



City of Buena Vista City Council Regular Council Meeting

August 1, 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, August 1, 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, & PRAYER

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

ADG #2: APPROVAL OF THE AGENDA

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

ADG #3: APPROVAL OF MINUTES FROM THE JULY 18, 2024, REGULAR COUNCIL MEETING

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

ADG #4: RECOGNITION/COMMUNICATION FROM VISITORS

A number of citizens from the Racey Acres neighborhood were present to speak regarding the business of S & Crew Sales that is being run out of the home of one of their neighbors. They raised several concerns including the increased traffic in the neighborhood, speeding, and the safety of the neighborhood children.

- Randall Cluff, 2636 Edgewood Road, spoke first. He stated that on June 3rd of this year, Mrs. Herring moved her business from a commercial location into her home on Edgewood Road. Mr. Cluff said that Mrs. Herring calls this a home-based business that meets the requirements to allow her to operate her business in her home, which is zoned as R-2 Residential. However, he opined that this characterization of her business is in some ways incorrect. He quoted Section 603.01 of the City's Land Development Regulations titled Intent of Residential District which states: "The R-2 district is established to encourage and protect neighborhoods of single-family detached homes on individual lots. It also accommodates limited educational, religious, recreational, and utility uses that support those neighborhoods." He further noted that the Code Section goes on to mention that any of those uses, if added to the neighborhood, must be of a non-commercial nature. Mr. Cluff then read Section 705 Home Occupations: "This ordinance uses a permit approach to the control of home occupations. The use of permits is to ensure

compatibility of home occupations with surrounding residential uses.” He stated that under that Section, there are special requirements and said that there are two of those special requirements that he and his neighbors feel that Mrs. Herring does not meet. Section 705.01- 2 states “...no article or service shall be sold or offered for sale except as may be produced by members of the family residing on the premises”; he said that Mrs. Herring buys inventory and resells it and those items are not produced by her or her family. The larger concern, he expressed, comes from Section 705.01-4 which states: “the home occupation shall not generate excessive traffic”. Mr. Cluff explained that Mrs. Herring conducts her business as an online auction, but then when the sales are completed, the customers need to come to her home to collect their merchandise. This is where the additional traffic is entering the neighborhood, and they have seen a substantial increase in traffic since June 3rd; this is causing a parking problem for the neighborhood as well. He also noted that some of the neighbors have went so far as to put signs out in their yards saying, “slow down!”. Mr. Cluff expressed that there is nothing personal in his remarks and while Mrs. Herring says she doesn’t understand the neighbors’ complaints or why they didn’t address their concerns with her, she also did not come to them to let them know she was planning to move her business into the neighborhood, and they found out after the fact. He opined that given the way the zoning ordinances are written, that if there were to be an accident involving one of the business’ customers, and if the business was allowed to continue in the neighborhood, the City could have some liability for not enforcing the zoning ordinances. Lastly, he stated that this business has been in operation for almost two months, and he can only imagine that it will continue to grow, and the traffic will increase, and the problem will escalate.

- Nancy Sika, 2610 Edgewood Road, began by saying that she agrees with Mr. Cluff’s statements. She stated that she assumes the code sections Mr. Cluff read were not just suggestions. She mentioned that she came and met with Mr. Roberts on the day the business opened in the neighborhood thinking that he must not have known, but he was aware and advised her that the business is fine. After reading the ordinances she and her neighbors have complained to the City, but the business is still active. She is very concerned about the children in the neighborhood. There are four homes surrounding the business with a total of 14 children between them; seven of them are under the age of seven and, she opined, they aren’t capable of watching for traffic if they are in the street. She noted that before the business opened the kids were able to ride their bikes, scooters, etc. in the road, but now up until 5:00 pm, they can’t go out in the street to play and that isn’t fair to them. She reiterated Mr. Cluff’s concern about a child getting injured or worse. She noted there has been a debate about how much extra traffic there is in the neighborhood, and she feels that Racey Acres should be looked at, not as a whole, but on the back side where the business is. She stated that she lives on the front side of the circle, so she sees everybody coming and going. She said that most of the people who are going to the back side are the residents, school buses, or delivery drivers, which doesn’t generate much traffic. However, now that the business is there, there is a lot more traffic on that side. She further noted that she doesn’t walk her dog in the neighborhood during the business hours anymore because she has to dodge vehicles, and those cars are arriving as early as 7:00 am sometimes. She also stated that the business is called S & Crew, and the “Crew” doesn’t live in the home where the business is, which is another regulation that is not being followed as a home business is supposed to only be operated by the family residing in the house. Mrs. Sika asked to please have this business closed before something bad happens.

- Ada Branham, 2646 Edgewood Road, stated that her biggest concern about this mess is the children. She mentioned that there aren't any sidewalks in the neighborhood, so the street is sort of their "playground" to ride their bikes, skateboards, scooters, etc., but on June 3rd, that ceased. She went on to say that school is getting ready to start, so these kids will be sitting there all day, and then come home and have to wait until 5:00 when the business closes to be able to go outside to play. She said that the folks that live there know that, so they are always cautious when they come around that way. She further noted that there is no parking available in front of her house anymore. She also mentioned that the folks who live in the neighborhood had to find out about the business opening on Facebook and she is open five days a week with various hours. Her fear is that someone is going to hit one of the children. She opined that the older children know how to look out for traffic, but the younger ones don't. She then invited Council, Mr. Tyree, and Chief Handley to come up there and observe the situation. She pleaded to have this business moved for the sake of their community because it is not safe.
- Sally Foshay, 2639 Edgewood Road, began by saying that they built their house in 1964, and it has been a wonderful, safe community. She said that it is a feeling of family in that area and if something happens, everybody comes to help. While she understands the reason the decision was made to move the business into their home was to save money, she hates to see this happen to such a lovely community. She noted that they have also put up a very large shed. She also echoed the concerns of her neighbors about the safety of the children and pets. She added that there is a very large clientele for the business, and it is an inconvenience for the whole neighborhood.
- Johnna Gittemeier, 2647 Edgewood Road, was the last neighbor to speak on the matter of S & Crew Sales. Mrs. Gittemeier stated that when she moved here from California 21 years ago, she chose Racey Acres because it was homey and beautiful. She stated that this situation has been a disappointment. She mentioned that in the beginning she wasn't aware that the business had opened but did notice an increase in traffic. She noted that there have been multiple deer hit and killed in the area recently, so that should give a clue as to how fast people are driving. There have been multiple times when she was walking her dog that she had to move out of the way because cars are racing by. She also noted that the storage shed that was put in is an eyesore. She added that she was under the understanding that a storage shed was to be used for residential use, not for commercial use and this particular shed is definitely being used commercially.

ADG #5: REPORTS

1. Mayor

None.

2. City Manager

Mr. Tyree reported that he received a letter from Commonwealth's Attorney, Josh Elrod, regarding the Recovery Court that he is trying to get started for the region. He added that this program is difficult for people to get in to and a lot of localities have seen great success with this program. Mr. Elrod would like for Council to consider setting aside any additional opioid funds we receive so that he can use that for this Recovery Court; the three localities will have to pitch in for a full-time employee and opioid funds can be used for that. We will also be applying for some opioid grants, but those will need matching funds. Today, we received a little over \$7,000 in opioid monies but we are not asking for that today because the Hope House is also requesting opioid

funds. We will likely present both of those requests at our next meeting. He added that he will be meeting with both Mr. Elrod and Mrs. Turner with the Hope House to determine which one might be the best use of those funds at this time.

Councilman Jones asked if we could get a rundown of the financials of both projects so that we have a sense of what their needs are going to be. Mr. Tyree said that he already has one for the Hope House. Since the Recovery Court is new, things are still up in the air, but he will get something as close as possible to provide them with by the time the request is made.

Mr. Tyree also announced that Governor Youngkin will be attending the Labor Day parade this year.

3. City Attorney

None.

4. Council Committees / Members

a. Budget & Finance

None.

b. Outdoor Spaces

None.

c. School Facilities

None.

5. Department Heads / Constitutional Officers / Court Clerks

a. Kristina Ramsey – Economic Development

Ms. Ramsey began by introducing the new Economic Development and Marketing Assistant, Ally Haney. Ms. Haney is a recent graduate of SVU where she received her degree in graphic design.

JJ's Meat Shack closed on July 27th, and they sold to Brian Rowsey who opened 501 Roadhouse today. Mr. Rowsey is maintaining basically the same menu for lunch and dinner and has added low-cost daily specials as well as a breakfast menu beginning at 6:00 am.

Flowers & Things also closed with their last day being July 29th. Cybil Adams purchased University Florist in Lexington a while back and for financial reasons and because of the business volume, she has decided to consolidate her business into the University Florist building. Ms. Ramsey added that we are confident that we will be able to fill that store front rather quickly as it is move-in ready.

The website was down for a while recently; it has been live and stable for a few days now. There was a server crash on the webhost side which was outside of our control. We are still working on the new website. We are in the development stage and content is ready and we are still on schedule to launch the new website in the fall.

Ms. Ramsey along with the Rockbridge County Economic Development department has partnered with SERCAP, a regional Economic Development agency, to do a childcare survey. As many folks know childcare is a critical issue here; we do not have enough, and we need it.

She shared the survey on the Economic Development Facebook page. The survey is open until August 18th. They will take the information from the survey, do some further focus groups and assess our needs. They will then look at some grants to pursue to help expand childcare and address those needs.

In late May there was a joint EDA retreat with Buena Vista, Lexington, and Rockbridge County. Certified Economic Developers from Charlottesville and Wythe came to speak to the EDAs. They shared some great information about powers and authorities of an EDA, best practices, and some case studies. She added that she and Chairman Styler are working on planning the next Buena Vista EDA meeting so that they can start planning and prioritizing and set some goals.

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 eighth time it has appeared on the agenda.

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

Rockbridge Area Social Services Board

Mr. Bill Fitzgerald's term on the Social Services Board expired on July 31, 2024. Mr. Fitzgerald 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. Fitzgerald to the Social Services Board. The motion was seconded by Councilman Webb and carried by Council.

OLD BUSINESS

OB #1: AUTHORIZE THE CITY MANAGER TO ENTER INTO A STRATEGIC PLAN AGREEMENT FOR THE CITY OF BUENA VISTA

Mr. Tyree recalled the discussion from the last meeting regarding strategic plan vendors. Visiting VMI Professor Michael Hicks, who is looking for a public project to complete with his students is the choice of Mr. Tyree, Mr. Kearney, and Mayor Cooper. At this point, we just need official Council approval to sign a contract with Professor Hicks to begin the process.

Mayor Cooper asked if anyone had any questions or comments about the proposal. Councilman Webb noted that it sounds like a win-win for Buena Vista. Mayor Cooper added that he is appreciative that Dr. Hicks is offering to do this basically for free. He is a VMI graduate, has extensive experience doing this for all sizes of communities, and will be enlisting help from the faculty and students at all three of our local colleges.

Mayor Cooper also shared comments from Councilman Henson:

“In my tenure with the City, I’ve seen a few of these as well as comprehensive plans. A lot of time and effort has been put into these in the past, to just go on the shelf on a bookcase. [There were] some good ideas on how to send Buena Vista into a new decade, but sad thing is that nothing was ever done with them. Let’s get behind this and continue to focus on making Buena Vista a destination, look at where we would like to see BV in 10-20 years, and aim high for the future using this as a working plan and not something to collect dust.”

Councilman Webb made a motion to proceed with contracting with Professor Hicks for the completion of the strategic plan. Vice-Mayor Staton seconded the motion, and it was carried by Council.

NEW BUSINESS

NB #1: ECONOMIC DEVELOPMENT REQUEST TO CARRY OVER UNSPENT FY24 CITY FAÇADE IMPROVEMENT FUNDS

Miss Ramsey requested to roll over \$12,410 that was dedicated in last Fiscal Year’s budget for façade improvements. Those funds were to be used to match our CDBG Façade Improvement Program and provide additional funding to the participating properties to help cover their costs and facilitate their improvements. To date, seven of the nine properties have now completed their work. One of them has been significantly delayed and was not able to get their documents submitted in time prior to the end of the Fiscal Year for their reimbursement. Two properties are not yet completed for various reasons; supply chain delays, contractors, etc. The funds being requested to be rolled over are already committed to those projects and would allow us to follow through on our commitment to help them fund their project and support them overall. Ms. Ramsey added that one of the properties (2043 Magnolia Ave.) just had their new window installed, so they are almost done and almost ready for their reimbursements and she feels that they will be completed and ready by next week.

Councilwoman Poluikis moved to **approve** the request, seconded by Councilman Jones, and carried by Council.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Sarah M. Burch, Clerk of Council

Tyson T. Cooper, Mayor