

MINUTES

The Lexington City Council held its regular meeting in the Rockbhridge Court Facility on May 18, 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
M. M. Elrod

There were eleven people present.

REGULAR MEETING

Mayor Knapp called the meeting to order at 8:00 pm.

APPROVAL OF MINUTES

Councilman Broomall made the motion that the minutes of the May 4, 2006 meeting be approved as recorded. 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

The motion carried.

Councilman Gianniny made the motion that the minutes of the May 15, 2006 special meeting be approved as recorded. Councilman Golden 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

The motion carried.

CITIZENS' REMARKS AND COMMENTS ON MATTERS NOT ON AGENDA

Eric Eshleman, Program Manager, Art and Music Facility at Washington and Lee University, requested that Brice Building Company, Inc. be allowed to work on Sunday until the end of June to allow for completion of the building on schedule.

Councilman Gianniny made the motion that the extended work request be granted under the conditions set forth in the memo to Council noting that the work will be inside the building and work not start until 8:00 am with workers leaving the site by 6:00 pm through the month of June. Councilman Golden 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	Recuse

The motion carried.

Peter Sils, 108 West Preston Street, addressed Council on the Courthouse. He indicated that HSMM has joined him in working on this project. He also encouraged Council to adopt the PPEA guidelines. In addition, he reviewed the time chart he has done and indicated that it should be finalized by tomorrow (May 19th) and that Mr. Tom Higgins would receive a copy.

Upon motion of Councilman Broomall it was requested that the City Manager and the City Attorney draft the PPEA guidelines for Council to take action on at their next meeting. Councilwoman Elrod 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

The motion carried.

Councilman Golden then commented that he is very interested in the Main Street Project. However, he did indicate that he will not go back and ask for an extension on this project. He also added that he did not think it was good to have juvenile prisoners in public view when being brought in for trials and asked that Mr. Sils look at ways that could be set up for juveniles to enter this building.

Councilman Gianniny also asked Mr. Sils to use projections for thirty years when coming up with his design for the facility.

REPORTS AND COMMUNICATIONS

City Council Committees

FINANCE COMMITTEE

Councilman Broomall reported that the Committee had met earlier that evening and that Monty Higgins had given them a financial update. Mr. Higgins had said that the Third Quarter looks very good. Overall revenues look good. The expense side has concerns in Public Works and Public Safety (utilities, gasoline and paving).

Consideration of Resolution 2005-3B amending the FY2006 budget.

Councilman Broomall made the motion that Resolution 2005-3B be 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

The motion carried.

PHYSICAL SERVICES COMMITTEE

Councilman Gianniny noted that this Committee met earlier this evening and discussed two items. One was land acquisition adjacent to Brewbaker Field. It is felt that there is a need for more public space for recreational property in the City and therefore has asked that discussion continue with the owners of this property as to the possible purchase of this land.

The second item discussed was safety at Jordan's Point Park. It was the general agreement of this Committee that they are not interested in closing the entire park to swimming but would like to take a look as to how the area could be made safer. No trespassing signs will be placed on the dam and the area will be enforced with regular patrols. They also will design warning signs to be placed at Jordan's Point, close to the dam, warning of the dangers involved when swimming in the river.

Physical Services Committee scheduled a meeting for June 1, 2006 at 7:00 pm at the Regional Court Facility.

SOCIAL AND ECONOMIC SERVICES COMMITTEE

Councilwoman Elrod reported that this committee met on Monday. Several items were discussed. They were:

1. Possible acquisition of VDOT property at 626 Waddell Street. Asked City Manager to pursue the possible acquisition of this property.

2. Future of Spotswood Drive property. Council will hold two Public Hearings to take comments from citizens as to what they would like to see done with this property.
3. Technology Park - land owned by VMI that is adjacent to Rockbridge County High School. They have decided to ask RAEDC to look into the possibility of a technology park.

Councilman Gianniny added that the property on Spotswood Drive is a topic that will be discussed at the Planning Commission on Tuesday at the Land Use Forum.

Boards and Commissions

PLANNING COMMISSION

Consideration of site plan for Washington and Lee Parking Lot at Nelson Street and Liberty Hall Road.

Councilman Smith reported that this project should be used as a model as to how a municipality and an organization can do planning. Councilman Smith made the motion that this site plan be approved. Councilman Gianniny 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	Recuse

The motion carried.

Councilman Smith also noted that the Commission continues to work on the Comprehensive Plan and noted that the Land Use Forum will be this Tuesday at Waddell Elementary School.

RAEDC

Councilman Golden reported that this Commission met on the 9th of May. He noted that there are businesses in the area that are hiring. The unemployment figures remain about the same as reported in the last few months. He also noted that the Auto Recyclers in Buena Vista hopes to be up and running by the end of this summer. The Stillwater Plant has been shown to two individuals for purchase for possible residential use.

It was reported that they did have an Executive Session to discuss the interest of several businesses in this area.

RAEDC also discussed a personnel matter. Buena Vista tried to explain why they did not put money in their budget for next year for RAEDC but they placed an amount equal to what they give RAEDC in their budget listed for economic development. Discussion followed by the Mayor of Buena Vista as to why they feel that Dave Kleppinger is responsible for the legal issues that have come up since this MeadWestvaco project.

Councilman Golden and the County of Rockbridge stated the support they have in Mr. Kleppinger. Buena Vista was asked to stay in RAEDC for six months until the budget ends with the hope of being able to resolve the issues in question with the organization.

It was noted that the 16th Annual RAEDC Industrial Appreciation Dinner was well attended.

At the conclusion of Councilman Golden's report, Councilman Smith thanked him for the comments he made on Dave Kleppinger's behalf.

CENTRAL SHENANDOAH PLANNING DISTRICT COMMISSION

Mayor Knapp announced that the Commission has selected A. Ray Griffin, Jr. as the new Executive Director.

REGIONAL TOURISM BOARD

Councilman Page reported that this Board had not met.

MAYOR

Appointments to Board of Equalization

The mayor reported that he has no new appointment to this Board. Councilman Gianniny, seconded by Councilwoman Elrod, made the motion to reappointment Elvia Brooks, Mac Crawford, Louise Moore and Jack Pearson to this Board. 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

The motion carried.

The City Manager advised Council that there still remains one vacant seat on this Board and it will have to be filled at the next Council meeting.

The Mayor then read the following Proclamation declaring May 2006 as National Preservation Month:

PROCLAMATION

Preservation Month 2006 Proclamation

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing commercial areas and neighborhoods, fostering local pride, and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, Historic Lexington Foundation provides preservation and revitalization leadership in our community, and in 2006 celebrates the 40th Anniversary of its establishment; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals and organizations like Historic Lexington Foundation in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, National Preservation Month 2006 is being cosponsored by Historic Lexington Foundation and the National Trust Historic Preservation;

NOW, THEREFORE, I, John W. Knapp, Mayor of the City of Lexington, Virginia, do proclaim May 2006 as National Preservation Month, and call upon the people of Lexington to join their fellow citizens across the United States in participating in this special observance, and in recognizing the 40th Anniversary of Historic Lexington Foundation.

John W. Knapp, Mayor

Sharon Edwards, Clerk

Leslie Giles, the Executive Director of the Historic Lexington Foundation, thanked Council for their four decades of cooperation and partnership with the City of Lexington. She invited Council to several upcoming functions that the Historic Lexington Foundation will be having in the near future.

CITY MANAGER

Discussion of summer meeting schedule.

City Manager Ellestad asked Council members to review the summer scheduled meeting dates and email to him any of these dates that they may not be available to attend so that summer meeting dates can be established.

Consideration of Resolution 2006-05 increasing membership in the Local Workforce Investment Area #4.

Councilman Gianniny made the motion that Resolution 2006-05 be approved. Councilman Broomall 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

The motion carried.

Resolution 2006-05

Increasing the Size of Local

Workforce Investment Area #4

WHEREAS, Local Workforce Investment Area #4 (The Shenandoah Valley Workforce Investment Board) was created in February of 2000 to provide workforce training opportunities to eleven area jurisdictions; and,

WHEREAS, Local Workforce Investment Area #5 consisting of the City of Winchester and the counties of Clarke, Frederick, Shenandoah and Warren have requested to join our area;

NOW, THEREFORE B E I T R E S O L V E D by the Lexington City Council that the Mayor is hereby authorized to execute the revised "Consortium Agreement" adding the City of Winchester and the counties of Clarke, Frederick, Shenandoah and Warren to the Shenandoah Valley Workforce Investment Board.

Adopted: _____

John W. Knapp, Mayor

City of Lexington

Consideration of Resolution 2006-06 requesting Route 11 through the City be designated a Virginia Scenic Byway.

Council Golden made the motion that Resolution 2006-06 be approved. Councilman Page 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	Aye

The motion carried.

Resolution 2006-06

**RESOLUTION
IN SUPPORT OF DESIGNATING
BUSINESS ROUTE 11 THROUGH THE CITY OF LEXINGTON
AS A VIRGINIA BYWAY**

WHEREAS, the Central Shenandoah Planning District Commission has requested and provided supporting documentation that Business Route 11 through the City of Lexington be considered as a Virginia Byway; and,

WHEREAS, the Virginia Department of Conservation and Recreation and the Virginia Department of Transportation has determined Business Route 11 through the City meets the qualifications as a Virginia Byway; and,

WHEREAS, U. S. Rt 11 (Business) passes through the historic core of the City of Lexington and is one of the principal thoroughfares in the Lexington Historic District, which was placed on both the Virginia Landmarks Register and the National Register of Historic Places in the early 1970s, and,

WHEREAS, the district has within its boundaries two other state and federal listed historic districts that have further attained federal National Historic Landmark status, the Virginia Military Institute Historic District and the Washington and Lee University Historic District, and,

WHEREAS, there are many other individual buildings and sites within Lexington and along Route 11 that have achieved designation or distinction for their local, state, or national significance, such as the Lee Chapel and the Stonewall Jackson burial place, and,

WHEREAS, the designation of Business Route 11 through the City of Lexington as a Virginia

Byway complements the City's ongoing efforts to promote the City while preserving its unique character.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Lexington, that the City Manager is authorized to express the Council's support of Business Route 11 through the City be designated as a Virginia Byway by adoption of this resolution and the provision of any additional documentation upon request pursuant to this goal.

Adopted: _____

John Knapp, Mayor

Sharon Edwards, Clerk of Council

City Manager Ellestad discussed the real estate tax rate with Council. It was his feeling that the tax rate would raise from forty-eight cents to fifty-six cents for the FY2007 budget year. It was noted that this tax rate would make Lexington the second lowest in the state as of information received last year.

CITY ATTORNEY

City Attorney reported that the transfer of the Brandon Property (parking lot) would be completed within a week.

In addition, he also asked for approval of the Escrow Agreement for the sale of the Regional Industrial Development Park at Buena Vista be approved. He pointed out in the contract exactly where the changes had been made.

UNFINISHED BUSINESS

Consideration of Escrow Agreement for sale of the Regional Industrial Development Park at Buena Vista.

Councilman Gianniny made the motion that the City Attorney be authorized to sign the Escrow Agreement on behalf of the City and that Councilman Gianniny be authorized to execute the Agreement as the City's representative on the sale of the Regional Industrial Development Park. Councilman Broomall seconded the motion.

The following vote was recorded on the motion.

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.

NEW BUSINESS

None

ADJOURN

There being no further business, the meeting adjourned at 9:15 pm.