



City of Buena Vista City Council Regular Council Meeting

October 17, 2024, 6:00 PM
Council Chambers – 2039 Sycamore Avenue

The City Council for the City of Buena Vista met for a Regular Council Meeting on Thursday, October 17, 2024, at 6:00 p.m.

Members Present:

Mayor Tyson Cooper	
Vice-Mayor Danny Staton	Steve Webb
Michelle Poluikis	Todd Jones
Melvin Henson	Ronald Cash

Members Absent: None

ADG #1: CALL TO ORDER, PLEDGE OF ALLEGIANCE, & PRAYER

Mayor Cooper called the meeting to order, and Councilwoman Poluikis delivered the opening prayer.

ADG #2: APPROVAL OF THE AGENDA

Councilman Webb moved to approve the agenda, seconded by Councilman Jones, and carried by Council.

ADG #3: APPROVAL OF MINUTES FROM THE OCTOBER 3, 2024, REGULAR COUNCIL MEETING

Motion to approve the minutes was made by Councilman Webb, seconded by Councilwoman Poluikis, and carried by Council.

ADG #4: RECOGNITION/COMMUNICATION FROM VISITORS

None.

ADG #5: REPORTS

1. Mayor

Mayor Cooper spoke about attending the annual Virginia Municipal League conference. He was also able to do an interview with W&L's Rockbridge Report, attend Mountain Day, and a few Parry McCluer football games.

2. City Manager

Mr. Tyree also spoke about the VML conference, noting one takeaway regarding PFAS, which are "forever chemicals" that are in the water system. There was a recent \$12M nationwide settlement through Dupont that we will be eligible for. This will involve approval of a resolution much the same way as the opioid settlement money was handled. Any money we receive from this settlement will be used to help treat any issues we may have with the water system.

3. City Attorney

None.

4. Council Committees / Members

a. Budget & Finance

They will be holding a meeting on October 29th to begin discussions the budget schedule for FY 2026.

b. Outdoor Spaces

They will be having a meeting on November 9th to discuss some of the areas in the City that have been taken for granted.

c. School Facilities

Mrs. Poluikis reported that the committee has selected Environmental Systems Group to conduct the feasibility study to assess the needs of the school at no cost to the city or the schools. They are estimated to complete the study in February.

5. Department Heads / Constitutional Officers / Court Clerks

Kristina Ramsey – Economic Development

Miss Ramsey first discussed the Child Care Town Hall that is taking place tomorrow, October 18th. This is an opportunity to share the results of the recent childcare survey and hear from the community on some of those childcare needs. The meeting will be held at the MGCC Rockbridge Regional Center.

The tourism office has released an RFP for a strategic plan and a marketing plan, which has not been done in about 20 years. She also mentioned that the Buena Vista Visitor's Center will be relocating to the Virginia Innovation Accelerator and is slated to be completed by the spring. This decision will hopefully bring more visitors into downtown. With the café space, the retail components, restrooms, etc. already in the VIA and being right off the Riverwalk, it felt like the most natural location.

She also spoke about the recent Town Square build weekend where the Timber Framers built and installed the stage cover. She thanked everyone in the community who was involved, donated meals, helped serve them, contributed financially, etc. They are waiting to have the tie downs installed before installing the roof. She said that the remaining elements to be completed are the entry plaza, the bathroom, and a screen wall to block the carport behind the stage; she estimates roughly \$100,000 to be completely finished. We also received one \$10,000 donation for the "forge your legacy" fundraiser which covered the city's cost to construct the stage cover. This donation came from the owner of Bontex in memory of Grover Clark, who maintained the property for them from the time it closed until the time he passed away. Grover's daughter will get to work with Ian Hart, who does the forging for the timber framers, in the next couple of weeks to actually help forge those elements that will be included, which will also include a sign with the Bontex logo and "in memory of Grover Clark."

The owner of Bontex is based in Taiwan, so it took several years to make contact with him, but in 2022, they did make contact and since then, things have really moved along. They have had two site visits where he has come to town. He has opened a bank account in Buena Vista, donated towards the Town Square, and has shown a clear commitment to doing something with

the site. While he does not intend to sell it, he does want to partner with a developer. This year, Bontex was registered on the state and national historic registers. They have recently received a technical assistance grant from the Virginia Department of Environmental Quality, up to \$200,000, to do some of the initial due diligence work, site assessment, and planning for the project. That includes phase one, environmental assessment, and phase two, a risk assessment evaluation, market study, site conceptual and reuse planning. That includes historic resource considerations, conditions, assessments, funding, resource map, and a lot more. The grant does not require any matching funds from the city or the property owner, so it is \$200,000 worth of technical assistance work from the state for this project. This will tell us what we need to do to get the site remediated and what the next steps for the city will be such as zoning, that will need to be done for it to be redeveloped for something other than industrial and make the project more ready and more attractive to a potential developer. The timeline for completion of this work is January/February 2025.

6. Invited Community Organizations

None.

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

None.

OLD BUSINESS

OB #1: SECOND READING OF AN ORDINANCE TO ABANDON 200-FEET OF ALLEYWAY IN EAST 31ST STREET FOR THE PURPOSE OF ESTABLISHING A PRIVATE STREET

Calvin Smith, 171 East 31st Street, who owns the only home at the end of the alley in question, again brought up his concerns about the process that was followed for this abandonment. He stated that he had a conversation with Mr. Whetstone who told him that he had no intention of buying the alley until Mr. Roberts had suggested it to him.

Councilman Henson addressed some concerns regarding crosswalk safety in that area as well as the location of the nearest fire hydrant and requested that there be a condition added to the ordinance to require the developer to install a fire hydrant on-site.

Councilman Cash suggested developing 32nd Street as an alternative to closing this alley in order to develop the private road. He said that instead of boxing ourselves in with all of these private roads, he feels that we should look at using the streets that were originally laid out for the City. Councilman Jones responded that Buena Vista was a planned city and the original plat that was done was fairly unique and is now almost entirely built out; at least all the accessible properties have been built out. He noted how some of the City streets are laid out having to go up hills and at angles to access certain ones. Councilman Jones also said that there was very little building going on over a period of time because most of the accessible grid lots were unbuildable in terms of putting regular streets in because they were too expensive. But what we have now are private developers willing to put in the money to put in infrastructure. This project in particular is adding \$2M to our tax base which helps everyone in town. As far as developing 32nd Street for this project, he stated that the cost of doing that is just too much and the City isn't going to do it, and we can't ask a developer to build a street with that much added cost.

Councilman Jones added that as far as Mr. Smith’s house is concerned, it wouldn’t be allowed to be built today because it doesn’t front on an open street. This private road is actually improving Mr. Smith’s situation as his only access right now is an unopened, unmaintained alley that is only in use because that house has been grandfathered in. Mr. Kearney also pointed out that the road itself will be brought up to a higher standard than what is currently there, and it will be bonded; so we know that it will be finished because there will be a bond to make sure that it’s done. There will be a permanent 24-foot easement to Mr. Smith’s property versus the current 15-foot alleyway, so it would be increasing the size, and it would be a better road. The road will have to be brought up to VDOT standards for a private road. Also, there will never be a time when Mr. Smith does not have an access easement.

Mr. Roberts addressed some of the concerns that had been brought up. The whole reason that we are talking about creating this private street is the regulation that development must have frontage on a private or public street. While one side of Mr. Whetstone’s development would have some street frontage, the other side, closer to Mr. Smith’s house does not have street frontage. So, in order for Mr. Whetstone to build the development that he proposes, on the south side of the alley in particular, he needed to have an open street that the buildings would be fronting on. Mr. Roberts stated that the fire hydrant concern is a valid point and something that we can add.

Councilman Jones moved to adopt the ordinance with the condition to include a fire hydrant on the site. Councilman Webb seconded the motion, and Ms. Burch completed a roll call vote of Council as follows:

Member	Present	Absent	Yes	No	Abstain
Councilmember Henson		X			
Councilmember Poluikis	X		X		
Councilmember Webb	X		X		
Councilmember Coffey	X		X		
Councilmember Cash	X		X		
Vice-Mayor Staton	X		X		
Mayor Cooper		X			

The Ordinance was **approved** by a vote of 5-2. The approved Ordinance, as revised, is as follows:

**Abandonment of Public Right-of-Way
Portion of Alley in Block 21, Section 6**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BUENA VISTA, VIRGINIA, that in accordance with Section 15.2-2006 through 2008 of the Code of Virginia, as amended, that the public right-of-way described in “Exhibit A” and “Exhibit B” attached hereto (the “Property”), shall be vacated and abandoned upon receipt of the consideration noted in “Exhibit A”.

As this requested vacation of an alleyway is to accommodate the development of a new multifamily housing development in the City, in accordance with Section 15.2-2006 of the 1950 Code of Virginia, as amended, the City Council places the following conditions on the vacation of the alleyway:

1. The project will be developed substantially in accordance with the site plan dated August 29th 2024 and approved by the Planning Commission for the City on September 10th 2024.

2. The construction of a private street must begin by March 1st 2025 and must be completed by December 31st 2025.
3. The developer shall maintain during all construction activity a means of access for residents and guests of the property at 171 East 31st Street at least twelve (12) feet free of obstructions and in a condition equivalent to the existing alley.
4. The developer shall convey, prior to recordation of the abandonment, a right-of-way over the full width of the twenty-four (24) foot wide travel way of the new private street as shown on the site plan to all parcels which have frontage on the alley within this block, specifically the parcels identified as 18-1-6-23-1 and 19-1-6-21-19 and any future child parcels with frontage on this alley that may result from subdivision.
5. The developer shall install a fire hydrant within the public right-of-way during construction.
6. The developer and his successors shall be responsible in perpetuity for maintenance of the private street shown on the aforementioned site plan in a condition equal or better than the existing alley.
7. 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; gas lines; and garbage pick-up.
8. If the developer fails to comply with the conditions contained in 1 through 4 within the timeframe outlined above, then this vacation of the alleyway shall be void and the alleyway shall again revert to and be owned by the City.

The City agrees to sign off on a recordable document acknowledging the completion of the conditions outlined in 1 through 5 above once the developer has completed the conditions to the City's satisfaction and presents such a statement to the City for acknowledgment at its cost.

Nothing in this agreement shall prevent the developer or his successors from dedicating the private street to the City in the future with approval of City staff and City Council. Acceptance of the street as a public street or alley shall extinguish all conditions listed above.

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 after adoption.

Tyson T. Cooper, Mayor

Attest:

Sarah M. Burch, Clerk of Council

Date of Adoption

NEW BUSINESS

None.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Sarah M. Burch, Clerk of Council

Tyson T. Cooper, Mayor