

**MINUTES**

The Lexington City Council held its regular meeting in the Regional Court Facility on January 19, 2006.

**PRESIDING:** J. W. Knapp

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

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

**ABSENT:** M. M. Elrod

There were thirty-two people present.

**PUBLIC HEARING**

**To receive public comment on Ordinance 2006-1 selling the Brandon Parking lot on Randolph Street to Rockbridge County for \$125,621.50.**

No comments

**To receive public comment on Ordinance 2006-2 vacating a portion of Ruff Lane.**

No comments

**REGULAR MEETING**

Mayor Knapp called the meeting to order at 8:03 pm. Councilman Gianniny delivered the invocation.

**APPROVAL OF MINUTES**

Upon motion of Councilman Broomall, seconded by Councilman Page, the minutes of the January 5, 2006 meeting were 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	Absent

The motion carried.

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

Marjorie Hansen of 605 Marshall Street, Elinor Wright of 75 Dogwood Rise, Peter Hansen of 605 Marshall Street, Tom Litzenburg of 316 S. Jefferson Street, Catharine Gilliam of Brownsburg and Tom Wright of 75 Dogwood Rise addressed Council. Each person gave Council their individual reasons why they oppose the current design for the courthouse project and several individuals provided some statistical figures but as a group they were asking that Council uphold the ARB rejection vote on the Courthouse design.

## **REPORTS AND COMMUNICATIONS**

### **City Council Committee**

### **FINANCE COMMITTEE**

Councilman Broomall indicated that this Committee had not met.

### **PHYSICAL SERVICES COMMITTEE**

Councilman Gianniny reported that this Committee had not met.

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

Councilwoman Elrod was absent - there was no report.

### **Boards and Commissions**

### **PLANNING COMMISSION**

Councilman Smith reported that the Planning Commission had met and that the main discussion at the meeting was on the VMI Vision 2039 plan. At this meeting VMI discussed their building program and parking issues. Councilman Smith further stated that VMI commended David Woody and John Smith of Public Works for their cooperation and the recommendations that each had contributed during the utility work phase that is presently taking place at VMI.

The Planning Commission is continuing to work on the Land Use Chapter. It is being reviewed and should be ready for a public hearing soon.

### **RAEDC**

Councilman Golden reported that RAEDC did meet on January 10<sup>th</sup>. Several items under

Old Business were discussed. The Nestles Company water project is no longer a “go” in Botetourt or Alleghany County. RADEC does feel that the auto recycler still looks positive at this time. They also discussed the sale of the Industrial Park in Buena Vista and authorized the IDA to move forward to sell that property. Councilman Golden further reported that they are going to have a meeting of the Strategic Planning Committee soon. They also discussed having a Planning Retreat.

### **CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION**

Mayor Knapp reported that this group had not met.

### **REGIONAL TOURISM BOARD**

Councilman Page reported that this Board had met. He reported that Brian Shaw had been elected to serve as Chairman. It was also noted that the Regional Tourism Board had sent a letter to the County Board of Supervisors opposing the proposed change in the sign ordinance. Councilman Page also reported that meals and lodging in both Rockbridge County and the City of Lexington were substantially more than last year; however, this will result in a budget increase of about \$5,000 from the City and \$17,000 from the County.

### **MAYOR**

#### **Appointment to the Community Services Board**

No appointment was made

Mayor Knapp noted that the next Intergovernmental Dinner will be held Tuesday, March 7, 2006 at 6 pm at the Buena Vista Fire Department. The subject for discussion will be Solid Waste Management and Recycling.

### **CITY MANAGER**

#### **Consideration of reimbursing Washington and Lee University for interest lost in utility over billing.**

Councilman Broomall informed Council that at the last Finance Committee meeting this was discussed and the conclusion was that it would be morally appropriate for the City to pay this interest payment. Councilman Broomall then made the motion that this payment be processed. Councilman Gianniny seconded the motion stating that he felt that the payment amount was reasonable and because of the amount of the overcharges being in excess of \$50,000 that the city pay interest for that money. Councilman Golden and Councilman Page both spoke saying that they were not in favor of the City making this payment to Washington and Lee University. A Roll Call vote was taken as follows:

**ROLL CALL**

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

The motion carried.

**Consideration of increase in lease for Methodist Church parking lot.**

City Manager Ellestad discussed the present lease rate for this parking lot and it was his feeling that an increase in this amount would be in line with other parking lots. Upon motion of Councilman Gianniny, seconded by Councilman Golden, it was recommended to raise the lease amount to \$3,450 per year, effective July 2, 2006. The following vote was recorded.

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

The motion carried.

**Consideration of Ordinance 2006-1**

Councilman Gianniny made the motion that Ordinance 2006-1 be accepted. Councilman Broomall 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	Aye	M. M. Elrod	Absent

The motion carried.

**Consideration of Ordinance 2006-2**

This ordinance pertains to Ruff Lane. After some discussion it was agreed that a contingency would be added stating that the approval of the ordinance would be contingent upon receiving an easement for the property in Hannah Lane to construct the turn and that the turn would be constructed by VMI. Upon motion of Councilman Gianniny, seconded by Councilman Smith, it was recommended that the Ordinance 2006-2 be approved with the contingency as previously discussed. The following vote was recorded.

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

The motion carried.

City Manager Ellestad also reported that the State is planning to do another flyover of the state which pertains to the GIS mapping system that was last updated in the late 1990's. It was reported that for \$7,000 the City could obtain the information in two foot intervals. Upon motion of Councilman Golden, seconded by Councilman Smith, an expenditure of up to \$7,000 was authorized to cover the charge for this mapping information. 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	Absent

The motion carried.

City Manager Ellestad read the following prepared statement:

“It is with great pleasure that I announce my appointment of Lt. Steve Crowder as Lexington’s next Chief of Police. This appointment is effective on July 1, 2006 upon Chief Bruce Beard’s retirement.

Steve is a twenty-three year veteran of the Lexington Police Department with the past eighteen of them being as the Lieutenant and second in command. Prior to joining the Lexington department, he was a police officer in Clifton Forge for seven years. In addition to his normal duties as a lieutenant, Steve is the Special Response Team Commander and our Emergency Services Coordinator.

Lt. Crowder has served the City with distinction over these past twenty-three years and will provide the continuity we need with so many of our experienced officers retiring. I believe that he will provide the type of leadership that will continue the level of excellence we have come to expect from our Police Department.”

## **UNFINISHED BUSINESS**

None

## **NEW BUSINESS**

Councilman Golden made the suggestion that Council hold a worksession to discuss the present courthouse issues. Council agreed and set this meeting for January 31, 2006 at 4:00 pm to be held at City Hall.

## **EXECUTIVE SESSION**

Upon motion of Councilman Gianniny, seconded by Councilman Broomall, it was moved that 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 7. The subject to be addressed shall be litigation. 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	Absent

The motion carried.

### **MEETING RECONVENED**

Council reconvened in open session at 9:43 pm.

### **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 7, to discuss litigation; 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	Mimi Elrod	Absent

### **ADJOURNMENT**

There being no further business, the meeting adjourned at 9:43 pm

