

MINUTES

The Lexington City Council held its regular meeting in the courtroom of the Lexington-Rockbridge Joint Facility on November 3, 2005.

PRESIDING: J. W. Knapp

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

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

ABSENT: L. W. Broomall

There were four people present.

PUBLIC HEARING

To receive public comment on Resolution 2005-12 authorizing the issuance of up to \$13 million for the City/County courthouse project through the VML/VACO loan pool.

No comment

REGULAR MEETING

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

APPROVAL OF MINUTES

It was noted by Mayor Knapp that on page 5 that his statement under the Central Shenandoah Planning District Commission should read:

Mayor Knapp also noted that the Commission, at the request of the Shenandoah Valley Partnership, voted to add an 18th issue to the Regional Strategic Initiatives dealing with the senior population.

After noting this correction, upon motion of Councilman Gianniny, seconded by Councilman Golden, the minutes were then approved. The following vote was recorded.

L. W. Broomall

Absent

T. P. Golden

Aye

J. H. Page Aye
 J. E. Gianniny Aye

R. W. Smith Aye
 M. M. Elrod Aye

CITIZENS' REMARKS AND COMMENTS ON MATTERS NOT ON AGENDA

None

REPORTS AND COMMUNICATIONS

City Council Committees

FINANCE COMMITTEE

Consideration of Appropriation Resolution 2004-3E

Councilman Golden spoke for Councilman Broomall who was absent. He reported that the committee had reviewed the Appropriation Resolution 2004-3E and reported that it was the consensus of the Finance Committee to recommend approval of the appropriation resolution. The following vote was recorded.

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

APPROPRIATION RESOLUTION

WHEREAS, the City Manager has presented a recommended budget for fiscal year 2005 ("FY 2005"), and

WHEREAS, the Lexington City Council has considered budgetary needs for FY 2005, has conducted public hearings prescribed by City Charter Section 28 and applicable laws of the Commonwealth of Virginia, and has adopted ordinances imposing taxes necessary to fund FY 2005 appropriations, and

WHEREAS, on June 3, 2004, the City Council formally adopted the City Manager's recommended budget for FY 2005, appropriating the necessary funds in resolution 04-3, and amended the budget under budget appropriation resolution 04-3A on November 4, 2004, and resolution 04-3B on February 17, 2005, and resolution 04-3C on May 5, 2005, and resolution 04-3D on October 6, 2005, and

WHEREAS, the City needs to transfer appropriations for \$271,703 from the Equipment Replacement Fund to the General Fund, and also needs to close the Equipment Replacement Fund as of June 30, 2005 to the General Fund establishing an equipment reserve account for \$945,866 for the City's future equipment replacement needs, and

WHEREAS, the separate component RARO Fund will receive its \$17,430 share of the equipment reserve funds to establish a separate equipment replacement reserve account in the RARO Fund as of June 30, 2005,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Lexington that the budget for FY 2005 be amended as follows:

I. GENERAL FUND

A. Expenses: Appropriations shall be as follows:

<u>Division</u>	<u>Current Appropriation</u>	<u>Amend To:</u>	<u>Increase/ (-)Decrease</u>
General Government Admin.	\$ 955,747	\$ 955,747	\$ 0
Judicial Administration	125,078	125,078	0
Public Safety	2,193,751	2,193,751	0
Public Works	2,355,936	2,355,936	0
Health, Education & Welfare	899,912	899,912	0
Leisure Services	343,561	343,561	0
Community Development	561,240	561,240	0
Non-Departmental	396,901	668,604	271,703
Transfer to School Fund	2,198,671	2,198,671	0
Transfer to Cemetery Fund	21,250	21,250	0
Transfer to Capital Fund	736,303	736,303	0
Total General Fund Expenditures	\$ 10,788,350	\$ 11,060,053	\$ 271,703

(1) Call out pay will be provided as token compensation to all City volunteer fire and lifesaving rescue members for each call answered at \$2.50 per County call and \$5.00 per City call.

B. Revenues: Revenue sources shall be as follows:

<u>Division</u>	<u>Current Appropriation</u>	<u>Amend To:</u>	<u>Increase/ (-)Decrease</u>
General Property Taxes	\$ 2,985,100	\$ 2,985,100	\$ 0
Other Local Taxes	2,623,634	2,623,634	0
Permits and Licenses	40,269	40,269	0
Fines and Forfeitures	94,200	94,200	0
Revenues from the Use of Money and Property	133,200	133,200	0
Charges for Service	635,330	635,330	0
Miscellaneous	1,531,047	1,531,047	0
Recovered Costs	98,730	98,730	0
State Non-categorical Aid	915,700	915,700	0
State Categorical Aid	1,081,553	1,081,553	0
Federal Categorical Aid	80,007	80,007	0
Appropriated Fund Balance	569,580	841,283	271,703
Total General Fund Revenue	<u>\$ 10,788,350</u>	<u>\$ 11,060,053</u>	<u>\$ 271,703</u>

The following tax rates and/or fees shall be enacted:

- The real estate property tax rate shall be \$.64 per \$100 assessed evaluation.
- Personal property tax rates shall be \$3.95 per \$100 valuation from 7/1/04 through 6/30/05.
- The bank stock tax shall be the maximum allowed by law.
- Fines relating to parking on public streets and in public lots shall be as follows:

<u>Offense</u>	<u>Fine</u>
Motor vehicle offenses	
Parked	
-Overtime in a public lot	\$ 15.00
-Overtime on a public street	15.00
-Facing wrong way	15.00
-Too far from curb	15.00
-In restricted zone	15.00
-Too close to intersection	15.00
-In same space more than 5 days	15.00
-Blocking driveway or sidewalk	15.00
-Improperly	15.00
-Within 15' of fire hydrant	25.00
-So as to obstruct traffic	25.00
-Without decal in handicap space	100.00
Abandoned vehicle	25.00
Expired or no City decal	20.00
Administrative fee	10.00
Expired or no State license	20.00
Boot Removal Fee	50.00
Failure To Wear Protective Helmet at Skateboard Park While Using Facility	50.00

5. The following fees shall be established:

<u>Service</u>	<u>Fee</u>
Seasonal hunting permit	\$ 15.00
Seasonal fishing permit	15.00
Dangerous Dog License Fee	50.00
Dog License Fee (Unsexed, Male & Female)	10.00
Daily fishing permit	1.00
Moped Registration	5.00
Motorcycle Registration	14.00
Automobile Registration	20.00
Amendment to zoning ordinance	75.00
Application for rezoning	125.00
Zoning variance	75.00
Zoning appeal	75.00
Subdivision Reviews	
Preliminary Plat	\$100 + \$50 per each additional lot created
Final Plat	\$100 + \$50 per each additional lot created
Conditional use permit	100.00
Conditional use cell tower permit	2,000.00
Sign Permits	10.00
Application for tradesman certification	12.00
Banner installation (each)	70.00
Commercial refuse fees (per month)	

Class I	16.50
Class II	27.50
Class III	38.50
Class IV	55.00
Class V	44.00
Class VI	55.00
Class VII	66.00
Community Center Rental	
-Commercial and Religious per 4 hour block	10.00
Summer Fun Program	
-1st child	75.00
-Additional siblings	65.00
-Each additional Non-City resident	10.00
Snow plowing minimum (or actual cost)	30.00
Special brush pick-up (per half truck)	40.00
Special refuse collection (per month)	
-Within 50' of City Street	20.00
-Each additional 50' from City Street	6.00
Special brush collection (per month)	
-Within 50' of City Street	10.00
-Each additional 50' from City street	3.00
Non-resident refuse (per month)	20.00
Water leak test	15.00
Tour guide (per hour)	12.00
Finance Charge for Miscellaneous	1.5% per mo. plus \$5
Past Due Accounts Receivable	for 2nd & 3rd notices
Returned Checks	20.00
Special leaf pick-up	Actual Cost plus
(per half truck)	10%, (\$50.00 min.)
All other services	Actual Cost

6. The following building permit fees shall apply:

<u>Basis of Payment</u>	<u>Fee</u>
Building, Electrical, Mechanical, Plumbing, and Demolition Permits:	
Residential:	0.30% of construction costs
Except modular houses:	0.25% of construction costs
Minimum Fee:	\$25.00
Commercial:	0.60% of construction costs
Minimum Fee:	\$25.00
Other Construction Permits	
Excavation permit	\$25.00
Moving Building	\$50.00
Land Disturbing Permits:	
Residential:	0.30% of construction costs
Commercial:	0.60% of construction costs
Minimum Fee:	\$25.00

7. The following fees will be charged for cemetery services:

<u>Service</u>	<u>Week Day</u>	<u>Weekend</u>
Opening & Closing	\$ 400	\$ 525
Cremation burial	250	275
Infant Burial	140	200
Installation		
-markers	32	37
-corner post	11	13
-flower base	32	37
-foundation	Actual Cost + 20%	
-use of City equipment	100	100
 <u>Lot sales</u>		
Either cemetery: Single space	\$ 650	\$ 1,300

8. The Utility Consumers' Tax shall be in accordance with ordinance 2000-10 as follows:

<u>Residential Consumers:</u>	
Electric Utility:	1.40 plus the rate of \$0.01509 on each kwh delivered

Gas Utility: monthly to consumer not to exceed \$3.00 per month
 \$2.45 plus the rate of \$0.183 on each CCF delivered monthly to consumer not to exceed \$3.00 per month

Telephone Utility: 20% of first \$15 billed

Non-Residential Consumers:

Electric Utility: \$1.15 plus the rate of \$0.006739 on each kwh not to exceed \$100 per month

Gas Utility: \$2.45 plus the rate of \$0.05 on each CCF delivered monthly to consumer not to exceed \$100 per month

Telephone Utility: 10% of first \$1,000 billed

Residential and Non-Residential Consumers:

Mobile Telephone Utility: 10% of first \$30 billed

- Memberships for the Lexington Municipal Pool shall be \$75.00 for an individual and \$125.00 for a family of two, with an additional \$10.00 per family member, not to exceed \$175. Daily pool passes for non-members shall be \$2.50 for adults over 18 years of age and \$1.50 for children. Infants two (2) years of age and under are no charge.

II. SCHOOL FUND

A. Expenses: School Fund expenditures shall be appropriated as follows and be subject to classifications prescribed by the Virginia Board of Education.

<u>Division</u>	<u>Current Appropriation</u>	<u>Amend To:</u>	<u>Increase/ (-)Decrease</u>
Instruction	\$ 4,088,941	\$ 4,088,941	\$ 0
Administration, Attendance & Health	391,837	391,837	0
Operations & Maintenance	449,958	449,958	0
Cafeteria	154,998	154,998	0
Capital Projects	35,185	35,185	0
Nondepartmental	440,022	440,022	0
Federal Programs	343,127	343,127	0
Technology	313,359	313,359	0
Total School Fund Expenses	\$ 6,217,427	\$ 6,217,427	\$ 0

B. Revenues:

- The total authorized School Fund budget shall be **\$6,217,427**; of which \$ 4,018,756 shall be State, Federal and other non-City revenue and of which \$ 2,198,671 shall be the Lexington City Council appropriation; provided however that the appropriation of City Council shall be reduced by the amount that all other combined sources of school revenue (State, Federal, etc.) exceed \$ 4,018,756; provided further that it is not intended that specific categorical Federal funds be used to offset local and/or State funds when prohibited by law.
- The Lexington City School Board shall establish its accounting and related procedures in accordance with acceptable accounting and business management standards approved or promulgated by the City Manager and any addition to the School Board budget shall be approved by resolution of City Council to insure the local appropriation of \$ 2,198,671 shall not be exceeded.

III. UTILITY FUND

A. Expenses: Appropriations shall be as follows:

<u>Division</u>	<u>Current Appropriation</u>	<u>Amend To:</u>	<u>Increase/ (-)Decrease</u>
Administration	\$ 115,655	\$ 115,655	\$ 0
Water Operations	1,724,200	1,724,200	0
Wastewater Operations	2,092,872	2,092,872	0
Capital Projects	293,943	293,943	0
Nondepartmental	357,584	357,584	0
Total Utility Fund Expenses	\$ 4,584,254	\$ 4,584,254	\$ 0

B. Revenues: Revenue sources shall be as follows:

<u>Division</u>	<u>Current Appropriation</u>	<u>Amend To:</u>	<u>Increase/ (-)Decrease</u>
Operating Revenues	\$ 3,972,000	\$ 3,972,000	\$ 0
Appropriated Fund Balance	612,254	612,254	0
Total Utility Fund Revenues	\$ 4,584,254	\$ 4,584,254	\$ 0

- Utility rates for water and sewer fees based on cubic feet of water metered shall be imposed as allowed under Section 26-28 of City Code as follows:

UTILITY RATES
(per c.f.)

<u>Tiers</u>		<u>Water</u>	<u>Sewer</u>	<u>Combined</u>
0 -	2,500	.0179	.0421	.0600
2,501 -	5,000	.0236	.0550	.0786
5,001 -	10,000	.0267	.0619	.0886
10,001 -	15,000	.0298	.0685	.0983
15,001 -	25,000	.0354	.0826	.1180
25,001 -	50,000	.0396	.0928	.1324
50,001 - & over	.0413	.0963		.1376

2. Also, the following fees will be charged in accordance with services provided under Chapter 26 of the City code:

<u>Code Section</u>	<u>Service</u>	<u>Fee</u>
26-12	Water and/or Sewer Connection	\$500.00 minimum or actual cost whichever is greater
26-15	Utility Service	\$20.00
26-16	Penalties for nonpayment of utility bills for service	\$5.00 or 1.5% of balance due whichever is greater
26-17	Utility service reconnection after discontinuance of water service for nonpayment of bills	\$20.00
26-27	Testing meter	\$15.00

IV. CAPITAL PROJECTS FUND

A. **Expenses:** Appropriations shall be as follows:

<u>Division</u>	<u>Current Appropriation</u>	<u>Amend To:</u>	<u>Increase/ (-)Decrease</u>
Parks & Cemeteries	\$ 695,126	\$ 695,126	\$ 0
Streets, Parking, & Sidewalks	465,489	465,489	0
Municipal Facilities	417,536	417,536	0
Total Capital Projects Fund Expenses	\$ 1,578,151	\$ 1,578,151	\$ 0

B. **Revenues:** Revenue sources shall be as follows:

<u>Division</u>	<u>Current Appropriation</u>	<u>Amend To:</u>	<u>Increase/ (-)Decrease</u>
Miscellaneous Revenue	\$ 0	\$ 0	\$ 0
State Categorical Aid	0	0	0
Federal Categorical Aid	584,226	584,226	0
Transfer from General Fund	736,303	736,303	0
Appropriated Fund Balance	257,622	257,622	0
Total Capital Projects Fund Revenue	\$ 1,578,151	\$ 1,578,151	\$ 0

VI. EQUIPMENT REPLACEMENT FUND:

Appropriations for other City funds shall be as follows:

<u>Division</u>	<u>Current Appropriation</u>	<u>Amend To:</u>	<u>Increase/ (-)Decrease</u>
Equip. Replacement Fund	\$ 271,703	\$ 0	\$ -271,703
Total Equip. Replacement Fund	\$ 271,703	\$ 0	\$ -271,703
TOTAL ALL FUNDS	\$ 23,439,885	\$ 23,439,885	\$ 0

Resolved: _____

John W. Knapp, Mayor

Sharon Edwards, Clerk

It was also noted that the Finance Committee had reviewed the proposed new personal property tax change and that it would be advertised soon.

City Manager Ellestad stated that he had forgotten to put Resolution 2005-12 on the agenda but noted that this was the Resolution for the courthouse financing project. Upon motion of Councilman Golden, seconded by Councilman Gianniny Resolution 2005-12 was unanimously approved. A Roll Call vote is recorded below:

ROLL CALL

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

PHYSICAL SERVICES COMMITTEE

Councilman Gianniny reported that the committee had not met.

SOCIAL AND ECONOMIC SERVICES COMMITTEE

Councilwoman Elrod reported that the committee had not met.

Boards and Commissions

PLANNING COMMISSION

Councilman Smith reported that the Planning Commission met on October 27th. They looked at a certificate of appropriateness for 534-536 E. Nelson Street. He noted that Washington and Lee University is still sitting on a Conditional Use Permit for the four modular units currently located near Physical Services. He also noted that work continues on the Comprehensive Plan. He informed Council of a planned workshop for the Planning Commission. He will see that Council members get the details for this workshop.

RAEDC

Councilman Golden reported that a special meeting was held on October 26th. The Mayor of Buena Vista was invited to meet with them at this time. The meeting was primarily for the purpose of discussing the letter that was received from the City Council of Buena Vista asking RAEDC to withdraw their support for

MeadWestvaco coming into the regional industrial site. Councilman Golden also noted that Buena Vista is down to one member serving on the RAEDC Board. It was discussed that if Buena Vista City Council wants to proceed with this action that they take this up in a regularly scheduled meeting. It was noted that their next regular scheduled Council meeting is to be held on November 10th. RAEDC also requested that they be permitted to meet with the Buena Vista City Council. That meeting did take place this afternoon, November 3. RAEDC's next meeting will be scheduled for a time after the Buena Vista Council meeting.

CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION

Mayor Knapp reported that there had not been a meeting.

ROCKBRIDGE REGIONAL COMMUNITY SERVICES BOARD

City Manager Ellestad reported that this Board had met but there was nothing to report.

REGIONAL TOURISM BOARD

Councilman Page reported that the Tourism Board did meet and they were given a presentation from their consultant. He also noted that a member of the Tourism Board will be contacting the City Manager to make plans for the consultant to do a presentation to Council. The suggestion was made to Councilman Page that the Board may want to consider doing a collective meeting.

MAYOR

Appointment to TAP Board

The Mayor turned this over to the City Manager and it was then noted by City Manager Ellestad that at this point there was not a recommendation for this appointment.

Mayor Knapp noted that he, the City Manager and Councilwoman Elrod attended the VML Conference in Richmond. He noted that the participants in this conference had a chance to hear from each of the candidates for Governor. City Manager chaired a session on Parking Downtown. The Mayor also chaired a session on County/City Relations.

Mayor Knapp also reported that Council had been invited to take a tour of the new Art and Music facility at Washington and Lee University on November 10th. He also noted that Joe Grasso had reported to him that he was making a presentation to Washington and Lee on the possibility of Yellow Brick Board using the Train Station building.

CITY MANAGER

Consideration of Resolution 2005-11 establishing rescue service billing rates and policy

City Manager Ellestad reviewed information with Council stating that he is making a recommendation that the rates currently used by the City for this service be revised because it is his feeling that the current rates are on the high side. He further stated that he feels that collection of fees will be improved with the new billing company.

Upon motion of Councilman Gianniny, seconded by Councilwoman Elrod, Resolution 2005-11 was unanimously approved.

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

Resolution 2005-11

**Resolution of the City Council of the
City of Lexington, Virginia Establishing Billing
Rates for the Provisions of Emergency
Rescue Services**

Whereas; the City Council has approved contracting with Carilion Transportation Services to provide paid emergency rescue services during daytime hours to augment the services of the Lexington Lifesaving Crew; and

Whereas; it is felt that it is appropriate for users to pay a share of the cost for emergency rescue services;

Now Be It Therefore Resolved; that the City Council establishes the following initial rates for the transport of patients to the hospital;

Basic Life Support	\$300
Advanced Life Support I	\$400
Advanced Life Support II	\$550
Mileage	\$9/load mile

such rate to be amended from time to time in the annual appropriations resolution; and

Be It Further Resolved that the billing of such fees be based on the practice of soft billing with the OIG's opinion for all residents of Lexington and Rockbridge County to become effective November 1, 2005.

Adopted this _____ day of _____, 2005.

Resolved: _____

John W. Knapp, Mayor

Sharon Edwards, Clerk

Consideration of a request from The Stonewall Brigade to hold a parade from the Stonewall Jackson Cemetery down Main Street to Letcher Avenue at 11:00 am on January 14, 2006

City Manager Ellestad noted that this event had been held for the past several years and that no problems had ever been reported.

Upon motion of Councilman Gianniny, seconded by Councilman Golden the request was unanimously approved.

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

City Manager Ellestad made Council aware that the Nelson Street bridge project probably cannot wait until June. It appears that the work will have to be done in March with the paving part of the project done in early April. He noted that they will continue to study the traffic options available to them during this repair time.

CITY ATTORNEY

Attorney Mann reported that he does have what appears to be the final footprint for the courthouse building project. He will be working next week to schedule a meeting with Mr. Higgins and some of the adjacent property owners concerning the construction.

Attorney Mann also noted that on the agenda under New Business it should read "Closed Session to discuss pending and potential litigation".

UNFINISHED BUSINESS

Consideration of Ordinance 2005-13 granting a cable television franchise to Global Acquisition Partners (Adelphia Cable)

City Manager Ellestad noted that Council held a public hearing on this franchise at their last meeting. They also extended the franchise until November 14th and noted that this is the last regular meeting before that date. He recommends that this ordinance be approved as is.

Upon motion of Councilman Golden, seconded by Councilman Gianniny, Ordinance 2005-13 was unanimously approved.

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

NEW BUSINESS

Closed Session to discuss pending and potential litigation

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 7. The subject to be addressed shall be litigation. The motion was seconded by Councilman Golden.

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

The motion carried

Council went into closed session at 8:45 pm.

MEETING RECONVENED

Council reconvened in open session at 9:01 pm

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 7, to discuss litigation; 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

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

The motion carried.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:05 pm.