// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of March, 2011, at 4:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

Present: Cary, Gillette, Helgeson, Nelson, Perrow, Foster 6

Absent: Johnson 1

// Vice Mayor Johnson arrived at 4:03 p.m.

// City Manager Kimball Payne presented an overview regarding the Proposed FY 2012 Budget, stating this year's overall budget totaled $311 million. Mr. Payne stated this year's budget preparation was prepared to provide a setting in which City departments can continue to adjust to the changes implemented for the current year which results in a "maintenance budget". Mr. Payne further stated that the good news is that revenues are no longer declining, but revenues are not growing either, and there is no expectation of growth in the near term. Mr. Payne explained that the State funding cuts, unfunded mandates, an aging infrastructure, high demands for services and increasing costs for employee benefits, energy, and materials remain challenges facing the City. The Proposed FY 2012 Budget does not recommend any tax increases. Mr. Payne stated the challenges are Heritage High School, State Funding and State Mandates. Mr. Payne went on to say that an additional factor that Council focused on was possible changes to local employee funding responsibilities under the Virginia Retirement System.

Mr. Payne stated that General Fund expenditures in the proposed budget increased less than one percent and noted the following significant changes from the current year:

• Additional costs for the Blue Ridge Regional Jail.

• Funding of $816,793 is included to offset requiring employees to pay five percent (5%) of their salaries into the Virginia Retirement System.

• Additional funding for the Lynchburg Convention and Visitors Bureau.

• An increase in the General Fund subsidy to the Lynchburg Regional Airport.

• Funding to cover costs associated with the Line of Duty Act benefits that are mandated for public safety employees.

Mr. Payne stated that there is an alternative budget that addresses Heritage High School and compensation which are significant challenges and would require difficult decisions. Mr. Payne concluded by saying that the Proposed FY 2012 Budget is offered for City Council consideration, deliberation, amendment, and adoption, and that over the next several weeks, Council will have the opportunity to hear from and question the representatives of the various departments and agencies seeking funding in FY 2012.

// Human Resources Director Margaret Schmitt provided an overview regarding the City's Workforce of Personnel/Benefits for FY 2012 Budget. Ms. Schmitt stated that ongoing challenges were retention of employees, potential benefits consolidation and new mandates at State and Federal levels.

// Human Resources Director Margaret Schmitt gave a brief overview of the City/School Benefits Consolidation. Ms. Schmitt stated that plans are in progress for consolidation with City/School Health Program.

// Financial Director Donna Witt gave an overview of the Proposed FY 2012 Revenues.

// City Manager Kimball Payne gave a brief summary of the Wards Road Pedestrian Improvement. Mr. Payne stated there will be a written agreement setting forth the terms and expectations both of the City and Liberty University. Mr. Payne stated that the City and Liberty University have been meeting and have come up with a conceptual agreement to address pedestrian improvements in the Wards Road Corridor.

// Mayor Foster and Council Member Gillette presented certificates to 15 Virginia Junior Miss Contestants from all over the State.

// During Roll Call Council Member Helgeson expressed his concerns regarding the leaks at Heritage High School, and other routine maintenance functions that have not been done. Council Member Helgeson also requested a report on the amount of funds that have been spent on preparing the leaks. Council Member Cary had two items, first the birth of his granddaughter. Council Member Cary stated that during a Rivermont Neighborhood Watch meeting a citizen from the School of the Arts needed a handicap access to the sidewalk on Columbia Avenue. Within three weeks the City had made the repairs, and he wanted to thank the City staff for their quick response.

// City Council recessed the meeting at 6:55 p.m.

// City Council reconvened the meeting at 7:30 p.m.

The following Members were present:

Present:	Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Absent:		0

Council Member Gillette gave the Invocation, followed by the Pledge of Allegiance given by Cub Scout Pack 180 – DEN #5.

// Mayor Foster and Vice Mayor Johnson presented a Proclamation for Multiple Sclerosis Awareness Week 2011.

// Copies of the minutes of the February 22, 2011 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Gillette, seconded by Council Member Nelson, Council by the following recorded vote approved the minutes as presented:

Ayes:	Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Noes:		0

// In the matter of Fire - General, City Council Report #9 was considered. On motion of Council Member Gillette, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-11-016, as presented, amending the FY 2011 City/Federal/State Aid Fund budget and appropriating $67,385, with resources of $50,996 from the Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund Grant and $16,389 from the FY 2011 General Fund Fire Department budget to purchase a Physio LifePak 15 cardiac monitor/defibrillator and two Lucas 2 CPR Assist devices for the Fire Department:

Ayes:	Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Noes:		0

// In the matter of Fire - General, City Council Report #10 was considered. On motion of Council Member Gillette, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-11-017, as presented, amending the FY 2011 City/Federal/State Aid Fund budget and appropriating $218,113, with resources of $166,718 from the Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund Grant and $51,395 from the FY 2011 Fleet fund budget, to purchase a 2010 PL Custom Titan International ambulance:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster 7
Noes: 0

// In the matter of Fire - General, City Council Report #11 was considered. On motion of Council Member Gillette, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-11-018, as presented, amending the FY 2011 City/Federal/State Aid Fund budget and appropriating $112,509, with resources of $82,695 from the Financial Assistance for Emergency Medical Services Grant Program and $29,814 from the Reserve for Contingencies to establish an Emergency Medical Dispatch (EMD) program:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster 7
Noes: 0

// In the matter of Community Development - General, a public hearing was held regarding City Council Report #12 to receive comments and to adopt a resolution regarding the adoption of the Amended Citizen Participation Plan for the Community Development Block Grant (CDBG) and HOME Program. Deputy City Manager Bonnie Svrcek gave a brief summary of the request.There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-11-019, as presented, approving the Amended Citizen Participation Plan for the Community Development Block Grant (CDBG) and HOME Program:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster 7
Noes: 0

// In the matter of Public Works – General, a public hearing was held regarding City Council Report #13 regarding the consideration of a request to grant a License Agreement to Pyramid Motors, LLC, to allow the installation of an underground private storm pipe in the Fourth Street right-of-way from Pyramid Motor's existing facility located at 407 Federal Street to Pyramid Motor's parking facility located at 317 Federal Street. City Engineer Lee Newland gave a brief summary of the request. One individual representing Pyramid Motors outlined the request and asked for Council approval. There was no one else present who wished to speak to this item, and the public hearing was closed.

Council Member Perrow, Physical Development Committee (PDC) Chair stated this item came before PDC which recommended approval. Council Member Perrow made a motion to approve the request which required no second, Council by the following recorded vote adopted Resolution #R-11-020, as presented, approving a License Agreement to Pyramid Motors, LLC, to allow the installation of an underground private storm pipe in the Fourth Street right-of-way from Pyramid Motor's existing facility located at 407 Federal Street to Pyramid Motor's parking facility located at 317 Federal Street:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster 7

Noes: 0

// In the matter of Public Works – General, a public hearing was held regarding City Council Report #14 regarding the consideration of a request to grant a License Agreement to Liberty University, Inc., to place fiber optic cable in City owned right-of-way to serve a building at 3700 Candlers Mountain Road. City Engineer Lee Newland gave a brief summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed.

Council Member Perrow, Physical Development Committee (PDC) Chair stated this item came before PDC which recommended approval. Council Member Perrow made a motion to approve the request which required no second, Council by the following recorded vote adopted Resolution #R-11-021, as presented, approving a License Agreement to Liberty University, Inc., to place fiber optic cable in City owned right-of-way to serve a building at 3700 Candlers Mountain Road:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster 7

Noes: 0

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report #15 outlining the petition of Chief Investment, LLC to rezone approximately 4.03 acres at 101 Breezewood Drive from B-3, Community Business District to B-5, General Business District to allow the use of the property for automobile sales and service. City Planner Tom Martin gave a brief summary of the request and stated that the Planning Commission recommended approval of the rezoning request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Ordinance #0-11-022, as presented, approving the petition of Chief Investment, LLC to rezone approximately 4.03 acres at 101 Breezewood Drive from B-3, Community Business District to B-5, General Business District to allow the use of the property for automobile sales and service:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster 7

Noes: 0

// In the matter of Community Development – Zoning, City Council Report #16 was considered. On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-11-023, as presented, to approve a request for a third and final extension of the Conditional Use Permit (CUP) for Holly Hills Townhomes at 1700 Graves Mill Road:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster 7

Noes: 0

// In the matter of City Code, City Council Report #17 was considered. City Attorney Walter Erwin gave a brief overview of the request stating that Ordinance A did not need to be discussed because Council adopted an ordinance in 1992 to take care of probate taxes and that Ordinance B dealing with

Administrative fees for the Circuit Court Clerk's Office was the only ordinance that needed to be considered by Council. Council Member Helgeson stated that he was not prepared to vote for increasing a fee and does not believe the City should at this time. Council Member Helgeson made a motion to deny this request, seconded by Council Member Perrow. Council Member Perrow asked Mr. Eugene Wingfield, Clerk of the Circuit Court, to speak to this matter. Mr. Wingfield gave a brief overview of his request to Council stating that the fees received helped to support office expenses. After further discussion, the motion failed by the following recorded vote:

Ayes: Cary, Helgeson, Perrow	3
Noes: Gillette, Johnson, Nelson, Foster	4

Council Member Gillette made a motion to adopt Ordinance B, seconded by Council Member Nelson. City Attorney Erwin stated that before the vote is cast there are two amendments to the ordinance, (1) change the ordinance number to 36-189.2 so it will fall behind the probate tax section in the City Code which is 36-189.1 and (2) since the fee has been collected since last year, make this ordinance effective July 1, 2010 to cover the fees that have already been collected. Council Member Gillette accepted those two amendments as friendly amendments, and Council by the following recorded vote adopted Ordinance #O-11-024, as amended, approving the $25.00 for administrative fees:

Ayes: Gillette, Johnson, Nelson, Foster	4
Noes: Cary, Helgeson, Perrow	3

// In the matter of City Code, City Council Report #18 was considered. On motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-11-025, as amended, amending Section 26-55 of the City Code relating to the City's Noise Ordinance:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Noes:	0

// In the matter of Community Development – General, City Council Report #19 was considered. Council Member Helgeson, Finance Committee (FC) Chair stated that this request came before FC which recommended approval. Council Member Helgeson made a motion to approve the request which required no second, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-11-026, as presented, amending the FY 2011 City/Federal/State Aid Fund budget and appropriating $6,500, with resources of $5,000 from Housing Virginia and $1,500 in local match from the staff in the Department of Community Development, to develop an affordable housing strategy to increase awareness and action on housing needs and resources in the City:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Noes:	0

// The meeting was adjourned at 8:39 P.M.

Clerk of Council