

CITY OF BUENA VISTA
PUBLIC HEARING AND
REGULAR COUNCIL MEETING,
COUNCIL CHAMBERS
MARCH 17, 2022 – 6:00 P.M.

MEMBERS PRESENT: Mayor Fitzgerald Vice-Mayor Hickman
Councilman Henson Councilman Cooper
Councilman Webb Councilman Staton
Councilman Coffey

MEMBERS ABSENT: None

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

Councilman Cooper delivered the opening prayer.

ADG #2: **PUBLIC HEARING:**

Mayor Fitzgerald opened the public hearing by advising it had been cancelled. The request was withdrawn. He then closed the public hearing.

~~Pursuant to Code of Virginia Section 15.2-1800, notice is given that the City Council will hold a public hearing to receive comment on the following matters:~~

- ~~1.) Leasing the City-owned vacant lots at the corner of Birch Avenue and 19th Street (Tax map ID 42-1-3-10-7) to Steve Webb for gardening.~~

~~The Public Hearing will be held in the City Council Chambers located at 2039 Sycamore Avenue in Buena Vista during the regular City Council meeting at approximately 6:00 PM on Thursday, March 17th, 2022. 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 www.buonavistava.org/planning~~

ADG #3: APPROVAL OF THE AGENDA:

Councilman Coffey made motion to approve the agenda, seconded by Councilman Cooper, carried by Council.

ADG #4: APPROVAL OF THE MINUTES FROM THE PUBLIC HEARING AND THE REGULAR COUNCIL MEETING HELD ON MARCH 3, 2022:

Councilman Coffey made motion to approve the above-mentioned minutes, seconded by Councilman Webb, 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 a specific 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

2.) City Manager:

Mr. Tyree opened his report by saying that they have been working with Councilman Henson on Parks/Rec and Public Works/Public Safety so he was sure that Councilman Henson would report on those events. He advised that we should be getting back the proposal on the DSS building in the next couple of weeks. They did an RFP on engineering services for building or looking at a new space for DSS. The jail put out an RFP also to look at their facility. They have 1 company that has put in for the RFP. It is the same company that has done a lot of their work in the past. It will probably be late 2022 before they have any information on the RFP.

3.) City Attorney:

None

4.) Council Committee/Representative:

Vice-Mayor Hickman wanted to know if Kristina or Tom has been working with the local businesses. She said the Family Dollar Store is closed every other day. She said she knows they are having problems getting employees as well as many other local businesses. She wanted to know if there is anything we can do program wise to help them.

Ms. Kristina Ramsey said it is definitely a concern. She said she has been spending time on workforce issues and has talked with Family Dollar. It is a general workforce issue across the State and country. She said we are supporting them the best we can.

Vice-Mayor Hickman wanted to know if the employment commission could help in any way.

Ms. Ramsey advised there are State agencies they work with and are connecting with all the resources they have.

Councilman Henson said they are working on some projects. He said there was about 20 kids playing at Penny Park when he came by today. He announced there will be a Public Works/Public Safety meeting on Tuesday and the Parks/Recreation meeting will be held on Wednesday. At the Parks/Recreation meeting they will be talking about the playgrounds and playground equipment. They are beginning to concentrate on various subjects. Ed Armentrout and his crew have put up posts in the campground to identify that one area and have put lines on the ground for campers. They are starting to get things organized like it should have been a long time ago. Ed's employees are actually shooting ideas to him about things that need to be done. The BVFD will have BBQ chicken on March 26.

Councilman Coffey asked Councilman Henson if they discussed the posts that have been put up in the park.

Councilman Henson said the posts have been moved back. He opined this is going to be a trial-and-error thing right now.

Councilman Webb thanked the SVU students that painted the new lines in the parking lot at the municipal building.

Mr. Tyree said it was mainly students from the LDS Church.

Councilman Staton thanked the SVU students for helping at the American Legion.

ADG #7: CONSIDER APPOINTMENTS TO VARIOUS BOARDS, COMMISSIONS, AND COMMITTEES:

THE BOARD OF ZONING APPEALS:

MR. ART FURLER'S TERM WILL EXPIRE ON 12/31/25. THIS IS A FIVE-YEAR TERM AND THE 16th TIME IT HAS APPEARED ON THE AGENDA.THE TERM WILL BEGIN IMMEDIATELY. MR. FURLER HAS MOVED AND IS UNABLE TO CONTINUE TO SERVE:

ADVERTISED THE NEWS GAZETTE JULY 7, 2021, AND MARCH 2, 2022: POSTED ON SOCIAL MEDIA: NO APPLICANTS

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

WE HAVE AN OPENING ON THE BOARD OF ZONING APPEALS. THIS TERM WILL EXPIRE ON 12/31/23. THIS IS THE 2ND TIME THIS HAS APPEARED ON THE AGENDA. THE TERM WILL BEGIN IMMEDIATELY:

ADVERTISED THE NEWS GAZETTE MARCH 2, 2022: POSTED ON SOCIAL MEDIA: NO APPLICANTS

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

DABNEY S. LANCASTER COMMUNITY COLLEGE BOARD:

MR. ANDY WOLFE HAS RESIGNED. HE IS MOVING FROM BUENA VISTA. THIS TERM WILL BEGIN ON JANUARY 1, 2022, AND END ON JUNE 30, 2024. THIS IS THE 6TH TIME IT HAS APPEARED ON THE AGENDA:

ADVERTISED THE NEWS GAZETTE DECEMBER 8, 2021, AND MARCH 2, 2022: POSTED ON SOCIAL MEDIA: STEVE BALDRIDGE, LISA CLARK, JENNIFER HUMPHREY, BRENT STYLER

Councilman Cooper made motion to appoint Lisa Clark, seconded by Vice-Mayor Hickman, carried by Council.

Councilman Henson made motion to appoint Steve Baldrige. This motion died on the floor without a second.

THE PLANNING COMMISSION:

MR. MIKE OHLEGER'S TERM WILL EXPIRE ON 6/30/22. HE IS NOT WILLING TO SERVE AGAIN. THIS IS A 4 YEAR TERM AND THE 2ND TIME IT HAS APPEARED ON THE AGENDA:

ADVERTISED THE NEWS GAZETTE MARCH 2, 2022, AND SOCIAL MEDIA: PAT MAYS, BRYSON ADAMS, BRENT STYLER, HAROLD KIDD

Vice-Mayor Hickman made motion to appoint Amy Gilliam to the Planning Commission, 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	
Vice-Mayor Cheryl Hickman	X		X		
Danny Staton	X			X	
Stanley Coffey	X			X	
Steve Webb	X			X	

Councilman Cooper made motion to appoint Bryson Adams to the Planning Commission, seconded by Councilman Webb.

Ms. Wheeler polled Council as follows:

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

Councilman Coffey made motion to appoint Pat Mays to the Planning Commission, seconded by Councilman Webb.

Ms. Wheeler polled Council as followed:

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

Councilman Henson made motion to appoint Mr. Harold Kidd to the Planning Commission, seconded by Councilman Staton.

Ms. Wheeler polled Council as followed:

	Present	Absent	Yes	No	Abstain
Mayor Fitzgerald	X		X		

Melvin Henson	X		X		
Tyson Cooper	X			X	
Vice-Mayor Cheryl Hickman	X		X		
Danny Staton	X		X		
Stanley Coffey	X			X	
Steve Webb	X			X	

OLD BUSINESS:

OB 1: SECOND READING OF AN ORDINANCE FOR REHL PROPERTY (774 LONGHOLLOW ROAD) R6 RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD) PLAN OF DEVELOPMENT FOR ONE SINGLE-FAMILY HOUSE:

Councilman Cooper made motion to read the following Ordinance by title only, seconded by Councilman Coffey, carried by Council.

Ms. Wheeler read the following Ordinance by title only.

Mr. Tom Roberts said they had talked about this some at the last Council meeting. This is one single family home on a large tract of land in the north end of the City. The planning development is required because it is zoned R6. It is a single house with a long driveway. The larger site will have additional development which will come later. This is phase 1 of the development.

R6 Planned Unit Development

Tax Map # 8-1---2

Ordinance Text – ORD 22-04

2/25/2022

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 Plan of Development for the property at Tax Map 8-1---2 shown in Exhibit A is hereby approved, pursuant to Section 607 of the Land Development Regulations of the City of Buena Vista.

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

William Fitzgerald, Mayor

ATTEST:

Dawn Wheeler, Clerk of Council

Date:

Councilman Cooper made motion to adopt the Ordinance, seconded by Councilman Coffey.

Ms. Wheeler polled Council as follows:

			Yes	No	Abstain
				Present	Absent
Mayor Fitzgerald	X		X		
Melvin Henson	X		X		
Tyson Cooper	X		X		
Vice-Mayor Cheryl Hickman	X		X		

Danny Staton	X		X		
Stanley Coffey	X		X		
Steve Webb	X		X		

OB #2: SECOND READING OF AN ORDINANCE FOR A ZONING TEXT AMENDMENT TO REPEAL ARTICLE 14 BED AND BREAKFAST ESTABLISHMENTS AND REPLACE WITH A NEW SECTION 714 RESIDENTIAL TRANSIENT OCCUPANCY. THIS SECTION WILL UPDATE EXISTING REGULATIONS OF BED AND BREAKFASTS AND ADDRESS SHORT-TERM RENTALS (STR):

Mr. Tom Roberts said we discussed this a little bit at the last Council meeting. There was a question about the number of STR's in the City as of now. We have 11 or 12 STR's in Buena Vista. It is hard to know what the revenue will be. Within a few months the Regional Tourism will be providing us with some software that will track the number of STR's in the Rockbridge area. The tracking software will make sure all are registered, and we should know how much revenue the STR's will bring in. He did an estimate based on the City having 12 AB&Bs with an average rate of \$100.00 per night, rented for 6 nights per month. He said there are some that are occupied every weekend. That is about \$86,400.00 in revenues at a 6% lodging tax rate would bring in approximately \$5,000.00 in tax revenues. He opined the best thing about the lodging tax is the people that live here do not have to pay it. We have 1 AB & B that has to pay the lodging tax.

Councilman Coffey wanted to know how long a person can stay in a AB&B.

Mr. Roberts advised the maximum stay is 30 days.

Councilman Coffey wanted to know if they could renew it after 30 days.

Mr. Roberts said they can renew after 30 days. He said they can stay as long as they want to.

Councilman Henson wanted to know the difference in kids staying here month after month.

Mr. Roberts said it would depend on how the lease is written. If you were going to rent to someone longer than 30 days, it would benefit both the landlord and the tenant to come up with a lease. If it is a regular month to month lease, they would not have to pay any lodging tax. If you are going to do a lease you could not do it under the AB&B platform because of all the fees.

Councilman Henson made motion to read the following Ordinance by title only, seconded by Vice-Mayor Hickman, carried by Council.

Ms. Wheeler read the following Ordinance by title only:

Zoning Text Amendment

Ordinance Text – ORD 22-05

Section 714 Residential Transient Occupancy Uses

2/25/2022

AN ORDINANCE to adopt a new section of the Land Development Regulations of the Code of the City of Buena Vista, as amended, entitled “Section 714 Residential Transient Occupancy,” for the purpose of regulating transient occupancy establishments in the City, and to amend other sections of the Land Development Regulations to define relevant terminology to be used in Section 714.

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 714 of the Land Development Regulations of the City of Buena Vista is hereby adopted as follows in the attached Exhibit A.

BE IT ALSO ORDAINED that Article 3 Definitions of Terms Used in This Ordinance and Section 613 Recreational District are hereby amended as follows in the attached Exhibit A.

BE IT ALSO ORDAINED that Article 14 Bed and Breakfast Establishments of the Land Development Regulations is hereby repealed in entirety.

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

William Fitzgerald, Mayor

ATTEST:

Dawn Wheeler, Clerk of Council

Date

Councilman Henson made motion to adopt the above Ordinance, seconded by Councilman Webb.

Ms. Wheeler polled Council as follows:

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

NEW BUSINESS:

NB #1: PROCLAMATION FOR NATIONAL PUBLIC HEALTH WEEK:

PROCLAMATION NATIONAL PUBLIC HEALTH WEEK:

Mr. Tyree stated that Steve Bolster had requested that Council recognize National Public Health Week with a proclamation. This proclamation thanks the public health officials.

Ms. Wheeler read the following proclamation:

PROCLAMATION

Whereas, The President of the United States traditionally designates the first full week of April as National Public Health Week; and,

Whereas, National Public Health Week is scheduled for April 4th to the 10th, 2022, and the theme is "Public Health is Where You Are"; and

Whereas, since 1995, the American Public Health Association, through its sponsorship of National Public Health Week, has educated the public, policymakers, and public health professionals about issues important to improving the public's health; and

Whereas, the Central Shenandoah Health District's mission is to protect and promote the health and wellbeing of residents in the Central Shenandoah Valley; and,

Whereas, the Central Shenandoah Health District serves the counties of Augusta, Bath, Highland, Rockbridge, and Rockingham, and the cities of Buena Vista, Harrisonburg, Lexington, Staunton, and Waynesboro, with an estimated combined population of 308,875 citizens: and,

Whereas, the Central Shenandoah Health District's public health professionals help our communities prevent, prepare for, withstand, and recover from the impact of a full range of health threats, including disease outbreaks such as the COVID-19 pandemic, natural disasters, and disasters caused by human activity; and

Whereas, the Central Shenandoah Health District's public health professionals have, and continue to display, an unprecedented commitment to serve our communities in response to the COVID-19 pandemic by administering local and regional programs involving testing, contact tracing, case investigations, vaccinations, outbreak investigations, and informational campaigns to combat this public health crisis.

NOW, THEREFORE, We, the City Council, call upon all citizens of Buena Vista, to observe the week of April 4th through the 10th, 2022 as National Public Health Week, during which our residents may join in celebrating the dedication of our public health professionals, past and present, and their families whose support allows them to serve our communities.

Adopted this 17th day of March 2022

William H. Fitzgerald, Mayor

Councilman Henson made motion to approve the above proclamation, seconded by Councilman Webb, carried by Council.

NB #2: APPROVAL OF WATER AND WASTEWATER PRELIMINARY ENGINEERING REPORTS PRESENTED BY HUNTER YOUNG:

Mr. Hunter Young presented a report to Council on the wastewater preliminary engineering report: (See report in minute book) (Mr. D.J. Wacker joined the meeting later via zoom)

Mr. Young started the report by advising they have worked through the elements for the PER for the WWTP. It has been very, very involved. All the while they have been trying to find a way to maximize the available grant money from DEQ for the nutrient removal equipment. Mr. Young said tonight they are requesting approval from Council to submit the PER to DEQ and Rural Development for review and guidance from them. This is the first step in the process of solidifying what grants we may be able to get from both of those entities. This process does not obligate the City in any way. He said he wanted to briefly go over the meeting they had on September 28, 2021. He then wants to go over the recommended alternative (moving bed biological reactor (MBBR); notable process changes; construction cost estimate; O&M cost estimate; funding updates; schedule. (See detailed report in the minute book) Mr. Young said as most of everyone knows the equipment at the WWTP is largely past its useful life. Influent wastewater is also very diluted due to inflow and infiltration putting more ground water into the sewer system. The existing RBCs are not designed for nutrient removal. For the past several years we have been paying \$50,000.00 to \$60,000.00 per year to the State in nutrient credit money. Their preliminary technology review started at 7 alternatives – have narrowed it down to 3 lowest cost alternatives. Of those the MBBR and SBR had approximately equal costs. MBBR was recommended due to non-monetary factors. He opined it is a lot easier to operate than what you would get with the SBR. They reviewed the cost estimates including construction costs, operational and maintenance costs, and project sewer rates. (SEE THE RECOMMENDED ALTERNATIVE SITE PLAN IN THE MINUTE BOOK ALONG WITH THE RECOMMENDED ALTERNATIVE PROJECT SCOPE, AND THE RECOMMENDED ALTERNATIVE PROCESS SCHEMATIC)

Notable process changes will be as follows:

*New Structures/Processes

- MBBR tanks – Nitrogen removal
- Disk Filter building – Phosphorous removal
- Chemical building (caustic, methanol, alum)

*Converted Processes

- Chlorine contact tanks->converted to UV disinfection

*Abandon RBDs

- No longer used after project is complete

*Changes to Chemical Addition

- Feed methanol to facilitate nitrogen removal (NEW chemical)
Reducing I/I can help reduce this new cost
- Feed alum to facilitate phosphorus removal (NEW chemical)
- Feed caustic to increase alkalinity, which ultimately helps with nitrogen removal (NEW chemical)
- ELIMINATE chlorine gas
- ELIMINATE sulfur dioxide gas

(SEE RECOMMENDED ALTERNATIVE – CONSTRUCTION COST ESTIMATE, TOTAL PROJECT COST – RECOMMENDED PROJECT, OPERATIONS AND MAINTENANCE ESTIMATE IN THE MINUTE BOOK)

Project funding – Update

*DEQ WQIF – Intended for processes that are designed to remove nutrients (N,P)

- All grants; no loans
- DEQ’s guidance document assumes all wastewater plants are designed for nitrification (NH₄->NO₃)
- After several meetings with DEQ, they acknowledged the City is in a grey area because 1.) it is not designed for nitrification and 2.) the existing permit does not fall within the guidance parameters for Ammonia (NH₄)
- DEQ cannot provide further guidance until they review the PER
- DEQ’s funding and permitting departments must meet to discuss options
- Eligible grant amount is then subject to cost sharing % (based on MHI and DEQ Director)

*USDA Rural Development – Can fund the amount remaining after DEQ’s grant

- Mostly loans: rates must be at least 1.5% of MHI to be grant eligible
- Best scenario is 75% loan and 25% grant (worst is 0% grant)
- Must show how APRA funds are being utilized/allocated (e.g., a capital improvement plan or budget)

-Effective CIP: what were the ARPA funds provided for? How have they already been used? How is the remaining amount allocated?

- Water model, leakage detection study, digester roof, vehicles

(SEE POTENTIAL DEQ GRANT FUNDING – ELIGIBILITY BY UNIT PROCESS, POTENTIAL DEQ GRANT FUNDING – SHARED PERCENTAGE, RD WILL BE USED TO FUND THE REMAINING PROJECT COST, OVERALL PROJECT FINANCING, IN THE MINUTE BOOK)

Estimated Project Schedule:

- March 2022 Send PER/EA to DEQ and RD for review
- April 2022 Submit Fund Application to DEQ
- October 2022 Securing funding from DEQ & submit application to RD
- January 2023 *Initiate design and permitting (10 months)
- November 2023 Advertise construction project
- February 2024 Start construction (18 months)
- August 2025 Commissioning/complete construction

*Start of design – pending funding approval from RD

Councilman Henson said the facility we have now has been there for 45 years. He opined that the employees at the WWTP have done an excellent job of keeping the facility running.

He wanted to know if the I&I and water lines would be addressed before January of next year.

Mr. Young said it is his understanding that Council wanted to wait on some of the other projects until they find out how much funding they are going to receive. They have not really been pushing the water lines or I&I projects. He opined it would be worthwhile to continue the investigation of the water lines and have a plan in place.

Councilman Coffey said that 77% of the water we treat does not have to be treated if we can maintain the I&I.

Councilman Henson advised the water that comes off the guttering goes into the sewer system instead of going into the storm drainage system. It is illegal for guttering water to go into a sewer system. They did a lot of smoke tests, and you would be surprised the amount of smoke that comes out of a gutter.

Councilman Coffey stated that DJ told Council that if they can get it down to 40 or 50% would be average on what I&I is.

Councilman Henson said we have around 62% loss of water.

Mr. Young said for sure that some of it is coming back in that way, probably not the majority of it. The annual cost of the methanol is \$117,000.00 per year. If we have a 25% reduction in I&I we could save quite a bit of money because all it is doing is adding extra food to the micros to break down your nutrients.

Councilman Coffey made motion to accept the plan designed by Mr. Hunter, seconded by Vice-Mayor Hickman, carried by Council.

NB #3: DISCUSSION OF LEASING CITY OWNED LOTS AT THE CORNER OF BIRCH AVENUE AND 19TH STREET:

NB #4: DISCUSS PRICING FORMULA FOR VACATED CITY RIGHT OF WAY:

Mr. Tyree said this is something that he and Tom have been talking about. You would have to have a degree in math to figure out the formula we use when we vacate alleys. He said he has tried to figure out the price on some of the vacated alleys and he never gets the same cost twice. He opined we need a more streamlined avenue where our customers can go there and reasonably put together a price on what they are trying to vacate. He thinks it is a great program to make things easier for our customers.

Mr. Roberts gave the following report:

CITY COUNCIL Staff Report

Policy Change

City ROW Abandonment Pricing Formula

3/11/2022

Synopsis

Staff propose changing the formula used for pricing City right-of-way when it is abandoned.

Summary:

- Current formula is based on assessed land value of adjacent properties
- Current formula results in prices higher than residents willing to pay
- Current formula results in wide variation in pricing for similar-sized ROW
- Staff propose a flat per-square-foot price

Overview

In 2006 the City adopted a new policy on abandonment of City right-of-way (ROW) such as streets and alleys. The policy states the following:

The purchase price shall be the fair market value. Fair market value shall be determined by the use of the abutting lands' assessed value calculated on a square foot basis. This square foot value will be multiplied by the number of square feet being vacated and/or abandoned to determine a fair market value of the City's property.

This policy was a departure from the past, during which the City at some points gave away abandoned ROW at no cost to the adjacent landowners.

The current policy is a rational way to derive a value for the property. Several other Virginia cities use this method for pricing abandoned ROW to be transferred to adjacent landowners, including Richmond, Williamsburg, and Chesapeake. However, those cities are not as formulaic and allow professional appraisals to be used instead.

For Buena Vista, there are several issues with the current formula method:

Widely varying pricing

Depending on the assessed value of adjacent land, the price for a similarly sized area of ROW can vary significantly. For instance, oftentimes large tracts of land have lower per-square-foot assessed values, so in cases where the ROW abuts a large tract of land, the price of the ROW is pulled down. In other cases, it is unclear why certain parcels have higher per-square-foot land assessments than others which appear similar—but the result is skewed ROW prices. An example of this is the Ash Avenue alley abandoned in 2021 was priced at \$870.00 for 3,000 sq ft, but the 1,800 sq ft street abandonment approved in 2020 was priced at \$2,804.17.

High prices

Valuation of land is always subjective. However, recent ROW abandonment requests have generated prices that were higher than what adjacent property owners expected or desired to pay. For example, in 2020, Council approved a ROW abandonment which was never completed because the adjacent owner felt that the price was too high.

Ambiguity in formula

The policy states that “value shall be determined by the use of the abutting lands’ assessed value calculated on a square foot basis.” It does not define what “abutting” means, nor does it specify how differing per-square-foot assessments are to be reconciled. As a result, which properties staff select as abutting and how the values are calculated can make significant differences in the ultimate price of the ROW.

I have interpreted “abutting” to mean property that directly touches the ROW to be abandoned, but also including property across an intersection from the ROW to be abandoned.

I reconcile differing assessments of abutting parcels by taking a simple average of the per-square-foot assessed land values. But this does not take into account the size of the parcel, so the assessed value of a large parcel has the same weight as the assessed value of a small parcel.

Analysis

The purpose of abandoning ROW is to optimize the use of land by transferring from the public to a private owner. Buena Vista possesses a large number of undeveloped streets and alleys which are unlikely to ever be developed for public use, and which can be better used by adjacent property owners. However, the paper streets and alleys are also valuable assets that the City should only relinquish after careful consideration of future usefulness—once a street or alley is abandoned, repurchasing would be prohibitively expensive.

With this in mind, the City should not give away ROW for free, but the price should be reasonable enough that adjacent owners are willing to purchase if they desire. Additionally, the process should be simple and fair. The current formula has too much ambiguity and results in widely varying prices that do not clearly align with the actual value of the land.

Recommendation

Staff propose a flat price of \$0.75 per square foot of ROW to be abandoned. This number was selected as within the range of assessed land values of parcels within the City, but lower than most abandonment requests calculate to. Examples below.

At their March 2022 meeting, the Planning Commission discussed this proposal and recommended approval of the new flat rate of \$0.75 per square foot.

Street adjacent to 3012 Aspen Ave

MAPNUM	LANDVALUE	SQ FT	OLD PER SQ FT	NEW FORMULA
18- 1- 6- 9- 1	\$28,000.00	18750	\$1.49	
18- 1- 6- 9- 13	\$8,500.00	6250	\$1.36	
18- 1- 5-19- 1	\$6,500.00	17648	\$0.37	
18- 1- 8-66- C	\$255,000.00	268329.6	\$0.95	
		AVERAGE	\$1.04	\$0.75
	FULL ST	5679.75	\$5,923.94	\$4,259.81
	HALF ST	2839.875	\$2,961.97	\$2,129.91

Alley behind 150 Larch Ave

MAPNUM	LANDVALUE	Area	PPSF	
58- 1- 1-46- 1	\$24,000.00	12500	\$1.92	
58- 1- 1-46- 3	\$24,000.00	12500	\$1.92	
58- 1- 1-46- 9	\$10,000.00	12500	\$0.80	
57- A- - - 4C	\$18,300.00	467660.16	\$0.04	
		Average	\$1.17	\$0.75
		1500	\$1,755.00	\$1,125.00

Alley in 2400 block of Ash

MAPNUM	LANDVALUE	Area	PPSF	
		\$		
36- 1- 4-52- 1	\$37,500.00	12,500.00	\$0.29	
		\$		
36- 1- 4-52- 4	\$12,500.00	2,000.00	\$0.29	
		Average	\$0.29	\$0.75
		3000	\$870.00	\$2,250.00

Adjacent to 2614 Hawthorne Ave

29- 1- -58- 9A	\$2,500.00	2025	\$1.23	
29- 1- -58- 9	\$28,000.00	13250	\$2.11	
28- 1- 4- A- 7	\$37,000.00	20000	\$1.85	
29- 1- 4- A- 8	\$32,500.00	17750	\$1.83	
28- 7- 4- A- 5	\$37,000.00	48645	\$0.76	
		Average	\$1.56	\$0.75
		1950	\$3,037.86	\$1,462.50

Mr. Roberts said that he recently found out you cannot vacate half a street.

Councilman Coffey wanted to know what the cost would be with the new formula on the request that we got last week that originally cost \$11,000.00.

Mr. Tyree said the new cost would be approximately \$6,000.00 to vacate the whole street.

Mr. Roberts said if the prices are so high that people do not want to have them as real estate it is a little counterproductive. He said we want this to be in places where it is appropriate and places where we are generally not going to use that right of way anytime in the future. We want to be able to sale the right of way at a reasonable price to the adjacent owner. It will add to the value of their property, and it will be on the tax roll.

Mr. Tyree opined we need to keep this as easy as we can for our residents. Most people don't deal with things like this so when they look it up and they have some money to spend, and they want to expand their backyard or whatever it will increase our tax roll. He said they are not looking for a vote only a nod on whether Council oks this. If you do, we will have to have a public hearing.

Mr. Kearney said to make sure to add to it that it needs to be reviewed every five years.

Council gave the nod for Tom to go ahead with this new formula for vacated City right of ways.

NB #5: DISCUSS ZONING FEE REVISIONS:

Mr. Tyree said this will be more simplified for citizens. Everyone should be able to understand the fees.

Mr. Roberts gave the following report:

PLANNING COMMISSION Staff Report
Proposed Zoning Fee Revisions
3/11/2022

Synopsis

Drastically simplify zoning fee schedule and add fee for Short Term Rental registration.

Analysis

Adopting a new ordinance providing for registration of short-term rentals (STR) in the City prompted review of the current zoning fee schedule in order to add a fee for STR registration. This fee schedule was last revised in 2018 in an effort to right-size fees for Buena Vista. It was successful in that, but after four years it is clear that the schedule is unnecessarily complicated. Below is a summary of changes:

- Most fee changes are to standardize fee amounts across permit types. This simplifies permitting for both the applicant and for staff.
- Fee for Zoning Verification for Business License reduced from \$15 to \$10 to reduce the cost of starting a business.
- Reduces or eliminates fees for certain unusual development approvals (CUP renewal, site plan fee for large projects, amendment to proffers, major subdivision plat/plan of development).
- Adds fee of \$30 for registration of a short-term rental unit.

The fiscal impact of these changes is expected to be minimal. In 2021, total zoning permit fees were \$1,650.00. Under the proposed fee schedule, that total would have been \$1,400.00, a loss of only \$250. The majority of this difference is business zoning verification permits, which are the most frequently issued permits.

At their March 2022 meeting, the Planning Commission discussed this proposal and voted to recommend approval as presented.



Planning and Zoning Fee Schedule
Adopted 1 February 2018
DRAFT REVISIONS 2022

Action	Definition	Old Fee	New
Zoning Permit (Single-Family Residential)	Permit certifying that proposed single-family residential construction complies with zoning regulations	\$40	\$30

Zoning Permit (Single-Family Residential Addition)	Permit certifying that proposed single-family residential addition or modification complies with zoning regulations	\$30	\$30
Zoning Permit (Accessory Structure less than 200 square feet)	Permit certifying that proposed structure, less than 200 square feet, accessory to a residential structure complies with zoning regulations	\$20	\$30
Zoning Permit (Accessory Structure greater than 200 square feet)	Permit certifying that proposed structure, greater than 200 square feet, accessory to a residential structure complies with zoning regulations	\$30	\$30
Zoning Construction Permit (All Nonresidential Uses/Zones)	Permit certifying that proposed construction or modification of a non-residential or multifamily use complies with zoning regulations	\$100	\$30
Zoning Compliance/Business Use Permit (No exterior construction)	Permit certifying that a proposed business or non-residential use is a permitted use at the specified location	\$15	\$10
Home Occupation Permit (Including Business Use Permit)	Permit certifying that a proposed business may be conducted within a specific dwelling unit, and outlining permitted operational details	\$15	\$10
Sign Permit	Permit to erect or modify a permanent sign	\$30	same
Temporary Sign/Banner Permit	Permit to erect a temporary sign	\$30	same
Zoning Modification/Subdivision Exception	Issuance of a Modification of provisions of zoning regulations by ZA (in accordance with state law), or an exception to subdivision regulations, in accordance with law	\$125	\$30
Rezoning Application (Upzoning to more intense use)	Zoning map amendment application to more intense use	\$325 +\$25 per acre or portion thereof	same
Rezoning Application (All other rezonings)	Zoning map amendment to less intense use	\$325 +\$25 per acre or portion thereof	same
Conditional Use Permit	Application for a conditional use, to be approved by Planning Commission and City Council	\$300	same
Conditional Use Permit Renewal	Renewal of CUP when property ownership changes or other cases (see §802.03-11)	\$25	n/a
Certificate of Appropriateness	COA for most construction activity within the Seminary Hill Historic District.	\$100 + Permit fee for action	\$100

Sign Certificate of Appropriateness	COA for any sign erected or modified within the Seminary Hill Historic District.	\$25 + Sign permit fee	[include in sign permit]
Variance Application (Single Family Residence)	Application for Variance from zoning requirements, in accordance with state law	\$300	same
Variance Application (All others)	Application for Variance from zoning requirements, in accordance with state law	\$300	same
Zoning Appeal	Appeal of determination of Zoning Administrator or Planning Commission	\$300	same
Amendment to Proffers	Amendments to items proffered by developer at time of development approval	\$625	\$30
Site Plan Review	Review by staff and/or Planning Commission of site plan for most non-residential and multifamily projects. Tiers based on the total project's land disturbance. Tier 1 >10,000 square feet Tier 2 Between 1,000 and 10,000 square feet Tier 3 < 1,000 square feet Review by staff and/or Planning Commission of site plan for most non-residential and multifamily projects. Tiers based on the total project's land disturbance. Tier 1 >1,000 square feet Tier 2 < 1,000 square feet	Tier 1 \$600 Tier 2 \$300 Tier 3 \$100	Tier 1 \$300 Tier 2 \$100
Changes to Approved Site Plan/Resubmittal	Substantive changes to a site plan after it has been approved by staff and/or Planning Commission	\$100	\$30
Major Subdivision Plat (Preliminary)-or PUD Plan of Development		\$100 + \$100/lot	\$100 + \$25/lot
Major Subdivision Plat (Final)		\$100 + \$25/lot	same
Minor/Family Subdivision Plat		\$100 + \$25/lot	same
Vacation of Public Right of Way (Street/Alley)	Application for the City to vacate a portion of its right-of-way and sell to adjacent property owner.	\$100	\$30
Approval of plat, boundary adjustment, or line vacation	Various functions of planner in approving plats and surveys.	\$0/no fee	Same
Short Term Rental (STR) Registration			\$30
Bond/Letter of Credit Release		\$150	\$30
Printed Maps,	Any color, up to 11" x 17", fewer than 20 sheets per requestor per year	Free	Same

Printed Maps,	Any color, up to 11" x 17", greater than 20 sheets per requestor per year	\$0.50 per sheet	Same
Printed Comprehensive Plan		\$20	Same
Digital GIS Shapefile – Existing layer/coverage	Existing layer or coverage that does not require edits or changes to features or attributes	Free	Same
Digital GIS Shapefile – Creation of new layer/coverage	Creation of new layer or coverage, or delivery that requires edits or changes to features or attributes of existing layer or coverage	\$50/shap efile	Same

Council gave Mr. Roberts the ok to pursue these zoning fee revisions.

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Councilman Henson advised that Mr. Tyree has been here a year on March 15, 2022.

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

Dawn Wheeler
Clerk of Council

William H. Fitzgerald, Mayor