

**MINUTES**

The Lexington City Council held its regular meeting in the Rockbridge Court Facility on August 17, 2006.

**PRESIDING:** John W. Knapp

**OFFICERS:** T. Jon Ellestad, City  
Manager  
L. A. Mann, City Attorney  
D. Desjardins, Acting Clerk

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

**ABSENT:** T. P. Golden

There were thirteen people present.

**REGULAR MEETING**

Mayor Knapp called the meeting to order and Councilwoman Elrod delivered the invocation.

**APPROVAL OF MINUTES**

Councilman Broomall made the motion that the minutes of the August 3, 2006 meeting be approved. Councilman Gianniny seconded the motion. The following vote was recorded.

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

The motion carried.

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

Tom Wright, 75 Dogwood Rise, spoke to Council expressing his concern over the callous, unresponsiveness of both elected boards, Council as well as the Board of Supervisors, their lack of proper education of the public as to what was happening here five years or so back and particularly over the entire nine years of this project and their silence in selecting an architect that had to submit three times before something reasonable was prepared. He expressed concern over their failure to consider any other alternatives. He further stated that is

not a good exercise in fiduciary responsibility.

## **REPORTS AND COMMUNICATIONS**

### **City Council Committees**

#### **FINANCE COMMITTEE**

Councilman Broomall reported that this Committee had not met. City Manager Ellestad noted that there are several matters that need to be heard by this Committee. A Committee meeting was scheduled for 7:00 pm on September 7, 2006 prior to the regular Council Meeting.

#### **PHYSICAL SERVICES COMMITTEE**

Councilman Gianniny reported that this Committee had not met.

#### **SOCIAL AND ECONOMIC SERVICES COMMITTEE**

Councilwoman Elrod reported that this Committee had not met. However, she did propose that this Committee schedule a meeting to discuss the Rockbridge Partnership reorganization, going out of business fee and also to talk about the Dabney Lancaster proposal. The meeting was set for Wednesday, August 23 at 4:00 pm at City Hall.

### **Boards and Commissions**

#### **PLANNING COMMISSION**

Councilman Smith reported that the Planning Commission had met. They approved a sign for the University Cleaners and noted that they continue to work on the Land Use Chapter of the Code.

Col. Sonny Cravin, Director of Communications and Marketing at Virginia Military Institute addressed Council. The Institute sees itself as a neighbor to the City. He feels that the City will be very proud of the renovations that they are making and always wants Council to know that they are always interested in open communication with the City and feels that they have very good communications lines open currently with the City. City Manager did comment that the lines of communication between the City and VMI staff are good.

#### **ROCKBRIDGE PARTNERSHIP**

Councilman Gianniny reported for Councilman Golden. He noted that the Partnership does not exist at this time. He noted that Council did vote in favor of the Partnership dissolving and establishing new by-laws. When the County reviewed the by-laws they requested that the makeup of the Partnership be three members from the City, two from the governing body and

one at large, and four members from the County, two from the Board of Supervisors and two members at large from the County. They also suggested that language be added so that one locality could not force something to happen in the second locality. This was discussed in light of the fact that the County currently pays 75% and the City currently pays 25%.

Councilwoman Elrod stated that since earlier in this meeting a meeting had been set for the Social and Economic Services Committee and the Rockbridge Partnership is to be discussed at this meeting that no action be taken until that meeting takes place.

## **THRESHOLD**

Councilman Gianniny reported that Threshold did meet. He was not able to attend the meeting; however he had met with Joan Neel, Housing Coordinator, and reviewed the activity of the meeting. The first item they discussed was the Safe and Sound program that they run. This is a program where the City will assist City families of low income with emergency household repairs up to a maximum of \$500.

The Rental Inspection Program was also discussed. The information has been sent to all rental property owners and they will soon be moving ahead with the inspections for these properties.

They noted that the last renovated Threshold house on Davidson Street has a contract pending and that Threshold currently owns 311 and 313 Massie Street. These two properties will be going to bid either as two separate bids or one bid. It is hoped that this project will begin in September.

## **CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION**

Mayor Knapp reported that this Commission had not met.

## **REGIONAL TOURISM BOARD**

Councilman Page reported that this Board had not met. He did report about the NBC special on Hull's Drive-In that was done and it was noted that Lexington downtown area also got coverage.

## **MAYOR**

No appointments were made to the Planning Commission.

## **CITY MANAGER**

**Appointments to transportation Rural Technical Committee of the Planning District Commission.**

Upon motion of Councilman Gianniny, seconded by Councilwoman Elrod, it was moved that the City Manager be appointed to serve on this Commission. The following vote was recorded.

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

The motion carried.

### **Discussion of the Sils' PPEA Proposal.**

Peter Sils, 108 West Preston Street, spoke as a citizen of Lexington. He addressed the issues that the Courthouse Committee had raised. He noted that other successful PPEA Proposals take a lot of time; however this particular one was much further along because of the prior work that had been completed. They are proposing a simple design and price. On November 7<sup>th</sup> bids are suppose to come in for the Randolph Street project. He feels that the decision can be made at that point whether to take the Sils' proposal or not. It is not going to cost the County or the City anything up until that point.

Mr. Sils explained that Barton Marlow would be the general contractor on this project. They are familiar with many projects of this size and much larger. The qualifications of the architects were also discussed. You will be receiving a product to look at before a decision is made. Much of architecture is design and he feels that the building they are designing is more beautiful than the Randolph Street design. The scheme fits in and works out many issues of the downtown.

It was also noted that Hays, Seay, Matern and Matern made their own decision not to participate in this project based on information received from a discussion with the County where they got the impression that the County was not interested in considering the Sils' proposal.

Future growth was also discussed. It is Mr. Sils' feeling that the space proposed is adequate. He feels a potential weakness is that the Commonwealth Attorney's spaces are a little small. He feels that this could be addressed by adding an additional floor on the bank building addition. It would cost an extra 2 million dollars for this addition and deliver an extra 7,000 square feet of office space.

The costs now are noted to be 22 million dollars. This includes the extra floor, parking deck and rebuilding the courthouse. He noted that under his plan they are planning to finish the parking deck and the renovation to the bank, including the addition, before the courthouse renovation is completed.

He further noted that the Courthouse Committee is an advisory group and not a decision making group. He stated to Council that they were elected to be decision makers. You have to defend the public's interest in this project.

Brief comments and discussion followed from City Council, Mayor and City Manager.

Frank Parsons, 15 Whitmore Street, indicated that he had attended lots of meetings on the Courthouse. He feels that Peter Sils is not viewed as helpful but viewed as someone coming in to cause problems. He feels that this is not so much with Council as it is with the Board of Supervisors. Mr. Parsons commented that he has worked on many design build projects and knows that the concept will work. He further stated that he is disappointed if the County and City don't use the opportunity presented to us by Mr. Sils. He requests that the Council do what they can to keep the Sils' proposal alive until November 7<sup>th</sup> so that there will be another dollar proposal on the table.

Peter Hansen, 605 Marshall Street, wants Council to vote on two issues. One is to request that the Board of Supervisors to put the Sils' PPEA proposal out to be bid. The second is to ask Judge Martin to meet with Mr. Sils about his proposed project. Another issue that has not been discussed much is the parking deck. The Sils' proposal makes the parking deck cheaper. Brief discussion followed about cost figures for the parking deck.

Amy DeHart, 605 Ross Road, spoke and thanked Council for all its work with the County on this project. She also thanked Mr. Sils for his efforts on this project. She indicated that she is asking Council to consider whatever they can to keep the Courthouse in the downtown area where it is presently located.

Dick Sessoms, a county resident, stated that he is aware of the amount of time that has gone into this project. Speaking on behalf of himself he feels that the Sils' proposal is the answer. People want to see the Sils' plan carried through so that there will be a comparison.

Councilwoman Elrod added that she feels Mr. Sils did a good job dealing with the issues that related to the Committee. She also thinks that Mr. Parsons addressed the fact that people have viewed Mr. Sils as not being helpful but she expresses that she feels differently and thanked Mr. Sils for all the work that he has put into this project. She further stated that she feels that Mr. Sils' still needs to be kept in this process.

Councilman Broomall seconded Councilwoman Elrod's comments. He also feels that the Sils' proposal should remain in the process. Councilman Gianniny expressed his concern about the amount of money being spent by Mr. Sils' with no assurances. Councilman Smith commented that if he had to vote at this time he would be inclined to support the Committee's recommendation.

Councilman Broomall moved that we respectfully request the supervisors to join us in seeking to take the proposed courthouse solution that we received through the PPEA process to

Ford Stevens and the judge for review. The motion was seconded by Councilwoman Elrod. The following vote was recorded.

**ROLL CALL**

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

The motion carried.

**CITY ATTORNEY**

No report

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

None

**Closed Session to discuss the acquisition of property for the Courthouse parking garage.**

**MOTION FOR CLOSED SESSION**

Councilman Gianniny made the motion that the 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 3. The subjects to be addressed shall be the acquisition, disposition, or use of property. The motion was seconded by Councilman Smith.

The following vote was recorded.

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

The motion carried.

At 9:55 pm Council returned to open session and the following Resolution was recorded.

**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 3 and Paragraph 7, to discuss the acquisition, disposition, use of property and litigation.

**WHEREAS**, Section 2.2-3711 of the Code of Virginia requires a certificate 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 VOTE**

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

**ADJOURN**

There being no further business the meeting was adjourned at 10:00 pm.