

MINUTES

The Lexington City Council held its regular meeting in the courtroom of the Lexington -Rockbridge Joint Facility on February 17, 2005.

PRESIDING: J.W. Knapp, Mayor

OFFICERS: T.J. Ellestad, City Manager
L.A. Mann, City Attorney
C. Irby, Asst. City Clerk

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

There were 21 people present.

PUBLIC HEARING

To receive public comment on Ordinance 2005-2 repealing and reenacting Chapter 2 - Administration of the City Code

No comment

REGULAR MEETING

Mayor Knapp called the regular meeting to order at 8:01 p.m. and Councilman Broomall delivered the invocation.

APPROVAL OF MINUTES

Councilman Broomall moved that the minutes of February 3, 2005 be approved as presented. Councilman Golden seconded the motion and the following vote was recorded:

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

The motion carried.

CITIZENS' REMARKS AND COMMENTS ON MATTERS NOT ON AGENDA

Peggy Payne, of Maury River Road appeared before council to request that a resolution be passed declaring February 22, 2005 as Spay Day USA in Lexington. Councilman Gianniny so moved and Councilman Smith seconded the motion. The following vote was recorded:

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

The motion carried.

Councilman Broomall introduced Stan Kruger, President of the Sunrise Rotary Club, who addressed council concerning a proclamation establishing February 23, 2005 as Rotary International Day in honor of the 100th anniversary of Rotary International. Councilman Broomall moved that February 23, 2005 be proclaimed Rotary International Day and Councilman Gianniny seconded. The following vote was recorded:

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

The motion carried.

Rotary International Proclamation

WHEREAS, Rotary International, founded on February 23, 1905 in Chicago, Illinois USA, is the world's first and one of the largest non-profit service organizations; and

WHEREAS, there are over 1.2 million Rotary club members comprised of professional and business leaders in over 31,000 clubs in more than 165 countries; and

WHEREAS, the Lexington Rotary Club was chartered in Lexington, Virginia, in 1922 and the Lexington Sunrise Rotary Club was chartered in Lexington, Virginia in 1994; and

WHEREAS, the Rotary motto "Service Above Self" inspires members to provide humanitarian service, encourage high ethical standards, and promote good will and peace in the world; and

WHEREAS, Rotary funds club projects and sponsors volunteers with community expertise to provide medical supplies, health care, clean water, good production, job training, and education to millions in need, particularly in developing countries; and

WHEREAS, the Lexington Rotary Club has adopted as its Centennial Project assistance in the furtherance of the programs of the Rockbridge Free Clinic, and the Lexington Sunrise Rotary Club has adopted as its Centennial Project assistance in the commencement of the programs of the Rockbridge YMCA; and

WHEREAS, Rotary in 1985 launched Polio Plus and spearheaded efforts with the World Health Organization, U.S. Centers for Disease Control and Prevention, and UNICEF to immunize the children of the world against polio; and

WHEREAS, the Lexington Rotary Club and the Lexington Sunrise Rotary Club have annually

supported the efforts of the Rotary Polio Plus campaign; and

WHEREAS, Rotary is the world's largest privately-funded source of international scholarships and promotes international understanding through scholarships, exchange programs and humanitarian grants; and

WHEREAS, the Lexington Rotary Club and the Lexington Sunrise Rotary Club recruit and support the participation of Lexington and Rockbridge County citizens in the Group Study Exchange, Ambassadorial Scholars, and Youth Exchange Programs conducted by Rotary International; and

WHEREAS, the Lexington Rotary Club and the Lexington Sunrise Rotary Club sponsor club service projects and provide grants of funds to other organizations in the Lexington/Rockbridge County community to address such critical issues as poverty, health, hunger, illiteracy, and the environment; and

WHEREAS, the Lexington Rotary Club, through its co-sponsorship of the Rockbridge Community Festival, and the Lexington Sunrise Rotary Club, through its sponsorship of the Fourth of July Balloon Rally provide entertainment and add to the civic pride felt by the residents of this community.

THEREFORE, I, John Knapp, Mayor of the City of Lexington, do hereby proclaim February 23, 2005, as Rotary International Day in Lexington, Virginia, and encourage all citizens to join me in recognizing Rotary International for 100 years of service to improving the human condition in local communities around the world.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Lexington to be affixed this _____ day of February in the year of our Lord, two thousand and five.

John W. Knapp, Mayor

Mary Harvey, of 12 Massie Street, thanked City Council and David Woody of the Public Works Department for their support of the Skate Park and announced that Warren Mann, with Americorps, has offered to help repair and renovate the skate park. Three work days have been scheduled: March 5, March 12, and March 19, 2005, and they could use helpers. Additionally, there will be a fundraising concert held on April 30th at 10:00 a.m.

Leslie Ayers, of 323 Old Farm Road, and Kathy Webb, of 3 Miley Court, appeared to update council on fundraising efforts for the proposed pool. The pool-a-thon was very successful. They have raised approximately \$61,000 and requested that council take this issue to committee. Ms. Webb reiterated the need for a community pool and the programs that are currently in place. Councilman Golden asked if the county had been approached concerning support for the pool. Ms. Ayers responded that she will go before them on February 24, 2005 and that they have been presented with a budget proposal. Councilman Golden also questioned if alternate sites for the pool have been considered. Ms. Ayers responded that utilizing the site next to the existing site would be the most financially and logistically prudent. Councilman Smith asked what exactly was being asked of the county. A budget proposal was submitted by Dr. David Copeland requesting \$50,000; \$10,000 per year. Councilman Gianniny recommended that the issue go to committee. Mayor

Knapp asked that it be assigned to the Physical Services Committee. A meeting of the committee was scheduled for March 2, 2005 at 4:00 p.m.

Leslie Giles, Executive Director of the Historic Lexington Foundation, appeared before council to request that the City consider committing funds in the future to the ongoing survey and inventory of the Lexington Historic District. The Department of Historic Resources of the State has indicated that from the past budget cycle, they have a certain amount of cost share funds still available for survey and inventory projects. They have indicated that for a project in Lexington there is likely up to \$5000 available in matching funds. Consideration of the issue was assigned to the Social and Economic Services Committee. Councilwoman Elrod scheduled a meeting of the committee to be held on March 3, 2005 at 7:00 p.m.

REPORTS AND COMMUNICATIONS

City Council Committees

FINANCE COMMITTEE

Councilman Broomall reported that the finance committee met on February 17, 2005, at which time they reviewed the quarterly report for the second quarter with Monty Higgins.

Councilman Broomall explained changes incorporated in Resolution 2004-3B and moved on behalf of the committee that it be approved. The following vote was recorded:

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

The motion carried.

PHYSICAL SERVICES COMMITTEE

Councilman Gianniny reported that the committee had not met, but a meeting had been scheduled for March 2, 2005 at 4:00 p.m. to discuss the community pool.

SOCIAL AND ECONOMIC SERVICES COMMITTEE - no report

Boards and Commissions

PLANNING COMMISSION

Councilman Smith reported that the planning commission met on February 10th, at which time they heard from John Smith concerning the Brushy Blue Trail Project. Additionally, the committee worked on a joint city/county planning commission report. Councilman Smith requested council's endorsement of the report once they had a chance to review the report.

CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION

Mayor Knapp reported that the commission met on February 7th. They considered and approved four transportation requests. Mayor Knapp also reported that forthcoming will be meetings between planning districts north of the central Shenandoah looking at water quantity and quality in rivers. There was an announcement by the State that there are funds available for transportation planning projects, not requiring local match, although local matches will be encouraged.

ROCKBRIDGE REGIONAL COMMUNITY SERVICES BOARD - no report

RAEDC

Councilman Golden reported that RAEDC held a retreat on February 5, 2005 to review the bylaws. The bylaws have to be approved by each jurisdiction in order to be changed. A regularly scheduled meeting was held February 8, 2005. We have the second lowest unemployment in the State. There was a presentation by the Horse Center who thanked the localities for endorsing the additional 2% tax revenue and updated their expectations in Richmond. A tentative budget was approved, and Golden noted they are drawing down on their reserves.

City Manager Ellestad requested that the changes to the RAEDC bylaws be discussed during the Social and Economic Services Committee meeting prior to coming before council. Councilman Golden asked to see a copy of the original bylaws along with the changes for comparison.

MAYOR

As a legislative update, Mayor Knapp informed council that the State House seems ready to adopt the idea of supporting the Virginia Horse Center in their original debt.

Also, Senate Bill 10-12 should come out of the House committee. It has passed the Senate. This bill states that the purpose of a courthouse location contiguity includes property across a public right of way. City Attorney Mann added that it is out of subcommittee with the minor amendment of adding the word contiguous again before "public alley or street".

The City of Lexington was awarded a Best Practices Award today by the Valley Conservation Council. This was for outstanding resource protection project for the year, for the South Main Street Biofiltration and Bioretention Project. The award will be made Tuesday, February 22, 2005.

On March 20, 2005, WVPT will be airing a program on the city of Lexington. City Manager Ellestad noted that Adelphia Cable Service will no longer offer WVPT at that time.

CITY MANAGER

Consideration of Resolution 2005-1

At 5:00 this evening, the City IDA met and approved a resolution issuing \$260,000 in industrial

revenue bonds on behalf of Yellow Brick Road Early Learning Center. The purpose of the application is to purchase the Mason Street property. Ellestad informed council that in order for this to be effective, City Council has to adopt a resolution which also certifies acceptance of this project. Joshua Elrod, of 106 Rebel Ridge Road, appeared before council. He also identified Pam Toney, executive director; Nan Partlett, president; and Donna Welsh, treasurer. Mr. Elrod explained that the actual loan is an agreement between the bank and Yellow Brick Road, while the IDA is acting only as a conduit. The securing interest is in the property. Council and IDA's approval make this more cost effective for Yellow Brick Road. He gave a brief history and explanation of Yellow Brick Road Early Learning Center's mission. Councilman Gianniny moved that Resolution 2005-1 be approved as presented. Councilman Page seconded the motion and the following vote was recorded:

ROLL CALL

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

The motion carried.

Resolution 2005 - 1

**RESOLUTION
OF CITY COUNCIL OF THE CITY OF LEXINGTON, VIRGINIA**

WHEREAS, the Industrial Development Authority of the City of Lexington, Virginia ("Authority"), has considered the request of Yellow Brick Road Early Learning Center, Inc. (the "Corporation") for the issuance of the Authority's "bank-qualified" revenue bonds in the aggregate principal amount of \$260,000 (the "Bond") to assist the Corporation to finance a portion of the total costs (i) to finance the acquisition of an approximately 2,200 square foot facility located at 410 Mason Drive, City of Lexington, Virginia 24450, which facility is situated on approximately 0.436 acres, more or less, and is currently owned by the Rockbridge Mental Health Clinic Advisory Board, and (ii) pay issuance costs in connection with such issuance (the "Project");

WHEREAS, the Authority issues its bonds on behalf of the City of Lexington, Virginia (the "City");

WHEREAS, the City Council of the City (the "City Council") constitutes the highest elected governmental unit of the City;

WHEREAS the Corporation desires the "bank-qualified" designations of the Authority and the City in connection with the Bond, respectively, in order to obtain a favorable financing rate thereon;

WHEREAS, a copy of the Fiscal Impact Statement, a copy of the Certificate of Publication of Public Notice, a Summary of Statements at the Public Hearing, and a copy of the Authority's authorizing resolution duly adopted on February 17, 2005 (the "Authority Resolution") approving the issuance of the Bond, subject to the terms to be agreed upon, have been filed with the City Council as required by law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEXINGTON, VIRGINIA:

1. The City Council hereby concurs with the Authority Resolution and approves the Project and the issuance of the Bond by the Authority for the benefit of the Corporation, as more

Clerk , City Council
City of Lexington, Virginia

Consideration of Ordinance 2005-2

Councilman Gianniny proposed that Chapter 2 of the City Code be amended on page 14, Sec. 2-85, to include a second sentence stating “Members shall be reimbursed for reasonable expenses incurred in the performance of their duties.” He then moved that the ordinance be approved as amended. Councilwoman Elrod seconded the motion and the following vote was recorded:

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

The motion carried.

Ordinance 2005-2

**AN ORDINANCE REPEALING AND REENACTING
CHAPTER TWO, ADMINISTRATION**

WHEREAS, the Lexington City Council wishes to update Chapter Two, Administration, of the Lexington City Code; now therefore

BE IT ORDAINED AND ENACTED by the Mayor and Council of the City of Lexington, Virginia, that City Code Chapter Two is hereby repealed and reenacted as follows:

Article 1. In General.

Sec. 2-1. Fiscal year.

Pursuant to provisions of §27 of the Charter of the city, the fiscal year for the city shall be July 1 through June 30. (6-26-58.)

Sec. 2-2. Where elections held.

(a) There is hereby established one precinct, which shall be composed of the area embraced within

the city's boundary, comprised of the entire geographical area therein to be known as the Lexington Precinct.

(b) The polling place for the Lexington Precinct is hereby established as the Lexington Life Saving Crew building, located at 350 Spotswood Drive in the city.

(c) There is hereby established a central absentee voter precinct for use in all elections. The polling place for the central absentee voter precinct shall be the Lexington Life Saving Crew building located at 350 Spotswood Drive in the City. The central absentee voter precinct shall conform in all respects with §24.2-712 of the Code of Virginia (1950 as amended).

Sec. 2-3. Oath of office.

The mayor and council members and all officers, appointed or elected for the city, shall take and subscribe the oath of office hereinafter set forth before some officer authorized by law to administer an oath. This shall be done on or before the day of the initial meeting of the newly constituted City Council. The oath is as follows:

“ _____(20)___

'I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Virginia, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____ according to the best of my ability. So help me God.'

The foregoing oath was sworn to and subscribed by _____ before me this ____ day of _____, (20)____.

_____.”

(Code 1958, § 2-2.)

Sec. 2-4. Municipal building schedule.

The municipal building and the offices located therein will be open from 8:00 A.M. to 5:00 P.M., Monday through Friday, except on legal holidays. (5-16-63; 7-1-71; 3-14-74.)

Sec. 2-5. Salaries and compensation generally.

(a) Subject to the provisions of state law, the mayor and other officers of the city shall receive such salaries or other compensation for their services as shall be fixed by council; provided, that no salary shall be increased during the term for which such mayor or officer shall have been elected or appointed. All salaries shall be paid at such times as shall be fixed by the council. Such salaries shall be paid as follows:

(1) Members of Lexington city council: three hundred dollars per month.

(2) Mayor of Lexington: four hundred dollars per month.

(b) Additional compensation may be allowed any officer for special service performed not within the normal scope of his or her duties.

(c) The ordinance codified in this section shall be effective as of January 1, 2005. (Code 1958, § 2-3; 2-21-74; Ord. No. 94-2.)

Sec. 2-6. Holidays.

The city shall recognize the following holidays: New Year's Day, Martin Luther King's Birthday, Presidents' Day, Spring Holiday (Friday before Easter), Memorial Day, Independence Day, Labor Day, Thanksgiving and the day following, Christmas and December 26. Should any of the above holidays in any year fall on Sunday, the Monday following shall be taken as the holiday should any of the above holidays in any year fall on Saturday, the previous Friday shall be taken as the holiday. On these days parking time limits shall not be enforced. (7-12-62; 5-7-70; 9-1-88; Ord. No. 96-6.)

Sec. 2-7. Officers or Council standing surety.

No officer of the city or city council member shall become security for any person who is required to give bond before any judicial officer or before the council. (Code 1958, § 2-4.)

Sec. 2-8. Execution of deeds for conveyance or exchange of city property and other instruments requiring use of city seal.

All deeds for the conveyance or exchange of the property of the city and all agreements or other instruments requiring the seal of the city to be affixed thereto, shall, when authorized by the council, and signed by the appropriate authority in the name of the city, shall be attested to by the clerk of the council. (Code 1958, § 2-5.)

Article II. City Council Generally.

Sec. 2-9. When and where meetings held.

The council shall meet regularly on the first and third Thursdays in every month at 8:00 P.M. in the council chamber, and shall also meet at any other time to which it may adjourn or be regularly scheduled. Meetings during June, July and August may be limited to one meeting during the month. (Code 1958, § 2-9.)

Sec. 2-10. Standing committees--Appointment.

The mayor shall appoint, at the first meeting in January following each election or as soon as practical, the following standing committees of the council:

- (a) Finance.
- (b) Physical services.
- (c) Social and economic services. (Code 1958, § 2-10; 9-11-80.)

Sec. 2-11. Same--Composition; chairman.

Each standing committee of the council, appointed as provided in section 2-10, shall be composed of at least three members of the council, one of whom shall be designated by the mayor as chairperson. (Code 1958, § 2-11; 9-11-80.)

Sec. 2-12. Same--Examinations and reports.

The standing committees, appointed as provided in section 2-10, shall examine such matters as come within their respective jurisdictions and also any matter referred to any such committee and, upon request, shall report thereon to the mayor and council. (Code 1958, § 2-12-.)

Sec. 2-13. Special committees.

It shall be the duty of the mayor, unless otherwise directed, to appoint any special committee that the council may order. (Code 1958, § 2-13.)

Sec. 2-14. Repealed.

Article III. Rules for Meetings of Council.

Sec. 2-15. Procedure in absence of quorum.

If a quorum fails to attend within thirty minutes after the time appointed for any meeting of council, the clerk of the council shall enter on the journal the names of those in attendance, and the adjournment for want of a quorum. If a quorum fails to attend on the day of any regular meeting, the meeting shall stand adjourned to the next day of meeting, or at such other time as those present may designate. (Code 1958, § 2-15.) Any meeting may be canceled at a previous meeting if it is known that a quorum will not be present.

Sec. 2-16. Procedure as to minutes of meeting.

The proceedings of any meeting shall be presented at the next regular meeting, and after the errors appearing therein, if any, are corrected, the same shall upon approval be signed by the mayor or the member presiding and the city clerk. (Code 1958, § 2-16.)

Sec. 2-17. Propositions to be seconded; withdrawal of seconded propositions.

No proposition other than a standing committee recommendation shall be entertained by the mayor until it has been seconded. No proposition, after it has been seconded, shall be withdrawn without the consent of the member proposing and the member seconding the same. (Code 1958, § 2-17.)

Sec. 2-18. Mayor to preserve order; appeal from mayor on ruling on question of order.

The mayor shall preserve order and decide all questions of order. Any member may appeal to the council from the decision of the mayor on any question of order, a majority vote of those present being necessary to sustain the mayor. (Code 1958, § 2-18.)

Sec. 2-19. Calling the previous question.

The previous question may be called at any time by two members of the council. (Code 1958, § 2-19.)

Sec. 2-20. Motion to adjourn.

A motion to adjourn shall be always in order, and shall be decided without debate. (Code 1958, § 2-20.)

Sec. 2-21. Reconsidering decided questions.

A question being once decided by the council shall not be again drawn into debate, unless, on motion for reconsideration, there shall be in favor of it a number of votes equal to a majority of the members present, when the question was previously decided. Code 1958, § 2-21.)

Sec. 2-22. Motions while a question is under debate.

When a question is under debate no motion shall be received unless it be one to amend, to commit, to postpone, for the previous question, to lay on the table, or to adjourn. (Code 1958, § 2-22.)

Sec. 2-23. Nonmembers addressing council.

No person who is not a member of the council, except for the City Manager, or City Attorney, shall orally address the council unless leave to do so has been applied for and approved by the mayor or through a council member and granted by the council. (Code 1958, § 2-23.)

Sec. 2-24. Member absenting himself from meeting prior to adjournment.

After the name of a member has been recorded as present at any meeting of the council, he or she shall not absent him or herself from such meeting previous to adjournment without permission of the council. (Code 1958, § 2-24.)

Sec. 2-25. Members must vote.

Subject to the provisions of the Charter of the city, every member present when a question is put on an ordinance or resolution shall, unless interested or excused from voting by the council, vote on one or the other side of such question. (Code 1958, § 2-25.)

Sec. 2-26. Recorded vote on request.

At the request of any member present the ayes and noes on any question shall be recorded. (Code 1958, § 2-26.)

Sec. 2-27. Voting on money and election measures.

There shall be a recorded vote on every ordinance having for its object the levying of taxes, appropriating of money or elections. Levies, taxes and appropriations of money shall be by a vote of at least two-thirds of the entire council. (Code 1958, § 2-27.)

Sec. 2-28. Form of petitions, etc.

Every petition, communication or address to the council shall be in respectful language. (Code 1958, § 2-28.)

Sec. 2-29. Repealed.

Sec. 2-30. Suspending rules.

No rule of the council shall be suspended without the concurrence of two-thirds of the members present. (Code 1958, § 2-30.)

Sec. 2-31. Robert's Rules of Order.

The proceedings of the council, except as otherwise provided in this article, shall be informal unless Robert's Rules of Order are invoked by any one member of Council or the Mayor. (Code 1958, § 2-31.)

Article IV. Mayor.

Sec. 2-32. Authority of mayor in event of public emergency.

In event of any public emergency involving the health, comfort, peace and safety of any substantial number of citizens of the city, the mayor, in the exercise of general police power, may forthwith promulgate rules and regulations and take such steps as may be necessary to deal with the emergency until such time as by specific ordinance such emergency be cared for.(Code 1958, § 2-32.)

Sec. 2-33. Vice-mayor.

The council member designated by the mayor, pursuant to section 6 of the Charter, to perform duties of the mayor during the absence or disability of the mayor shall be called vice-mayor. (Code 1958, § 2-33.)

Article V. City Manager

Sec. 2-34. Creation of office.

There is hereby created the office of city manager, an administrative office of the city, as provided for and required by sections 22 to 26 of the Charter of the city. (Code 1958, § 2-34.)

Sec. 2-35. Appointment.

The city manager shall be chosen and appointed by the council. (Code 1958, § 2-35.)

Sec. 2-36. Bond.

The city manager shall furnish a surety company bond to be approved by the council. The council shall appropriate funds for the payment of the premium for such bond. (Code 1958, § 2-36.)

Sec. 2-37. Salary.

The salary of the city manager shall be fixed by the council. (Code 1958, § 2-37.)

Sec. 2-38. Removal.

The city manager may be removed by a majority vote of the entire council. (Code 1958, § 2-38.)

Sec. 2-39. Responsibility for affairs of city.

The city manager shall be responsible to the council for the proper administration of the affairs of the city. (Code 1958, § 2-39.)

Sec. 2-40. Authority to employ labor and to purchase materials, equipment, etc; authority to contract therefor.

The city manager shall have authority to employ the necessary labor and to purchase, acquire, hire or lease materials, tools, machinery, equipment, vehicles and such other things as may be requisite to the performance of his or her duties. The city manager shall have authority to enter into contracts for such services, materials and supplies as are provided for in the financial budget of the city; except, that as to any non-budgeted contract involving the sum of five thousand dollars or more, he or she shall first obtain the approval of the council. (Code 1958, § 2-40.)

Sec. 2-41. Care and management of city real estate.

The city manager shall be charged with the care and management of all the real estate belonging to the city. (Code 1958, § 2-41.)

Sec. 2-42. Insurance on municipal property.

All municipal buildings and personal property shall be adequately insured as the city manager may direct. (Code 1958, § 2-42.)

Sec. 2-43. Employment, direction and discharge of city employees.

The city manager shall have the power to employ, manage, direct and discharge all employees of the city, except those appointed by the council or constitutional officers and their employees. (Code 1958, § 2-43.)

Sec. 2-44. Map of city showing streets, water mains, sewer mains, etc.

The city manager shall keep current a large and accurate map of the city on which map shall be located with engineering accuracy streets, alleys, water mains, sewer mains, fire hydrants and valves and such other information as may be directed by the council. (Code 1958, § 2-44.)

Sec. 2-45. Information to council as to city's financial needs, etc.

The city manager shall keep the council informed as to the financial condition and future needs of the city. (Code 1958, § 2-45.)

Sec. 2-46. Reports to council.

The city manager shall prepare and submit to the council such reports as it may require. (Code 1958, § 2-46.)

Sec. 2-47. Attendance at meetings of council, etc.

The city manager shall attend all meetings of the council and such meetings of committees and boards as the council may direct. (Code 1958, § 2-47.)

Sec. 2-48. Additional duties.

The city manager shall perform, in addition to those duties imposed upon him or her by the Charter and this Code, such duties as the council may prescribe by ordinance or resolution. (Code 1958, § 2-48.)

Sec. 2-48.1. Personal liability.

City council will indemnify and save harmless the city manager from any personal liability, including reasonable counsel fees and the costs of defense, of any action arising against the city manager because of the execution by the city manager on behalf of the city of any contracts, agreements or documents which the city manager is authorized by city council to execute on behalf of the city, and for personal liability as the result of any other legal act of the city manager performed within the scope of his or her employment and the duties outlined in this article which is not otherwise covered under any liability insurance contract in which the city and its employees are defined as insureds. (4-3-75.)

Article VI. City Attorney.

Sec. 2-49. Repealed by Ordinance No. 91-7.

Sec. 2-50. Attendance at council meetings; legal advisor of council, etc.

The city attorney shall attend all council meetings and be the legal advisor of the mayor, the council, the city manager and such other agencies of the city as provided by the Charter. (Code 1958, § 2-81.)

Sec. 2-51. Annual report.

The city attorney shall make an annual report to the council, giving a condensed statement of the business done in his or her office for the city in the year immediately preceding such report. This report shall contain a list of deeds, contracts, etc., to which the city was a party. Such report shall also contain a statement of the unfinished business in the hands of the city attorney with such suggestions with reference to the interest of the city as he or she may deem pertinent. (Code 1958, § 2-82.)

Sec. 2-52. Compensation generally.

In addition to the annual retainer paid the city attorney by way of salary, he or she shall have additional compensation for all special services rendered the council, in such amount as may be agreed upon by the city attorney and the council. (Code 1958, § 2-83.)

Sec. 2-53. Reimbursement for expenses.

From time to time, the city attorney shall present for payment any actual outlay or expense which the performance of his or her duties has entailed. (Code 1958, § 2-84.)

Article VII. Clerk to the Council.

Sec. 2-54. Qualifications

The clerk of the council shall be elected or appointed by the council. (Code 1958, § 2-85.)

Sec. 2-55. Indexing and storing books and records.

All books and papers filed with or kept by the clerk of the council shall be kept in a systematic manner in order to facilitate reference to the same, and stored in a fireproof safe. (Code 1958, § 2-86.)

Sec. 2-56. Report on action of council on petitions.

The clerk of the council shall communicate in writing to all persons presenting petitions, communications, etc., to the council, concerning the final action of the council upon such petitions, communications, etc. (Code 1958, § 2-87.)

Sec. 2-57. Repealed by Ordinance adopted February 21, 1974.

Sec. 2-58. Minutes to show when ordinances passed; ordinance book; certificates of publication, etc.

The clerk of the council shall keep the minutes of the council so as to indicate with certainty each ordinance which is passed. The ordinance itself shall be safely kept and recorded in an ordinance book and accurately indexed. At the foot of the ordinance so recorded, the Clerk shall append and sign a certificate of posting, certifying that a officer has posted such ordinance, with dates thereof and in case of publication in a city newspaper the dates of publication. When any ordinance or part thereof is repealed, the clerk shall note such fact and the date of repeal in the book of ordinances on the margin opposite such ordinance or part of such ordinance repealed.(Code 1958, § 2-89.)

Sec. 2-59. Notice of council meetings.

The clerk of the council shall notify, in writing, the mayor and each council member or officer, together with all those lawfully entitled to notice pursuant to § 2.1-346 of the Code of Virginia, concerning the time of every general meeting and shall write the call for special meetings, specifying the time, place and purpose of the same. When a call for a special meeting is signed by the mayor or two council members, the clerk shall hand the same to a police officer for service on the mayor, council members and officers. Further notice shall be provided as required by the Virginia Freedom of Information Act. (Code 1958, § 2-90.)

Sec. 2-60. Filing of official bonds and oaths.

It shall be the duty of the clerk of the council to enter of record and file all bonds required of the mayor, council members and other officers of the city and the clerk shall also file all oaths required to be taken and subscribed by the mayor, council members and other officers of the city. (Code 1958, § 2-91.)

Sec. 2-61. Surrender of books, papers, seal, etc., at expiration of term.

At the expiration of the clerk of council's term of office, he or she shall forthwith deliver to the successor in office all books, papers, documents, city seal, etc., in the clerk's custody, all of which are the property of the city. (Code 1958, §2-92.)

Article VIII. City Departments.

Sec. 2-63. Repealed by Ordinance adopted February 21, 1974.

Sec. 2-63.1. Created.

There are hereby created the following departments of the city:

Public works, police, utilities processing, finance, planning & development, fire, and rescue services. Such departments shall be under the direct day to day control and review of the city manager. (Code 1958, § 2-94; 2-21-74; 12-16-76.)

Sec. 2-64. Repealed by Ordinance adopted February 21, 1974.

Sec. 2-64.1. Powers and duties.

Each of the said departments and the directors thereof shall have such powers and perform such duties as may be designated by the council. (Code 1958, § 2-95; 2-21-74.)

Article IX. Planning Commission.

Sec. 2-65. Creation.

A city planning commission is hereby created for the city, in accordance with the provisions of title

15.2-2210, et. seq., chapter 22, article 2, of the Code of Virginia. (Code 1958, § 16-1.)

Sec. 2-66. Composition; appointment and term of members.

The city planning commission shall consist of seven members, one of whom shall be a member of city council and the remaining six of whom, hereinafter referred to as appointed members, shall be residents of the city, and otherwise qualified as provided by section 15.1-437 of the Code of Virginia. At least one-half of the membership of the commission shall be owners of real property. The appointed members and the councilman member shall be appointed by the council. The term of the councilman member shall in all cases correspond with his or her tenure of office. Members of the commission serving on June 30, 1988, shall continue to serve until expiration of the current term of appointment. All new appointments and reappointments shall be for a term of four years. (Code 1958, § 16-2; 8-4-88 (part).)

Sec. 2-67. Removal of appointed members.

Any of the appointed members of the city planning commission may be removed by the council for inefficiency, neglect of duty or malfeasance in office; provided, that such removal may be made only after a public hearing at which such member is given an opportunity to appear and be heard on the charges against him or her. (Code 1958, § 16-3.)

Sec. 2-68. Compensation of members.

All members of the city planning commission shall serve as such without compensation. (Code 1958, § 16-4.) Members shall be reimbursed for reasonable expenses incurred in the performance of their duties.

Sec. 2-69. Filling vacancies.

Any vacancy in the membership of the city planning commission shall be filled by appointment of the council and such appointment shall be for the unexpired term. (Code 1958, § 16-5; 8-4-88 (part).)

Sec. 2-70. Duties and powers generally.

The city planning commission shall have the functions, powers and duties which are prescribed by law. (Code 1958, §16-6.)

Sec. 2-71. Comprehensive plan to be prepared.

The planning commission shall prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction.

In the preparation of a comprehensive plan the commission shall make careful and comprehensive surveys and studies of the existing conditions and trends of growth, and of the probable future requirements of its territory and inhabitants. The comprehensive plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order,

convenience, prosperity and general welfare of the inhabitants.

The comprehensive plan shall be general in nature, in that it shall designate the general or approximate location, character, and extent of each feature shown on the plan and shall indicate where existing lands or facilities are proposed to be extended, widened, removed, relocated, vacated, narrowed, abandoned, or changed in use as the case may be.

The plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the planning commission's long-range recommendations for the general development of the territory covered by the plan. It may include, but need not be limited to:

1. The designation of areas for various types of public and private development and use, such as different kinds of residential, business, industrial, agricultural, mineral resources, conservation, recreation, public service, flood plain and drainage, and other areas;

2. The designation of a system of transportation facilities such as streets, roads, highways, parkways, railways, bridges, viaducts, waterways, airports, ports, terminals, and other like facilities;

3. The designation of a system of community service facilities such as parks, forests, schools, playgrounds, public buildings and institutions, hospitals, community centers, waterworks, sewage disposal or waste disposal areas, and the like;

4. The designation of historical areas and areas for urban renewal or other treatment;

5. The designation of areas for the implementation of reasonable ground water protection measures;

6. An official map, a capital improvements program, a subdivision ordinance, a zoning ordinance and zoning district maps, mineral resource district maps and agricultural and forestal district maps, where applicable;

7. The location of existing or proposed recycling centers; and

8. The designation of areas for the implementation of measures to promote the construction and maintenance of affordable housing, sufficient to meet the current and future needs of residents of all levels of income in the locality while considering the current and future needs of the planning district within which the locality is situated. (Code 1958, § 16-7.)

Article XI. Repealed.

Secs. 2-72, 2-73. Repealed by Ordinance enacted April 7, 1977.

Article XII. Repealed.

Secs. 2-74, 2-75. Repealed by Ordinance enacted March 16, 1989.

Article XIII. Nondiscrimination Policy.

Sec. 2-76. Purpose.

The purpose of this article is to authorize and direct that all resources of the city be utilized to eradicate and prevent discrimination based on race, color, religion, sex, national origin, age, handicap or familial status, such discrimination having been forbidden through various statutes enacted by the Congress of the United States dealing with public accommodations, employment, education, housing and other areas. (9-4-75; 9-1-88 (part); Ord. No. 92-8 (part).)

Sec. 2-77. Generally.

The policy of the city is, and shall be, to oppose any discrimination based on race, color, religion, sex, national origin, age, handicap or familial status. (9-4-75; 9-1-88 (part); Ord. No. 92-8 (part).)

Sec. 2-78. Directive to administrative agencies and committees.

The administration, committees, commissions and boards of the city are directed to use their full power and resources, as by law duly given, to prohibit and discourage discrimination as set forth in this article. (9-4-75.)

Sec. 2-79. City contracts and grants.

The city manager and city attorney are directed to include within the terms of all contracts of and grants from the city a nondiscrimination provision which will carry out the effect of this article; provided, that nothing in this section shall be construed to encroach upon the powers or immunities of the United States or the Commonwealth. (9-4-75.)

Sec. 2-80. Rules and regulations to be established by city manager.

The city manager is directed to establish such regulations and procedures to ensure that there is no discrimination in any function or area of city government. (9-4-75.)

Sec. 2-81. Request for use of citizen influence.

All citizens of the city, individual and corporate, are requested and urged to use their power and influence to the end that this city shall be one of equal opportunity for all citizens. (9-4-75.)

Article XIV. Architectural Board.

Sec. 2-82. Creation.

A city architectural board is hereby created for the purpose of administering the ordinances governing the appearance and alteration of buildings in the downtown historic zone of the city. (8-4-88 (part); 9-15-88.)

Sec. 2-83. Composition; appointment and term of members.

The board shall consist of five members, all of whom shall be residents of the city. At least one-half of the members on the board shall be owners of real estate in the city. All of the members will be appointed by city council. The initial terms of office shall be one member shall be appointed for a term to expire June 30, 1990, two members shall be appointed for terms to expire June 30, 1991, and two shall be appointed for terms to expire June 30, 1992. Appointments thereafter shall be for terms of four years. (8-4-88 (part).)

Sec. 2-84. Removal of appointed members.

Any member of the board may be removed by the council for inefficiency, neglect of duty, or malfeasance in office; provided, that such removal may be made only after a public hearing in which such member is given an opportunity to appear and be heard. (8-4-88 (part).)

Sec. 2-85. Compensation of members.

All members of the board shall serve as such without compensation. (8-4-88 (part).)

Sec. 2-86. Filling vacancies.

Any vacancy in the membership of the board shall be filled by appointment by the council and such appointment shall be for the unexpired term. (8-4-88 (part).)

Sec. 2-87. Duties and powers generally.

The board shall have the functions, powers and duties which are prescribed by law, including the ordinances of the city, and with specific reference to chapter 28, article XI, Historic Areas, of the Lexington City Code. (8-4-88 (part).)

Secs. 2-88 to 2-99. Reserved.

Article XV. Housing Commission.

Sec. 2-100. Finding and declaration of necessity.

It hereby is declared that the lack of adequate affordable housing is a significant problem for the citizens of Lexington, particularly for low-income persons. The availability of safe and sanitary dwelling accommodations for persons of low income is of grave concern to the city. (8-4-88 (part).)

Sec. 2-101. Creation and designation.

There hereby is created for the city a housing commission which will be an agency designated "THRESHOLD," which is to take the initiative in coordinating the parties which, in partnership with the city, may be able to make progress in resolving the city's housing problems. (8-4-88 (part).)

Sec. 2-102. Function and purposes.

(a) The primary responsibility of the commission shall be to coordinate and administer housing programs, recruit public and private developers and provide public information on housing issues, which shall include programs for the elderly and handicapped as well as low-income persons.

(b) It will catalogue available sites within the city available and suitable for low-income housing, suggest zoning ordinance changes allowing implementation of programs for developments in those areas, investigate and inquire as to the availability of surplus land now titled in institutions which could be made available for private residential development, investigate and seek out funding resources for the improvement of low-income housing in the city, and to perform any other functions which may be requested of the commission by the council. (84-88 (part).)

Sec. 2-103. Composition and term of office.

Threshold will consist of eight regular members. Seven members are appointed by the city council and will, after initial periods of appointment, serve terms of three years. The eighth member of Threshold will be the housing liaison, appointed by council as a member thereof.

Additional members may be appointed as needed pursuant to the terms and conditions set forth below.

Additional members may be added who will be target area representatives. These members will be appointed by city council to serve on Threshold during any given twenty-four-month grant implementation period. Target area representatives must be residents of specific target areas. (8-4-88 (part); Ord. No. 93-9; Ord. No. 95-10.)

Sec. 2-104. Removal of member

Any of the members of the city housing commission may be removed by the council for inefficiency, neglect of duty or malfeasance in office; provided, that such removal may be made only after a public hearing in which such member is given an opportunity to appear and be heard. (8-4-88 (part).)

Sec. 2-105. Compensation of members; reimbursement for expenses.

All members of the city housing commission shall serve as such without compensation. Members shall be reimbursed for reasonable expenses incurred in the performance of their duties. (8-4-88 (part).)

Sec. 2-106. Officers, meetings and reports.

The members of the housing commission shall elect their own chairperson and secretary and such other officers as may be required for the proper functioning of the commission. The commission will adopt a regular schedule of meetings with such frequency as is necessary to carry out its duties set forth in this article. It will report its activities to city council at the end of each quarter through June 30, 1990, and not less frequently than semiannually thereafter. (8-4-88 (part).)

Secs. 2-107 to 2-109. Reserved.

Article XVI. Youth Services Citizen Board.

Sec. 2-110. Finding and declaration of necessity.

It hereby is declared that the potential of juvenile delinquency is a problem for the citizens of Lexington and that a youth services citizen board is needed to assist the city in confronting this problem. (Ord. No. 89-12 (part).)

Sec. 2-111. Creation and designation.

In accordance with the Delinquency Prevention and Youth Development Act of Virginia, there is hereby created as an advisory agency for the city, a youth services citizen board. The board shall assist the city manager in establishing, administering and supervising the city's office on youth. (Ord. No. 89-12 (part).)

Sec. 2-112. Function and purposes.

(a) It shall be the responsibility of the youth services citizen board to:

(1) Assist community agencies and organizations in establishing and modifying programs and services to youth on the basis of an objective assessment of the community's needs and resources;

(2) Evaluate and monitor community programs and services to determine their impact on youth;

(3) Provide a mechanism whereby all youths and their families with needs for services will be linked to appropriate services; and

(4) Attempt to resolve agency policies and procedures that make it difficult for youths and their families to receive services.

(b) The board shall actively participate with community representatives in the formulation of a comprehensive plan for the development, coordination and evaluation of the youth services program and shall make formal recommendations to the governing authority or authorities at least annually concerning the comprehensive plan and its implementation during the ensuing year. (Ord. No. 89-12 (part).)

Sec. 2-113. Composition and term of office.

The board shall be composed of nine members appointed by city council. Board members shall be residents of Lexington, Buena Vista, or Rockbridge County or its towns. A majority of the board shall be citizens who are not employed by government or service agencies and who are not elected government officials. One appointee shall be a youth member of under age eighteen. The youth member of the board shall serve for a one-year term, subject to reappointment. The initial appointments of two members shall be for a

term to expire on June 30, 1990, two members shall be appointed for a term which will expire June 30, 1991, and two members will be appointed for a term which will expire June 30, 1992. With the exception of the youth members, all subsequent appointments and reappointments shall be for a term of three years. (Ord. No. 89-12 (part); Ord. No. 89-23; Ord. No. 90-11.)

Sec. 2-114. Removal of members.

Any of the members of the board may be removed by the council for inefficiency, neglect of duty, or malfeasance in office; provided, that such removal may be made only after a public hearing in which such member is given an opportunity to appear and be heard. (Ord. No. 89-12 (part).)

Sec. 2-115. Compensation of members; reimbursement for expenses.

All members of the board shall serve as such without compensation. Members shall be reimbursed for reasonable expenses incurred in the performance of their duties. (Ord. No. 89-12 (part).)

Sec. 2-116. Officers, meetings and reports.

The members of the board shall elect their own chairperson and secretary and such other officers as may be required for the proper functioning of the board and will also establish its own bylaws. The board will adopt a regular schedule of meetings with such frequency as is necessary to carry out its duties set forth in this article. It will report its activities to city council at the end of each quarter through June 30, 1990, and not less frequently than semiannually thereafter. (Ord. No. 89-12 (part).)

Adopted: _____

Debbie Desjardins, Clerk

John W. Knapp, Mayor

City Manager Ellestad reported that in reference to the change in service by Adelphia, specifically the omission of channels, he has made inquiries and discovered we are now in their Salem district. He plans on sending a letter expressing the city's displeasure with these changes.

CITY ATTORNEY

City Attorney Mann reported that the courthouse committee met this morning and were briefed by Chuck Wray on the progress at the Randolph and Nelson Street site. Chuck Wray will be returning on February 28th to give the Board of Supervisors an update. This will take place at 8:00 p.m. Mayor Knapp explained that Mr. Wray will be presenting the makings of what will become the attachments to a court order. This about the concept of the building and its footprint. The Board of Supervisors will also consider a schedule of the process. Following the meeting, there will be a public joint meeting to attempt to adopt what will be attached to the draft order. This meeting will likely take place during the second week in March. Mayor Knapp expressed the desire that the ARB process be open and that local representation be part of the

peer review. Councilman Smith suggested publicizing a request seeking local design professionals to serve on the peer review. Councilman Golden expressed his desire that those serving on the peer review be appointed by the council and the board. The City Attorney reiterated the need to work expeditiously.

UNFINISHED BUSINESS

Councilman Gianniny thanked the city schools for their hospitality during the council's tour of each facility.

NEW BUSINESS

None

ADJOURNMENT

The meeting was adjourned at 9:30 p.m.