

MINUTES

The Lexington City Council held its regular meeting in the courtroom of the Lexington-Rockbridge Joint Facility on December 1, 2005.

PRESIDING: J. W. Knapp

OFFICERS: T. Jon Ellestad, City
Manager
L. A. Mann, City Attorney
S. Edwards, Clerk

MEMBERS: L. W. Broomall
J. H. Page
J. E. Gianniny
T. P. Golden
R. W. Smith
M. M. Elrod

There were nine people present.

PUBLIC HEARING

To receive public comment on a proposed re-subdivision of the properties located at 13 Edmondson Avenue and 15 West Side Court.

Bill Blatter, Planning and Development Director, gave an overview of the proposed re-subdivision. Debbie Merklinger, 13 Edmondson Avenue, owner of these two properties explained to the Council that she and her husband will soon be moving from the Edmondson Avenue property into the West Side Court property and that they already have a buyer for the Edmondson Avenue home. The proposal that is to be considered would create two off street parking spaces for the West Side Court property thus freeing up parking spaces on Edmondson Avenue that are currently being used by individuals residing in this property.

To receive public comment on Ordinance 2005-12 implementing changes to the personal property tax.

City Manager Ellestad noted to Council that they had reviewed this Ordinance in a previously held committee meeting. He also noted that this change is being made as a result of a recently changed state law.

REGULAR MEETING

Mayor Knapp called the meeting to order at 8:05 pm and Councilman Broomall delivered the invocation.

APPROVAL OF MINUTES

Upon motion of Councilman Gianniny, seconded by Councilman Broomall, the minutes of the November 17, 2005 meeting were approved. The following vote was recorded.

L. W. Broomall	Aye	T. P. Golden	Aye
J. H. Page	Aye	R. W. Smith	Aye
J. E. Gianniny	Aye	M. M. Elrod	Aye

CITIZENS' REMARKS AND COMMENTS ON MATTERS NOT ON AGENDA

Linda Davis, 901 Shenandoah Road, addressed Council on an issue pertaining to the Moore's Creek Property. She discussed the water flow from this property that feeds into the Woods Creek and runs through Lexington. She noted that this water is of a very good quality and greatly improves the quality of the water flow in Woods Creek. She further noted that the City has already spent considerable money on the Woods Creek and feels that the Moore's Creek Property should remain in the public domain. Discussion followed between the Council and Mrs. Davis and it was noted how various areas of the public are helped by this water flow from Moore's Creek with some of these users being in Rockbridge County. It was her feeling that this could be used as a "bargaining chip" for negotiating the agreement on this property.

REPORTS AND COMMISSIONS

City Council Committees

FINANCE COMMITTEE

Councilman Broomall reported that the committee had not met.

PHYSICAL SERVICES COMMITTEE

Councilman Gianniny reported that this committee had not met. He did note that a copy of a letter that was included in the packet on traffic did indicate that the committee should schedule a meeting. The meeting was set for December 6th at 4:00 pm at City Hall.

SOCIAL AND ECONOMIC SERVICES COMMITTEE

Councilwoman Elrod reported that the committee had not met.

Boards and Commissions

PLANNING COMMISSION

Consideration of the re-subdivision of 13 Edmondson and 15 West Side Court

Councilman Smith indicated that the Planning Commission had met and discussed the

property re-subdivision on the 13 Edmondson and 15 West Side Court properties. It was the recommendation of the Planning Commission that Council approve the re-subdivision. Councilman Broomall seconded the motion and the following vote was recorded.

L. W. Broomall	Aye	T. P. Golden	Aye
J. H. Page	Aye	R. W. Smith	Aye
J. E. Gianniny	Aye	M. M. Elrod	Aye

Councilman Smith further stated that the Planning Commission continues their work on the Comprehensive Plan and most recently had looked at the population and land use components.

City Manager Ellestad indicated that Council may want to review the ordinance on design in our commercial corridors coming into the city. Discussion followed concerning the Planning Commissions' interpretation of the intent of these regulations and it was asked that Bill Blatter look into the clarifying this ordinance

RAEDC

Councilman Golden reported that this group had not met.

CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION

Mayor Knapp reported that this commission will meet next week.

ROCKBRIDGE REGIONAL COMMUNITY SERVICES BOARD

City Manager Ellestad reported that this board will meet next week.

REGIONAL TOURISM BOARD

Councilman Page reported that this board will meet next week.

MAYOR

Appointments to Cemetery Advisory Board

Mayor Knapp reported that there are three appointments needed for the Cemetery Advisory Board. However, at this time there is only one appointment to make. Upon motion of Councilman Gianniny, seconded by Councilman Golden, it was recommended that Jack Page be re-appointed for another term. The following vote was recorded.

L. W. Broomall	Aye	T. P. Golden	Aye
J. E. Gianniny	Aye	R. W. Smith	Aye
J. H. Page	Abstained	M. M. Elrod	Aye

Appointments to various boards and commissions

Upon motion of Councilman Gianniny, seconded by Councilman Smith, Joan Manley was re-appointed for another term on the Disabilities Services Board. The following vote was recorded.

L. W. Broomall	Aye	T. P. Golden	Aye
J. E. Gianniny	Aye	R. W. Smith	Aye
J. H. Page	Aye	M. M. Elrod	Aye

It was noted that the Community Services Board needs to have two appointments made; however, at this time there was only one appointment presented. Upon motion of Councilman Gianniny, seconded by Councilman Smith, Jon Ellestad was re-appointed to serve on this Board. The following vote was recorded.

L. W. Broomall	Aye	T. P. Golden	Aye
J. E. Gianniny	Aye	R. W. Smith	Aye
J. H. Page	Aye	M. M. Elrod	Aye

Mayor Knapp reminded the Council members of the Intergovernmental Dinner to be held on December 13th at 6 pm in Moody Hall at VMI. He also briefed the Council on a Virginia Futures Forum meeting that he had recently attended in Richmond.

CITY MANAGER

Consideration of Ordinance 2005-12

Upon motion of Councilman Broomall, seconded by Councilwoman Elrod, Ordinance 2005-12 was approved. The following vote was recorded.

L. W. Broomall	Aye	T. P. Golden	Aye
J. E. Gianniny	Aye	R. W. Smith	Aye
J. H. Page	Aye	M. M. Elrod	Aye

Ordinance 2005-12

An Ordinance Adding § 23-2.1(d) to the City of Code to Provide for the Implementation of the 2004-2005 Changes to the Personal Property Tax Relief Act of 1998

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code §§ 58.1-3523 *et seq.* ("PPTRA"), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the "2005 Appropriations Act"); and

WHEREAS, these legislative enactments require the City to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS, these legislative enactments provide for the appropriation to the City of

Lexington, commencing in 2006, of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax ("PPT") on such vehicles, and provide the opportunity for the City to fashion a program of tax relief that serves the best interest of its citizenry;

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Lexington, Virginia to add § 23-2.1(d) to the City Code as follows:

§ 1. Purpose; Definitions; Relation to other Ordinances.

- (a) The purpose of this Ordinance is to provide for the implementation of the changes to PPTRA effected by legislation adopted during the 2004 Special Session I and the 2005 Regular Session of the General Assembly of Virginia.
- (b) Terms used in this Ordinance that have defined meanings set forth in PPTRA shall have the same meanings as set forth in Va. Code § 58.1-3523, as amended.
- (c) To the extent that the provisions of this Ordinance conflict with any prior Ordinance or provision of the City Code, this Ordinance shall control.

§ 2. Method of Computing and Reflecting Tax Relief.

- (a) For tax years commencing in 2006, the City adopts the provisions of Item 503.E of the 2005 Appropriations Act, providing for the computation of tax relief as a specific dollar amount to be offset against the total taxes that would otherwise be due but for PPTRA and the reporting of such specific dollar relief on the tax bill.
- (b) The Council shall, by resolution set the percentage of tax relief at such a level that it is anticipated fully to exhaust PPTRA relief funds provided to the City by the Commonwealth.
- (c) Personal property tax bills shall set forth on their face the specific dollar amount of relief credited with respect to each qualifying vehicle, together with an explanation of the general manner in which relief is allocated.

§3. Allocation of Relief among Taxpayers.

- (a) Allocation of PPTRA relief shall be provided in accordance with the general provisions of this section, as implemented by the specific provisions of the City's annual budget relating to PPTRA relief.
- (b) Relief with respect to qualifying vehicles shall be provided at a percentage, annually fixed and applied to the first \$20,000 in value of each such qualifying vehicle, that is estimated fully to use all available state PPTRA relief. The percentage shall be established annually as a part of the adopted budget for the City.

§4. Transitional Provisions.

- (a) Pursuant to authority conferred in Item 503.D of the 2005 Appropriations Act, the City Treasurer is authorized to issue a supplemental personal

property tax bill, in the amount of 100 percent of tax due without regard to any former entitlement to state PPTRA relief, plus applicable penalties and interest, to any taxpayer whose taxes with respect to a qualifying vehicle for tax year 2005 or any prior tax year remain unpaid on September 1, 2006, or such date as state funds for reimbursement of the state share of such bill have become unavailable, whichever earlier occurs.

- (b) Penalty and interest with respect to bills issued pursuant to subsection (a) of this section shall be computed on the entire amount of tax owed. Interest shall be computed at the rate of ten percent per annum, commencing on the first day following the day such taxes are due, and shall be subject to a penalty of ten percent of the total tax assessable or due on such property, or the sum of ten dollars, whichever shall be greater.

Adopted: _____

John W. Knapp, Mayor

Sharon Edwards, Clerk

City Manager Ellestad informed Council that he had talked with the Superintendent of Schools. He noted that the Superintendent had indicated an interest from the School Board in knowing what direction Council was going to be supporting concerning options for constructing a new Waddell School. The City Manager then indicated to the Council that he felt it was time for Council to meet and come up with questions for the School Board. A meeting will be scheduled.

City Manager Ellestad indicated that an ordinance for keeping chickens in the city has been completed. Council requested that they see a copy of the ordinance before it is advertised to the public.

City Manager Ellestad also noted that he is ready for Council to review the next four chapters of the City Code. A meeting to review this will be scheduled by the City Manager.

CITY ATTORNEY

Attorney Mann noted that he has met with representatives of Washington and Lee University and showed them the final plat with regard to the courthouse construction. He will also schedule an additional meeting with Tom Higgins of the County to review the limits of construction.

UNFINISHED BUSINESS

None

NEW BUSINESS

Councilman Gianniny asked that Public Works be thanked for their job on the decorations downtown.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:18 pm.