

## **MINUTES**

The Lexington City Council held its regular meeting in the courtroom of the Lexington-Rockbridge Joint Facility on September 15, 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 eight people present.

### **PUBLIC HEARING**

**To receive public comment on a proposed subdivision on the property located at 104 North Randolph Street and 8 Henry Street**

Speaking on behalf of Bill Blatter, Director of Planning and Development, City Manager Ellestad noted that this was a straight forward subdivision. The piece of property wraps around a corner between Randolph and Henry Streets and it is being proposed to be subdivided. One parcel currently has two buildings on it now and it is being subdivided to put a building on each parcel. The other interesting thing is that although these are residential type buildings there are no minimum lot sizes or setbacks because it is located in a C1 district.

### **REGULAR MEETING**

Mayor Knapp called the meeting to order at 8:04 p.m. and Councilman Smith delivered the invocation.

### **APPROVAL OF MINUTES**

Attorney Mann noted that the spelling for a name listed under Citizens' Remarks and Comments on Matters Not On Agenda, should be changed to Monika Eaton.

Councilman Broomall moved that the minutes be approved with this correction.

Councilman Gianniny 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**

Daphne Raz, 114 East Preston Street, who works with the Moore's Creek Watershed Committee, addressed Council concerning the Moore's Creek property owned by the City and stated that it is part of the area to be addressed in the Joint Services Agreement that is up for renegotiation. Her committee has looked into the possibility of the acquisition of that property by a government or conservation agency should the City feel that they need to sell this property. So far there has not been any agency that has come forward with the required funding to purchase that land. However, the Committee has received a recommendation from Senator Allen's office, Congressman Goodlatte's office and Representative Cline that there is state and federal money available for maintaining the dam on the property as long as it is owned by the public. She wanted Council to be aware of this when they meet to renegotiate the Joint Services Agreement with the County and to consider a new agreement that would continue to keep the Moore's Creek property under local control by knowing that there is financial help available. She further requested that Council consider all of the alternatives available when considering the use of this property. Attorney Mann indicated that he had already been in contact with Senator Allen's office and any information he receives will be passed along to Council.

## **REPORTS AND COMMUNICATIONS**

### **City Council Committees**

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

Councilman Broomall noted that there is a meeting scheduled for Monday, September 19<sup>th</sup> at 4 p.m. City Manager Ellestad indicated that there is another issue that needs to come before them fairly quickly which is the closeout resolution for the last fiscal year and the carry forwards that we go over each year that will close out the FY05 budget. There are a number of issues that are complex that will need to be explained to Council at this meeting. This item will be addressed at the Monday, September 19<sup>th</sup> meeting.

City Manager Ellestad also noted that he had one other item which is the Revised Ordinance on the Personal Property Tax implementing the new personal property tax regulations that will go into effect next July 1<sup>st</sup>.

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

The next meeting is scheduled for Thursday, October 20<sup>th</sup> at 7 p.m. The City Manager's request to discuss the East Nelson Street bridge and the Maury River pedestrian bridge will be addressed at this time.

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

Councilwoman Elrod noted that the next meeting will be Thursday, October 6<sup>th</sup> at 7 p.m.

**Boards and Commissions**

**PLANNING COMMISSION**

Councilman Smith indicated that the Planning Commission had met. The first order of business is the subdivision request that was discussed earlier in the Public Hearing. The Commission had no issues with this subdivision so upon motion of Councilman Smith and seconded by Councilman Gianniny the subdivision was approved as presented in the packet.

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 Smith also noted that two of the commission members that voted in favor of the proposal that came from Washington and Lee University to build the Art and Music building have a concern that we are negotiating with Washington and Lee about the storm water issue at the Train Station. It was their understanding that this was offered by Washington and Lee as part of the package and the Commission considered this in their decision to approve the project. They don't have an issue with the fact that part of this water is coming from the neighborhood but if Washington and Lee is not going to do that project then what else do they have to offer us. City Manager Ellestad indicated that this is an item listed on the agenda under the City Manager's Report and it would be discussed there.

**RAEDC**

Councilman Golden informed Council that RAEDC had met on September 13<sup>th</sup> and they welcomed their new member from the City of Lexington, Councilman Gianniny. Councilman Golden also noted that they did say good bye to Harold Kidd who is leaving public service. It was noted that Mr. Kidd had done a wonderful job for RAEDC and the City of Buena Vista and would be greatly missed.

He further noted that Lexington still leads the area in unemployment. The July unemployment figure was 4.6% noting that this was down somewhat from June where the figure was 5.0%. For the communities that are listed, Lexington is 92 out of 134.

Under old and new business it was discussed that Auto Recyclers plans to go into the former Reeves site on Magnolia Avenue in Buena Vista. Everything appears to be positive at this time for this to happen. Regarding MeadWestvaco, the regional IDA amended their rezoning request to add a fifty foot buffer. The buffer would remain R2 instead of the Industrial 1 which is the request for the remainder of the rezoning. The City of Buena Vista and the Rockbridge Partnership have received positive letters from the Virginia Department of Transportation concerning the truck traffic and they have also received positive letters from the

Virginia DEQ. In addition, RADEC requested and paid for a line of site survey for the properties adjacent to the proposed MeadWestvaco facility and they think that they will probably be able to address each of the property owners concerns and may be able to buffer the line of site from the MeadWestvaco facility. Councilman Gianniny added that the drawings that they commissioned were really interesting because you can now stand in the location where the houses are today and you can see the location of the old Blue Bird facility very clearly. On the drawings with the buffer that they are proposing you could not see the old facility or the MeadWestvaco site. Councilman Golden does have copies of the drawings if anyone would like to review them.

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

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

### **REGIONAL TOURISM BOARD**

Councilman Page noted that the Board had met and there is good and bad news. The bad news is that the Labor Day tourism was off by at least 30% across the area. The good news is that there is a market survey and study which will be presented later in October to the Regional Tourism Board for adoption to try to bolster tourism. They continue to work on projects for the four hundred year celebration at Jamestown as well as partnership with West Virginia for a scenic highway along Route 39.

### **MAYOR**

Mayor Knapp noted that he had been unsuccessful in reaching anyone on the Social Services Board to discuss filling the vacancy. Also, there is nothing new on the TAP appointment.

He stated that September 17 - 23 is Constitution Week and he presented a proclamation recognizing that week again this year. It was noted that September 17<sup>th</sup> is the actual date.

Mayor Knapp noted that it was in the paper that the Board of Supervisors had been asked what to name the new Courthouse. It was their opinion that Rockbridge County Courthouse sounded good to them. Mayor Knapp has spoken to the Chairman of the Rockbridge County Board of Supervisors and told him that he was going to ask Council to adopt a petition tonight asking them to go back to their Board concerning the naming. The petition is as follows:

“Council was surprised and disappointed to learn of the Board’s action last Monday on the naming of the new Courthouse and we ask that you reconsider the matter with the object of reflecting the truly joint nature of this facility.”

Upon motion by Councilman Golden and seconded by Councilman Gianniny this petition request was approved unanimously.

## **CITY MANAGER**

### **Consideration of Approval of Rescue Squad officers**

City Manager Ellestad presented the list as follows:

Dave Wheeler, Captain  
Trista Hays, 1st Lt.  
Lorrie Camden, 2<sup>nd</sup> Lt.  
Ashley Brown, Secretary  
Trista Hays, Treasurer  
Lorrie Camden, Supply Officer

Upon motion of Councilman Gianniny, seconded by Councilman Broomall the list was approved as presented. 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

### **Consideration of McLaughlin Street storm drainage project**

City Manager Ellestad noted that the City has had some discussions with Washington and Lee about this project which was a part of the Train Station Project and not the rezoning of the land for the Arts and Music center. There were two separate actions—one was the rezoning of the Arts and Music center and the other was the moving of the Train Station. In the site plan on the move of the Train Station was storm drainage improvements that would improve the collection system in the parking lot where the Train Station moved a line down the hill to connect into our system and then an upgrading of the line down McLaughlin Street to where it goes into a line the falls into Woods Creek. In thinking about it more, staff believes that the part of the project where we collect the water in the parking lot and take it down into the street is definitely Washington and Lee's responsibility; however, when we talked with them about the whole project we feel we asked for more than we should have. Considerable discussion followed and it was decided that this issue would be addressed in the Physical Services Committee meeting to be held on Thursday, October 20<sup>th</sup> at 7 p.m. and David Woody, Public Works Director, would be available for the meeting.

### **Discussion of work session on Joint Services Agreements**

City Manager Ellestad noted that there is a meeting scheduled for Tuesday, October 4<sup>th</sup> at 4 p.m. to discuss changes in the Joint Services Agreement. He feels that a decision needs to be made as to whether this should be a closed session. He further stated that no new issues will be discussed that have not already been discussed in public. Councilman Gianniny stated that it was his feeling that the first meeting should be an open meeting; however, any additional meetings could be held in closed session. Council agreed with that plan.

City Manager Ellestad also called attention to an email he received today on the franchise agreement with Adelpia Cable. He has been notified that the agreement appears to be ready for both parties to act on and therefore, he would like to bring it to Council for their approval at the first meeting in October. Due to the fact that it is a lengthy document he feels that Council should have a work session to review it. Council agreed to have the work session on Monday, October 3<sup>rd</sup> at 4 p.m.

#### **CITY ATTORNEY**

Attorney Mann indicated that he still does not have the plat for the courthouse parking deck. He also noted that he would be meeting with the Tree Board on an amendment to the tree ordinance.

**UNFINISHED BUSINESS** - None

**NEW BUSINESS** - None

#### **ADJOURNMENT**

There being no further business, the meeting adjourned at 8:45 p.m.