



## City of Buena Vista City Council Regular Council Meeting

July 18, 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, July 18, 2024, at 6:00 p.m.

**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: APPROVAL OF THE AGENDA**

Councilman Webb moved to approve the agenda, seconded by Vice-Mayor Staton, and carried by Council.

### **ADG #3: APPROVAL OF THE MINUTES FROM THE JUNE 20, 2024, REGULAR COUNCIL MEETING & PUBLIC HEARING**

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

### **ADG #4: RECOGNITION/COMMUNICATION FROM VISITORS**

- Shena Herring, 2631 Edgewood Road, owner of S & Crew Sales, a home-based business, spoke regarding some complaints that the City has received from some of her neighbors. She noted that she is within the proper zoning regulations and does not understand the complaints. She stated that she does have some traffic come through, but it is no more than what the rest of the neighbors have. In response to a complaint about tractor trailer traffic, Mrs. Herring stated that she has had only one tractor trailer delivery in the last eight weeks. She also mentioned that over the last week she has witnessed a situation of five truck deliveries between two of her neighbors. She stated that she is just trying to run her business. She then mentioned that one of her neighbors' mailbox is on [the Herring's] property and she would like to request to have that moved. She said that she has spoken to the postal service and was told that as long as it remains on the same side of the road, it can be moved; she asked that this neighbor be informed that she can move her mailbox off of their property. She further noted that she does not have drugs in her house, no people coming and going all hours of the night, and most of her customers are over 60 years old who are shut-ins and like the business that she is running. Lastly, Mrs. Herring expressed that if her neighbors had addressed her and her husband directly, they would have addressed the issue, but no one had come to them.

- David Herring, 2631 Edgewood Road, echoed his wife’s comments regarding the complaints about her business. He first noted that the business used to be located on 29<sup>th</sup> Street in the old Food Lion parking lot, but they moved it into their home in order to cut costs. He noted that Mrs. Herring had lost her son about 3 ½ years ago, and starting this business has really helped her in coping with that loss. He stated that he would hate for neighbor’s complaints to cost his wife her business. He also mentioned that since 2019 he has pushed snow for everyone in their neighborhood and has not charged them anything for that service. Mr. Herring also stated that he wishes their neighbors would have just come to them first before complaining to the City so that they could have done something to fix the problem.
- Tom Roberts, Director of Community Development, gave a quick update on the Courtroom/Council Chambers sound system upgrades. He stated that the scope of work for that has shifted around as they have talked to different companies and gotten quotes. We will be taking a smaller-scale approach in terms of just replacing a few components but keeping the same basic system. He pointed out that we do have new speakers now and we are looking to get new microphones, but we will be keeping the same amplifier, mixer, and recording equipment. This will save us a lot of money, and we will still be able to implement basic live streaming. He noted that he will be meeting with VTS to look at some particular equipment and to get further details.

**ADG #5: REPORTS**

**1. Mayor**

None.

**2. City Manager**

Mr. Tyree reminded everyone that Finance Director, Charles Clemmer, has left his position, and we are still in the process of filling that role. We are accepting applications until July 26th. He then introduced Brittany Strowbridge who is serving as Interim Finance Director until the position is filled. He noted that it will probably be another month or so before we have someone permanent in the role.

Progress is moving pretty quickly on the new DSS building. We will be receiving an official plan in September that Tom Roberts and Alan McMahan will have to approve for the building and zoning permits. The goal is to have everything completed on our end in October, with construction estimated to begin in January 2025. The new building will be beside Food Lion, behind the Child Development Center. Councilman Jones verified that the zoning in that location is appropriate for this project; Mr. Tyree stated that it is, but they still have to go through the process.

**3. City Attorney**

Mr. Kearney reported that the USDA loan has officially closed and is fully funded. The two previous loans with USDA are out of the way and we have new long-term financing which frees up a lot of cash flow. This will help with getting the financing and grants in place for the WWTP.

**4. Council Committees / Members**

**a. Budget & Finance**

None.

**b. Outdoor Spaces**

None.

**c. School Facilities**

Mr. Tyree reported that the Committee had asked him and Dr. Francis to draft an RFQ to be put out to three or four contractors who have worked on school projects in the past. We will be asking them for a quote on the project with a hopeful turnaround of just a couple of weeks. They plan to meet again in August to decide on a contractor to move forward with the feasibility study and other studies they are asking for.

Councilwoman Poluikis gave kudos to and thanked the pool staff for always being attentive and kind.

Mayor Cooper read the following comments from Councilman Henson who is still recovering:

- He is favor of the rezoning of Linden Avenue for Mr. Barger. He has been fighting this issue for four or five years and while his business has grown, his space has not.
- His feelings on the landscaping of City Hall are that we need something to brighten it up some; with the color of the brick and the height of the building, his opinion is that it will be hard to do.

**5. Department Heads / Constitutional Officers / Court Clerks**

None.

**6. Invited Community Organizations**

None.

**ADG #6: 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 seventh time it has appeared on the agenda.

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

**Planning Commission**

Mr. Dennis Hawes' term on the Planning Commission expires on July 31, 2024. Mr. Hawes is willing to serve another term. This is a four-year term and the first time it has appeared on the agenda.

Councilman Jones made a motion to reappoint Mr. Hawes to the Planning Commission. The motion was seconded by Councilman Webb and carried by Council.

**OLD BUSINESS**

**OB #1: SECOND READING OF AN ORDINANCE TO REZONE 962 & 982 LINDEN AVENUE**

Mr. Roberts reported that there have been no changes to the text of the Ordinance.

On a motion by Councilman Jones, seconded by Councilman Webb, and carried by Council, Mr. Tyree read the Ordinance by title only.

Councilman Webb moved to approve the Ordinance as presented with Vice-Mayor Staton seconding.

Councilman Cash reiterated the concerns he shared at the last meeting over the water/sewer hookup arrangement. He noted that he wouldn't let that stand in the way of development or expansion of the business, but he does think it is a genuine concern. He mentioned that he has seen many incidents of people bickering over shared water resources. He elaborated that it is a fairly common occurrence at Dominion (where Councilman Cash works) that customers have "community wells" where a number of people are using the same well. This leads to one person saying they don't use as much as another and wondering why they have to pay the same amount as everyone else instead of an amount based on their individual usage. Councilman Cash stated that he had spoken with someone with Barger's and explained his concerns and he thinks they are looking at some reasonable solutions to that. He went on to say that Buena Vista is full of "homes" that are basically garages and sheds that have turned into homes over the years where there is shared water and sewer connections. He opined that it makes it difficult for the residents to understand what they need to do when they have a problem, and it makes it difficult for contractors to figure out who is responsible for each aspect of work. He said again that he would not let this issue stand in the way of the business expanding and he does support the rezoning of the property.

Ms. Burch completed a roll call vote of Council as follows:

Member	Present	Absent	Yes	No	Abstain
Councilman Henson		X			
Councilwoman Poluikis	X		X		
Councilman Webb	X		X		
Councilman Jones	X		X		
Councilman Cash	X		X		
Vice-Mayor Staton	X		X		
Mayor Cooper	X		X		

The following Ordinance was **approved** by unanimous vote:

**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.

---

Tyson T. Cooper, Mayor

Attest:

---

Sarah M. Burch, Clerk of Council

---

Date of Adoption

## **NEW BUSINESS**

### **NB #1: DISCUSSION OF CITY HALL LANDSCAPING PROJECT**

Mr. Roberts began by stating that he feels anyone can look at the outside of City Hall and tell that the landscaping is looking a little rough. He is unsure when the last major landscaping effort was, so we are going to have a new landscape design. We have what he believes to be a very cost-effective contract, and he is pleased with the price with ABL Landscape Architects, a local landscaping business. We are going to develop a new planting plan which will not change the hardscape, parking lots, drainage, or sidewalk locations, this is really just about the plants. He mentioned that we may do something with benches or gravel, but we are trying to keep this fairly straightforward. He will be having a meeting with Public Works to get input on maintenance and the Sheriff's Office regarding security concerns; we don't want to have trees obscuring entrances or blocking video cameras. ABL will prepare three designs, then we will have an Ad Hoc committee, to include the Outdoor Spaces Committee from Council and some other stakeholders, to review those designs. We will get a final design together and present that to Council. He noted that his goal is to get the design completed in time to do some planting this Fall as that is a good time to plant trees and shrubs.

Councilman Webb asked what the cost is. Mr. Roberts said that it is \$6,000. Councilman Webb asked if this is grant funded and Mr. Roberts responded that it is department funds that have already been budgeted.

Councilman Jones recalled some of the bad planting that has occurred in the past and asked if we could make it an element of the plan to have some focus on Virginia native plants. He noted that some people are getting pretty savvy about that as he received a pamphlet about replacing some plants at his house with things that naturally grow in Virginia. Mr. Roberts said that he had that discussion with the landscapers and told them that we would prefer natives. However, he noted that another priority is going to be robustness and low maintenance. This means there might be some plants that are not natives but are hearty and are going to be easy to maintain and we will certainly not plant anything that is going to be invasive. Councilman Jones asked that there be some thought put into how things might eventually look, how big something is going to get, or whether the roots are going to invade the foundation of City Hall.

Mr. Roberts stated that we expect the implementation and installation to be in phases. The phases will be determined by the designed layout and funding as it comes available. He mentioned that

limited City funds will be used, and they will pursue some small grants to pick up funds here and there. Working in phases will be more cost effective and will also us to better employ volunteers.

Councilman Webb mentioned that he thought based on a previous discussion that this was going to be grant funded not using City funds. Mr. Roberts stated that some of the \$6,000 was paid before the end of the last fiscal year to use up some of the remaining funds in the Planning Department budget for professional services. He said that he felt that it was important to go ahead and move forward with this project. Mayor Cooper also clarified that we will be pursuing grants for the actual planting, but because the planning expense is relatively small we would be paying for that out of City funds.

Councilman Webb also mentioned his concerns about the maintenance once installed. He noted that the “Y” at the light at Hardees can’t be maintained as the plants are too close together to spray the weeds and the City doesn’t provide anyone to go out there to pull the weeds. He stated that he is taking community service workers out there two or three times a month to try to keep the weeds out. He opined that the more stuff we plant, the more work is required to keep it clean. Mr. Roberts replied that he has had some conversations with Mr. Tyree and Public Works Director, Corey Henson, about how we can work with Public Works to keep things maintained. He opined that the capacity and expertise of the staff is not very strong in terms of maintaining planting beds and trees and they discussed how they can work on that. This is one reason we want to keep this project as low maintenance as possible.

Councilman Cash stated that although he isn’t advocating to hire someone to do this, it would seem that somewhere within the Public Works hierarchy that there would be someone who would have oversight of City plantings and landscaping, particularly where trees are concerned, someone who would be a certified arborist; having that skill set, education, and understanding of what good arboriculture is. He mentioned that it is not a difficult certification to obtain, the course is about a weeklong. He opined that we need to restore pride in our community among not just our citizens but our workers as well and having the right people in the right place goes a long way toward that. Mr. Tyree stated that he and Mr. Henson have had discussions about having someone certified as this is a definite need, the only concern is that Public Works is stretched thin as it is so this would essentially be a new position we would need to account for in their budget. He also mentioned that he reached out to Virginia Tech as they have a great arborist program and they are sending some information on training dates, costs, etc. Councilman Cash brought attention to the fact that Mountain Gateway has an arboriculture program as well, so perhaps we could leverage some help from them through classwork and assignments. Mr. Tyree stated that Mr. Henson has reached out to John Rainone, President of MGCC, to ask him some of those questions to see what can be done. Councilwoman Poluikis then mentioned that Boxerwood worked with students this past summer planting trees, so we may be able to utilize them in an advisement capacity. She opined that as long as we are looking at some sort of landscaping, it would be nice to see some extra lighting, such as spotlights, on the building if that could possibly be worked into the design.

Councilman Cash asked if there is any notion that there will be a change with the use of the stones from the old canal system that sit in front of City Hall. Mr. Roberts said that we may rearrange them, but we are certainly keeping them.

**NB #2: RESOLUTION APPROVING CITY'S PARTICIPATION IN PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST KROGER**

Mr. Kearney said that Kroger has reached a settlement and in order to participate, our counsel is requesting that we do a resolution agreeing to participate in the \$1.4B settlement. So this resolution just says that we are going to participate in that settlement; that will then go to the Opioid Center to show that we are one of the cities participating.

Councilman Cash requested Mr. Kearney to provide some background on this and how Kroger got themselves into this kind of situation. Mr. Kearney stated that this is from selling opioids in the pharmacy. When the original suits were filed, they were against the manufacturers. The big suit against Purdue Pharma for the family they had reached a multi-billion-dollar settlement with was recently thrown out by the Supreme Court with them saying that the settlement was "too beneficial." The additional litigation went beyond just the manufacturers to the distributors. They are also looking at the middlemen and women involved that were out peddling these pills to pharmacies all over the place; these are the next people they are going to be going after. He noted that there are many examples of pharmacies in small localities selling a million or more pills with a population of just a few thousand people. Everybody sort of closed their eyes and ignored what was going on, especially the pain centers. Some of the pain centers in Florida had people lined up from other states including Kentucky and Tennessee where they were going and getting a prescription and coming back and selling it. They are now trying to find everybody in that chain who profited by this and did nothing to stop it. There have now been settlements by CVS, Walgreens, now Kroger. They are also going to go back after the big Pharma case.

Ms. Burch read the following Resolution:

**A Resolution of the Buena Vista City Council Approving of the City's Participation in the Proposed Settlement of Opioid-Related Claims Against Kroger and Its Related Corporate Entities, and Directing the City Attorney and/or the City's Outside Counsel to Execute the Documents Necessary to Effectuate the City's Participation in the Settlements**

**WHEREAS** the opioid epidemic that has cost thousands of human lives across the country also impact the City of Buena Vista by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by Buena Vista's various departments and agencies; and

**WHEREAS** the City of Buena Vista has been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the City of Buena Vista; and

**WHEREAS** a settlement proposal has been negotiated that will cause Kroger to pay over a billion dollars nationwide to resolve opioid-related claims against it; and

**WHEREAS** the City has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU"), and affirms that this pending settlement with Kroger shall be considered a "Settlement" that is subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with the distributors Janssen, Teva, Allergan, Walmart, CVS, and Walgreens; and

**WHEREAS** the City's outside opioid litigation counsel has recommended that the City participate in the settlement in order to recover its share of the funds that the settlement would provide.

**NOW THEREFORE BE IT RESOLVED** that the Buena Vista City Council, this 18<sup>th</sup> day of July, 2024, approves of the City’s participation in the proposed settlement of opioid-related claims against Kroger and its related corporate entities, and directs the City Attorney and/or the City’s outside counsel to execute the documents necessary to effectuate the City’s participation in the settlements, including the required release of claims against Kroger.

This Resolution shall take effect immediately.

---

Tyson T. Cooper, Mayor

Attest:

---

Sarah M. Burch, Clerk of Council

---

Date of Adoption

Councilman Jones moved to **approve** the Resolution with Councilman Webb seconding. The motion was carried by Council.

**NB #3: DISCUSSION OF STRATEGIC PLAN VENDORS**

Mr. Tyree reported that staff had reached out to several organizations inquiring about the availability and pricing for the strategic plan. Costs range from \$10,000-\$35,000. We inquired with both public and private institutions. He mentioned that he, Mayor Cooper, and Mr. Kearney met with a couple of the vendors, and they believe that Professor Michael Hicks, who will be working with VMI, is the best option for us. He stated that Professor Hicks is a Ball State University professor, and he has completed over 150 government strategic plans. Professor Hicks would start this fall after school is back in session, and it would essentially have three phases of completion. Phase I is Economic and Demographic Analysis; Phase II is Community Engagement and Response; and Phase III is Plan Development. Considering his background and the number of plans he has completed we feel that he is the strongest vendor. Mr. Tyree noted that he is also the most cost-effective choice as well because he will be relying on VMI and W&L students to complete this.

Mr. Kearney furthered that there is an economics professor at VMI who wants to help and will be assisting if we need him. Ball State has an entire department that does strategic plans for local governments. Professor Hicks will also be using the students at SVU because there will be a lot of things that will need to be done door-to-door, or setting up community meetings, etc. He also stated that he has spoken with a professor at W&L who could possibly give us some guidance as well. He opined that using VMI is beneficial because they can look at this not only this one time but hopefully can continue to help us as time goes by when the plan needs to be updated in the future. He noted that we are trying to find something that will be the most economical but also achieve the goals of getting a good plan in place. This plan is something that we want to use day to day, but then

every couple of years we would pull this back out and do a complete reanalysis and update the plan. Mr. Kearney mentioned that to have Ball State compile all the information will cost about \$10,000, but neither of the VMI professors will be charging for their time.

Mayor Cooper requested the rest of Council to review the materials and examples that were provided and put together any questions or concerns so that we can make a decision at the next Council meeting.

Mr. Kearney noted that Professor Hicks will be in town around August 1st and will be available for most meetings after that if there comes a time Council would like to meet him.

**ADJOURNMENT**

There being no further business, the meeting was adjourned.

---

Sarah M. Burch, Clerk of Council

---

Tyson T. Cooper, Mayor