

MINUTES

The Lexington City Council held its regular meeting in the Rockbridge Court Facility on April 6, 2006.

PRESIDING: T. P. Golden

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

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

ABSENT: J. W. Knapp

There were thirty one people present.

PUBLIC HEARING

To receive public input on the funding requests from agencies for the FY 2007 budget.

RATS was represented by Joan Manley and Mary Huger. Ms. Manley summarized the yearly operation of their organization and requested that consideration be given by Council to their funding request.

Dabney Lancaster Community College was represented by Frank Parsons. He explained to Council how the funding they had requested from the City would be used and asked that Council consider carefully total funding of this request.

Rockbridge Community Services Board was represented by John Young, Cecily Laub and David Cox. Mr. Young summarized the activities of this Board and asked for Council's consideration for totally funding their request.

Rockbridge Area Occupational Center was represented by Ruth Parsons. She outlined the operation of the Center and noted that they continue to grow. She asked for consideration of total funding of their financial request.

TAP was represented by Mary Early and Jamie Jackson. Ms. Early summarized the projects that they had accomplished during the present year and requested consideration of a full funding request for their agency.

Yellow Brick Road was represented by Fay Campbell. She summarized the services that

YBR provides to the area and requested full funding of their agency request. Councilman Broomall requested that the City be provided a Financial Statement for this organization. He also requested that a breakdown be provided showing the number of City children served by this program. Councilman Smith asked about the location of this group. Ms. Campbell explained that currently they are in two locations but are considering several options that would but the operation under one roof again.

Lime Kiln Arts was represented by Frank Parsons. He explained that the organization would be providing a limited summer schedule this year as they work to resolve financial issues. He stressed that it was very important for the continued operation of this group that their financial request of the City be funded.

Talking Book Center was represented by Pat Randolph. She briefly explained what the Center does and summarized the number of people served over the past year. She requested consideration of full funding of their request for next year.

LDDA was represented by Darrell Magee, Nick Murphy and Victoria Pannell. Mr. Magee reminded Council that they are under new leadership and are striving to improve activities that have become annual events for the City and are looking to add many new events to their schedule. He also feels that the activities and services that LDDA provides to the City goes a long way in attracting people to the downtown area of the City and they would like to request full funding of their financial request.

Habitat for Humanity was represented by Lynn DiBiase. She explained about a project being done in Lexington for a family and indicated that full funding of their financial request would be very important for the completion of this project.

Vice Mayor Golden closed the Public Hearing at 8:45 pm.

REGULAR MEETING

Vice Mayor Golden called the meeting to order at 8:50 pm. Councilman Smith delivered the invocation.

APPROVAL OF MINUTES

Upon motion of Councilman Broomall, seconded by Councilman Page, the minutes of the March 16, 2006 meeting were approved. The following vote was recorded.

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

The motion carried.

CITIZENS' REMARKS AND COMMENTS ON MATTERS NOT ON AGENDA

Constance Horner, 607 Marshall Street, addressed Council asking that Peter Sils' proposal for the courthouse project be given careful consideration.

Peter Hansen, 605 Marshall Street, addressed Council asking that they not hire the consulting architect that was proposed by BCWH. He recommended that Council wait until the end of April to review the Sils' proposal.

Elinor Wright, 75 Dogwood Rise, addressed Council indicating that she backs Mr. Hansen's comments and requests review of the Sils' proposal.

Frank Parsons, 15 Whitmore Street, addressed Council concerning the recommended consulting architect. He, also, recommended to Council that the Sils' proposal be given careful consideration by Council.

Tom Wright, 75 Dogwood Rise, addressed Council. He praised Joan Manley and the RATS organization as an example of a group that has used local talent and established a very successful operation. He encourages the Council to carefully consider local talent as deliberations continue on the courthouse project.

Patti Wood, 572 Poor House Road, addressed Council and thanked them for their contribution to the swimming pool project.

REPORTS AND COMMUNICATIONS

City Council Committees

FINANCE COMMITTEE

Councilman Broomall reported that the Finance Committee had not met.

PHYSICAL SERVICES COMMITTEE

Councilman Gianniny reported that the Physical Services Committee had not met.

SOCIAL AND ECONOMIC SERVICES COMMITTEE

a) Schedule meeting on economic development issues

Councilwoman Elrod reported that the Committee had met and discussed the recent water tests in the City. Plans to correct this situation have already been put into place and these are flushing the water lines more frequently and alternating the water levels in the water storage tanks to keep the water moving through the lines at a more rapid pace than before. The water will also be tested on a quarterly basis rather than an annual basis. Councilman Gianniny also

added that the most recent water testing that had been done showed that the City is back in compliance with the regulations.

The issue of the courthouse and the hiring of an architect to collaborate with Chuck Wray was discussed. Mr. Wray and Mr. Stephen Wright from Hanbury Evans Wright Vlatts attended the Social and Economic Committee meeting. Both discussed plans and answered questions from Council members. The Committee voted to move that we accept Mr. Wray's recommendation to have this firm work with him. Councilwoman Elrod then read from a prepared statement expressing her feelings on this situation:

“After the decision to seek a collaborative architect was made, Council members were asked if they wanted to be involved with the process. I said I wanted to be. Frankly, I did not feel that I or other citizens had enough confidence in Mr. Wray to accept a recommendation from him without the opportunity to investigate other possibilities.

When I arrived at the Social and Economic Services meeting I saw that not only was Mr. Wray there but also Stephen Wright from Hanbury Evans Wright Vlatts was with him. They made a presentation to Council and questions were asked of both Mr. Wray and Mr. Wright.

With little discussion after the exchange between Council members and the two architects, a motion was made to send to the full Council the recommendation that we accept Hanbury Evans Wright Vlatts as the collaborative firm.

At that time I expressed my concern that we had not had alternatives presented to us and had not had time for discussion without the architects at the table and I felt uneasy about voting to accept Mr. Wray's recommendation without having the opportunity to hear from other architects. The vote to recommend carried and here we are.

I must say that Mr. Wright did a fine job of allaying concerns that I have about the possibility of improving the plan for our courthouse, with respect to the exterior at least. Given the apparent unhappiness of many of our citizens with the current plan which is Mr. Wray's I will not vote in the affirmative to accept his recommendation without having looked at alternatives. However, we definitely need to have another architect work on a plan so that we may give our best shot at making this a courthouse that will be more pleasing to our citizens.

I know as well as anyone here that we are under time constraints. But at every turn we have rushed to move on when in hindsight it is clear we should have proceeded more cautiously and listened more attentively.

I am hopeful that if this passes, it will be Mr. Wright who works most closely with us and that we will give time for public participation.”

After making her comments, Councilwoman Elrod made the motion, on behalf of the Committee, to recommend that Mr. Wray hire Mr. Wright as a consulting architect on the courthouse project. Before the vote was taken Councilman Gianniny stated that he personally

felt that this was the next step Council should take because even as Council looks at the Sils' proposal they still need to address the issues of the Randolph & Nelson Street location. He felt they should not consider only one option. Councilman Broomall agrees with Councilman Gianniny and noted that he wants the Sils' proposal to succeed but also feels that more work should be done on the Randolph & Nelson site and feels that the selection of Stephen Wright to consult on this project is a good one. Councilman Page stated that he feels that this is being shoved at the City without seeing any other choices. Councilman Smith noted that he would vote in favor of this recommendation based solely on time restraints. The following vote was taken on the motion and recorded below.

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

The motion carried.

Following the vote Councilman Broomall made the motion that he felt Council should continue to encourage the Sils' proposal and give it every consideration. He further stated that they should have Peter Sils share his proposal with the users of this new facility but doing this within the time restraints of the project. Councilwoman Elrod seconded this motion. The following vote was recorded.

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

Councilwoman Elrod then set the next Social and Economic Services Committee meeting for Monday, April 17th at 4:30 pm in the Community Meeting Room at City Hall.

PLANNING COMMISSION

Councilman Smith reported that the Planning Commission had held two meeting. He was present for the first meeting and gave this report. The Commission discussed the I-81 Impact Analysis. The Commission has requested that Council take a stand on this issue. Discussion followed and Councilwoman Elrod expressed an interest in meeting with someone who could provide more information about the Impact Study. Councilman Page will be forwarding some additional information that he has to the City Manager.

Councilman Smith also noted the City's and Bill Blatter's award from the Conservation Council.

City Manager gave a report on the second Planning Commission meeting. They had a Public Hearing on a proposed subdivision on Barger and Oakview Drive. This land is currently owned by the Beebe family. This is steep land on Oakview and there are issues with runoff. There will be additional information coming to the Planning Commission from Lee Merrill (the

Beebe's representative) and action should take place at their next meeting.

It was also noted that several members of the Planning Commission and Bill Blatter had met with the Growth Committee of the County. It was reported to have been a very good meeting.

The Planning Commission also discussed the Comprehensive Plan development and the plans for public input. There will be a community forum on May 23, 2006. Notices will be sent to the public about this meeting.

RAEDC

Councilman Golden reported that the Commission had not met.

CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION

In the Mayor's absence there was no report.

REGIONAL TOURISM BOARD

Councilman Page reported that the Board had met but he had no report.

MAYOR

Appointment to IDA and Cemetery Advisory Board

Upon motion of Councilman Gianniny, seconded by Councilman Smith, it was recommended that Elizabeth Ramsey and Brian Kave be reappointed to serve on IDA for a four year term. The following vote was recorded.

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

The motion carried.

No appointments were made to the Cemetery Advisory Board.

CITY MANAGER

City Manager Ellestad advertised Council that he needed to advertise the FY07 budget and this requires a tax rate to be published in the advertisement. City Manager Ellestad is recommending an eleven cent increase in the tax rate which would make it seventy-eight cents per one hundred dollars. Upon motion of Councilman Broomall, seconded by Councilman Smith, it was recommended that Council accept the City Manager's recommendation for the tax

rate increase. The following vote was recorded.

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

The motion carried.

CITY ATTORNEY

City Attorney Mann presented the following Agreement to Council for approval:

THIS AGREEMENT, made and entered into this 6th day of April, 2006, by and between the City of Lexington, Virginia (“City”), a municipal corporation, and the County of Rockbridge, Virginia (“County”), a political subdivision of the Commonwealth of Virginia.

W I T N E S S E T H:

WHEREAS, by letter dated February 17, 2006, the County timely filed a Notice of Appeal (the “Appeal”) from the decisions of the Lexington Architectural Review Board (ARB) on January 19, 2006, in Case Nos. 1380 and 1381; and,

WHEREAS, a copy of said Appeal is attached hereto as Exhibit A and is incorporated herein by reference; and,

WHEREAS, at the Circuit Court hearing on March 7, 2006, the Court authorized an extension of six (6) months on the remaining deadlines in the Court’s March 24, 2005, Decree to develop a new architectural style for the New Courts Facility; and,

WHEREAS, pursuant to the resolutions adopted by City Council and the Board of Supervisors at the joint meeting held on February 9, 2006, the City and County are proceeding with plans for a collaboration between BCWH and an associated architect with a demonstrated sensitivity for Lexington’s architectural heritage to change the style of the building to be more harmonious with the downtown architecture and to attempt to break up the perceived mass of the building in the process; and,

WHEREAS, in view of the current direction of the City and County for the New Courts Facility, the City and the County agree that a hearing on the Appeal by City Council at this time would be premature.

NOW, THEREFORE, in consideration of the mutual understanding of the City and the County to expediently address issues related to the design of the New Courts Facility, the City and the County agree that consideration by the City of the Appeal shall be extended for a period of time not to exceed ninety (90) days from April 18, 2006.

This agreement is executed on behalf of the City pursuant to the authorization of City Council approved on April 6, 2006.

This agreement is executed on behalf of the County pursuant to the authorization of the Board of Supervisors approved on April 10, 2006.

WITNESS the following signatures and seals:

Timothy P. Golden, Vice Mayor
City of Lexington

ATTEST:

Sharon Edwards
Clerk of Council

Approved as to Form:

Laurence A. Mann
Lexington City Attorney

Donald G. Austin, County Administrator
Rockbridge County Board of Supervisors

Approved as to Form:

Vickie L. Huffman
Rockbridge County Attorney

UNFINISHED BUSINESS

None

NEW BUSINESS

None

ADJOURNMENT

There being no further business, the meeting adjourned at 10:05 pm.