

## MINUTES

The Lexington City Council held its regular meeting in the courtroom of the Lexington -Rockbridge Joint Facility on June 2, 2005.

**PRESIDING:** T. P. Golden, Vice Mayor

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

**MEMBERS:** J. H. Page  
J. E. Gianniny  
R. W. Smith  
L. W. Broomall  
M.M. Elrod

**ABSENT:** J. W. Knapp, Mayor

There were 7 people present.

### PUBLIC HEARING

#### **To receive public comment on applications for the City School Board**

James Hentz, of 512 Highland Road, appeared before council to explain why he would like to serve on the City School Board. Dr. Jon-Michael Hardin came to endorse Mr. Hentz, stating he would be an excellent candidate who he believed would serve the school board well.

#### **To receive public comment on Ordinance 2005-11 deleting the 2% discount on early payment of real estate taxes**

No comment

### REGULAR MEETING

Vice Mayor Golden called the meeting to order at 8:10 and Councilman Broomall delivered the invocation.

### **APPROVAL OF MINUTES**

Councilman Golden noted that on page 4, the second vote reflected that Councilman Broomall was absent when in fact he was present and had voted Aye. Councilman Broomall moved that the minutes be approved as corrected. 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	Aye	M.M. Elrod	Aye

The motion carried.

### **CITIZENS' REMARKS AND COMMENTS ON MATTERS NOT ON AGENDA**

No comment

## **REPORTS AND COMMUNICATIONS**

### **City Council Committees**

#### **FINANCE COMMITTEE**

Councilman Broomall reported that the committee has not met, but noted that Appropriation Resolution 05-3, which will be discussed later on the agenda, appears to be consistent with what has been talked about as a council and within the finance committee.

#### **PHYSICAL SERVICES COMMITTEE**

Councilman Gianniny reported that the committee met May 31, 2005 to address a letter from Dr. DeSilvey, of 308 Jefferson Street, asking that council consider altering the traffic pattern on Jefferson Street. Director of Public Works, David Woody, was at the meeting and brought information on traffic counts and vehicle speed information. Given the information presented, the committee felt it was not practical at this time to reroute traffic. Dr. DeSilvey's letter also addressed concerns about burying power lines as well as a sidewalk on the east side of the street. Due to high cost, burying power lines was not considered feasible at this time. The city manager will investigate the costs associated with a sidewalk.

The second item on the agenda was to discuss a letter received by the planning commission from John Blackburn, of 630 Ross Road. His primary concerns were the sight distances from his driveway and the speeds on Ross Road. The average speed on Ross Road was found to be in excess of the posted speed limit. Mr. Woody will determine the cost of a speed hump and how it would impact emergency services. The committee discussed other streets in the city that were having similar problems.

**SOCIAL AND ECONOMIC SERVICES COMMITTEE - No report**

### **Boards and Commissions**

#### **PLANNING COMMISSION**

Councilman Smith reported that the commission met on May 26, 2005. They discussed and approved the proposed subdivision of the Stewart property located between Marshall Street and Ross Road. They also considered a proposed amendment to the planning commission bylaws. Councilman Smith reminded everyone that Tuesday, June 7<sup>th</sup>, at 7:00 there will be an affordable housing forum at Rockbridge County High School.

#### **RAEDC**

RAEDC will meet Tuesday, June 7th.

**CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION - No report**

**ROCKBRIDGE REGIONAL COMMUNITY SERVICES BOARD - No report**

**MAYOR**

In the mayor's absence, City Manager Ellestad reported that council had received an updated a memo regarding the status of incumbents on boards and commissions. He urged council to begin thinking of names for some of the positions that would have vacancies as terms expire.

Vice Mayor Golden reported that he had attended the ribbon cutting ceremony for the Hunter's Raid Civil War Trail.

**CITY MANAGER**

**Consideration of Resolution 2005-3 implementing the FY2006 budget**

City Manager Ellestad asked for support of this resolution. Councilman Broomall moved that the resolution be approved. Councilwoman Elrod 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	Aye	M.M. Elrod	Aye

The motion carried.

**Consideration of Resolution 2005-6 encouraging support for US Senate Bill 312**

Councilman Gianniny moved the approval of the resolution and Councilman Smith 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.

**Resolution 05 -06**

**A Resolution Encouraging Support for Senate Bill 312**

**WHEREAS**, the City of Lexington is committed to the principles of free speech outlined in the First Amendment to the U.S. Constitution; and

**WHEREAS**, the City of Lexington is committed to the open exchange of ideas and information on the local radio dial; and

**WHEREAS**, S312, the Local Community Radio Act of 2005, presently being discussed by the Senate, would allow for greater flexibility in low power FM stations use of broadcast frequencies;

**NOW BE IT THEREFORE RESOLVED**, the City Council of the City of Lexington supports the expansion of opportunities for these kinds of low-power radio stations to operate and calls on our elected representatives to support Senate Bill 312 to make such opportunities available to local communities.

**BE IT FURTHER RESOLVED**, that copies of this document be sent to our congressional delegation.

Adopted this day: \_\_\_\_\_

\_\_\_\_\_  
Timothy Golden, Vice Mayor

\_\_\_\_\_  
Deborah Desjardins, Clerk of Council

**Discussion of Varner Lane**

Information was distributed showing where the courthouse parking deck would be located and how traffic could be rerouted. A memo from the architect was distributed showing the estimated cost to reroute traffic using a one lane road, a two lane road, or no road at all. City Manager Ellestad asked that council decide what type of road should be included in the plan. Ellestad noted that there is a distinct advantage to having a two lane road continue to exist as it will aid the traffic pattern. The consensus of council was to proceed with a plan for a two lane road.

**Consideration of Ordinance 2005-11 deleting the 2% discount on the early payment of real estate taxes**

Councilman Gianniny moved the approval of ordinance 2005-11 and Councilman Broomall 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.

**An Ordinance Amending Chapter 23 Section 2.1 to Delete  
the Discount for Early Payment of Taxes**

**Whereas** the Council of the City of Lexington, Virginia wishes to eliminate the 2 percent discount on real estate taxes for those taxpayers who pay their entire real estate tax levy on December 5<sup>th</sup>;

**Now Be It Therefore Resolved;** that Section 23-2.1(a)(3) be deleted from the City Code.

\_\_\_\_\_  
Adopted

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Mayor

The courthouse architect has requested a joint meeting between City Council and the Board of Supervisors to present the tentative design of the new courthouse. The proposed date is June 20, 2005. It will take place immediately after the final peer review meeting.

**CITY ATTORNEY**

City Attorney Mann reported that he is studying the final acquisition of property for the new courthouse facility. The peer review process is moving along well and we are in good shape in terms of the court order and maintaining the schedule. City Manager Ellestad added that he and Larry Mann met with the county and Washington and Lee about the courthouse. They discussed a letter from Washington and Lee concerning their property. He assured council that it was made clear to the university that land use decisions that were associated with the acquisition of land for the courthouse are not negotiable on the part of the city. City Attorney Mann noted that W&L received that very well and appreciated the dilemma it posed for the city.

**UNFINISHED BUSINESS** - None

**NEW BUSINESS** - None

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:41 p.m.