

**CITY OF BUENA VISTA  
PUBLIC HEARING AND REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
JUNE 16, 2022, 6:00 P.M.**

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

**MEMBERS ABSENT:** Councilman Cooper

**\*\*\*CITY ATTORNEY BRIAN KEARNEY WAS NOT IN ATTENDANCE.  
MR. WAYNE HESLEP SIT IN FOR MR. KEARNEY\*\*\***

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

Councilman Coffey delivered the opening prayer.

**ADG #2:            PUBLIC HEARING:  
BUENA VISTA CITY COUNCIL  
PUBLIC HEARING  
JUNE 16<sup>th</sup> 2022**

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 of the City of Buena Vista will hold a public hearing to receive comment on the following matters.

Mr. Tom Roberts opened the discussion on the following items:

**1) Revised request to abandon portion of 6th Street between Woodland Ave and Magnolia Ave:**

Mr. Roberts started the discussion by reading the text of the requested Ordinance. He advised this Ordinance was looked at in March and Council tabled it until he could get the pricing formula updated. Mr. Joe Gearhart is going to purchase the whole width of the street. When we vacate a street, one-half goes to each adjacent property owner. He has a signed letter of consent for Joe Gearhart to pay for the whole street in the amount of \$4,687.50.

Mr. Tyree wanted to know if this would increase the tax revenue.

Mr. Roberts said he did not calculate the tax but feels the tax is less than \$50.00 per year.

Councilman Webb opined that vacated and abandoned property does not have much value.

Mr. Todd Jones was then presented with a picture of the City as a retirement gift. He has served the City by being on many boards, Council and also Mayor of Buena Vista.

**2) Request to abandon portion of 26<sup>th</sup> Street between Hawthorne Ave and Cedar Ave:**

Mr. Roberts read the text of the Ordinance. He said that Council has seen this before. In 2019 Michael Ohliger requested abandonment of a portion of 26<sup>th</sup> Street between Hawthorne and Cedar Avenue 65 feet into the woods. Mr. Ohliger did not proceed with the request because we cannot abandon half of a street and the price was too high. Coretta Thurman applied to purchase half of the street which sixty-five feet long and sixty feet wide. The price is \$2925.00. The City would never build a street there.

Vice-Mayor Hickman wanted to know if both Ms. Thurman and Mr. Ohliger were going to purchase the abandoned street.

Mr. Roberts said that one-half will be purchased by Ms. Thurman and one-half will be purchased by Mr. Ohliger.

**3) Conditional Use Permit for two-family dwelling at 2519 Sycamore Ave:**

Mr. Roberts read the text of the Ordinance. He advised that the Planning Commission looked at the Ordinance during the public hearing on Tuesday and recommended approval of the Conditional Use Permit. It is a two-story white building that will hold more than a single family. Both the first and second floor are 2,000 square feet each. Not many changes need to be made to the property. The site plan has off street parking: at the rear of the property, it is fifty feet by thirty feet deep: pull off alley to park cars. It has five off street parking spaces. There will be three parking spaces on the street in front of the building.

Councilman Coffey wanted to know if there were two different entrances and exits out of the building.

Mr. Roberts said there are two different entrances and exits out of the building. He has had multiple discussions with the owners and advised them that no more than four unrelated people can occupy the building. There can be two related people and two unrelated people.

Councilman Coffey opined that students all over town are parking all over in the property owner's parking places. People complain about parking on 29<sup>th</sup> Street.

Vice-Mayor Hickman said the streets are public and we need to cut down on the number of unrelated people in a dwelling.

Councilman Coffey advised that Becky and John Fairchild cannot open their mailbox because there are at least eight cars parked on the street. At least five of the vehicles have Utah license plates.

Vice-Mayor Hickman opined we need to do something about the parking situation in town.

Mr. Roberts said there will be 5 off street parking places for this unit.

Mayor Fitzgerald said maybe more parking spaces could be put in the back of the building.

Mr. Roberts opined there are a lot of duplexes in the City without parking problems.

Vice-Mayor Hickman said that the duplexes are not the problem it is the single-family houses that are the problem.

**4) Zoning Text Amendment – Drive-through facilities in Seminary Hill District:**

Mr. Roberts read the text of the Ordinance and said that drive-through facilities are prohibited from 29<sup>th</sup> Street east of Beech Avenue. They need a conditional use permit in order to have drive-through facilities.

**~~5) Conditional Use Permit for drive-through facility at 2522 Beech Ave~~  
~~WITHDRAWN~~**

**6) Approval of transportation chapter of the Comprehensive Plan:**

Mr. Roberts started the discussion by advising Council that the Planning Commission is taking the Comprehensive Plan chapter by chapter and they have done all the work on the Comprehensive Plan. This has been okayed by VDOT. The regular housing study will last about 2 years. The housing study will have to be adopted. This recommendation is not exclusive and can always have items added to it.

Some of the projects listed are as follows:

- 1.) A study of the area around Food Lion
- 2.) Forge Road – this is a high area of accidents

**The Public Hearing will be held in Council Chambers, City Hall, 2039 Sycamore Ave, Buena Vista VA 24416. The meeting begins at 6:00 PM on Thursday, June 16<sup>th</sup>, 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](mailto:troberts@bvcity.org) or [buenavistava.org/planning](http://buenavistava.org/planning).**

**ADG #3: APPROVAL OF THE AGENDA:**

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

**ADG #4: APPROVAL OF THE MINUTES FROM THE MAY 19, 2022, REGULAR COUNCIL MEETING AND EXECUTIVE SESSION: AND EXECUTIVE SESSION HELD ON JUNE 2, 2022:**

Councilman Coffey made motion to approve the above-mentioned minutes, seconded by Councilman Staton, carried by Council.

**ADG #5: RECOGNITION/COMMUNICATION FROM VISITORS: Citizens who desire to speak to Council will be recognized at this time. Please limit your statement to three(3) minutes.**

No one spoke.

**ADG #6: REPORTS:**

**1.) Mayor:**

None.

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

Mr. Tyree advised there will be another Budget/Finance meeting on July 12, 2022, They will discuss the need of the ARCA funds. We have re-scheduled the joint Council and School Board meeting until August 11, 2022. He has met with Brian, DJ, and Hunter but have not heard back from DEQ for the WWTP. We are getting the RFP ready for the design work.

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

None.

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

Vice-Mayor Hickman advised there was a meeting with National Pools concerning the pool at GMP. She said that some recommendations were made, and we are obtaining quotes on some of them. She said some of the ideas were very good and we will do as much as we can to benefit the community. There will be more information shared later on. Vice-Mayor Hickman opined that the work should be done this fall so the pool can be opened next summer. She said they have discussed a diving board, a water slide, and a lot of different things.

Councilman Henson advised there are four dead trees on private property and wanted to know what the City can do to protect the citizens during storms or other acts of nature.

Mr. Tyree said we do have a nuisance code which Alan McMahon deems whether there are health or safety issues. We have to go by the State code, not the City's. He said the City can trim trees on private property.

Councilman Webb advised that Dominion Power can also trim trees on private property.

Councilman Henson opined we need to be pro-active.

Mr. Tyree advised we would have to go to the General Assembly to get the State code changed.

Councilman Henson said they have been busy working with the Public Works/Safety and Parks/Recreation Committees. They have been campaigning for playground equipment. He said that Mr. Roberts and Ms. Ramsey are working on the electric and the material for repairs that has a 14-week delivery time.

Mayor Fitzgerald said if we put the order in for the material now it will still take 14 weeks to get it here.

Councilman Henson opined we should advertise for the lower part of the campground since it not an emergency to have things repaired there.

Mr. Tyree said that due to recent issues in the last week we have asked Rouche Electric to come back and reassess the bottom campground.

Councilman Webb wanted to know if we are going to install water.

Mr. Tyree said that water will be installed but does not know if sewer will be put in. It will depend on the cost. Mr. Henson is working on getting quotes.

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

**THE BOARD OF ZONING APPEALS:**

**WE HAVE AN OPENING ON THE BOARD OF ZONING APPEALS. THIS TERM WILL EXPIRE ON 12/31/23. THIS IS THE 6TH 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 Council meeting.

**OLD BUSINESS:**

**NONE:**

**NEW BUSINESS:**

**NB #1: FIRST READING OF AN ORDINANCE REVISING A REQUEST TO ABANDON PORTION OF 6<sup>TH</sup> STREET BETWEEN WOODLAND AVENUE AND MAGNOLIA AVENUE:**

Mr. Tom Roberts read the following Ordinance:

**ORDINANCE**

**ABANDONMENT OF PUBLIC RIGHT OF WAY  
6<sup>TH</sup> STREET BETWEEN MAGNOLIA AVENUE AND  
WOODLAND 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:

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Dawn Wheeler, Clerk of Council

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Date:

**NB #2: FIRST READING OF AN ORDINANCE TO ABANDON  
PORTION OF 26<sup>TH</sup> STREET BETWEEN HAWTHORNE AVENUE AND  
CEDAR AVENUE:**

Mr. Tom Roberts read the following Ordinance:

**ORDINANCE**  
**ABANDONMENT OF PUBLIC RIGHT OF WAY**  
**26<sup>TH</sup> 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.

\_\_\_\_\_  
William Fitzgerald, Mayor

ATTEST:

\_\_\_\_\_  
Dawn Wheeler, Clerk of Council

\_\_\_\_\_  
Date:

**NB #3: FIRST READING OF AN ORDINANCE FOR A CONDITIONAL USE PERMIT FOR TWO-FAMILY DWELLING AT 2519 SYCAMORE AVENUE:**

Mr. Tom Roberts read the following Ordinance:

**ORDINANCE**  
**CONDITIONAL USE PERMIT**  
**2519 SYCAMORE AVENUE**  
**ORDINANCE TEXT**

**BE IT ORDAINED** BY THE COUNCIL OF THE CITY OF BUENA VISTA, VIRGINIA, that after a duly called public hearing, in accordance with the general welfare of the citizens of Buena Vista and in accordance with good zoning practices, pursuant to Section 603.03-8 of the Land Development Regulations, a Conditional Use Permit shall be issued for the purpose of renovating and existing building to be a two-family dwelling in conformance with the staff report and site plan attached as Exhibit A on the property at 2519 Sycamore Avenue, Tax Map number 27-1-5-26-21.

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:

**NB #4: FIRST READING OF AN ORDINANCE FOR A ZONING TEXT AMENDMENT – DRIVE-THROUGH FACILITIES IN SEMINARY HILL DISTRICT:**

Mr. Tom Roberts read the following Ordinance:

**ORDINANCE**  
**ZONING TEXT AMENDMENT**  
**ORDINANCE TEXT**  
**615 SEMINARY HILL DISTRICT-**  
**DRIVE THROUGH FACILITIES**

**AN ORDINANCE** to amend Section 615 Seminary Hill District of the Land Development Regulations of the Code of the City of Buena Vista, as amended, for the purpose of allowing drive-through facilities as a conditional use.

**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 615 of the Land Development Regulations of the City of Buena Vista is hereby amended as follows in the attached Exhibit A.

**BE IT ALSO ORDAINED** that Article 3 Definitions of Terms Used in This Ordinance is hereby amended as follows in the attached Exhibit A.

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

\_\_\_\_\_  
William Fitzgerald, Mayor

ATTEST:

\_\_\_\_\_  
Dawn Wheeler, Clerk of Council

\_\_\_\_\_  
Date:



**NB #5: ~~FIRST READING OF AN ORDINANCE FOR A CONDITIONAL USE PERMIT FOR DRIVE-THROUGH FACILITY AT 2522 BEECH AVENUE:~~**

**NB #6: RESOLUTION FOR APPROVAL OF TRANSPORTATION CHAPTER OF THE COMPREHENSIVE PLAN:**

Ms. Wheeler read the following Resolution:

**RESOLUTION – R22-11**  
**ADOPTION OF TRANSPORTATION**  
**CHAPTER OF COMPREHENSIVE PLAN**

**WHEREAS**, pursuant to § 15.2-2223 of the Code of Virginia, a local planning commission must adopt a comprehensive plan for the territory under its jurisdiction; and

**WHEREAS**, pursuant to § 15.2-2223 Paragraph B, such plan must include a transportation plan: and

**WHEREAS**, the Central Shenandoah Planning District Commission has worked with City staff to author a transportation plan for inclusion in the City’s Comprehensive Plan; and

**WHEREAS**, the Virginia Department of Transportation has reviewed the draft transportation chapter of the City’s Comprehensive Plan and approved its conformance with applicable requirements by letter dated January 31<sup>st</sup>, 2022; and

**WHEREAS**, the Planning Commission of the City of Buena Vista reviewed the draft transportation chapter of the City’s Comprehensive Plan and recommend its approval by City Council at the Commission’s April 12<sup>th</sup>, 2022, meeting.

**THEREFORE, BE IT RESOLVED** by the City Council of Buena Vista that the transportation chapter of the City’s Comprehensive Plan in the attached Exhibit A is hereby adopted.

\_\_\_\_\_  
William Fitzgerald, Mayor

ATTEST:  
  
\_\_\_\_\_  
Dawn Wheeler, Clerk of Council

\_\_\_\_\_  
Date:

Councilman Henson made motion to approve the above-mentioned Resolution, seconded by Councilman Coffey, carried by Council.

**NB #7: RESOLUTIONS FOR APPROVAL OF SMART SCALE APPLICATIONS:**

Mr. Tom Roberts read the following Resolutions:

**RESOLUTION – R22-09**  
**RESOLUTION FOR BUENA VISTA**  
**SMART SCALE APPLICATION 9140 (A)**

**WHEREAS** the Smart Scale program through the Virginia Department of Transportation provides funding to localities for transportation infrastructure projects; and

**WHEREAS** the City of Buena Vista amended its Comprehensive Plan on July 19<sup>th</sup>, 2018, to designate an Urban Development Area within the City of Buena Vista, making the City eligible to receive funds through the Smart Scale program; and

**WHEREAS** there exists a critical need for repair, improvement, and expansion of the City’s pedestrian infrastructure, such as crosswalks and sidewalks, to protect the health and safety of residents and visitors; and

**WHEREAS** the Smart Scale program will provide up to 100 percent of eligible project costs on a reimbursement basis; and

**WHEREAS** a Resolution of Support is required to be submitted with a Smart Scale program project application.

**NOW THEREFORE BE IT RESOLVED** by the Council of the City of Buena Vista that the Rockbridge Avenue Sidewalk & Intersection Improvements project as proposed for submission to the Fiscal Year 2024 Smart Scale program furthers the goals of the Comprehensive Plan and supports the general safety and welfare of the citizens of Buena Vista.

**AND BE IT FURTHER RESOLVED** that the City Manager or his designee is hereby authorized to cause such information or materials as may be necessary to be provided to the Virginia Department of Transportation and to enter into such agreements that may be necessary to permit formulation, approval, and funding the Rockbridge Avenue Sidewalk & Intersection Improvements project through the Smart Scale program.

**AND BE IT FURTHER RESOLVED** that the City of Buena Vista hereby agrees to accept all maintenance responsibilities for the permanent infrastructure constructed as part of this project, and to keep this facility reasonably open for public use for the expected useful life of the project.

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William Fitzgerald, Mayor

ATTEST:

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Dawn Wheeler, Clerk of Council

\_\_\_\_\_  
Date:

**RESOLUTION – R22-10**  
**FOR BUENA VISTA SMART SCALE**  
**APPLICATION 9141 (B)**

Mr. Tom Roberts read the following Resolution:

**WHEREAS** the Smart Scale program through the Virginia Department of Transportation provides funding to localities for transportation infrastructure projects; and

**WHEREAS** the City of Buena Vista amended its Comprehensive Plan on July 19<sup>th</sup>, 2018, to designate an Urban Development Area within the City of Buena Vista, making the City eligible to receive funds through the Smart Scale program; and

**WHEREAS** there exists a critical need for repair, improvement, and expansion of the City’s pedestrian infrastructure, such as crosswalks and sidewalks, to protect the health and safety of residents and visitors; and

**WHEREAS** the Smart Scale program will provide up to 100 percent of eligible project costs on a reimbursement basis; and

**WHEREAS** a Resolution of Support is required to be submitted with a Smart Scale program project application.

**NOW THEREFORE BE IT RESOLVED** by the Council of the City of Buena Vista that the Rt 60/Rt 501 Pedestrian Improvements project as proposed for submission to the Fiscal Year 2024 Smart Scale program furthers the goals of the Comprehensive Plan and supports the general safety and welfare of the citizens of Buena Vista.

**AND BE IT FURTHER RESOLVED** that the City Manager or his designee is hereby authorized to cause such information or materials as may be necessary to be provided to the Virginia Department of Transportation and to enter into such agreements that may be necessary to permit formulation, approval, and funding the Rt 60/Rt 501 Pedestrian Improvements project through the Smart Scale program.

**AND BE IT FURTHER RESOLVED** that the City of Buena Vista hereby agrees to accept all maintenance responsibilities for the permanent infrastructure constructed as part of this project, and to keep this facility reasonably open for public use for the expected useful life of the project.

\_\_\_\_\_  
William Fitzgerald, Mayor

ATTEST:

\_\_\_\_\_  
Dawn Wheeler, Clerk of Council

Date:

Councilman Webb made motion to approve both of the above Resolutions, seconded by Councilman Coffey, carried by Council.

Mr. Roberts advised that neither of the Resolutions will cost the City any funds.

**ADJOURN:**

There being no further business, Mayor Fitzgerald adjourned the meeting.

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William H. Fitzgerald

Mayor

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Dawn M. Wheeler

Clerk of Council