



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

April 4, 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 Hearings on Thursday, April 4, 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: BUENA VISTA CITY COUNCIL PUBLIC HEARINGS**

#### **Public Hearing #1: Conditional Use Permit for a cat shelter (kennel) at 2463 Beech Avenue.**

Mayor Cooper opened the Public Hearing.

Councilman Jones asked Tom Roberts how long the facility has been in operation as he noticed that they filed a full year report for 2023 as part of their licensing process. Mr. Roberts stated that they have been operating for many years noting that they have in the past and will continue to place the cats with foster families so many of these cats are in homes around the area. This shelter will supplement that and facilitate the transition between when cats are brought in and then placed with foster families, and this request is more about expanding the capacity and making it a smooth transition. Councilman Jones then asked if they are required by State or City Code to complete rabies vaccinations. Mr. Roberts replied that he doesn't know, but Mrs. Mary Huffman could answer that.

No one from the public spoke.

#### **Public Hearing #2: Consideration of granting a non-profit organization exemption from real estate taxation: The Advancement Foundation (Virginia Innovation Accelerator), 245 W. 21<sup>st</sup> Street. The current assessed value of the property is \$854,500. The real property tax amount for the current year is \$10,852.14**

Mayor Cooper opened the Public Hearing.

Mr. Tyree stated that Kristina Ramsey had provided a staff report to go along with the request. That report recommends that the real estate tax be exempt because of the work being done there and they are a non-profit organization. He also reported that the Commissioner of the Revenue is recommending a partial tax-exempt status. He said that according to State Code there are seven key factors that have to be considered, and we believe that all of those are being met by The Advancement Foundation.

No one from the public spoke.

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

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

### **ADG #4: APPROVAL OF MINUTES FROM THE MARCH 21, 2024, REGULAR COUNCIL MEETING**

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

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

- Mrs. Brooke Dalton, Executive Director of Main Street Buena Vista, delivered their monthly report to Council. She reported that they have been busy completing program requirements focused on organization and fund development via the Virginia Main Street requirements. They will be holding a fund development workshop on April 13<sup>th</sup> with Jennifer Goldman; this was a \$6,000 grant that was made through VMS and DHCD. Several board members will be assisting with the Town Square pavilion build over this weekend and MSBV will be providing a pasta dinner on Sunday. The Organization Committee completed the submission for the first quarter T-Mobile grant to complete the entrance plaza and seating for Town Square. They will be participating in Artapalooza on April 20<sup>th</sup>. She received a scholarship to attend the Main Street America conference in May. She noted that she went last year, and they provide a lot of great information, and it is a fantastic networking opportunity. They were informed yesterday that MSBV has been selected to apply for a \$35,000 small area plan grant through DHCD; more information on that will be coming soon.

### **ADG #6: REPORTS**

#### **1. Mayor**

Mayor Cooper reported some of the events that he had taken part in over the last few weeks. He attended the ribbon cutting for Kenney's & More on April 3<sup>rd</sup>. He and Mr. Tyree visited the High School last week to speak with a group of student leaders. He was able to meet with Senator Warner when he visited The Advancement Foundation. The Chamber hosted a Monday Mingle at Splash of Color last Monday that he attended. He also participated with Mr. Tyree in recording the City's radio ad. He stated that he was looking at the volunteer sign-up sheet for the Town Square build weekend and there are still opportunities for us. He encouraged everyone to come out and help if they are available.

#### **2. City Manager**

Mr. Tyree mentioned that the City is transferring its credit cards to Cornerstone Bank. This change is for symmetry's sake as we already have our bank accounts there. They also provide better pricing on fees and interest rates. The transition will take place over the next couple of months. He also noted that the PD has already switched over to Cornerstone and that it has been going well.

He invited everyone to ride by Shelter 4 at the park across from the Double Decker. They have done a lot of brush cleanup around the shelter, which really opened up the road and the space. They have also replaced the roof on the shelter. This allows us to begin renting it out again; it

has been closed since the golf course opened.

Paving began on 29th Street. They will be paving from the bottom of the mountain to Hardee's. The project will take about 2-3 weeks to complete.

### **3. City Attorney**

Mr. Kearney stated that he received an email from USDA, and we are still waiting for final instructions to close on the \$5.4M. Everything has been approved, we just need those final instructions to close.

### **4. Council Committee / Members**

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

Councilman Jones reported that he and Councilman Webb have been going through the proposed budget line-by-line. They will be having a meeting next Tuesday and he believes that they will have some conclusions by then about where we're going to balance. He noted that we have received the School's proposal which helps as that is a fairly large item.

Mayor Cooper asked about the potential for a work session. Councilman Jones recommended waiting until after the meeting on Tuesday to see where they are in terms of if they feel comfortable making a proposal.

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

None.

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

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

Councilman Cash mentioned that he would like to set up a meeting with some of the school's maintenance staff to do a walk-through of each school. Mr. Tyree said that he would make sure he and Dr. Francis have each other's contact information to get that scheduled. Councilman Cash stated that he wants to "stick his head in some holes to see what's underneath some of these things"; he doesn't want the "glistening, shiny tour", he wants to see what the real issues are.

Vice-Mayor Staton requested that there be more courthouse security on the days and evenings of elections. He noted that Emilie has to be here late on those nights, sometimes alone, and he would like to have officers coming through more often to check in as a courtesy and to provide additional security.

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

#### **a. Tom Roberts – Community Development**

Mr. Roberts reported that Phase I of Town Square is not quite complete. It includes the pavilion itself, as well as the concrete and site work, which is complete at this point. After the pavilion is built next week, we will still need to come in to do the wiring and lighting inside the pavilion, install a roof, and plant trees and shrubs. He noted that the three big concrete boxes along the sidewalk are actually tree boxes. The final site grading needs to be finished, and grass seed will be put down, but not until after the pavilion is assembled.

Mountain Gateway Community College received their Industrial Revitalization Fund grant for \$650,000. This is the final bit of funding that gets them over the line so they can begin construction. They will still be seeking some additional funding because they've had to cut the scope back here and there. Demolition work has begun at the site.

The City has received a Community Flood Protection Fund grant. This is a program through the Department of Conservation and Recreation. It is a planning grant to develop a resilience plan for the City which DCR has certain criteria for. It will address our environmental resilience, including flood resilience but also resilience from other types of natural disasters. This is related to, but not the same thing, as our regional hazard mitigation plan. This will be more about long-term strategies to make us more resilient to potential hazards versus responding to hazards directly. Part of the plan will also be an in-depth study of our interior waterways (creeks). This is sort of a recapitulation of our 1999 study which looked at how all our creeks could be improved for flood hazard mitigation. Out of that study came some of the projects that we've seen such as the concrete channel on Knowles run and some bridge replacements. This will revisit that study and see where we are now in 2024. Once we have an approved resilience plan, we will be able to apply to the same funding source for construction funding, so this is setting us up for some potential flood hazard mitigation projects down the road.

**b. Emilie Staton – Registrar**

Mrs. Staton began her report noting that the March 5th Primary just wrapped up. We did have a very low turnout with only about 12% of voters coming in. This election allows for a reimbursement to the City for the poll workers, supplies used for absentee envelopes, printing poll books, and office supplies. That was submitted last week, and we will be reimbursed a total of \$5,852 which will be received by June 30th.

The next scheduled elections are the Primary on June 18th and the Presidential election on November 5th. Early voting for the November 5th election will begin 45 days prior on September 18th and run through November 2nd. Early voting is done in her office, which is very small and unable to accommodate the number of people anticipated to show up for early voting. In her budget request, she has asked for \$10,000 to have early voting moved for two weeks prior to the election; so for two weeks out of the 45 days, polls will be moved to the Circuit courtroom and staffed with three poll workers each day. This will allow her to complete her work during that period, which includes preprocessing absentee ballots and officer of election training. This will also help with safety issues in her office. Since it is so small, there is only room enough for two people at a time. This is also more ADA complaint, and she believes it will be a better fit. She noted that she has already spoken to Chris Coleman about using the courtroom and he has told her that there are no court cases during that period, so it should work out fine.

The 2024 State salary reimbursement for herself and Electoral Board was submitted this past week for a total of \$61,838. This should be received in July.

In case of flood, power outage, or any other type of emergency, the Emergency Plan for election day has always been to move the polls to the middle school auditorium. Mr. Tyree stated the he and Dr. Francis have agreed to have it in the gym instead of the auditorium. There is a ramp that goes to those doors so it is ADA compliant, and they can lock the gym

doors for safety reasons. One concern is that if it is moved there and school is in session, if there are people that are not allowed to go to a school on a normal basis, we still have to allow them to vote but want to make sure we have a safety plan in place for the children. They have also discussed potentially making that a teacher workday in the event that it would have to be moved there. Mr. Tyree also made note that we would like to go through the process of getting the backup location moved, potentially to the fire department.

## **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 first 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: DISCUSSION & APPROVAL OF BVCPS REQUEST FOR 2022-2023 CARRYOVER FUNDS**

Mr. Tyree stated that this was carried over from the last meeting since Council had asked Dr. Francis to come talk about some of the projects they have done.

Dr. Francis said that for the last two years, the school division has received construction/renovation money from the State which they could use over the two years. It started in 22/23 and is to be expended by 23/24 (this summer). He noted that that is money that will probably never come back again. The amount was based on student population, so they received \$1.2M. He stated that they had spent about \$600,000 in the first year. This money could be used for new construction, renovations, technology, and safety upgrades. Dr. Francis provided the following list of some of the major upgrades that this money has or will be going to:

- 2022/2023
  - Camera system at PMHS - \$160,000
  - Fencing at EHES/PMMS - \$180,000
    - New fence at EHES and gates at PMMS
  - Handicap lifts at EHES - \$50,000
  - Refurbished two mobile classrooms at KES - \$50,000
    - Replaced decking, flooring, and some walls
    - Price of a used one is over \$200,000
  - Paving rear parking area and access drive at EHES - \$30,000
  - HVAC unit at Ramsey Center - \$12,500
- 2023/2024
  - Upgrade locks at KES, EHES, and PMMS - \$7,500

- Allows teachers to lock doors from the inside
- Sidewalk replacement at KES - \$46,000
- HVAC system (mini-splits) at EHES - \$180,000
  - Last phase will be the cafeteria this summer
  - The system was so old that when they had failures, Southern Air told them they couldn't get the parts because they don't make that system anymore
  - One of the major issues was that when they had a malfunction, they basically had to turn the whole system off – they had to close school a couple of times because of this
  - Each mini split serves two classrooms
- Paving playground area at EHES - \$130,000
  - Will be done this summer
- Repair 1/3 of the roof at KES - \$60,000
  - It is currently not leaking
  - Roofers told them they will need to replace the rest of it (they divided it into thirds) and get a full warranty on it
  - Once all is repaired, it will be warranted for 20 years
- Gym floor repair and addition of fans at PMMS - \$40,000
  - Warped and damaged due to humidity
  - The man who put floor in said he could repair it and suggested that we put the fans in. When the moisture “sinks” it sits on the floor and causes it to warp.
  - Repairing and adding the fans will add about 5 years to the life of the floor
  - To replace the floor, it would be over \$100,000
- Future Projects
  - Another 1/3 roof repair at KES - \$60,000
  - Baseball/Softball scoreboards at PMHS - \$20,000
    - The ones there are the original ones that were put up
    - They can't be upgraded to LED because they are so old

He noted that they did some other things, but these have been the major upgrades. The balance of \$163,623 being requested would go toward the roof and scoreboard expenses and the rest would be placed in the facilities reserve account.

Councilwoman Poluikis noted that there have also been some concerns with the roof at the middle school and asked Dr. Francis if there are any plans to get that fixed. Dr. Francis responded that due to the age and complexity of that roof, they are mainly doing patches. He said that to replace that whole roof would cost around \$2-3M. The building is 90,000 square feet. He also noted that after they completed an analysis, they were told that they really shouldn't sink a lot of money into that school because it has reached it's “service life”.

Mr. Tyree recapped the request saying they want to place \$163,623.19 in the divisions facilities reserve account and to carryover the \$618,263.81 for construction projects over the next fiscal year for a total of \$781,887.

Councilman Jones made a motion to approve the request with Councilwoman Poluikis seconding.

Councilwoman Poluikis said that it's her understanding that when we look at the budget from last year that this is money that we said we were going to give last year, but then we didn't? Mr. Tyree explained that these are funds that they did not use. We budget the school for a certain amount of funds, and they have come in under that amount. They saved money along the way through cost savings, so they are asking to keep that money. After the audit is completed, they say the school did not spend this amount of money, so that's when Dr. Francis emails the request saying that they would like to keep that money and put it into the reserve account, and that request has to be approved by Council. Mayor Cooper explained that we are "re-allocating" the money since we had already budgeted to spend it last fiscal year by giving it to the school district. Then at the end of the fiscal year, the auditor says this is how much money they didn't spend, so the schools are basically asking if they can "have it again". Councilwoman Poluikis said that where she is puzzled is that she would think that for any city, that their biggest concern would be for the schools. She further noted that as an employee of the school system, that the middle school in particular is in dire need of help. She also stated that she worked at Enderly one day and the classroom turned into a swamp because of the air conditioning unit. She expressed her amazement at how the teachers just continue on with their lessons when things like this happen; they never complain, they just keep going. She opined that she doesn't think people understand exactly what the needs are there. Mayor Cooper asked Councilwoman Poluikis pertaining to this request from the school division if she does or does not want to allocate the money. She responded that she does and that she feels like they should get it all. Mayor Cooper clarified that the request is for all of it. Councilwoman Poluikis stated that what she has heard is that "it's a lot of money", but it costs a lot of money to run the schools. She said that the thing that's different about Buena Vista is that our teachers are neighbors to our students, and they love our students and would do anything for them. Councilman Cash agreed saying that it is that indomitable Buena Vista spirit that sets us apart. Mr. Tyree also clarified that it is staff's recommendation to fund this request, and we fully support it and explained that we traditionally do give them back these reserve funds annually.

Councilman Cash commended Dr. Francis and the school division for getting all of these projects completed and actually came in under budget. He noted that he agrees with Councilwoman Poluikis on all points, but he believes this is a good thing and it points to the fact that they are being frugal and prioritizing the needs, so he agrees that [Council] should approve this request so that they continue this work.

Council carried the motion to **approve** the school's request.

## **NEW BUSINESS**

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

Ms. Burch read the following Ordinance:

**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.

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

Mayor Cooper invited Mrs. Mary Huffman to provide some additional details regarding the CUP. Mrs. Huffman explained that she has been to the Planning Commission, and they approved the request, so Council approval is the next step in the process.

Councilman Jones asked Mrs. Huffman if the VDACS report provided from 2023 was for a full year. She said that it is. He noted that she ended the year with 33 but asked if she would be reducing that number to 30 at any given time (as the Ordinance states 30 is the maximum). She replied that if she has a mother cat come in that has nine kittens, it may put that number over 30. She said that the kittens would have to be held for nine weeks so they can get their first and second rounds of shots. Councilman Jones asked if she provides the shots for all of the cats, and she said that she does. He then asked if that includes a rabies shot; she said that it does. She also noted that she works with Cats Unlimited who have spayed and neutered 8555 cats over the last 18 years. They provide low-cost spaying and neutering for Rockbridge County citizens and as part of that, they allow her to come in. When she takes the cats/kittens to the vet, that visit includes spaying/neutering, rabies shot, flea medicine for a month, full exam, ear cleaning, and anything else that may need to be treated.

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Councilman Jones then asked about the disposition of the cats, in particular those that are “returned to colonies”. Mrs. Huffman explained that this is the TNR (Trap, Neuter, Return) program and they work the whole Rockbridge County area to help get the colonies under control as much



as they can afford to. She said that this is one of the only programs in the country that is proven to be effective for colony cats. She said that they have three trappers with a combined 75 years of experience, so there aren't very many they can't get if they go after them. Their goal is to get them, spay/neuter them, get them rabies shots, flea medicine, and hold them until they are well, which is usually a day or two, then they are released back to their colonies.

Mrs. Huffman noted that "shelter" brings up the idea of something like the SPCA, but people will never know that these cats are there. She also mentioned that they are blessed to have some great foster family volunteers who will help house the cats until they are adopted.

Councilman Cash asked what the facility would look like on the inside. She said that they are still operating Huffman's Auction Sales out of the building, but people can still come in for a viewing. She further noted that cats will only be seen or adopted by appointment, so it will not be open to the public.

## **NB #2: FIRST READING OF AN ORDINANCE FOR THE DESIGNATION OF THE ADVANCEMENT FOUNDATION AS TAX EXEMPT FOR REAL & PERSONAL PROPERTY TAXES**

Mr. Tyree read the following Ordinance:

### **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 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 shall become effective thirty (30) days after enactment.

Mayor Cooper asked Ms. Annette Patterson if she had anything she would like to add. She stated that she is grateful for their partnership with the City. She said their goal is to stand up 35 businesses, both innovative and service businesses, and they are very excited about their regional partnerships. She noted that this would really help them as they are currently operating in the red until they get some of these things launched. They are working on construction to the building through the ARC and IRF grants; construction is set to start in the next six weeks.

Councilman Jones asked about the personal property located on the real estate and if that includes the personal property that belongs to the various entrepreneurs using the space. Ms. Patterson stated that she believes they each have their own individual agreements with the City so they would be separated from this request; this request is solely for The Advancement Foundation. Mr. Tyree further clarified that the entrepreneurs would still be subject to property tax.

**NB #3: DISCUSSION & APPROVAL OF AN UPDATED RESOLUTION FOR THE COMBINED VIRGINIA JUVENILE COMMUNITY CRIME CONTROL ACT (VJCCCA) PLAN**

Mr. Tyree explained that this was a Resolution that was approved last year, but they have since added town counties into this mix, so the Resolution needs to be renewed.

Ms. Burch read the following Resolution:

**Resolution Renewing the Combined Juvenile  
Community Crime Control Act (VJCCCA) Plan**

**BE IT RESOLVED** that the City of Buena Vista will participate in the Virginia Juvenile Community Crime Control Act and accept funds for the purpose set forth in this Act until it notifies the Department of Juvenile Justice, in writing, that it no longer wishes to participate.

**BE IT FURTHER RESOLVED** that the City of Buena Vista will combine with the governing bodies of the Cities of Lexington and Covington; and the Counties of Rockbridge, Botetourt, Alleghany, Bath, and Craig to operate a Juvenile Community Crime Control Act Program. The City of Lexington will act as fiscal agent for these localities.

**BE IT FURTHER RESOLVED** that the Lexington City Manager is hereby authorized to execute a local plan on behalf of the City of Buena Vista.

**Approved:** This 4<sup>th</sup> day of April 2024.

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Tyson T. Cooper, Mayor

Attest:

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Sarah M. Burch, Clerk of Council

Councilman Webb moved to **approve** the Resolution with Vice-Mayor Staton seconding. The motion was unanimously 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