

MINUTES

The Lexington City Council held its regular meeting in the courtroom of the Lexington -Rockbridge Joint Facility on June 16, 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
R. W. Smith

ABSENT: L. W. Broomall
M.M. Elrod

There were 3 people present.

PUBLIC HEARING

To receive public comment on Ordinance 2005-6 moving the City Code section on the enforcement of the Building Maintenance Code from Chapter 11 to Chapter 5

No comment

To receive public comment on Ordinance 2005-7 amending the City Code pertaining to the distribution of handbills

No comment

To receive public comment on Ordinance 2005-8 amending Chapter 11, of the City Code, Health & Sanitation

No comment

To receive public comment on Ordinance 2005-9 amending Chapter 12, of the City Code, Licences

No comment

To receive public comment on Ordinance 2005-10 deleting Chapter 13, of the City Code, Milk

No comment

REGULAR MEETING

Mayor Knapp called the meeting to order at 8:01 and Councilman Page delivered the invocation.

APPROVAL OF MINUTES

Councilman Golden noted that, for clarification, Resolution 05-06 on the bottom of page 3 should be titled "A Resolution Encouraging Support for *US* Senate Bill 312". Councilman Gianniny moved that the minutes be approved as corrected. Councilman Golden seconded 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	Absent	M.M. Elrod	Absent

The motion carried.

CITIZENS' REMARKS AND COMMENTS ON MATTERS NOT ON AGENDA

No comment

REPORTS AND COMMUNICATIONS

City Council Committees

FINANCE COMMITTEE - No report

PHYSICAL SERVICES COMMITTEE - No report

SOCIAL AND ECONOMIC SERVICES COMMITTEE - No report

Boards and Commissions

PLANNING COMMISSION

Councilman Smith reported that the commission met on June 9, 2005. They had a public hearing and considered seven conditional use permits for housing in the city. They looked at signage and new street configuration at the intersection of Nelson and Walker Street. Sixty people attended the affordable housing forum which took place on June 7th.

RAEDC - No report

CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION - No report

ROCKBRIDGE REGIONAL COMMUNITY SERVICES BOARD - No report

MAYOR

Appointment to School Board

Councilman Page moved that Dr. Hentz be appointed to the Lexington City School Board. Councilman Smith seconded and the following vote was recorded:

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

The motion carried.

Appointments to various boards and commissions

Councilman Gianniny moved that Camille Miller and Dave Hawkins be reappointed to 4 year terms to the Industrial Development Authority. Councilman Golden seconded 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	Absent	M.M. Elrod	Absent

The motion carried.

Councilman Gianniny moved that Steve Jewell be reappointed to a 4 year term to the Regional Industrial Development Authority. Councilman Golden seconded 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	Absent	M.M. Elrod	Absent

The motion carried.

Councilman Golden moved that George Graves be reappointed to a 4 year term to the Maury Service Authority. Councilman Page seconded 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	Absent	M.M. Elrod	Absent

The motion carried.

Councilman Golden moved that Camille Miller be reappointed to a 4 year term to the Planning Commission. Councilman Gianniny seconded 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	Absent	M.M. Elrod	Absent

The motion carried.

Councilman Gianniny moved that Jack Page be appointed to finish the term of Dianne Herrick and to a new 2 year term on the Regional Tourism Board. Councilman Smith seconded 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	Absent	M.M. Elrod	Absent

The motion carried.

Councilman Page moved that Dr. Jim Coale be appointed to a 4 year term to the Rockbridge Area Recreation Organization. Councilman Golden seconded 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	Absent	M.M. Elrod	Absent

The motion carried.

Councilman Golden moved that Jim Gianniny be appointed to a 3 year term with the Rockbridge Partnership. Councilman Smith seconded 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	Absent	M.M. Elrod	Absent

The motion carried.

Councilman Gianniny moved that Varney Badgett be reappointed to a 4 year term on the Social Services Board. Councilman Golden seconded 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	Absent	M.M. Elrod	Absent

The motion carried.

Councilman Gianniny moved that Molly Brown and Chris Wise be reappointed to a 3 year term on the Tree Board. Councilman Page seconded 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	Absent	M.M. Elrod	Absent

The motion carried.

Councilman Golden moved that Connie Gianniny and Nick Maschal be reappointed to 3 year terms on the Youth Services Citizen Board. Councilman Smith seconded 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	Absent	M.M. Elrod	Absent

The motion carried.

Councilman Gianniny moved that Karol Ulrich be reappointed to a 5 year term on the Board of Zoning Appeals. Councilman Smith seconded 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	Absent	M.M. Elrod	Absent

The motion carried.

City Manager Ellestad noted that the city needs to create a Board of Building Code Appeals and, once the number of members is determined, those vacancies will need to be filled.

The Mayor noted that the annual meeting of the YMCA will be held Tuesday, June 21st at 6:30 pm at the YMCA facility.

Mayor Knapp also reported that he had a very successful trip to Eichstätt, Germany and that he will work with the local universities to continue the idea of exchange visits with this German university town.

CITY MANAGER

The city manager noted that the following ordinances represented technical updates to bring City Code in line with current practices.

Consideration of Ordinance 2005-6

Councilman Gianniny moved the Ordinance 2005-6 be approved. Councilman Golden seconded 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	Absent	M.M. Elrod	Absent

The motion carried.

Ordinance 2005-6

**AN ORDINANCE REPEALING AND REENACTING
CHAPTER FIVE, BUILDING CODE ENFORCEMENT AND**

EROSION AND SEDIMENT CONTROL

WHEREAS, the Lexington City Council wishes to update Chapter Five, Building Code Enforcement and Erosion and Sediment Control, of the Lexington City Code; and

BE IT ORDAINED AND ENACTED by the Mayor and Council of the City of Lexington, Virginia, that City Code Chapter Five is amended to include the following:

CHAPTER 5. BUILDING CODE ENFORCEMENT AND EROSION AND SEDIMENT CONTROL

Article II. Enforcement of Uniform Statewide Building Code Building Maintenance Code.

Sec. 5-12. Official action.

The department of planning and development is hereby designated to act as the enforcing agency for the enforcement of Volume II of the Virginia Uniform Statewide Building Code -- The Building Maintenance Code, duly adopted by the Virginia Board of Housing and Community Development. Enforcement shall be according to the terms of this article. (Ord. 94-8 (part).)

Sec. 5-13. Enforcement.

The enforcement procedures of Volume II -- The Building Maintenance Code, shall be instituted by the code official when a violation of Volume II is discovered by the code official or when a complaint is received by the code official and is found to be a violation of Volume II. (Ord. 94-8 (part).)

Sec. 5-14. Appeals.

The City of Lexington Building Code appeal board is hereby designated as the board to hear appeals arising from the application of the provisions of Section 11-17 Enforcement. (Ord. 94-8 (part).)

Sec. 5-15. Administrative practices.

The code official shall establish such procedures or requirements as may be necessary for administration and enforcement of this article. (Ord. 94-8 (part).)

Adopted: _____

Debbie Desjardins, Clerk

John W. Knapp, Mayor

Consideration of Ordinance 2005-7

Councilman Gianniny moved that Ordinance 2005-7 be approved. Councilman Smith seconded 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	Absent	M.M. Elrod	Absent

The motion carried.

Ordinance 2005 - 7

**AN ORDINANCE AMENDING CITY CODE CHAPTER TEN
REGARDING HANDBILLS**

WHEREAS, Chapter Ten is in need of revision to update and clarify the ordinances governing the distribution of Handbills.

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

CHAPTER 10.

HANDBILLS AND RELATED ADVERTISING.

Article I. In General.

- § 10-1. Purposes of chapter.
- § 10-2. Placing Handbills In or Upon Vehicles Prohibited.
- § 10-3. Distribution of Handbills on Uninhabited or Vacant Private Premises Prohibited.
- § 10-4. Distribution of Handbills Where Prohibition Properly Posted..
- § 10-5. Distributing Handbills at Private Premises; Exceptions.
- § 10-6. Handbills Depicting Certain Matter Prohibited.
- § 10-7. Existing ordinances Not Affected.
- § 10-8. Penalty.
- § 10-9. Severability.

Article 1. In General.

- Sec. 10-1. Purposes of chapter.

(a) To protect the people against the health and safety menace and the expense incident to the littering of the streets and public places by the promiscuous and uncontrolled distribution of advertising matter and commercial handbills.

(b) To preserve to the people their constitutional right to receive and disseminate information not restricted under the ordinary rules of decency and good morals and public order, by distinguishing between the nuisance created by the promiscuous distribution of advertising and commercial circulars and the right to deliver non-commercial handbills to all who are willing to receive the same. (9-5-68.)

Sec. 10-2. Placing Handbills In or Upon Vehicles Prohibited.

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or non-commercial handbill in or upon any automobile or other vehicle. The provisions of this Section shall not be deemed to prohibit the handing, transmitting or distributing of any commercial or non-commercial handbill to the owner or other occupant of any automobile or other vehicle, who is willing to accept the same.

Sec 10-3. Distribution of Handbills on Uninhabited or Vacant Private Premises Prohibited.

It shall be unlawful for any person distribute, deposit, place, throw, scatter or cast any commercial or non-commercial handbill in or upon any private premises which are uninhabited or vacant.

Sec. 10-4. Distribution of Handbills Where Prohibition Properly Posted.

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or non-commercial handbill upon any premises, if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisements," or any similar notice, indicating in any manner that the occupants of said premises do not desire to be molested or to have their right of privacy disturbed, or to have any such commercial or non-commercial handbills left upon such premises.

Sec. 10-5. Distributing Handbills at Private Premises; Exceptions.

(a) No person shall throw, deposit, distribute any commercial or non-commercial handbill in or upon private premises except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises; provided, that, except where the premises are posted as provided in this Ordinance or where anyone upon the premises requests otherwise, a person may place or deposit any such commercial or non-commercial handbill in or upon such private premises, if such handbill is contained in a plastic bag ventilated with airholes throughout the surface of the bag, or unventilated plastic bag no greater than six inches in width, or if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places. Mailboxes may not be so used when so prohibited by federal postal law or regulations.

(b) The provisions of this Section shall not apply to the distribution of mail by the United States or to newspapers; except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property.

Sec. 10-6. Handbills Depicting Certain Matter Prohibited.

It shall be unlawful for any person to post, hand out, distribute or transmit any sign, or any handbill:

- (a) Which is reasonably likely to incite or to produce imminent lawless action; or
- (b) Which is obscene or unlawful.

Sec. 10-7. Existing ordinances Not Affected.

This Ordinance shall not be deemed to repeal, amend or modify any ordinance ever ordained, either prohibiting, regulating or licensing canvassers, hawkers, peddlers, transient merchants, or any person using the public streets or places for any private business or enterprise, or for commercial sales, not covered herein.

Sec. 10-8. Penalty.

Any person who shall violate any provision of this Ordinance, upon conviction thereof, shall be punished by a fine or penalty consistent with a Class 2 Misdemeanor of not more than One Thousand dollars, or by imprisonment for not more than Six months, or both.

Sec. 10-9. Severability.

If any provision, or portion of a provision, of this Ordinance, or its application to any person or circumstances, shall be held invalid by a court of competent jurisdiction, the remained of the ordinance, or the application of the provision to other persons or circumstances, shall not be affected.

Adopted: _____

John W. Knapp, Mayor

Deborah Desjardins, Clerk

Consideration of Ordinance 2005-8

Councilman Page move the approval of Ordinance 2005-8. Councilman Gianniny seconded 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	Absent	M.M. Elrod	Absent

The motion carried.

Ordinance 2005-8

**AN ORDINANCE REPEALING AND REENACTING
CHAPTER ELEVEN, HEALTH AND SANITATION**

WHEREAS, the Lexington City Council wishes to update Chapter Eleven, Health and Sanitation, 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 Eleven is hereby repealed and reenacted as follows:

**CHAPTER 11.
HEALTH AND SANITATION.**

Article I. In General.

Sec. 11-1. Health department of city; powers and duties of health department generally.

The Virginia State Department of Health, organized and existing under the laws of the state and the state board of health, shall constitute the health department of the city and shall exercise, perform and carry out all the powers, duties and obligations now or hereafter prescribed by the Charter and by this Code and other ordinances of the city insofar as the same are not inconsistent with the laws of the state pertaining to public health and sanitation. (Code 1958, § 12-1.)

Sec. 11-2. Appropriations for health department.

The council shall appropriate to the maintenance and advancement of the health department such sums as in the judgment of the council are reasonably necessary and proper for that purpose. (Code 1958, § 12-2.)

Sec. 11-3. Emergency rules of health director.

The health director shall have power to adopt and enforce such reasonable rules and regulations as may be deemed necessary for health and sanitation. In the case of emergencies such rules and regulations shall become immediately effective. (Code 1958, § 12-3.)

Sec. 11-4. Nuisances generally.

The health director shall cause to be inspected all streets, cellars, yards, lots and other places which are alleged to be or likely to become offensive or a breeding place for insects. It shall be the duty of all police officers, at all times, to observe the sanitary conditions of the city, and to report promptly to the health director, through the chief of police, any public nuisance or accumulated filth, garbage or refuse injurious to health or a breeding place for insects found to exist in any part of the city. When any such thing shall be found, which, in the opinion of the health director, is or is likely to become injurious to health or a breeding place for insects, the health director shall require the person causing such public nuisance, filth, garbage or refuse, or the owner or occupant of the premises on which such thing is, to correct the condition forthwith in such manner as the health director deems expedient. Should such person, owner or occupant fail to execute the order of the health director forthwith, the nuisance, filth, garbage or refuse shall be removed at the cost of the city, and such cost, with such fine as may be imposed, shall be collected of such person, owner or occupant as other fines for violation of this Code or other ordinances of the city. (Code 1958, § 12-4.)

Sec. 11-5. Adoption of state laws as to enforcement and maintenance of health regulations; duty of city manager to enforce.

The city manager is hereby empowered, authorized and directed to exercise all the rights created by laws of the state with reference to the enforcement and maintenance of health regulations, insofar as such laws can be exercised by a city manager, and are applicable, and such laws are hereby interpolated as a part of this Code and shall constitute an ordinance of the city, except insofar as the same may be in conflict with the Charter of the city and ordinances and provisions of this Code enacted in pursuance thereto. In the event of such conflict the Charter and such Code provisions and ordinances shall control. (Code 1958, § 12-5.)

Sec. 11-6. Discharges from tubs, fixtures, sinks, etc.

No discharge from any bathtub, hydrant or other water fixture shall be permitted to flow into the streets, upon the sidewalk or upon the premises of adjoining property owners. Under no circumstances shall discharge from kitchen sinks or slops from a kitchen be turned, dumped or poured into the streets, or in such a way as to run onto a street. (Code 1958, § 12-6.)

Sec. 11-7. Natural drains and running water to be kept clean, etc., draining stagnant water and filling marshes.

If upon any ground within the city there shall be found a natural drain or running water, the owner or occupant thereof, or abutting property owners, shall be required to keep the same clean, free and unobstructed from garbage or vegetation upon order of the health director. If stagnant water or marshy places shall be found upon any premises in the city, the owner or occupant thereof shall be required to drain the stagnant water or fill up such marsh forthwith upon the order of the health director. Upon failure to comply, the city manager is hereby authorized to accomplish the same at the expense of the city and such costs, together with such additional fine as may be imposed, shall be collected as other fines for the violation of the provisions of this Code and other city ordinances. (Code 1958, § 12-7.)

Article II. Restaurants.

Sec. 11-14. Rules and regulations of state department of health--Adoption.

All provisions and rules and regulations of the department of health of the state, relative to restaurants, are hereby adopted and made a part of this chapter as fully as though set out herein. It shall be unlawful for any person to fail, neglect or refuse to comply with the provisions and requirements of the sections hereby adopted, and any person so failing, neglecting or refusing to comply with such provisions and requirements shall be punished as provided in section 7-1. (Code 1958, § 12-14.)

Sec. 11-15. Exemption of certain fairs and youth athletic activities from Title 35.1.

Title 35.1 of the Code of Virginia (1950), as amended, regulating hotels, restaurants, summer camps and campgrounds, shall not apply to:

A. Food booths at festivals, fairs, and similar events, if such booths are promoted or sponsored by any political subdivision of the Commonwealth or by any charitable nonprofit organization or group thereof.

B. Concession stands at youth athletic activities, if such stands are promoted or sponsored by either a youth athletic association or by any charitable nonprofit organization or group thereof which has been recognized as being part of the recreational program of the city by an ordinance or resolution of the City Council.

Adopted: _____

Debbie Desjardins, Clerk

John W. Knapp, Mayor

Consideration of Ordinance 2005-9

Councilman Smith moved the approval of Ordinance 2005-9. Councilman Golden seconded 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	Absent	M.M. Elrod	Absent

The motion carried.

Ordinance 2005-9

AN ORDINANCE AMENDING CHAPTER TWELVE, LICENSES

WHEREAS, the Lexington City Council wishes to amend Chapter Twelve, Licenses, 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 Twelve is hereby amended as follows:

**CHAPTER 12
LICENSES**

Section 12-2. Definitions.

“Contractor” means a general or subcontractor. Every contractor whether a general contractor or subcontractor, is a contractor for the purposes of local license taxation. The imposition of a license tax on the gross receipts of a general contractor and also a subcontractor is not double taxation. Each is engaged in business in his own right and licensable accordingly. “Contractor” shall have the meaning prescribed in Section 58.1-3714D of the Code of Virginia, as amended, whether such work is done or offered to be done by day labor, general contract or subcontract.

“Massage parlor” for the purpose of this section, is defined as any building, room or other enclosure, whether permanent or temporary, utilized for the giving of massages.

This section is not applicable to:

(1) Hospitals, clinics, medical offices or treatment centers where such services are performed by duly licensed practitioners of the healing arts;

(2) Facilities utilized by schools and colleges generally for the care and treatment of athletic injuries, which facilities are not open to the general public; or

(3) Facilities utilized by massage therapists or massage practitioners who have completed a professional massage technician curriculum certified by the board of education for the Commonwealth of Virginia, by the American Massage Therapy Association or the Associated Bodywork and Massage Professionals or a massage therapist who is able to furnish a diploma from a recognized educational institute or other indicia of completion of a course in massage therapy which requires a minimum three hundred fifty hours of course work which may include practical training as a normal part of the course. Recognition or certification of the facility may be waived by the commissioner if the applicant provides sufficient documentation to substantiate the quality of the facility providing the training.

Those professionals set forth in paragraphs (1), (2) and (3) shall be subject to Section 12-9(c) of this Chapter.

Section 12-4. Situs of gross receipts.

(a)(1) The gross receipts of a contractor shall be attributed to the definite place of business at which his services are performed, or if his services are not performed at any definite place of business, then the definite place of business from which his services are directed or controlled, unless the amount of business done in the city, by the contractor exceeds the sum of Twenty-five Thousand Dollars (\$25,000) for the license year.

Section 12-5. Limitations and extensions.

(b) Notwithstanding Section 58.1-3903 of the Code of Virginia, the assessing official shall assess the local license tax omitted because of fraud or failure to apply for a license for the current license year and the three preceding years.

Adopted: _____

Debbie Desjardins, Clerk

John W. Knapp, Mayor

Consideration of Ordinance 2005-10

Councilman Golden moved the approval of Ordinance 2005-10. Councilman Smith seconded 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	Absent	M.M. Elrod	Absent

The motion carried.

**AN ORDINANCE REPEALING
CHAPTER THIRTEEN, MILK**

WHEREAS, the Lexington City Council wishes to repeal Chapter Thirteen, Milk, 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 Thirteen is hereby repealed.

Adopted: _____

Debbie Desjardins, Clerk

John W. Knapp, Mayor

Consideration of authorization to move forward with purchase of property at 126 Randolph Street

Ellestad reported that a memo had been distributed to council members. The said property has been condemned for human habitation and the city is seeking authorization by council to move forward with consideration to purchase, renovate, and resell the property to a family. Councilman Gianniny moved that council authorize the city to pursue the acquisition of the property at 126 Randolph Street and that \$40,000 from the housing rehabilitation fund be appropriated for the possible housing acquisition. Councilman Smith seconded 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	Absent	M.M. Elrod	Absent

The motion carried.

CITY ATTORNEY

City Attorney Mann reported that a joint meeting with the County and the courthouse architects will be held Monday, June 20th at 7:00 pm.

UNFINISHED BUSINESS - None

NEW BUSINESS - None

MOTION FOR CLOSED SESSION

Councilman Gianniny moved that Lexington City Council convene in Closed Session in accordance with Section 2.2-3711, Subsection A, of the Code of Virginia, as amended, in order to discuss matters identified as exempt pursuant to Section 2.2-3711, Subsection A, Paragraph 1. The subject to be addressed shall be a personnel matter. The motion was seconded by Councilman Smith.

ROLL CALL

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

The motion carried.

Council convened in closed session at 8:26 pm.

MEETING RECONVENED

Council reconvened in open session at 8:45 p.m.

RESOLUTION

WHEREAS, the Lexington City Council has convened a closed meeting on this date pursuant to an affirmative vote in accordance with the provisions of the Virginia Freedom of Information Act, specifically Section 2.2-3711, Subsection A, Paragraph 1, to discuss a personnel matter; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by this City Council that such closed meeting was conducted in conformity with Virginia law;

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

ROLL CALL

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

The motion carried.

ADJOURNMENT

The meeting adjourned at 8:47 p.m.