



## **City of Buena Vista City Council Regular Council Meeting**

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

### **Members Present:**

Mayor Tyson Cooper	
Vice-Mayor Danny Staton	Steve Webb
Michelle Poluikis	Todd Jones
Melvin Henson	Ronald Cash

**Members Absent:** None

### **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**

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

### **ADG #3: APPROVAL OF MINUTES FROM THE APRIL 4, 2024, REGULAR COUNCIL MEETING & PUBLIC HEARINGS**

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**

- Jessi Whipple, 1737 Forest Avenue, requested that Council consider fully funding the Library's full budget request. She is aware that it is an increase compared to previous years, but she is also aware of the positive impact that the library has, and she feels that this budget increase will allow more time to use the library. She stated that she is very appreciative of everything that Council does to support the City, and she understands that there are a lot of budgetary requests that are very important to a lot of different people, so she knows that this isn't the only important request, but she wanted to let Council know where she stands on this. She stated that she feels that she can speak for a lot of moms in the community, because that's who uses it the most. She said she loves the library and the community, but she particularly loves that her kids love the library, because they have a place to go where they can learn and feel safe and be with their friends. She also noted that the library is such a unique place where you're not charged; you can just go and be there and it is open to everyone!
- Rishi Richardson, 2335 Hickory Avenue, began by stating that she was here four years ago for the same reason; to support the library. She noted that at that time, she used the analogy that Vinyl Cuts was the business with the most activity in town. Since then, we have had so many things

come to town that we have funded, but we still haven't funded the library. She said that she was there when Mayor Cooper and Mr. Tyree visited the high school a few weeks ago and spoke about how we need to get the infrastructure taken care of and she thinks that is a worthy goal and is important. But she also feels that the library is like the infrastructure. She noted that she and her family use the library on a daily basis, so when they are closed, they have to make other arrangements. She said that for them it's okay because they keep up with the library system, but for those who only use it occasionally, they don't know when to go. So, because of that the library has had less usage. She stated that she came to tell Council that she is grateful to hear that it is going to have more funding, and we need to make sure it is open on regular hours so that people can get the most access. It is the one place, no matter whether you're a baby or an old person, that you can go to that is open to everyone for free information. She believes when libraries are available for everyone, that it makes a stronger community and makes it so everyone can have the information that's out there. If we don't have our libraries the poorest among us can't get that information. She is grateful that it will be funded to the level it should be and hopes that it can keep growing because the fewer hours have greatly impacted our community. She looks forward to all the great things that they will offer when it is open more.

- Mr. Tyree read the following letter from Sherri Wheeler:

Dear City Council Members,

My name is Sherri Wheeler. I'm a lifelong resident of Buena Vista and a member of the Library Board of Trustees, who uses our local library. I'm writing to you in hopes we will be able to increase funding so as to reopen our library again on Friday.

Our library is a very important resource to many in our community. All of our children used the library growing up. As well as our grandchildren who live here. Because of their parents and our local library they ALL have a love of books and learning.

Books aren't the only things offered at our local library. There are tons of programs for all ages. I actually went to a craft night last week. It was a fabulous activity! The staff is very helpful. They go over and beyond in their jobs.

Libraries are essential for a thriving community. I beg you to please consider our funding needs as you prepare the budget for the upcoming year to include enough funds to reopen on Fridays. Thank you for your support and service to our community!

Sincerely,

Sherri S. Wheeler

## **ADG #5: REPORTS**

### **1. Mayor**

Mayor Cooper stated that he had attended the Central Shenandoah Planning District Commission meeting and was elected to the Executive Committee.

He also attended the ribbon cutting for the Hope House on April 16th and invited everyone to come to the grand opening on Thursday, April 25th.

## **2. City Manager**

Mr. Tyree first spoke about the pavilion in Town Square and urged everyone to go check out the king post, as it is one of a kind and unique to Buena Vista. He also gave kudos to Kristina Ramsey to facilitating the project, getting everything completed, and getting all of the meals together. Mayor Cooper added that Grigg Mullen, who is in charge of the timber frame projects, told him on several occasions that they have never been as well taken care of as they were by Kristina and that it was perfectly organized, and everything went off without a hitch.

There will be an emergency management training on June 13th that will cover a flood scenario. This training will take place at the Innovation Accelerator. Chief Handley will be spearheading that along with the Virginia Department of Emergency Management. They will also be doing a regional training here in August; this will include about 60 people from across the region completing the training. This event will also take place at the Innovation Accelerator.

The Route 60 (29th Street) paving is completed; they will be completing the line striping next week. We have plans to begin paving some back roads soon; this will include portions of 11th – 14th Streets as well as Ridge Avenue.

He will begin sending Council a monthly report at the end of this month updating them on what is going on within the different departments.

## **3. City Attorney**

None.

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

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

Councilman Jones reported that he and Councilman Webb had gone through the proposed budget line-by-line and discussed some of the items with city staff and they have come up with a balanced budget.

They heard a presentation from Chief Handley about his plans for major projects with the focus of the police department and the additional personnel that he was requesting. A significant factor they considered in that request was the amount of time it would take to actually implement the plan because it involves hiring new people and they have agreed to fund two of the new officer positions. They are generally supportive of Chief Handley's approach, efforts, and his vision, and they are hoping this is going to work out for the benefit of everyone in the City.

As far as the school is concerned, they increased their budget by the same amount as the City budget; about 5%. This is not what they requested but it was what they felt was appropriate under the circumstances as opposed to the level funding they have received over the last few years.

We still don't have the new real estate assessment, which provides money for doing all of these things (about \$4,188,000). What will happen is the assessment is going to be up and right now the estimate of the assessment increase (the valuation of property in town) is about a 40% increase. But what we're doing with the budget is lowering the tax rate so that figure will go down to match so that we're basically producing the same amount of revenue based on the new assessment. It won't go down evenly, but that is what the Board of Equalization

does, which we will have to appoint at some point after the initial assessment is finalized. There are also no increases in the personal property tax rate.

Mr. Tyree added, based on tonight's discussion, the Library's request is fully funded in the proposed budget. Councilman Jones asked if the hours of operation were decided by the Regional Library Board; Mr. Tyree stated that they are. Councilman Jones made note that their request is to have it open, but that is a decision of the Library Board, so he asked if that decision is contingent on us funding them at a certain level; Mr. Tyree said that it is.

**b. Outdoor Spaces**

Councilman Henson stated that he and Mr. Tyree are working on an agenda for their first meeting to be held on May 18th.

**c. School Facilities**

Mayor Cooper reminded everyone that they are planning to have their first meeting on May 28th at 6:00 pm at the Ramsey Center.

Councilman Webb reported that Penny Park has a new roof on the picnic area; new shingles and the wood has been replaced. They have painted the benches and will be starting on the fence soon. The roof was done by a contractor, but everything else is being completed by community service workers. About 1/3 of the fire hydrants in the city have been repainted by community service workers as well.

**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 second 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**

**OB #1: SECOND READING OF AN ORDINANCE FOR A CONDITIONAL USE PERMIT FOR A CAT SHELTER AT 2463 BEECH AVENUE**

Mr. Kearney noted that there had been a change to the Ordinance text following Councilman Jones' request to add a third condition to include that the use must at all times be in conformity with all local, state, and federal laws and regulations; it was implied before, but now it is explicit.

Councilman Henson noted that is says 30 cats, tops, but asked how long until that number reaches 40 or 50 because it could increase. He also asked how the ones dropped off after hours would be handled and if they would continue to have “feeding stations” at the old Bennet house and the one in the alley. Mrs. Huffman replied that she doesn’t feed cats at the old Bennet house. Councilman Henson told Mrs. Huffman that there is no question that she is doing a good job. He also brought up the issue of disposal of cat litter because it could be a sanitation issue. Finally, he asked if someone proposed a dog kennel in, would that be allowed or would we deny the application. Mr. Roberts responded that if a dog kennel or any other kind of animal facility came up, that would be a Conditional Use Permit. Mr. Roberts also suggested that we could argue that a cat shelter does not set a precedent for a dog shelter because they are very different considerations; with dogs, you have to let them outside, they have different physical needs, different space needs, etc. Even though they would technically be the “same use,” there are meaningful differences in the uses.

Councilwoman Poluikis made note of a teacher who found a couple of cats and Mary talked to her and immediately set up a foster home. She said that Mary is right on top of things.

Ms. Burch read the revised Ordinance as follows:

**Conditional Use Permit  
2463 Beech 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 616.10-3 of the Land Development Regulations, a Conditional Use Permit shall be issued for a kennel to serve as a cat shelter, in conformance with the staff report attached as “Exhibit A”.

The following terms shall apply:

1. Only cats and kittens may be housed in the kennel; and
2. The maximum number of animals at a given time shall be 30; and
3. That the use at all times be in conformity with all local, state, and federal laws and regulations.

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

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Tyson T. Cooper, Mayor

Attest:

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Sarah M. Burch, Clerk of Council

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Date of Adoption

Councilwoman Poluikis made a motion to approve the Ordinance with Councilman Cash seconding.

Councilman Jones said that he feels that having the Huffmans undertake this project, and it being in compliance with the state regulations from the Department of Agriculture and Consumer Services, will help with the feral cat situation. Ms. Burch completed a roll call vote of Council as follows:

Member	Present	Absent	Yes	No	Abstain
Councilman Henson	X			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 Ordinance was **approved** by a vote of 5-2.

**OB #2: SECOND READING OF AN ORDINANCE FOR THE DESIGNATION OF THE ADVANCEMENT FOUNDATION AS TAX EXEMPT FOR REAL AND PERSONAL PROPERTY TAXES**

Mr. Kearney noted that Councilman Jones had requested to add a couple of contingencies to the Ordinance. Those additions are in the last two paragraphs. The first change clarifies that any personal property owned by the Advancement Foundation be designated as exempt and the second change requires them to provide an annual statement to the Commissioner of Revenue that their activities continue to qualify for the designation.

Ms. Burch read the revised Ordinance as follows:

**Ordinance for Tax Exemption for The Advancement Foundation**

**WHEREAS** The Advancement Foundation acquired the old Mundet-Hermetite building on August 19, 2021 by Deed of Record in the Clerk’s Office of the Circuit Court for the City of Buena Vista as Instrument #202100583 (the “Real Estate”); and

**WHEREAS** they are transforming the building into the Virginia Innovation Accelerator for start-up and high growth businesses, coworking space and center for entrepreneur support and education; and

**WHEREAS** the Virginia Innovation Accelerator has demonstrated its potential to catalyze entrepreneurial growth and economic development in Buena Vista; and

**WHEREAS** The Advancement Foundation has requested, effective as of January 1, 2023, that its property, both real and personal, be designated as “exempt property” in accordance with Section 58.1-3651(B) of the 1950 Code of Virginia, as amended, and Subsection 6(a)(6) of Article X of the Constitution of Virginia; and

**WHEREAS** after a duly called public hearing, the City Council addressed the criteria contained within Section 58.1-3651(B) as follows:

1. Whether the organization is exempt from taxation pursuant to §501(c) of the Internal Revenue Code of 1954. – ***The Advancement Foundation is exempt to taxation pursuant to §501(c).***
2. Whether a current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Board of Directors of the Virginia Alcoholic Beverage Control Authority to such organization, for use on such property. – **No.**
3. Whether any director, officer, or employee of the organization is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer, or employee actually renders. – **No.**
4. Whether any part of the net earnings of such organization inures to the benefit of any individual and whether any significant portion of the service provided by such organization is generated by funds received from donations, contributions, or local, state, or federal grants. As used in this subsection, donations shall include the providing of personal services or the contribution of in-kind or other material services. – ***No part of the earnings inures to the benefit of any individual. Funds are raised for services provided by The Advancement Foundation.***
5. Whether the organization provides services for the common good of the public. – **Yes.**
6. Whether a substantial part of the activities of the organization involves carrying on propaganda or otherwise attempting to influence legislation and whether the organization participates in, or intervenes in, any political campaign on behalf of any candidate of public office. – **No.**
7. The revenue impact to the locality and its taxpayers of exempting the property. – ***Real estate taxes of approximately \$11,000 per year. The Advancement Foundation currently does not pay any personal property taxes.***
8. Any other criteria, facts, and circumstances that the governing body deems pertinent to the adoption of such ordinance. – **None.**

**WHEREAS** after a thorough review of the criteria outlined above, City Council has determined that the loss of revenue associated with this exemption is far outweighed by the benefit of the facility to the citizens of Buena Vista.

**NOW THEREFORE BE IT ORDAINED** by the Council of the City of Buena Vista, that effective as of January 1, 2023, THE Real Estate currently owned by The Advancement Foundation is designated as exempt from the City's real estate taxes.

**BE IT FURTHER ORDAINED** that any personal property owned by The Advancement Foundation located upon the Real Estate be designated as exempt from the City's personal property taxes.

**THIS ORDINANCE** may be revoked in accordance with the provisions of §58.1-3605 of the 1950 Code of Virginia, as amended, and is subject to The Advancement Foundation annually providing a statement to the Commissioner of the Revenue for the City of Buena Vista that their activities continue in full, or in part, to qualify for the designation contained herein.

This Ordinance shall become effective thirty (30) days after enactment.

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Tyson T. Cooper, Mayor

Attest:

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Sarah M. Burch, Clerk of Council

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Date of Adoption

Councilman Henson moved to approve the Ordinance with Councilman Webb seconding.

Councilman Jones noted that during his time of practicing law in the City, he saw many businesses come and go and feels he has a pretty good view as to why some of the failed or never got started. People had ideas, but couldn't manage to get them off the ground, whether from lack of know-how, capital, or the experience to be able to put it together. He added that he feels that the core mission of The Advancement Foundation is really important, and he fully supports their idea of helping businesses get off the ground and give them the knowledge and a place to start. This is why he feels this exemption is important; to help facilitate that. He noted that he had heard some comments from citizens expressing concerns about us giving this organization a tax break, which is why he suggested those changes to the ordinance. He thinks a lot of concerns were that there were some suggestions of some other things they may get into such as living units and other commercial facilities, which if they do, would be in competition with entrepreneurs in the city who don't have the benefit of a tax break. So, it is critical that if they extend what their core business is into doing other things that are more entrepreneurial, then he doesn't believe they would be entitled to an exemption under those circumstances. But as it stands now, their core business is trying to help these smaller enterprises get going, and that's valuable and that is why he is in support of this.

Councilman Webb asked if there should be a time period to reevaluate. Mayor Cooper said that when they submit a report each year, that is the evaluation. Mr. Kearney added that if they have unrelated business income, they would no longer qualify, and the designation would be taken from them.

Councilwoman Poluikis stated that she has read this Ordinance over and over and some of it seems to be saying the same thing in a different way in a different category, so she was a little confused. She sees that there are businesses there, so what about the business in town that are not connected to this? Mayor Cooper explained that even the businesses inside the Innovation Accelerator are NOT exempt from taxes; it is just the Innovation Accelerator itself which is essentially the structure and any equipment they purchase. Any of the businesses in there will still pay taxes.



Councilwoman Poluikis then asked if this would have any effect on the rent that the businesses are paying because she noticed that one of them hasn't been able to pay any rent for a while and one had a significant jump from \$300 to \$800. She also wanted to know who provides the mentoring. Miss Ramsey stated that the Accelerator is an opportunity to reduce risks for businesses that are getting started, so those rental rates that are changing is creating an opportunity for them to start without some of the extra expenses or risks that they would have if they were buying a property. Every business that starts, if the Accelerator suits them, she and Mr. Roberts send that way. As for the mentors, The Advancement Foundation has staff who are dedicated to supporting the entrepreneurs within the Accelerator. They also run the Gauntlet program which is a 10-week business program and competition where they can present their business plans and win awards. They have a pretty diverse staff that is well equipped to mentor and provide support services. Councilwoman Poluikis stated that while she understands, this explanation is a little contradictory to what she has heard from someone who has been involved in the program. Mayor Cooper invited Annette Patterson to help answer some of Councilwoman Poluikis' questions.

Councilwoman Poluikis asked exactly who the staff is. Ms. Patterson said they have staff that are here including a business outreach person, a manufacturing consultant, and people who run the Gauntlet program. Ms. Patterson noted that they also have about 300 mentors from all over the region that they connect with the entrepreneurs.

Councilwoman Poluikis then asked how many businesses they are working with right now. Ms. Patterson said that they have a few different programs. The Gauntlet program includes about 110 entrepreneurs. They currently have about nine or ten entrepreneurs who are at different stages and are all doing different things. She noted that depending on the time of year, they could be working with different numbers of businesses.

Councilwoman Poluikis asked for a specific example of a situation where a potential business property was being used as storage that they have helped turn into a productive business location. Ms. Patterson said that in the Town of Bedford she and the economic development person there were working on doing a Gauntlet program, but they were lacking rentable spaces. However, there was a family who owned a number of properties in downtown that were being used for storage. They met with those owners and asked if they would be willing to be engaged with the program and help them and they agreed. The lady got very involved and began mentoring some people and actually got her son into the Gauntlet. Through that relationship, they were able to open up three of their properties, and they were even willing to give three month's free rent to some of the Gauntlet winners.

Councilwoman Poluikis then asked how many people who have gone through the Gauntlet program are in business in Buena Vista right now. Mayor Cooper noted that he has two businesses in his building downtown. Ms. Patterson said she is unsure of the count; some closed during or after Covid, but The BeeVe and Vinyl Cuts both went through the Gauntlet. A total of 1100 entrepreneurs have gone through the Gauntlet.

Councilwoman Poluikis asked if the entrepreneurs have to pay anything to go through their programs. Ms. Patterson said it depends on how they come in. There are times when they have had grants that will cover them and in that case those people won't have to pay anything. They do ask people to pay \$249 for the whole program which includes their materials, training, the events

that they do, the meetings, mentoring, etc. Councilwoman Poluikis then pointed out that whether they pay or not, the organization gets funds through a grant or through the people themselves to do it. So, she asked, if there is such a large amount of perspective businesses going through the program, why is there a need for the exemption? She noted that she would think that if they have all of these businesses going through there, finances shouldn't be an issue. Ms. Patterson replied that \$249 isn't a lot of money when you are trying to coordinate 110 entrepreneurs and trying to give away \$300,000 in cash and prizes, so they give away far more than they bring in. With the Accelerator, they have gotten some big grants, and she thinks people see that and think they are rolling in money, but that isn't the case. Those grants go directly to what they are to be used for. Everything they have done so far, The Advancement Foundation is completely in the red. Their utility bills are about \$2500-\$4000 each month and that is just the beginning of the expenses. They have done a lot of their renovations themselves to try to save costs. They are trying to run like a business and keep themselves moving forward and not be in debt, but it is very tight for this project in particular. She noted that their programs in other areas are paying for their bills here so there is no big money coming in.

Councilman Cash added that regardless of what we are being told, our country is in a recession and small cities like Buena Vista are struggling to get on their feet, particularly after things like Covid that really knocked many businesses out, he feels that it is important that we recognize that it's not easy to start a business. He stated that he is proud that Buena Vista has people who are passionate about what they do and are willing to go beyond the normal scope of things, so he is in support of this, and this is what it's going to take to get Buena Vista back on the map.

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

Member	Present	Absent	Yes	No	Abstain
Councilman Henson	X		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 Ordinance was **approved** by a vote of 6-1.

## **NEW BUSINESS**

### **NB #1: PROCLAMATION IN RECOGNITION OF MAY 2024 BUSINESS APPRECIATION MONTH**

Mr. Tyree read the following Proclamation:

#### **Proclamation in Recognition of Business Appreciation Month May 2024**

**WHEREAS** Buena Vista businesses have shaped and embodied the entrepreneurial spirit that has driven revitalization and ensured economic growth and diversity in the City; and

**WHEREAS** Buena Vista's economic well-being and growth stem from the hard work and dedication of its business owners; and

**WHEREAS** Buena Vista businesses provide jobs, products, and services to our residents, residents in our surrounding communities, and consumers far and wide; and

**WHEREAS** Buena Vista is currently home to 282 business license holders; and

**WHEREAS** many Buena Vista business license holders are small businesses operated by dedicated, local entrepreneurs; and

**WHEREAS** Buena Vista values its existing and growing business community and commits continued support to its growth; and

**WHEREAS** Buena Vista extends gratitude and appreciation for its local businesses' dedication and perseverance.

**NOW, THEREFORE, WE,** The City Council of the City of Buena Vista, will continue to hereby recognize May as Business Appreciation Month, and we call this observance to the attention of all our citizens and ask that you thank your local business owners and patronize their business.

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Tyson T. Cooper, Mayor

Attest:

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Sarah M. Burch, Clerk of Council

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Date of Adoption

Councilman Jones made a motion to **approve** the Proclamation with Councilman Webb seconding, and it was carried by Council.

### **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