

## **MINUTES**

The Lexington City Council held its regular meeting in the courtroom of the Lexington-Rockbridge Joint Facility on September 1, 2005.

**PRESIDING:** J.W. Knapp

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

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

There were ten people present.

### **PUBLIC HEARING**

**To receive public comment on an application from John Blackburn for a conditional use permit for a large capacity house at 107 Henry Street**

Mr. Blatter indicated that the application was straight forward and the recommendation from the Planning Commission was the same as those large capacity houses approved at the last meeting. There were no additional comments.

### **REGULAR MEETING**

Mayor Knapp called the meeting to order at 8:03 p.m. and he delivered the invocation.

### **APPROVAL OF MINUTES**

Councilman Broomall moved that the minutes be approved as presented. Councilman Golden seconded and the following vote was recorded.

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

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

Monika Eaton, 226 Catalpa Place, made the request of Council to consider allowing single families to keep poultry within the city limits. She distributed packets to each Council member containing information in support of this action. It was noted by Mayor Knapp that this was something that should be referred to the Social and Economic Services Committee.

Councilwoman Elrod suggested that this issue would be addressed at their committee meeting which will be held on October 6, 2005 at 7 p.m. in the small meeting room at the Lexington-Rockbridge Joint Court Facility.

## **REPORTS AND COMMUNICATIONS**

### **City Council Committees**

#### **FINANCE COMMITTEE - No report**

City Manager Ellestad noted two items that need to be addressed by this committee:

1. Issues on financing for the Courthouse—he noted that he will be meeting on September 15 with representatives of the VML/VACO loan pool to discuss the proposed financing..
2. Discuss the company that is currently doing the billing for the Rescue Squad.

It was decided that both of these issues would be addressed at the next Finance Committee meeting on September 19<sup>th</sup> at 4 p.m. at City Hall - Community Meeting Room.

#### **PHYSICAL SERVICES COMMITTEE - No report**

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

### **Boards and Commissions**

#### **PLANNING COMMISSION**

##### **Consideration of conditional use permit for 107 Henry Street**

Councilman Smith noted that the Planning Commission has met and that action needs to be taken on the Public Hearing from this meeting. He made the motion that Council accept the conditional use permit for John Blackburn at 107 Henry Street. He further stated that it should include all the bullets as noted by the Planning Commission in the memo dated July 29, 2005. Councilman Gianniny seconded this 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	Aye	M. M. Elrod	Aye

## **RAEDC**

Councilman Golden noted that RAEDC met on Tuesday, August 9<sup>th</sup>. He noted the following unemployment figures in the area for June:

Buena Vista	4%
Lexington	5%
Rockbridge County	3.3%

The state rankings for each area are as follows:

Buena Vista	60 out of 134
Lexington	95 out of 134
Rockbridge County	31 out of 134

Councilman Golden further noted that the Peterbilt Company was discussed. He noted that the County will struggle with signage. The MeadWestvaco plans were also discussed and it was noted that the IDA requested re-zoning on the Buena Vista property. It was further noted that Alleghany County lost another business the Lear Corp. These jobs will be terminated at the beginning of January, 2006.

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

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

**REGIONAL TOURISM BOARD** - Councilman Page noted that the committee had met; however, he was not in attendance so there was no report.

## **MAYOR**

Mayor Knapp noted that on October 17<sup>th</sup> TAP will be celebrating 40 years of service. He is signing a Proclamation on behalf of TAP recognizing October 17<sup>th</sup> as "TAP INTO HOPE DAY".

City Manager Ellestad mentioned that Harlan Beckley, who had been appointed to the TAP Board, has requested to be released from this appointment due to his new appointment at Washington and Lee University. Ellestad asked all Council Members to be thinking of someone to submit for consideration as a representative. He further noted that these meetings are held on a monthly basis in Roanoke.

Mayor Knapp further noted that Harlan Beckley, Acting President of Washington and Lee University will continue to have the meetings three times a year with Washington and Lee University, Virginia Military Institute represented by General Peay and the City represented by the Mayor.

It was also noted that Varney Badgett, who had been appointed to the Social Service

Board, cannot serve another term. Members are only allowed to serve for two terms and she has already completed that requirement. In addition, John Winfrey, who is a member on this board, has recently moved from the City to Kendal in the County. City Manager Ellestad stated that he saw no reason to remove Winfrey from this position because of his residency change and recommended that he serve the remaining portion of his term. The City Council agreed to this by consensus.

## **CITY MANAGER**

### **Consideration of Resolution 2005-7 authorizing application for a Rural Development Grant to purchase a fire/rescue engine**

**Resolution 05-07**

### **RESOLUTION OF GOVERNING BODY OF the City of Lexington, VA**

The governing body of the City of Lexington, VA, consisting of six members, in a duly called meeting held on the 1st day of September, 2005 at which a quorum was present **RESOLVED** as follows:

**BE IT HEREBY RESOLVED** that, in order to facilitate obtaining financial assistance from the United States of America, acting by and through the Rural Business Service, an agency of the United States Department of Agriculture, (the Government) in the purchase of a rescue fire engine to serve the community, the governing body does hereby adopt and abide by the covenants contained in the agreements, documents, and forms required by the Government to be executed including but not limited to:

- Form 400-1 Equal Opportunity Agreement
- Form 400-A Assurance Agreement
- Form AD 1047 Certification Regarding Debarment
- Form AD-1049 Certification Regarding Drug Free Workplace
- Form 1910-11 Applicant Certification, Federal Collection Policies
- Form 422-7 Operating Budget

**BE IT FURTHER RESOLVED** that the City Manager of the City of Lexington be authorized to execute on behalf of the City of Lexington the above-referenced agreements and to execute such other documents including, but not limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance. This Resolution, along with a copy of the above-referenced documents, is hereby entered into the permanent minutes of the meetings of this Board.

Upon motion of Councilman Golden, seconded by Councilman Gianniny the Resolution was approved. The following vote was recorded:

L. W. Broomall

Aye

T. P. Golden

Aye

J. H. Page	Aye	R. W. Smith	Aye
J. E. Gianniny	Aye	M. M. Elrod	Aye

Councilman Gianniny inquired about the other application that was submitted by the Police Department. City Manager Ellestad indicated that we have not received a “no” which is a good sign and that we are still in the running.

**Discussion on contribution to FOR Swimming for an indoor pool**

City Manager Ellestad noted that the County had committed to a contribution of \$50,000 to be disbursed at \$10,000 per year over a five-year period to this project. He noted that this issue has been discussed numerous times and that there are still questions to be answered:

- 1) Who will build this pool?
- 2) Who will operate the facility?
- 3) Who pays for any possible operating subsidies?

Upon motion of Councilman Broomall, it was moved to act to fund \$50,000 in a single payment from surplus school funds pending satisfactory solutions to the questions. Councilman Gianniny seconded the motion. Before the vote was taken Councilman Golden went on record as stating that he would vote against this motion because of his concern that this facility would primarily benefit county residents and Rockbridge County High School students, which is fine, but not sure that he is comfortable taking Lexington tax dollars to subsidize that and he is uncomfortable with the fact that we are going to front load our money and the County has made it clear that they are not. He further stated that he had received a good e-mail and a letter from city residents concerning the pool but he still sees the pool as a competitive pool and does not feel that this is what our residents need. A Roll Call vote was then taken and recorded as follows:

**ROLL CALL**

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

**Discussion of August 18<sup>th</sup> Arts and Music Building construction letter from Washington and Lee University**

The letter from Joe Grasso was reviewed by Council. Discussion followed concerning several areas of the letter including work schedule, distribution list, and Sunday hours. It was the consensus of the group that the information should have come to them before it was actually implemented. Councilwoman Elrod noted that she had questions about the landscaping. City Manager Ellestad noted that he has a meeting with Joe Grasso and his staff to go over what is being done in this area. Also at this meeting drainage issues will be discussed. Councilwoman Elrod also expressed that she has concern about the Train Station. This is another area that City Manager Ellestad indicated will be discussed in his meeting with Washington and Lee University. Street markings and a street light were other issues of concern and it was noted that this would

also be discussed in the meeting.

City Manager Ellestad noted that the time has come to get serious about our position on the Joint Services Agreement. A memo has already been prepared by David Woody, Larry Mann and himself listing the items that they feel that need to be addressed in our negotiations with Rockbridge County on the Joint Services Agreement and he feels that a work session needs to be scheduled to discuss it. The work session will be held October 4<sup>th</sup>, 4 p.m. at City Hall in the Community Meeting Room.

**CITY ATTORNEY**

Attorney Mann stated that the plat for location of all improvements for the Courthouse property is not yet available. Mann anticipates it by September 15<sup>th</sup>. He has already had meetings with some of the adjacent property owners and will meet with others soon.

**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 2.2-377, 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 of a personnel matter. The motion was seconded by Councilman Golden.

L. W. Broomall	Aye	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 9:05 a.m.

**MEETING RECONVENED**

Council reconvened in open session at 9:14 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**

L. W. Broomall	Aye	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 9:15 p.m.