



City of Buena Vista City Council Regular Council Meeting & Public Hearing

June 20, 2024, Immediately Following the PSA Meeting
Council Chambers – 2039 Sycamore Avenue

The City Council for the City of Buena Vista met for a Regular Council Meeting & Public Hearing on Thursday, June 20, 2024, following a meeting of the Buena Vista PSA.

Members Present:

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

Members Absent: Melvin Henson

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

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

ADG #2: BUENA VISTA CITY COUNCL PUBLIC HEARING

Mayor Cooper opened the Public Hearing.

Zoning Map Amendments to rezone 962 Linden Avenue from R3 Residential Limited to MU Mixed Use and to rezone 982 Linden Avenue from MB Mixed Business to MU Mixed Use

Tom Roberts gave a brief overview of the request. 982 Linden Avenue is Barger's Customer Cabinets, and they also own the house at 962 Linden which they rent out. They want to expand their business by building at 5,100 sq. ft. building in the back yard of the house. Currently, their lot is the only one zoned Mixed Business, the rest of the neighborhood is zoned R3. Directly across Linden Avenue is General Manufacturing and Camden Field is zoned Light Manufacturing, so there are multiple zones there already. The proposal is to rezone their business and the house to Mixed Use which would allow their cabinetry business to build this new structure to expand the business. The Planning Commission approved the site plan and recommended approval of the zoning map amendment. They will be paving 90 feet of the alley; there will be a new access/bay door and driveway that goes onto Linden Avenue; there will be better off-street parking; and they will be tying into the sewer at the existing house at 962 Linden. He noted that the house will remain there and will remain rented to residential tenants for the foreseeable future.

Councilman Jones asked how old Barger's Cabinets building is; Mr. Roberts stated that through looking at some of the records, he believes the building was purchased and renovated about 20 years ago and was rezoned to Mixed Business in 2006.

Councilman Cash questioned if it is common to tap into an existing residential sewer connection for something like this. Mr. Roberts stated that in this case, they are not using water and sewer for production purposes, only for a small restroom in the building. Because of the type of fixture and the load, it is sort of inconsequential, because there is adequate capacity in the existing sewer. Councilman Webb added that they already own [the sewer] as well. Councilman Cash then asked

if, in the future, they decide to sell one of the buildings, either the house or the proposed new building, what problems would it present that they tied into the same sewer? Mr. Roberts replied that initially the Barger's wanted to tie the new commercial building sewer into the existing commercial building at 982, which would make more sense, except that they are on two different parcels, so they would need to merge those parcels if they wanted to do that. Due to that they decided to keep the water and sewer arranged by parcel. He noted that with Mixed Use, there is no minimum lot size, so [in the future] they could create two lots with the new commercial building on one lot and the house on another, but because the water and sewer are in the alley, the water and sewer for the house would still be crossing the lot where the commercial building will be. Mr. Roberts said if they should decide to subdivide that lot in the future, then he could make a utility easement a requirement of that division. Councilman Cash brought up concerns that the house may not always be a house being zoned as Mixed Use; it could be some sort of business in the future, and it seems like we are setting them up a bit by allowing them to combine the two. He further noted that there will be a good bit of excavation to erect the new building and to him it wouldn't seem like a huge task to go ahead and put in a separate sewer line. Mr. Roberts stated that they would have to pay the cost of a new sewer tap, so we were trying to avoid that extra cost. Councilman Cash then opined that the greater issue would be the water; if that parcel were to be separated and they are on one water meter, one or the other owners would have an issue with paying a water bill that part of the consumption is from an adjacent property. Mr. Roberts stated that while these are legitimate issues, these would be problems only if they chose to develop that house separately or differently in the future and he would offer that these issues are the cost of development and a problem we would have to deal with if hypothetically in the future, they decide to do that kind of development. He further noted that they are saving some money right now by avoiding a water/sewer tap installation and additional excavation to reroute the pipes. Councilman Cash stated that as it is proposed, it seems to him that while they are avoiding some costs now, they are setting someone up someday for significant additional costs and grief in trying to unravel this "can of worms" that we are about to allow them to open. He further opined that eight feet (the distance between the alley and the new proposed building) isn't much digging or pipe when they will have a backhoe there anyway. He then questioned what the City's costs is for a water/sewer tap. Mr. Roberts said that a combined water/sewer tap is roughly \$2,900. Councilman Cash opined that that doesn't seem unreasonable to him for the services received and he would personally like to see that separated out. He further noted that Buena Vista has a plethora of residential lots with cottages, barns, and sheds that have been renovated over the years and some of them have become out-parcels, and it is a mystery how they receive water and sewer services, and it is a nightmare, and this would just be adding to that. Mr. Kearney stated that if they ever wanted to divide the property in the future, they would have to have separate meters. We could put a condition on the approval of this that they would, if they ever divide the lot into two units, have to have separate water and sewer.

Mayor Cooper interjected stating that the matter at hand is not about the water and sewer, the request is for rezoning. Once we have had the first reading tonight, we will be voting on this at the July 18th meeting, and then the question becomes, do we vote against rezoning this due to the water/sewer tap concerns. He then asked Mr. Roberts if he would take all of this back to the Barger's and council with them since to ensure that they aren't unknowingly going to cause themselves problems in the future if they decide to sell the property. Councilman Cash opined that it is our job to protect the citizens from themselves at times.

No one from the public spoke.

Mayor Cooper closed the Public Hearing.

ADG #3: APPROVAL OF THE AGENDA

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

ADG #4: APPROVAL OF MINUTES FROM THE JUNE 6, 2024, REGULAR COUNCIL MEETING & PUBLIC HEARING

Motion to approve the minutes was made by Councilman Jones, seconded by Councilwoman Poluikis, and carried by Council with Vice-Mayor Staton and Councilman Webb abstaining.

ADG #5: RECOGNITION/COMMUNICATION FROM VISITORS

No one spoke.

ADG #6: REPORTS

1. Mayor

None.

2. City Manager

The assessment hearings have been completed, and the finalized tax rate is 91¢.

Mr. Tyree shared that Finance Director, Charles Clemmer, has accepted a job with the City of Charlottesville, so he will be leaving in the near future. We will be posting the job opening next week and keep it open for about three weeks.

3. City Attorney

Mr. Kearney reported that we are still waiting for the \$5.4 million to be received, which should be by the beginning of next week.

4. Council Committees / Members

a. Budget & Finance

None.

b. Outdoor Spaces

None.

c. School Facilities

None.

Councilwoman Poluikis mentioned that she is working at the middle school for summer school and wanted to recognize the great job the Police Department is doing with the summer camp there and how fortunate we are to have them there.

Vice-Mayor Staton recognized George and Donna Sullivan of the American Legion for feeding the Public Works department last month. He also questioned who takes care of the flags on the Veterans Bridge, because there were none there on Flag Day. Mr. Tyree responded that the

American Legion takes care of them, but following the last storm that we had, we only had two left, and they had to order more. Vice-Mayor Staton then brought up a concern he has regarding the pricing at the cemetery. He noted that recently a member of the American Legion, a Vietnam Veteran who contracted Agent Orange, passed away and the Veterans Administration donated a brass footstone for his grave. However, the City charged \$500 to install the footstone. He offered that we may need to reevaluate the pricing, especially for veterans.

Councilman Webb noted concerns over the gates going into Glen Maury Park, stating that the hinges are broken on both sides, and they are being held together with wire and being propped up with highway cones. He opined that this is the first thing you see going into the park and we can do better than that.

5. Department Heads / Constitutional Officers / Court Clerks

Chief Wayne Handley – Police Department

Chief Handley first spoke about the summer camp program. They served 55 city students and today was the last day. He credited Sgt. John Snider for taking over a more active role in the SRO program. They have several ideas in the works, one of which is Blue Line Fitness. This is where officers are working out at the Ramsey Center Monday - Thursday from around 5:30 -7:00 pm and is an opportunity for them to interact with students, athletes, and coaches.

They have recently completed some external maintenance to the PD building. When the painters came out they discussed the color and decided they wanted to keep it simple and clean by going with white. They pressure washed the building, scraped, caulked, and painted it. Everbright is refurbishing their outdoor sign, and they have designed some new sign panels; this should be installed next week.

They have their first Buena Vista Police Foundation Board of Directors meeting on July 16th. They have already started receiving donations which they plan to use to fill backpacks and for school supply giveaways.

They have been diligently recruiting officers by using our current officers to bring in some candidates. They now have a mix of certified and non-certified officers, meaning they have some that are ready to start now acting as full police officers and some that are attending the criminal justice academy for training to become certified. Mark Riley, who was the Interim Chief and former Deputy Chief of Lexington PD, is coming on as an SRO to fill the vacancy that we have there; Morgan Henderson has transferred from the Sheriff's Office under the SRO program; and Stanley Tomlin is coming from the Rockbridge County Sheriff's Office and will be filling the new Community Resource Officer role. They also have five brand new officers who have started the Central Virginia Criminal Justice Academy in Lynchburg. He noted that while we have five people there, statistically speaking, there are attrition rates in every academy.

6. Invited Community Organizations

None.

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

Board of Zoning Appeals

Mrs. Jody Fix has resigned from the Board of Zoning Appeals following her appointment to the Economic Development Authority. This appointment will begin immediately and will expire on

December 31, 2026. This is the sixth time it has appeared on the agenda.

There were no applicants for this opening; it will be carried over to the next meeting.

OLD BUSINESS

None.

NEW BUSINESS

NB #1: REQUEST FOR ARPA FUNDS FOR CITY HALL I.T. UPGRADES

Mr. Roberts gave a summary of the request stating that we are going to rewire City Hall to move the server room from the second floor to the basement. We have to do this if we want to put in an elevator, which will be a positive upgrade to the building. It will open up the basement for more use, for example, we could put in a conference room. We also need to rewire the building in order to switch over to Voice Over IP Phones. Our current phone system is antiquated and is beginning to fail. By switching, we will have a more reliable system, more features, and will save money on our monthly cost. These are the main reasons to create the new server room. The total project budget is estimated at around \$50,000; this includes the rewiring, new server racks, and some renovations in the basement (new doors/locks and new HVAC). There currently is no HVAC in the basement and the temperature and humidity will need to be controlled in the server room. This request is for \$30,000 in additional funds to be combined with the \$20,000 that was previously allocated.

Councilman Jones brought up concerns about the potential for the building to flood and asked if we are assured that that will not be an issue. Mr. Roberts replied that now that we have the flood levy system, a river flood affecting this building is much less likely. However, the server racks that they plan to get are rolling carts that can be moved upstairs in the event of a flood or other disaster that could affect the basement. Councilman Jones stated that his main concern is that our basement is below the river level, and he would like some assurance that that is something of the past and this space can be used. Mr. Roberts noted that while it hasn't flooded down there in a long time, unfortunately we can't guarantee that it will never happen. Councilman Jones' concern is when things fall out of memory that's when bad things happen. Mr. Roberts stated that they also have a plan to leave the existing wiring in place with a new termination in the closet in Alan's office that is backed up to the existing server closet. In the event of a severe flood, we could roll those server carts upstairs and plug into the old network which would allow us to get back up and running pretty quickly. Chief Handley added that we recently had a flood training tabletop exercise with the Virginia Department of Emergency Management, the Army Corps of Engineers, and the National Weather Service, and these concerns are the kinds of things that were discussed. He stated that he will be getting those notes out to all the stakeholders and they are getting ready to revamp the O&M manual for how the flood gates will work and what the new expectations are between the Army Corps of Engineers and National Weather Service given all the changes that have occurred since it was originally written in 1997.

Councilman Jones moved to **approve** the request for funds, seconded by Councilman Cash and carried by Council.

NB #2: FIRST READING OF AN ORDINANCE TO REZONE 962 & 982 LINDEN AVENUE

Ms. Burch read the following Ordinance:

**Zoning Map Amendment
Tax Map 46-1-1-19-6 and -8, 962 & 982 Linden Avenue**

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, three (3) City lots of property identified as 46-1-1-19-6 and 46-1-1-19-8 (962 & 982 Linden Avenue) and depicted on “Exhibit A”, shall be rezoned from R3 Residential Limited and MB Mixed Business, respectively, to MU Mixed Use, and the zoning map for the City will be amended to reflect this change.

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

ADJOURNMENT

There being no further business, the meeting was adjourned.

Sarah M. Burch, Clerk of Council

Tyson T. Cooper, Mayor