



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

September 19, 2024, 6:00 PM
Council Chambers – 2039 Sycamore Avenue

The City Council for the City of Buena Vista met for a Regular Council Meeting & Public Hearing on Thursday, September 19, 2024, at 6:00 p.m.

Members Present: Vice-Mayor Danny Staton
Michelle Poluikis Steve Webb
Ronald Cash Todd Jones

Members Absent: Mayor Tyson Cooper & Melvin Henson

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

Vice-Mayor Staton called the meeting to order, and Councilwoman Poluikis delivered the opening prayer.

ADG #2: BUENA VISTA CITY COUNCIL PUBLIC HEARING

Vice-Mayor Staton opened the Public Hearing.

Abandonment of 200-foot of an alley in East 31st Street at the intersection with Catalpa Avenue for the purpose of establishing a private street to serve proposed residential development.

- Mr. Tom Roberts provided a background and summary of the proposal. There is a proposed development of 15 townhouses on this undeveloped property north of Chalk Mine Run off of Catalpa Avenue around 31st Street. There is currently an alleyway that goes through the site; and the alleyway is the only means of access for one house. The proposal is to turn that alleyway from a public alleyway into a private street, so that the developer can widen it for parking, and it will be the required frontage for these townhouses. There will be some conditions on this abandonment; additional things that we don't normally require in an abandonment. Among those will be a requirement that the developer maintain this new private street and that he maintain access for the properties on the other side. There is currently one house at the end of the alleyway, so the residents there would have a perpetual right to use this new private street. One question was why a private street instead of a public one. The most important factor in considering that is that this development needs a lot of private utilities. Public sewer to this site would be extremely expensive and very difficult because of how it would need to be ran in relation to other lines right now. So, there will be a private sewer pump station in the development serving the 15 townhouses. That pump station is entirely the developer's cost to install and maintain. With the private pump station comes private sewer lines crisscrossing where the private street is. There will also be private water lines crossing it because there will be a single meter for each townhouse. Because of all the private utilities, we really don't want it to be a public street because we don't do private utilities in a public street to the extent that we can avoid it, because it creates questions about who maintains what. The private street is designed to be 24-foot-wide with 12-foot travel lanes with perpendicular parking off of that;

there will be about 30 parking spaces. The Planning Commission has recommended approval of the alley closing.

- Calvin Smith, 171 East 31st Street, addressed some concerns he has over the abandonment of the alley. Mr. Smith, who lives at the end of the alleyway, recalled an incident where a neighbor who wanted to purchase the alley at his house to build a garage was required to have all of the surrounding landowners sign off on it and asked why the developer in this case didn't have to do the same thing. He was also concerned about his access to the public street by having to drive over the private street. Mr. Smith was told that the City is required to provide every house with access to a public street and feels that with the installation of this private street, he would be the only house in the City without access to a public street. He also addressed the potential for him to be blocked in if the townhouses run out of parking spaces. Mr. Smith also stated that he believes that this alley is "grandfathered in" as it has served his home for 75 years.

City Attorney, Brian Kearney, responded that a street cannot be "grandfathered in." He added that anytime a public right-of-way is closed, you are required to make sure that [residents] have access to a public road, which Mr. Smith would in this case.

- Kristina Ramsey, Director of Economic Development, provided input on the development from an economic development perspective, stating that housing is a critical component of our overall economic development strategy. The availability of housing for all demographics impacts our ability to attract and retain businesses, workers, and residents to the City, which in turn strengthens our overall economy. She added that when she meets with our major employers/manufacturers, housing is always a part of those conversations. They ask what we are doing for housing, how we're supporting it, what new housing is coming up around the city, because they want to grow, expand, and bring workers here, but there's no housing available. Miss Ramsey said that housing is a real need here and is something that we should support and work towards growing in order to strengthen our local economy and build a strong foundation for the City.

Vice-Mayor Staton closed the Public Hearing.

ADG #3: APPROVAL OF THE AGENDA

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

ADG #4: APPROVAL OF MINUTES FROM THE SEPTEMBER 5, 2024, REGULAR COUNCIL MEETING & PUBLIC HEARING

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

ADG #5: RECOGNITION/COMMUNICATION FROM VISITORS

- Johnna Gittemeier, 2647 Edgewood Road, spoke against the home business located in Racy Acres, that they have had concerns about for almost four months, debating what a retail business is and what a residential area is [according to the Code]. Mrs. Gittemeier stated that a government that does not abide by its own laws is typically referred to as a government that violates the rule of law, meaning that those in power are not held accountable to the same legal standards as the citizens they govern. She said that Buena Vista is no different than any other city with regulations

and ordinances and when a government doesn't follow its own laws, it can lead to corruption, instability, and a lack of trust between citizens and their leaders, especially when valid complaints are heard. This retail business in their neighborhood has now expanded to a retail consignment business. She questioned if there was another business license issued for this and if the owner is paying sales tax to the City. She also asked if retail businesses continue to be allowed to operate in residential zones, how is it fair to businesses downtown with rent, overhead, and expenses, or will this create a ghost town downtown.

- Ada Branham, 2646 Edgewood Road, also spoke in opposition to the Racy Acres home business. She feels that their concerns about this business are being ignored as the business is still going strong. She stated that this has been going on for almost four months and they are still waiting and wanting this situation to be corrected. This business is not selling homemade goods; it is a retail business selling anything and everything from toilet paper to rugs. Mrs. Branham added that the two and half block, 17 home, residential area should be just that, and the business should be in the business district. She asked Council and staff to follow the law, act on these problems, and get them settled.
- Teri Fulwider, 1476 Oak Avenue, introduced herself to Council as an applicant for the Board of Zoning Appeals.
- Randall Cluff, 2636 Edgewood Road, also spoke about the retail business in their neighborhood. He feels that the neighbors' opposition and concern has been mischaracterized or misunderstood as they are not against home businesses in general. However, this business in particular is substantially and in essence, a retail business. Mr. Cluff noted that they have observed people coming to the business and bringing items in to be sold on consignment, so the business is expanding, and that is the problem with it being located in the home. A large outbuilding has also been installed on the property to hold inventory, she has begun setting up a canopy in her driveway to sell items, and the traffic continues to increase. He believes that this business is an exception to what should be allowed and asked that they see this business for what it is, understand its true character, and act on that knowledge.

ADG #6: REPORTS

1. Mayor

None.

2. City Manager

Mr. Tyree first welcomed Steve Bolster, the City's new Finance Director. Mr. Bolster served as Rockbridge County's Director of Fiscal Services for 11 years and has a wealth of knowledge regarding local government finance management.

Voting starts tomorrow, September 20th, so keep our electoral staff in your thoughts as this is a big election year.

Mr. Tyree and Mr. Roberts met with Professor Michael Hicks who is assisting us with our strategic plan. Mr. Hicks is partnering with David Terrell, also of Ball State University. They are looking at doing four different focus groups and two large community meetings; more information to come on those when the dates are decided.

Mr. Tyree provided an update on the home business in Racy Acres, stating that he, Mr. Roberts,

and Miss Ramsey met with the business owner and discussed the issues at hand. The meeting was productive, and they will be meeting again next week to finalize plans for compliance. He also noted that Mr. Roberts is in the process of revising the home occupation Code; even though the current Code has worked for so long, the nature of businesses has changed. We want to make sure we clarify things for any future issues that may arise.

3. City Attorney

None.

4. Council Committees / Members

a. Budget & Finance

None.

b. Outdoor Spaces

The Outdoor Spaces Committee will be holding a meeting on Saturday, September 28th.

c. School Facilities

The School Facilities Committee will be meeting at the end of this month or beginning of next month.

5. Department Heads / Constitutional Officers / Court Clerks

Edward Armentrout – Parks & Recreation

- This year's Nothin' Fancy event is the largest we have ever had; the lower campground is completely booked.
- The fencing is complete at the playground. They still need to install handicap parking signs.
- The tennis courts have been treated with sealant but are not painted yet. They are collecting bids on new asphalt because the contractor warned that if we simply treat and paint it now, we won't be pleased with the outcome because the current asphalt is breaking down.
- They are working on cleaning up the frisbee golf course. They have applied for a grant for tee boxes.
- Brush clearing continues at Shelter 4. There is a contractor coming in to remove a refuse pile, which consists of about 500 railroad ties and miscellaneous old fence and other items that have accumulated over time. Once that is cleared out, we will grass it and have a nice parking area. The bathroom is complete, and we hope to have a fence constructed as well in order to separate the shelter from the golf course.
- They were able to purchase a trail bike to help get around and locate some of the maintenance issues on the walking trails.
- They have installed new fixtures in the restrooms at the Double Decker. They are planning to replace the flooring on the upstairs there this fall.
- They were able to travel the park road and get up in the air to cut the limbs that were hanging down.
- They will be collecting bids for the new bathrooms. They are currently working on the engineering aspect; pump size and volume. There is a possibility of being able to install some septic sites in the lower campground if everything goes well.

- Work on the pool continues. After the work began, they discovered some more work that will need to be done. They will need to move some skimmers and circulating pump lines and discussed getting a new pool cover.

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 tenth time it has appeared on the agenda.

Applicant: Teri Fulwider

Councilman Webb moved to appoint Mrs. Fulwider to the BZA with Councilman Jones seconding; the motion was carried by Council.

OLD BUSINESS

OB #1: SECOND READING OF AN ORDINANCE ABANDONING A PORTION OF AN ALLEY ADJACENT TO 740 WEST 4TH STREET

As there were no changes, Councilman Jones moved to read the Ordinance by title. Councilman Webb seconded, and it was carried by Council.

Councilman Webb made a motion to **adopt** the Ordinance with Councilwoman Poluikis seconding. 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 following Ordinance was adopted by unanimous vote.

**Abandonment of Public Right-of-Way
Portion of Alley in End Section, Block 25**

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” and the completion of the conditions outlined below.

BE IT FURTHER ORDANIED 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 pickup.

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.”

Tyson T. Cooper, Mayor

Attest:

Sarah M. Burch, Clerk of Council

Date of Adoption

NEW BUSINESS

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

Ms. Burch read the following Ordinance:

**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 the 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 reasonable means of access for residents and guests of the property at 171 East 31st Street free of obstructions and in a condition equivalent to the existing alley.

4. The developer shall convey, prior to the completion of the private street, a right-of-way over 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 18-1-6-21-1 and 19-1-6-21-19 and any future child parcels with frontage on this alley that may result from subdivision.
5. The developer and his successors shall be responsible for maintenance of the private street shown on the aforementioned site plan.
6. 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 pickup.
7. 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.

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.

NB #2: APPROVAL OF A RESOLUTION SUPPORTING MSBV APPLICATION TO BECOME AN ADVANCING MAIN STREET COMMUNITY

Mr. Treee read the following Resolution:

**Resolution of Support for Main Street Buena Vista's
Participation at the Advancing Main Street Level**

WHEREAS the City of Buena Vista recognizes the critical role a vibrant downtown district plays in fostering community pride, economic growth, and cultural preservation; and

WHEREAS Main Street Buena Vista (MSBV), a nonprofit organization, is committed to the revitalization, promotion, and enhancement of downtown Buena Vista, actively supporting local businesses, organizing community events, and improving the aesthetic appeal of our town; and

WHEREAS MSBV's initiatives significantly contribute to the economic development of Buena Vista by attracting visitors, encouraging entrepreneurship, and cultivating a strong sense of community pride among residents; and

WHEREAS the City of Buena Vista has been a steadfast partner of MSBV, recognizing its essential role in maintaining and enhancing the vibrancy and charm of our downtown district; and

WHEREAS the City of Buena Vista wishes to affirm its ongoing commitment to supporting MSBV in its mission to create a thriving, economically sustainable, and attractive downtown district.

THEREFORE, BE IT RESOLVED, by the City Council of Buena Vista, Virginia, that the City of Buena Vista expresses its strong support for Main Street Buena Vista's application to become an Advancing Main Street community, recognizing the positive impact this designation could have on the city's growth and downtown revitalization.

BE IT FURTHER RESOLVED that the City of Buena Vista intends to continue its ongoing partnership with MSBV and commits to exploring opportunities to offer support through collaborative efforts, in-kind services, financial contributions, and other resources as available, to further MSBV's mission and projects.

Approved: This 19th day of September 2024.

Tyson T. Cooper, Mayor

Attest:

Sarah M. Burch, Clerk of Council

Brooke Dalton, Director of MSBV, provided some information on this saying that they have been working diligently to assist in the revitalization of downtown, fostering community togetherness through events and things like the “3 Ole Grouches” contest, preserving our history and taking pride in our small-town charm. Their vision is to create a vibrant, welcoming downtown that reflects the heart and history of Buena Vista; a place where residents and visitors alike can connect, shop, and enjoy a unique sense of community. They aim to strengthen our local economy while preserving the charm and character that makes Buena Vista special. They are applying for the Virginia Main Street designation and requesting Council's support through this Resolution.

Councilman Cash moved to **adopt** the Resolution; Councilwoman Poluikis seconded, and it was carried by Council.

NB #3: DISCUSSION & APPROVAL OF GLEN MAURY PARK POOL RENOVATION CHANGE ORDER

Mr. Tyree provided some background on the project that a couple of years ago, the City was alerted to the condition of the Glen Maury Park pool by one of the contractors that was there doing some repairs. After investigating the issues, it was discovered that the pool was in vital need of repairs. Most of the skimmers haven't worked in years; many of the components are either broken or in need of replacement. Last year, Council voted to move forward with a contract to complete the repairs, and in May of this year, \$650,000 of ARPA funds was officially dedicated toward the renovation project. The work began recently and after removing the liner and getting into the repairs, the contractor discovered some damage that was not originally quoted for. We have received a quote for the additional repairs coming in at \$96,600, which also includes a new cover for the pool that costs \$35,000. The thought behind the cover is when we open the pool in the spring, without the cover we have to spend about \$5,000 in chemicals each year to clean it, and the cover would help reduce those costs, essentially paying for itself over time. The cover will protect the pool and save us time, staff, and resources. Mr. Tyree informed Council that we currently still have roughly \$2M in ARPA funds left that need to be allocated by December 31st of this year, so we are requesting to use ARPA for these additional expenses. He added that we do have money in the general fund balance that could cover these changes in cost should Council want to go that route. The contractor is planning to have all the work finished by November, so they need an answer within the next few days

on whether to proceed with the additional repairs. Otherwise, they will have to continue the current contract which means the pool may not be able to open for the upcoming year since these repairs do need to happen prior to opening.

Councilman Webb asked how long the cover would last and Mr. Tyree said that it is estimated around 20 years. Mr. Armentrout added that they have also discussed building a storage building by the pool to house the cover to keep it out of the weather when it's not in use. He also stated that they have never had a cover for the pool prior to this, and they have to allot four workers for three weeks cleaning the pool before it opens every year because it will have two to four feet of leaves in the bottom. With the cover, it would eliminate that. Councilman Webb then asked if ARPA funds could also be used to build the storage shed for the cover; Mr. Tyree said it could.

Councilman Webb made a motion to allocate \$100,000 of ARPA funds to pay for the cost of the Change Order as well as build the storage shed for the cover. Councilman Jones seconded the motion, and it was carried by Council.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Sarah M. Burch, Clerk of Council

Tyson T. Cooper, Mayor