



City of Buena Vista City Council Regular Council Meeting, Public Hearings, & Executive Session

January 16, 2025, 6:00 PM
Council Chambers – 2039 Sycamore Avenue

The City Council for the City of Buena Vista met for a Regular Council Meeting, Public Hearings, & Executive Session on Thursday, January 16, 2025, at 6:00 p.m.

Members Present: Vice-Mayor Danny Staton

Melvin Henson

Steve Webb

Michelle Poluikis

Stanley Coffey

Ronald Cash

Members Absent: Mayor Tyson Cooper

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

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

ADG #2: BUENA VISTA CITY COUNCIL PUBLIC HEARINGS

Public Hearing #1: Conditional Use Permit to allow operation of a Bed & Breakfast in existing dwellings at 2056 & 2068 Chestnut Avenue

Vice-Mayor Staton opened Public Hearing #1.

- Daniel De Souza, 2253 Maple Avenue, who is applying for the CUP on behalf of his business partners, requested that Council consider approving this as he feels that it will bring a great service to the City.

Vice-Mayor Staton closed Public Hearing #1.

Public Hearing #2: Abandonment of 125 undeveloped feet of Locust Avenue adjacent to 293 East 36th Street & to Treemont Apartments

Vice-Mayor Staton opened Public Hearing #2.

- Allen Pooley, 282 East 36th Street, asked Council to consider not closing this portion of the street due to the fact that he has stored some of his work equipment there, including trucks, tractors, and trailers for the last 30 years since it is across the street from his home and if it is sold, he will start parking his trailers and equipment on the street. Mr. Pooley advised that over the years, he has maintained the area since he uses it. He also mentioned that he would have liked to have had the option to purchase the piece of land for his use.
- Jonathan Humphrey, 283 East 36th Street, is the property owner adjacent to the piece of land in question. He is requesting to purchase the land in order to install a driveway around his property.

Vice-Mayor Staton closed Public Hearing #2.

**Public Hearing #3: Amendment to the Code of the City of Buena Vista, Chapter 14, Article III
Erosion & Sediment Control**

Vice-Mayor Staton opened Public Hearing #3.

There being no public comment, Vice-Mayor Staton closed Public Hearing #3.

ADG #3: APPROVAL OF THE AGENDA

Councilmember Coffey moved to approve the agenda, seconded by Councilmember Henson, and carried by Council.

**ADG #4: APPROVAL OF MINUTES FROM THE JANUARY 2, 2025, REGULAR COUNCIL MEETING &
PUBLIC HEARINGS**

Motion to approve the minutes was made by Councilmember Coffey, seconded by Councilmember Webb, and carried by Council, with Councilmembers Henson and Cash abstaining.

ADG #5: RECOGNITION/COMMUNICATION FROM VISITORS

- Monica Palmer, 302 East 41st Street, is the property manager for the Hillside Mobile Home Community. Ms. Palmer feels that the laundromat is unnecessary because she doesn't believe any of the residents would use it and that it will cause extra traffic to the area. She recommended that the laundromat could go inside the proposed apartment building.

ADG #6: REPORTS

1. Mayor

None.

2. City Manager

Mr. Tyree advised that he and Mr. Bolster will be joining the Lexington City Manager, County Administrator, and their respective Finance Directors to discuss regional budgets; those agencies that we all partner with such as the 911 Center, DSS, and the jail. This will cut down on the time those agencies have to spend visiting each locality to give the same presentation. He also noted the joint regional meeting being held on January 30th at the Virginia Horse Center to discuss DSS and RARO projects.

Mr. Tyree also mentioned that there was a request by a Council Members to discontinue including the minutes in the printed packet and instead they will be sent out electronically for review. This will save some time and a little money on printing costs.

3. City Attorney

None.

4. Council Committees/Representatives

a. Budget & Finance

None.

b. Outdoor Spaces

Mr. Henson reported that the Committee has completed three tours of the City, so their next meeting will be to go over everything and come up with a plan for what they would like to do. The Committee plans to present their findings and proposals to Council at a retreat in March.

c. School Facilities

Mr. Cash reported that over the last several months, the School Facilities Committee has been exploring a good path forward for our schools and all of them have some degree of need for maintenance or replacement. ESG has been conducting a study, and the general consensus of the Committee is that the middle school has become a liability for the City, and we desperately need to do something with that buildings. There are also needs at Kling (roof) and Enderly (security). The Committee is now working to find the best path forward and how to combine our efforts in a way that maximizes the use of taxpayer money. He added that it's not going to be cheap, but it is necessary, and if Buena Vista desires to remain an independent city with its own school system, we are going to have to do something about our school buildings.

5. Department Heads / Constitutional Officers / Court Clerks

None.

6. Invited Community Organizations

None.

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

None.

OLD BUSINESS

OB #1: SECOND READING OF AN ORDINANCE TO REZONE 486 SOUTH MAGNOLIA AVENUE

As there were no changes to the text, Councilmember Henson moved to read by title only, seconded by Councilmember Coffey, and carried by Council.

There being no discussion, Councilmember Poluikis moved to approve the Ordinance with Councilmember Cash seconding. Ms. Burch completed a roll call vote of Council as follows:

Member	Present	Absent	Yes	No	Abstain
Councilmember Henson	X		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 **approved** Ordinance is as follows:

**Zoning Map Amendment
Tax Map 60-1---1C and 61-1---1C, 486 South Magnolia 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, the two parcels of property identified as 60-1---1C and 61-1---1C (486 South Magnolia Avenue) and depicted in "Exhibit A", shall be rezoned from C1 Conservation to R1 Low Density Residential, 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

**OB #2: SECOND READING OF AN ORDINANCE TO REZONE & GRANT A CONDITIONAL USE
PERMIT FOR 40TH STREET & CATALPA AVENUE**

As there were no changes to the text, Councilmember Henson moved to read by title only, seconded by Councilmember Coffey, and carried by Council.

There being no discussion, Councilmember Coffey moved to approve the Ordinance with Councilmember Cash seconding. Ms. Burch completed a roll call vote of Council as follows:

Member	Present	Absent	Yes	No	Abstain
Councilmember Henson	X		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 **approved** Ordinance is as follows:

**Zoning Map Amendment & Conditional Use Permit
Tax Map 6-1-6-25-2, 4004 Catalpa 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, the parcel property identified as 6-1-6-25-2 (to be addressed 4004 Catalpa Avenue) and depicted on "Exhibit A", shall be rezoned from R3 Residential Limited to R4 Medium Density Residential, and the zoning map for the City will be amended to reflect this change.

BE IT FURTHER ORDAINED that pursuant to Section 603.03-3 of the Land Development Regulations, a Conditional Use Permit shall be issued for the operation of a laundromat business on said property, with the condition that business hours shall be limited to no later than 9:00 PM and no earlier than 6:00 AM on any day.

BE IT FURTHER ORDAINED that pursuant to Section 630.01-3 of the Land Development Regulations, a Conditional Use Permit shall be issued for a reduction of the minimum rear setback for primary buildings to five (5) feet; a reduction of the minimum side setback to five (5) feet; and an increase in the maximum dwelling units per acre to allow eight (8) units on this property.

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 & APPROVAL OF 2025 CITY PROJECTS

Mr. Tyree reported that the list being presented tonight is not all inclusive, but there are four unbudgeted projects being requested. The first is the 6th Street waterline extension that will extend the water line across Magnolia Avenue; the quote for that is \$20,000. The second project is to replace the roof of the Maury River Senior Center. It is leaking badly and since the City owns the building, it is our responsibility to take care of it. That is quoted at \$60,000. The third request is to fix the sidewalks throughout the City. We received a quote of \$216,087 from Precision Safe Sidewalks to laser cut the sidewalks. This will increase safety as well as bring us into compliance with some ADA requirements. This is also the same company that has done this for us before. The last funding request is for \$100,000 to complete the Town Square project. This would finish the bathroom building, finish most of the landscape, complete the seating plaza, and install a mural on

the side of the RAHC building, as well as a few other things.

Councilmember Coffey moved to **approve** the funding requests as presented. Councilmember Cash seconded, and it was carried by Council.

NB #2: APPROVAL OF AN APPROPRIATION RESOLUTION

Steve Bolster, Finance Director, advised that this resolution is linked to grant reimbursements based on awards that occurred after the FY25 budget was adopted. The first is to source some components to improve communication for the Buena Vista Police Department. The other is through VRSA (Virginia Risk Sharing Association), who the City has property and liability insurance with. Each year, they allow localities to submit a funding request that is linked to risk management; in December, we were awarded \$4,000 to purchase handheld radios in support of the BVPD, primarily for the new officers.

The following Resolution was presented:

Appropriation Resolution

BE IT RESOLVED by the City Council of Buena Vista, Virginia, that the following appropriations are, and the same is hereby made, for the period ending **June 30, 2025**, from the UNAPPROPRIATED SURPLUS of the **GENERAL FUND** and expended as follows:

Byrne Justice Assistance Grant (Handheld Radios & Supplies)

10.3101.60255	Byrne JAG Grant	<u>\$40,000.00</u>
Sub-total 1		\$40,000.00

VRSA risk Management Grant Award (Handheld Radios)

10.3101.60259	VRSA Police Grant	<u>\$4,000.00</u>
Sub-total 2		\$4,000.00

Total General Fund Appropriation	\$44,000.00
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Approved: This 16th day of January 2025.

Tyson T. Cooper, Mayor

Attest:

Sarah M. Burch, Clerk of Council

Councilmember Webb moved to **approve** the Resolution with Councilmember Coffey seconding, and it was carried by Council.

NB #3: DISCUSSION & APPROVAL OF RECOVERY COURT REQUEST FOR OPIOID ABATEMENT FUNDS

Commonwealth's Attorney, Josh Elrod, requested the \$13,680.45 from the opioid settlement funds to be allocated to support the establishment of the Recovery Court. The program aims to provide treatment and supervision for individuals with substance use disorders, with a goal of reducing recidivism. The funding they are requesting from all of the localities will cover the salary and benefits for a full-time coordinator. They are planning to have the court operational by April 1, 2025. They have also applied for additional funding through the State and other grants to ensure the court's long-term sustainability.

Councilmember Coffey moved to **approve** the request for funding, seconded by Councilmember Cash, and it was carried by Council.

NB #4: FIRST READING OF AN ORDINANCE TO GRANT A CONDITIONAL USE PERMIT TO ALLOW A BED & BREAKFAST AT 2056 & 2068 CHESTNUT AVENUE

The following Ordinance was presented to Council:

**Conditional Use Permit
Lots 3 through 8, Block 57, Section 2
2056 & 2068 Chestnut 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, pursuant to Section 604.03-6 and 714.08 of the Land Development Regulations, a Conditional Use Permit shall be issued for the operation of a Bed and Breakfast Inn at 2056 Chestnut Avenue, and a Bed and Breakfast Inn at 2068 Chestnut Avenue.

BE IT FURTHER ORDAINED that pursuant to Section 714.08-1.3 of the Land Development Regulations, special events shall be permitted on the premises described above with the following requirements:

- a. Events will only be held outdoors
- b. Maximum of 50 event attendees
- c. Two bathrooms are available inside buildings for event attendees. Additional portable toilets will be provided if required by Health Department based on number of attendees, food service, etc.
- d. Events will not be held between the hours of 10:00 PM and 8:00 AM
- e. Amplified sound, if any, shall not be plainly audible to a reasonable person within a closed residence any closer than two hundred fifty (250) feet to the event
- f. If more parking than adjacent street and site parking is needed, shuttle(s) will be provided to nearby parking lot(s).

BE IT FURTHER ORDAINED that the Conditional Use Permit to conduct special events on the premises shall be subject to annual renewal by the Council of the City of Buena Vista pursuant to Section 802.03-11 of the Land Development Regulations. The Council shall consider the criteria found in Section 802.03-5 of the Land Development Regulations and impacts, if any, of the event operations on surrounding properties.

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

Discussions addressed occupancy limits and potential impacts on the neighborhood with the increased traffic and noise. Mr. Roberts also noted that there will be an annual renewal of the event permit to ensure compliance with noise and event size regulations. Concerns were also raised about how and who would monitor the property for potential violations or transition into long-term rentals.

NB #5: FIRST READING OF AN ORDINANCE TO ABANDON 125 UNDEVELOPED FEET OF LOCUST AVENUE

The following Ordinance was presented to Council:

**Abandonment of Public Right of Way
Southern 125' of 3600 Block of Locust Avenue**

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."

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

Mr. Roberts reported that he doesn't believe this is likely to be opened as a street anytime in the future as there would be no benefit to doing so. He also noted that he is just waiting on an official response from Treemont but believes they will be signing a quitclaim deed so that the Humphreys' can have both halves. The cost to purchase the entire width is \$5,625.

NB #6: FIRST READING OF AN ORDINANCE TO AMEND CITY CODE CHAPTER 14, ARTICLE III EROSION & SEDIMENTATION CONTROL

The following Ordinance was presented to Council:

**City Code Text Amendment
Chapter 14, Article III. Erosion & Sediment Control**

AN ORDINANCE to amend Chapter 14, Article III, Section 14-47 of the Code of the City of Buena Vista, as amended, for the purpose of changing what construction activity requires a land disturbing permit.

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, subparagraph "j" of paragraph (2) of the definition for "land-disturbing activity" found in Section 14-47 is amended to read as follows:

j. Disturbed land areas of less than 10,000 square feet in size, except those directly related to the construction of a new building other than a residential accessory building.

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

This proposed amendment is to lower the threshold for land disturbance permits from 10,000 square feet to cover more residential construction. Since most new home construction disturbs less than 10,000 square feet, they are not required to follow the provisions of the current E&S control program. The primary effect of this amendment will be that a new home that's well under that threshold will still be required to implement E&S control measures. They have designed an agreement in lieu of an E&S control plan; this lays out all the basic rules for a smaller construction project to implement those measures.

EXECUTIVE SESSION

According to Section 2.2-3711 (A)(8) of the 1950 Code of Virginia, as amended, for the purpose of consulting with legal counsel regarding legal advice associated with amending the Zoning Ordinance for the City of Buena Vista.

On motion by Councilmember Webb, seconded by Councilmember Cash, City Council convened in Executive Session.

RETURN TO REGULAR SESSION:

On motion by Councilmember Henson, seconded by Councilmember Cash, and carried by Council, City Council returned to the regular meeting with the following certification:

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS the Buena Vista City Council has convened an Executive Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS Section 2.1-344.1 of the Code of Virginia requires a certification by the Buena Vista City Council that such Executive Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Buena Vista City Council hereby certifies to the best of each member's knowledge that: (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Executive Meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the Executive Meeting were heard, discussed or considered by the Buena Vista City Council.

VOTE:

Councilmember Henson ✓ Councilmember Poluikis ✓ Councilmember Webb ✓

Councilmember Coffey ✓ Councilmember Cash ✓ Vice-Mayor Staton ✓

Mayor Cooper - *absent*

AYES – 6 NAYS – 0

MEMBERS ABSENT DURING VOTE: Mayor Cooper

MEMBERS ABSENT DURING MEETING: Mayor Cooper

Sarah M. Burch, Clerk of Council

ADJOURNMENT

There being no further business, the meeting was adjourned.

Sarah M. Burch, Clerk of Council

Tyson T. Cooper, Mayor