the citizens of the City.

Mayor Fitzgerald said you can require that a business be in the front but if they leave you cannot make the tenants in the back move.

Mr. Kearney agreed you cannot make the tenants in the back move if the front of the building is empty. You can say the back part can be apartments and the front part of the building must be a commercial establishment.

Mayor Fitzgerald opined that by having a smaller space will bring in more opportunities. He feels since we are a small community, we will not get any big

retail business in Buena Vista. He feels we will get these small Mom & Pop places that is not going to need the square footage that some of our buildings have. He said he likes the idea of having some square footage in the building for business and the footage in the back for apartments. We cannot make it mandatory that the retail in the front of the building must be occupied for the people in the apartments to live there.

Mr. Kearney said you can require the usage of the space. He said that Vice-Mayor Hickman was saying we need to generate tax revenue. That could be an accountant, a lawyer, etc. The Mayor is talking about retail and that would be a different animal.

Vice-Mayor Hickman said that is why she said a business to keep taxes lower and keep revenue coming in. She said to look at the buildings that have set vacant for a long time; what is the incentive? She feels we need to do that across the board to have businesses in the buildings. If you already have renters in the back, there should be incentive for the owners to put businesses in the front.

Mayor Fitzgerald said he has owned a lot of real estate in the past and if the building is empty, you really work hard to make sure the building is filled.

Councilman Coffey asked Councilman Cooper if he has any prospects for the front of the building.

Councilman Cooper said he and his wife, who is part owner of the building, have had 4 or 5 businesses showing interest in the building. He said the reason they have not worked on the design of the building because it is going to be based on Council allowing 2 apartments in the back of the building. That will dictate the design of the building.

Councilman Coffey wanted to know if Councilman Cooper would be willing to rent out the whole building to one entity or break it up? He said the area for the apartments is 1400 square feet.

Councilman Cooper said the entire area for the apartments is 700 square feet.

Councilman Coffey wanted to know if Councilman Cooper would be willing to rent the entire building if someone came in and said they wanted the entire building.

Councilman Cooper said they would definitely rent the entire building if that is what someone would want. They have had casual conversations but cannot go into any real conversations until Council makes a decision. He said they had one businessman say that he would need 1800 square feet. As soon as Council decides, they are full steam ahead. He said they need the money because they are paying a mortgage right now. He said if a business showed up wanting 2000 square feet, they would definitely rent it to him if he could pay the rent. He said they have been investigating buying property downtown for about 2 years now and they have yet to bump into anyone that wanted more than 1800 square feet.

Mrs. Cooper said their intention is to help rebuild Buena Vista. They love businesses so they would love to have businesses in the building.

Councilman Henson asked Mr. Kearney if we would bring the restrictions before the Planning Commission now or would we do that in the future?

Mr. Kearney said this will affect this building only. If someone else purchases a building Council would have to approve a Conditional Use Permit. Each project is different.

Councilman Coffey said that Tyson has the best opportunity for off street parking, and it is probably room for 4 vehicles to park back there.

Mayor Fitzgerald said he would like to point out that Tyson owns the lot beside of the building which will give him more options for parking.

Councilman Staton told Mr. Kearney that he heard that Buena Vista might have a law on the books that says if you own property and rented the upstairs as apartment, you must provide off street parking.

Mr. Kearney said that he has no idea and will look to see if there is such a law.

Vice-Mayor Hickman said there is a lot of parking in the town square area.

Councilman Staton wanted to know if we could have a restriction that all renters downtown must park in the old farmer's market lot.

Mr. Kearney said we have parking lots downtown that Council can dictate where a renter must park.

Councilman Webb said it does not make sense to make Tyson's tenants park somewhere else if Tyson has provided off street parking for them.

Vice-Mayor Hickman said she does not really care for making the old farmer's market a parking lot for tenants. She feels that parking needs to be kept for citizens to park while they are downtown.

Councilman Coffey stated that when we get the Town Square going, the people parking there now will no longer be able to park there.

Mayor Fitzgerald asked Mr. Roberts if he could come up with something with the correct wording concerning the Ordinance.

Mr. Roberts wanted to make sure two things are clear with this Ordinance:

- 1.) We have been talking about new regulations for parking in the future. He opined that is a good thing to look at because as it stands right now the downtown is in an area where there are no off-street parking requirements for any uses.
- 2.) For Tyson's proposal, if it is approved as presented, then he must follow what is in the staff report and in the floorplan map. If approved as presented, he can only have the 2 apartments as shown in the floorplan and he must create the space for 4 parking spaces in the back of the building.

Mr. Roberts said he just wanted to make sure that Council understands what Tyson is doing if the Ordinance is approved as is.

Vice-Mayor Hickman wanted to know if the stipulations should be put in the Ordinance before it is approved.

Mr. Kearney said what has been presented is the floorplan with 4 off street parking spaces. The floorplan shows there is going to be offices and a mixture of uses that will be commercial for the rest of the building. Councilman Cooper is asking for a permit for the 2 apartments with the 4 parking spaces.

Councilman Coffey asked if Council approves the Ordinance as it is applies only to Tyson's building.



Mr. Kearney said if Councilman Cooper wanted to put another apartment in or add 1 more square foot, he would have to come back before Council for approval.

Motion was made by Councilman Staton to approve the above Ordinance with Tyson’s floorplan as is, seconded by Councilman Webb.

Ms. Wheeler polled Council as follows:

	<b>Present</b>	<b>Absent</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>
Mayor Fitzgerald	X		X		
Melvin Henson	X		X		
Tyson Cooper	X				X
Vice-Mayor Cheryl Hickman	X			X	
Steve Webb	X		X		
Danny Staton	X		X		
Stanley Coffey	X			X	

**OB #2 SECOND READING OF AN AMENDED ORDINANCE FOR A ZONING TEXT AMENDMENT TO REVISE SECTION 706, SIGN REGULATIONS, SIMPLIFYING THE ORDINANCE AND REDUCING PERMITTING REQUIREMENTS:**

- Zoning Text Amendment  
Section 706 Signage  
**Ordinance Text Amended – ORD 21-04**  
3/10/2021

**AN ORDINANCE** to repeal and replace the text of Section 706 of the Land Development Regulations of the Code of the City of Buena Vista, as amended.

**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 706 of the Land Development Regulations of the City of Buena Vista is hereby repealed and replaced with the attached text in Exhibit A.

**BE IT FURTHER ORDAINED** that the entirety of Section 302.19-5 Signs of the Land Development Regulations of the City of Buena Vista is hereby repealed, as those definitions will be superseded by the definitions included in the attached text in Exhibit A.

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

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William Fitzgerald, Mayor

ATTEST:

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Dawn Wheeler, Clerk of Council

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Date:

After some discussion about the size of the signs and the number of signs a business can have, motion was made to read by title only as modified by Councilman Cooper, seconded by Councilman Staton.

Ms. Wheeler read the above Ordinance by title only.

Motion was made by Councilman Cooper to adopt the above Ordinance, seconded by Vice-Mayor Hickman.

Ms. Wheeler polled Council as follows:

	<b>Present</b>	<b>Absent</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>
Mayor Fitzgerald	X		X		
Melvin Henson	X		X		
Tyson Cooper	X		X		
Vice-Mayor Cheryl Hickman	X		X		
Steve Webb	X		X		
Danny Staton	X		X		
Stanley Coffey	X		X		

**NEW BUSINESS:**

**NB #1            LESLIE SCHALLER TO PRESENT THE REGIONAL ECONOMIC DEVELOPMENT PLAN FROM THE USDA RURAL ECONOMIC DEVELOPMENT INNOVATION (REDI) GRANT:**

Ms. Kristina Ramsey started the discussion by introducing Ms. Leslie Schaller who is the consultant who is contracted with the Rockbridge region for the USDA Rural Economic Development Innovation (or REDI) initiative. She said that she and Mel discussed the grant with Council about a month ago. In 2019 the Chamber of Commerce Economic Development Committee which consisted of stakeholders from Buena Vista, Lexington, and Rockbridge County received a grant for the program to create an economic development plan for the region as a whole. There are several members of the committee are present tonight including Brandy Flint from Rockbridge County and Anne Herring from the USDA.

Ms. Schaller presented a plan to Council: (Plan in minute book) After her presentation, Council did not have questions.

Mayor Fitzgerald reminded everyone about the Council retreat scheduled for Saturday. He also asked Ms. Schaller if Council could email their ideas to her. She agreed email would be fine.

Councilman Cooper wanted to know if the economic goal visions are just for Buena Vista or are, they are regional.

Ms. Schaller said they are all regional. She said she would forward a lot more information to Christina.

Ms. Ramsey said this will be a regional plan that we will be able to capitalize on our regional assets to implement. We will be working very much with Rockbridge, Lexington, and the rest of the County to make some of these things happen. It is very important to them to hear some feedback from Council on some of the goals that Leslie put forth. She opined it is really important to capitalize on those capital assets.

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

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Dawn M. Wheeler  
Clerk of Council

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William H. Fitzgerald  
Mayor

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Date