

MINUTES

The Lexington City Council held its regular meeting in the courtroom of the Lexington-Rockbridge Joint Facility on October 6, 2005.

PRESIDING: T. P. Golden

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

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

ABSENT: J. W. Knapp
J. E. Gianniny

There were thirty-nine people present.

REGULAR MEETING

Vice-Mayor Golden called the meeting to order at 8:00 p.m. and Councilman Broomall delivered the invocation.

APPROVAL OF MINUTES

Councilwoman Elrod moved that the minutes of the September 15, 2005 meeting be approved as recorded. Councilman Smith seconded the motion. The following vote was recorded.

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

CITIZENS' REMARKS AND COMMENTS ON MATTERS NOT ON AGENDA

Ben Connelly, 921 Providence Place, read a letter to Council asking that they provide signs for the park because dog "poop" that is being left to lie in the park stinks and can cause germs. He visited the park and then returned again in two weeks and the conditions were disgusting and stinky.

Mollie Messimer, 49 Far Side Lane, a fourth grade teacher at Waddell Elementary School, informed the Council of a special project in her class called Nature Watch in which they are learning from nature and being stewards of nature and her students have been investigating some environmental issues on the school property and in the Woods Creek Park. They have noticed

that a number of people walk their dogs in the park and that they are doing this without bags to pick up after their pets. The students are here at the meeting to recommend that Council provide signs as well as bags for pick up and receptacles for disposal to be placed throughout the park. She read a letter written by Kaia Harbor, 9 Sellers Avenue, a student in her class asking Council to consider buying the signs with receptacles for the park. Additional letters to Council making the same request were read by the following students: Claire Oxford, 5 Barger Drive, Kelly Nicely, 939 Thornhill Road and Kevin Connors, 1657 Mt. Atlas Road.

The participants were thanked on behalf of Council and City Manager Ellestad noted that an ordinance would not be necessary for this and that the city would confer with the class to come up with the proper location and proper signage. It was also suggested to the students present that they followup on this project and continue to monitor the situation after the signs are installed.

REPORTS AND COMMUNICATIONS

City Council Committees

FINANCE COMMITTEE

Consideration of the FY 2005 budget reserve projects

It was the recommendation of the Finance Committee that they move for approval of the FY 2005 budget reserve projects as presented.

ROLL CALL

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

Consideration of Appropriation Resolution 2004-3D

It was the recommendation of the Finance Committee that they move for approval of this resolution.

ROLL CALL

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

(Copy of Appropriation Resolution 2004-3D to be included in minute book)

Discussion of Courthouse/Parking Deck project financing

Councilman Broomall noted that the courthouse financing was discussed. He explained that no firm figure had been established yet on construction cost so no action was taken by the committee. City Manager Ellestad explained that there was a deadline to file an application for funding from the loan pool and that his staff did submit the application to request \$12 million in funding. This process was completed as a protection for the fall issuance and can be withdrawn or the amount changed at the October 20th meeting. It was further noted that Rockbridge County was under the same deadline and had followed the same procedure.

Discussion of rescue billing system

Councilman Broomall explained that several years ago the city had begun a paid service and had taken it out to bid for a company to bill for this service and MBI Solutions was chosen through that process. The committee was informed at their meeting that city management has now determined that the administration of the billing process is not really working satisfactorily. Other options as to where they could go for this service are being reviewed. The logical alternative could be to go with Carillon which is the company that came in second in the original bid process. It was further noted that there were differences in the way certain aspects of the billings are interpreted by these companies. The committee feels that the City Manager should move forward with making this decision; however, they did express that it was their concern that the final information be properly communicated to all involved. City Manager Ellestad talked briefly about information that he had learned since the committee meeting. Medicare requirements are a major concern. The reason that the city must meet the Medicare requirements is that those claims are a large portion of the funds billed. How these claims are handled has been discussed with Carillon and it appears that they have the flexibility to work with the city. There should be a report available for the October 20th meeting.

City Manager Ellestad also requested a meeting of the Finance Committee to discuss the proposed ordinance for the Personal Property Tax Relief Act that goes into effect January 1st. A meeting was set for November 1 at 4 pm in City Hall.

PHYSICAL SERVICES COMMITTEE

It was noted that the committee had not met. They will be meeting on October 20th at 7 pm.

SOCIAL AND ECONOMIC SERVICES COMMITTEE

Councilwoman Elrod noted that the committee had met prior to the Council meeting and the issue of having laying hens in the city limits had been discussed. The committee had looked at other ordinances from Virginia areas and a memo from Officer Clark. The committee then asked City Manager Ellestad to develop an ordinance for this issue. The committee will be meeting again after the ordinance is developed.

Boards and Commissions

PLANNING COMMISSION

It was reported that the committee had met but Councilman Smith had been called away from the meeting so there was no report. City Manager Ellestad made Council aware that the commission had approved a Conditional Use Permit for 106 Lee Avenue - International House belonging to Washington and Lee University. This will be on the October 20th agenda. The decision on the modular units Conditional Use Permit was tabled until parking concerns are resolved.

RAEDC

No report

CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION

No report

ROCKBRIDGE REGIONAL COMMUNITY SERVICES BOARD

City Manager Ellestad reported that this board did meet and adopted a resolution which accepts the transfer of property to the Community Services Board.

REGIONAL TOURISM BOARD

No report – They will meet next Thursday and have a report on October 20th.

MAYOR

In the absence of the Mayor, Vice-Mayor Golden thanked the council members for attending previous committee meetings this week where they discussed the cable franchise and the joint services agreements. He also reported that the Mayor is working on appointments for TAP and Social Services Board.

CITY MANAGER

City Manager Ellestad recognized the Washington and Lee class that was present at the meeting.

City Manager Ellestad called attention to a letter in the packet from the YMCA stating the desire of the YMCA to hold outreach meetings with several organizations and all the governmental bodies in the area. It was then discussed and the date of November 1st at 5 pm was suggested as a time for the meeting with the YMCA and City Council.

It was also noted that this is the time of year when Council meets with the School Board. November 3rd at 7 pm was the time that was set for this meeting.

City Manager Ellestad also requested approval of Resolution 2005-08. Upon motion of Councilman Broomall, seconded by Councilman Page this Resolution was approved.

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

Resolution 05-08

**A RESOLUTION EXTENDING, BY MUTUAL AGREEMENT
OF THE CITY OF LEXINGTON AND ADELPHIA COMMUNICATIONS
CORPORATION, TIME WARNER CABLE AND COMCAST CORPORATION
THE FCC FORM 394 TRANSFER APPROVAL DEADLINE TO
NOVEMBER 14, 2005**

WHEREAS, Adelphia has agreed through its counsel to extend the approval period deadline for the City to act in the Transfer of the cable television franchise held by Adelphia Communications to November 14, 2005, and

WHEREAS, Wesley Heppler, Cole, Raywid & Braverman, the attorney for Adelphia has stated that his client, Adelphia Communications Corporation and related parties, Time Warner Cable and Comcast Corporation, have agreed to extend the deadline for the City to act on the FCC Form 393 to November 14, 2005.

**NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF LEXINGTON,
VIRGINIA THAT**

1. The Council agrees to extend the transfer approval/disapproval deadline until November 14, 2005.

Adopted this day _____

John W. Knapp, Mayor

Sharon Edwards, Clerk of Council

The Public Hearing on the franchise will be held October 20th.

CITY ATTORNEY

The City Attorney did not have a report.

UNFINISHED BUSINESS - None

NEW BUSINESS - None

ADJOURNMENT

There being no further business the meeting adjourned at 8:52 pm.