



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

September 5, 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 5, 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: BUENA VISTA CITY COUNCIL PUBLIC HEARING**

Mayor Cooper opened the Public Hearing.

### **Abandonment of a portion of an alley adjacent to 740 West 4th Street.**

No one spoke.

### **ADG #3: APPROVAL OF THE AGENDA**

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

### **ADG #4: APPROVAL OF MINUTES FROM THE AUGUST 1, 2024, REGULAR COUNCIL MEETING**

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

### **ADG #5: RECOGNITION/COMMUNICATION FROM VISITORS**

- Ada Branham, 2646 Edgewood Road, recalled her visit at the August 1, 2024 Council meeting where she and some of her neighbors came to speak about a retail business that had moved into the home of the business owner in their residential neighborhood. Mrs. Branham then read the following Code Sections:
  - 603.01, states ‘The R2 District is established to encourage and protect neighborhoods of single- family detached homes on individual lots. It also accommodates limited educational, religious, recreational, and utilities used to support those neighborhoods.’
  - 705.01-1, states ‘The applicant [for a home occupation] must be the; owner of the property on which the home occupation is to be located or must have written

approval of the owner of the property if the applicant is a tenant.’;

- 705.01-2, states ‘The home occupation shall be operated only by the members of the family residing on the premises and 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.’; and
- 705.01-4, states ‘The home occupation shall not generate excessive traffic...’

Mrs. Branham brought up the concern for the safety of the children in the neighborhood and all of the additional traffic the business has generated on Edgewood Road. She noted that the business owner moved her business from 29<sup>th</sup> Street to her home with no notice to the City or to the 17 homeowners in the Racey Acres area. She thanked Chief Handley for placing the speed monitor in the area and for taking note of their concerns. She also mentioned that the business has expanded to allow consignments as well. She then referenced an article from the newspaper which said that after revisiting the situation, the City is committed to develop a solution for both the neighbors and business owners. Mrs. Branham said they are still waiting for the solutions to the problem, and it appears that the ordinance concerning the R2 District has been negated.

- Nancy Sika, 2610 Edgewood Road, addressed the way the situation concerning the business in Racey Acres has been handled thus far. She expressed her disappointment that someone in authority allowed the business to be moved to the business owner’s home, making it a home-based business and disregarding the regulations. She was also disappointed in the article in the News Gazette because it outlined the neighbors’ concerns but did not state that the City has disregarded their own ordinances and made the neighbors “look like a bunch of whiners.” She said that as far as the City looking for something to mutually satisfy everyone, there is no way to satisfy everyone in this situation. Ms. Sika also mentioned the process of a public hearing where citizens can come and voice their opinions on certain matters, but there was none of that in this case; somebody just made a decision to disregard the ordinances.
- Cordelia Derr, 1353 Birch Avenue, brought up some concerns about RARO and the youth programs for City residents. She stated that in FY24, Council allocated \$141,000 to RARO and \$151,000 in FY25. While she wasn’t asking where that money goes, she feels certain that it isn’t going to support Buena Vista’s programs and players. She also mentioned that RARO charges a fee for each sport ranging from \$25 to \$65, depending on the sport. However, that fee is supposed to be waived if the family is low income or the child receives free lunch, but RARO doesn’t advertise that and all students in Buena Vista and Rockbridge receive free lunch. So they are receiving money from the fees charged on top of the money from each locality. Miss Derr said that her son participates in a number of RARO sports, including football currently. She then pointed out some differences that she has noticed in the uniforms for Buena Vista and those of Rockbridge players. She said that when her son received his jersey for this year, it was covered in mold spots; she refused to accept the jersey in that condition, so her son went home without one. When they had weigh-ins, they asked for the team to turn in their jerseys to be cleaned. When they played their first game against the Rockbridge team, they received their jerseys back, but her son’s was different than everyone else on the team, and she said that she was told that Chad Coffey was ordering more jerseys. She learned later that Rockbridge not only got new game jerseys, but practice jerseys as well; where no Buena Vista team received the same, and parents have to provide a practice jersey for them if they choose. She noted that her son is not the only one affected by the cleanliness of their jerseys and the apparent unfairness within the RARO system. She also addressed the lack of facilities for the Buena Vista teams, especially for

basketball, where they have to travel to other areas of the county to practice and play. She urged Council to consider having conversations with RARO to see how we can fix these types of issues for our youth.

*\*At this point, Mayor Cooper proposed that we move to New Business #2 on the agenda, as Mr. Greg Madsen from Carilion had to leave to attend another meeting.*

**NB #2: APPROVAL OF A RESOLUTION SUPPORTING KIDNEY TRANSPLANT SERVICES PROVIDED BY CARILION CLINIC AT ROANOKE MEMORIAL HOSPITAL**

Mr. Greg Madsen, who has been the administrator of Carilion Rockbridge Community Hospital for the past nine years, addressed Council regarding their efforts to build a kidney transplant program. He stated that they are going to all the localities where Carilion has hospitals to ask for support for this program.

The Department of Health has to approve this, so they are looking for resolutions that will go to show support for a kidney transplant program, bringing this vital service closer to home so people don't have to drive so far. He mentioned that there are currently 2,300 people in Virginia on a waiting list for kidney transplants.

Mayor Cooper mentioned that his understanding is that Rockbridge and Lexington will be supporting this as well. Mr. Tyree added that there is a huge need for this in our area, so staff's recommendation is to support this.

Mrs. Jody Fix, who used to work at DeVita Dialysis Center, spoke up saying that this would be a Godsend to the area as there are so many patients who are eligible for transplant, but aren't able to travel far away to receive those services. She urged Council to take this seriously because there are a lot of these patients right here in our area.

Ms. Burch read the following:

**Resolution of Support for Kidney Transplant Services  
Provided by Carilion Clinic at Carilion Roanoke Memorial Hospital**

**WHEREAS** Carilion Clinic is applying to the Commonwealth of Virginia for a Certificate of Public Need (COPN) to bring kidney transplant services to Southwest Virginia through its flagship hospital, Carilion Roanoke Memorial Hospital; and

**WHEREAS** the Buena Vista City Council wishes to improve access to high quality kidney transplant services for its residents and other citizens of the region; and

**WHEREAS** the Centers for Disease Control and Prevention (CDC) estimate that 1 in 7 U.S. adults have chronic kidney disease, the 10th leading cause of death in the country; and

**WHEREAS** in Virginia, there are currently over 2,300 residents on the state's waitlist for kidneys' and

**WHEREAS** patients in Roanoke and Southwest Virginia live hours from a transplant center, making it difficult to access critical services, resulting in long waitlist times and care complications; and

**WHEREAS** there is a growing need for kidney transplant services among Southwest Virginia's population, and these local services will allow for more cost-effective and timely care; and

**WHEREAS** these services will increase the number of medical professionals and healthcare employment opportunities in the area; and

**WHEREAS** Carilion Roanoke Memorial already provides highly complex medical services that include a Level One Trauma Center, a Level Three Neonatal Intensive Care Unit and 85 medical specialties.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Buena Vista, Virginia, supports the plans and efforts of Carilion Clinic to establish kidney transplant services at Carilion Roanoke Memorial Hospital.

**BE IT FURTHER RESOLVED** that the Buena Vista City Council enthusiastically supports the application of Carilion Clinic for a Certificate of Public Need (COPN) to bring kidney transplant services to Roanoke and Southwest Virginia and congratulates Carilion on its recognition by Us News & World Report as the highest ranked hospital in Southwest Virginia and one of the top hospitals in the Commonwealth of Virginia.

Adopted this 5th day of September 2024.

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Tyson T. Cooper, Mayor

Attest:

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Sarah M. Burch, Clerk of Council

Councilman Webb moved to **adopt** the Resolution with Vice-Mayor Staton seconding. The motion was carried by Council.

## **ADG #6: REPORTS**

### **1. Mayor**

Mayor Cooper shared that he had participated in a few events over the past month. He mentioned that while he wasn't able to attend, he sent a letter to be read at the convocation for Buena Vista City Schools. He also attended the groundbreaking ceremony for Buena Vista Pentecostal Holiness Church as well as a meeting of the Central Shenandoah Planning District Commission. He then spoke about the annual Labor Day Festival; there was a great turnout for the parade and the speeches at the park. He also thanked Governor Youngkin, Lt. Governor Sears, Senator Kaine, Congressman Cline, and all of the other candidates who participated.

### **2. City Manager**

Mr. Tyree reported that we received a lot of great comments on how great the parade route and the City as a whole looked on Labor Day. He gave kudos to Steve Webb and the Sheriff's Office for taking community service workers out to paint curbs and fire hydrants, and trim weeds and limbs

along the parade route.

He also reported that Public Works purchased a tire machine. This will allow us to change our own tires which will save us a ton of money. Ryan Grow, City Mechanic, is being trained on the new machine. Ryan is also certified to perform state inspections; this saved the school system around

\$4,000 this year on inspections for their vehicles and buses.

### **3. City Attorney**

Mr. Kearney reported that he and Mr. Tyree had met with Professor Michael Hicks, who is doing the strategic plan, and he hopes to be at the next Council meeting to introduce himself. The meeting went well, and they laid out some ideas, which Mr. Hicks will talk more about when he comes in.

### **4. Council Committees / Members**

#### **a. Budget & Finance**

None.

#### **b. Outdoor Spaces**

None.

#### **c. School Facilities**

They will be meeting at the end of this month.

Councilman Jones asked Mr. Tyree if anything has been done about the business on Edgewood Road. Mr. Tyree said that we received the traffic data from the Police Department and Tom Roberts has a meeting scheduled with the business owner next week. Councilman Jones stated that the question came up as to whether that particular business met the statutory definition of a home occupation and asked if there has been any determination as far as that's concerned. Mr. Roberts said that they have been reviewing the concerns about whether or not there is anyone employed there that does not live in the home to determine whether that is the case or not. The concern of whether [the business] is generating excess traffic is sort of a subjective determination as "excessive traffic" is not specifically defined in the ordinance, but they are trying to figure that out. Councilman Jones then brought up the part of the definition that defines a home occupation as one in which you're selling products that you yourself have produced and does that include a retail business, because he feels that that is an important distinction. He also asked whether there is a business license for that location. Mr. Roberts said that he could not speak to the business license which would be under the Commission of Revenue's purview, but as far as the zoning verification, there was a zoning verification for a home occupation that the business owner received a couple of years ago when she initially started the business. She began in her home, moved to the location on 29th Street, then moved it back to her home in June. As far as the item of whether the goods are produced on site by the proprietors, to the plain reading, the answer is no. However, we have not enforced that provision for any home occupations that he's aware of, and there are multiple home occupations out there that are selling or reselling products that they themselves have not produced; so we have a long practice of allowing that.

Mr. Roberts added that he is going to propose to Council in the future that we change that, but there are going to be many home occupations negatively affected if we were to revoke their home occupation licenses upon discovering this oversight, so it is something that we want to consider carefully. Councilman Jones stated that the zoning verification for a home occupation has to be specifically permitted by the zoning administrator and asked Mr. Roberts if he made the determination that the business qualified as a home occupation; Mr. Roberts said he did. Mayor Cooper added that when the original verification was issued several years ago, the business did fall within our rules, and part of the reason staff is working with the business owner now is to evaluate whether that still applies, because it seems like the nature of the business has changed. Mr. Roberts added that there is nothing in our codes that prohibit a retail business in a residential district as a home occupation; there is nothing that specifically says you can't open a coffee shop in your house. However, the caveats are whether that business would be generating excessive traffic, whether it would be generating noise, etc. Councilman Jones said that it seems that we need to be more specific about describing what these home occupations are. Otherwise, if we are just going to look at impact rather than the actual use, then it needs to be more specific as to what is and what isn't allowed. Mr. Roberts stated that staff is looking at all of these concerns very carefully and believes that we should look at potential changes to the home occupation rules. We do want to preserve our residential neighborhoods and the quality of life in them. We also need to recognize that we have a large number of home-based businesses, and they are an important part of our business community, so we need to understand that if we make those changes what the impacts will be on the existing and future businesses. City Attorney, Brian Kearney added that the nature of home occupations is changing dramatically; with so many people working out of their homes, this is a good time to revisit this and figure out what we want to allow in the home. Mr. Tyree added that if you think about Mary Kay, Tupperware, etc., right now the code doesn't address those types of businesses; and if we do this for one business, we have to be fair and consistent and do it for all.

Councilman Cash stated that the nature of economics is changing very fast, and people are making a living in a much different way than they ever have. He added that he feels it is important to consider the spirit of the code and what is that in this case? He believes that it is to preserve our residential neighborhoods, so we need to be very careful going forward. He then addressed the residents of

Racey Acres saying that we hear your concerns, and recognize that it isn't a great issue, but this is going to take a little thought and prayer, so please be patient while we figure this out.

Mrs. Branham spoke up again saying that day after day she has people turning around in her driveway while looking for the business; her daughter who lives at the beginning of Racey Acres had someone knock on her door asking where the business was.

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

### **Kristina Ramsey – Economic Development**

Miss Ramsey began with an update about Town Square. She said that we are partnering with the Timber Framers again, and we will be building the timber frame stage cover in Town Square October 3-6, with the structure being raised on Sunday, the 6th. She mentioned that since the press release went out in the paper, we have launched some new fundraising options. The largest of those, Forge Your Legacy, is a \$10,000 sponsorship; those who do this would get to take part in

a custom iron element and work with Ian Hart who does the forging. She announced that we have gotten a commitment for one \$10,000 sponsorship, which will cover most or all of our costs unless something else comes up for the stage cover overall. The next fundraiser is the Flush Fund; this allows anyone who donates \$50 or more to receive a miniature toilet trophy (those will be given out at the dedication ceremony for the project). She mentioned that we need around \$6,000-\$10,000 to fully furnish and complete the bathroom. They are also doing the peg fundraiser like they did for the previous pavilion build. The pegs are \$5, and you can personalize those to be included in the stage cover; those will be available in Kristina's office as well as other locations around town. Right now, we still have some meals to cover; we have quite a few of them already but still have two lunches and one dinner to cover. She said that she has spoken to Mr. Tyree about possibly grilling hamburgers and hotdogs on Sunday from the City and invited Council to take part in that if they would like. Mayor Cooper mentioned his experience from visiting the site for the last build and speaking to the builders and what a great time he and his family had doing that, so if most or all of Council are able to come and serve dinner or just come and see what they are doing, they would be blown away. The build will take place at the Mullins' farm in Rockbridge Baths on Thursday, Friday, and Saturday, then they will be in town to finish everything and raise the structure on Sunday.

We received a technical assistance grant from the National Park Service to do interpretive signage plan research and design for the Riverwalk. We will be telling the story of the City and the different elements along the Riverwalk; the flood levee, how it works, things like that. They are working on collecting stories, photos, and artifacts from members of the public that can be included either on the Riverwalk or in future projects for interpretive signage.

The Dollar Tree opened on Saturday, August 31st and have stayed packed the last few days. Amanda Kidd opened an insurance business beside the BV Barber on Beech Avenue. There is a new business coming to the former Flowers & Things location, a sub shop called BubBub Subs; we aren't sure of their opening date yet.

The Shenandoah Valley Workforce Development Board is the governing board for our workforce resources and support, and they serve from Winchester all the way down to the Rockbridge area, providing those services to job seekers and employers. They have run into the challenge over the last few years where they are based in Harrisonburg, which is kind of far away to serve their southern localities; as it turns out, the Roanoke region is having the same issue. So our Workforce Development Board partnered with the Roanoke region's Board and actually received a \$1.5 million grant to work together for Roanoke's northernmost localities and the Shenandoah Valley's southernmost localities to provide workforce resources more directly to our area and make it more accessible for the folks here.

## **6. Invited Community Organizations**

### **a. Bryson Adams – RARO**

Winter sports registration begins October 1<sup>st</sup>. RARO Adventures held a hunter safety course. Most of those courses are held in the Richmond area, so Chad Coffey took that project on and on August 17th, they held the course at the fire department for about 28 participants. This is something that helps our community in our area because most of these programs aren't offered in our area.

Deidra Dryden, the other Buena Vista representative on the RARO Board, has accepted a position that requires more travel; therefore she will be resigning from her position on the Board. Once she sends in her resignation, the opening will be advertised.

**b. Thomas Bell – Library Board**

The library is hosting lots of programs; everything from story time to a stuffed animal sleepover where kids drop off their stuffed animals for a “sleepover,” the librarians take pictures of the what the stuffed animals are doing, and the kids pick them up the next day. They have an event coming up called “Bats in the Backyard” where a bat expert comes in bringing actual bats that you can watch eat. Event participation continues to increase over last year; there have been days that they have had over 40 people there for story time. Beginning this Friday, they are officially open six days a week in the Buena Vista branch. This is the first time since COVID that this has happened.

**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 ninth 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: FIRST READING OF AN ORDINANCE ABANDONING A PORTION OF AN ALLEY ADJACENT TO 740 WEST 4TH STREET**

Dean Cash, the owner of 740 West 4th Street, spoke up and said that after researching his property lines and conducting a survey of his land, they discovered this “alley” that runs through the backyard that hasn’t been used and has been maintained by the previous homeowner since the house was built in 1984, so this abandonment just makes sense.

Ms. Burch read the following:

**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 ORDAINED** 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 pick-up.

**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.”

**NB #2: DISCUSSION OF ROCKBRIDGE AREA DEPARTMENT OF SOCIAL SERVICES BUILDING PROJECT**

Mr. Tyree reminded everyone that Buena Vista, Lexington, and Rockbridge purchased about six acres of land next to Food Lion / behind the funeral home for the new Department of Social Services office. Based on the design, the square footage is about 17,000 with an estimated construction cost of \$12.6 million. Senators Warner and Kaine have included this project in their US Senate bill for congressionally directed spending. We were told that they were originally looking at allocating \$2 million, however, another project they were supporting, which was about \$500,000 fell through, so we could potentially receive up to \$2.5 million. We won’t find out about this allocation until after the project is bid out because this will be going through the federal channels which comes with additional challenges for us, such as the Davis-Bacon Act that has to be followed for federal wage requirements. So there are just some additional steps we have to take to meet those federal government requirements.

There are some key milestone dates to be aware of. The plans had to be submitted by September 3<sup>rd</sup> and the Planning Commission with review and approve those at their meeting on September 10<sup>th</sup>. We will begin the bid advertisement on October 15<sup>th</sup>, with the bids opening on November 15<sup>th</sup>. Around December 12<sup>th</sup> (depending on meeting dates), all three localities will approve and award a contract. We will send out a Notice to Proceed at the beginning of January to whoever wins that bid with the goal of having DSS move into the building by February 2026.

**ADJOURNMENT**

There being no further business, the meeting was adjourned.

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Sarah M. Burch, Clerk of Council

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Tyson T. Cooper, Mayor