// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of February, 2012, 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, Johnson, Nelson, Perrow, Foster	7
Absent:		0

// Dr. Larry Massie, Interim Superintendent with Lynchburg City Schools gave an overview on the process that the school is using to develop the proposed FY 2013 budget development process for the City schools.

// Kimball Payne, City Manager, responded to the questions that were raised at the January 31, 2012 Council Retreat regarding the FY 2013 Proposed Budget. Mr. Payne stated the first change is the date of the presentation of the City Manager's Proposed FY 2013 budget from March 13th to March 6th. This change is proposed in order to facilitate four citizen engagement meetings, one in each ward, during March. The two options were 5:00 p.m. or 7:00 p.m. After Council discussed the time for the budget presentation, it was decided that the City Manager's Proposed FY 2013 Budget Presentation would be on March 6, 2012 at 5:30 p.m. until 7:30 p.m. Mr. Payne further stated a proposed change to the budget calendar to facilitate four Citizen Engagement meetings, one in each ward, during March. The Citizen Engagement meetings are proposed as follows:

Ward I	Thursday, March 15	Paul Munro Elementary School
Ward II	TBD	Jubilee or the Hunton-Randolph (have not confirmed availability)
Ward III	Tuesday, March 20	Sandusky Middle School
Ward IV	Thursday, March 22	Linkhorne Middle School

After Council discussion it was decided that the Ward Citizen Engagement meetings would be as follows with the Jubilee availability for Ward II and Paul Munro Elementary School availability for Ward I:

Ward I	Thursday, March 29	Paul Munro Elementary School
Ward II	Tuesday, March 20	Jubilee Family Center
Ward III	Tuesday, March 15	Main Library – Community Meeting Room – Memorial Avenue
Ward IV	Thursday, March 22	Linkhorne Middle School

// Walter Erwin, City Attorney, in response to Council's interest on the matter of the National Defense Authorization Act shared points on what the City could do concerning this item. Mr. Erwin stated that if Council wishes to take action regarding the Act:

► Council can adopt a resolution expressing concerns about the provisions regulating the detention, interrogation, and prosecution of suspected terrorists, finding that the Act is an unprecedented attack on American's Constitutional rights and asking Congress to remove the offending provisions from the Act.

►Council does not have the authority to adopt an ordinance making it a misdemeanor offense for a City employee or a member of the military to comply with the provisions of the Act within the City limits.

Council took no action on this item.

// Kimball Payne, City Manager, informed Council that a Request For Proposals (RFP) for Towing and Vehicle Recovery Services would be issued in the near future. Mr. Payne stated that while there is no requirement that the RFP has to be taken to City Council before it is posted, such contracts usually attract a lot of attention from prospective service providers and Council may be contacted about the RFP. Mr. Payne went on to say it is our recommendation that any questions regarding this RFP be referred to the Procurement Office. It was Council's recommendation to proceed with preparing a Resolution for a RFP for Towing and Vehicle recovery Services.

// During roll call Council Member Nelson had complaints from businesses and citizens concerning the closing off of streets downtown during business hours because of the race that was held on Saturday, February 4, 2012 that was sponsored by the Boys and Girls Club. City Manager Payne stated that he has asked for a report on this matter.

// Council Member Cary asked the City Manager to let Council know about the report when it was received and asked about the water main issue concerning the pressure reducing valve that blew up in the Wards Road area.

// Council Member Perrow commented on the water break that had happened in the City and wanted to thank and recognize the staff for their prompt attention to this matter.

// Council Member Helgeson talked about the water main break and how one thing can affect so many people.

// Vice Mayor Johnson thanked the City Staff (Community Development, Communications and Marketing and Economic Development) that sponsored the 5th Street meeting that was held at the James River Conference Center on Monday, February 13, 2012 for the businesses that are located on 5th Street to keep them informed about the progress of the project and stated that the City Staff did a great job.

// Mayor Foster thanked the city employees as unsung heroes on Wards Road businesses and Rivermont home owners.

// On motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote elected to hold a closed meeting for discussion concerning the location of a prospective business or industry in the City where no previous announcement has been made of the business' or industry's interest in locating its facilities in the community, pursuant to Section 2.2-3711(A.) (5), Code of Virginia, (1950), as amended:

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

// The meeting was re-opened to the public.

// Council Member Gillette made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) 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 (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Nelson, and Council by the following recorded vote adopted the motion:

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

Noes: 0

// City Council recessed the meeting at 5:31 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 Cary gave the Invocation, followed by the Pledge of Allegiance.

// Mr. David Wert, Meteorologist with the National Weather Service and Mr. Phil Hysell, Warning Coordinator Meteorologist with the National Weather Service from Blacksburg, Virginia, gave a presentation from the National Weather Services (NWS) certifying the City of Lynchburg as a “Storm Ready Community.” Bill Aldrich, Director of Emergency Services, along with Jennifer Maul received the award.

// Copies of the minutes of the January 24, 2012 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Cary, seconded by Council Member Gillette, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// Copies of the minutes of the January 31, 2012 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Cary, seconded by Council Member Gillette, 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 Schools – General, Resolution #R-12-009 amending the FY 2012 General Fund Budget and appropriating $845,999 for transfer to the School Operating Fund and $1,246,318 is appropriated for transfer to the School Capital Fund with resources from the unexpended FY 2011 School Operating appropriations to fund designated expenditures as requested by the School Board, laid over from the January 24, 2012 meeting, was again presented and read, and on motion of Council Member Cary, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Commonwealth – Attorney, City Council Report #9 was considered. On motion of Council Member Cary, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-12-015, as presented, amending the FY 2012 City/Federal/State Aid Fund budget and appropriating $20,000, fully reimbursable, to support a Family Violence Legal Assistant position and activities related to the Domestic Violence and Intimate Partner Prosecution Unit:

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 Cary, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-12-016, as presented, amending the FY 2012 City/Federal/State Aid Fund budget and appropriating $98,175 with resources of $54,417 from the Rescue Squad Assistance Fund and $43,758 from the Fire Department budget to purchase two (2) Physio LifePak 15 cardiac monitor/defibrillators, two (2) Stryker Power Pro ambulance cots, seven (7) video laryngoscopes, and seven (7) airway packs for the Fire Department:

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 Cary, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-12-017, as presented, amending the FY 2012 City/Federal/State Aid Fund budget and appropriating $100,000, fully reimbursable, to purchase a trailer for the Fire Department’s Technical Rescue Team:

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 #12 regarding the leasing of the City’s building at 3813 Old Forest Road on a year-to-year basis to Edwin A. Gines, to be used for a martial arts and fitness center. Steve Lawson, Project Manager, gave a summary of the request. Mr. Edwin A. Gines, the owner and instructor, asked for approval to use the building at 3813 Old Forest Road for a martial arts and fitness center. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow, Chair of the Physical Development Committee (PDC) stated that this matter came before the PDC and they recommended approval of this lease. Council Member Perrow made a motion to lease the City’s building at 3813 Old

Forest Road on a year-to-year basis to Edwin A. Gines. This motion does not require a second, and Council by the following recorded vote adopted Resolution #R-12-018, as presented, leasing a City building at 3813 Old Forest Road on a year-to-year basis:

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 selling the City's building located at 1721 Monsview Place (former Armstrong School) to Rush Lifetime Homes, Inc. Steve Lawson, Project Manager, gave a summary of the request. Mr. Jeffrey Smith, Rush Homes Assistant Director, asked Council to approve the selling of the City building located at 1721 Monsview Place (former Armstrong School) to Rush Lifetime Homes, Inc. There were three individuals who spoke in favor 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, Chair of the Physical Development Committee (PDC) stated that this matter came before the PDC which recommended approval. Council Member Perrow made a motion for the selling of the City's building located at 1721 Monsview Place. This motion does not require a second, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-12-019, as presented, selling the City's building located at 1721 Monsview Place (former Armstrong School) to Rush Lifetime Homes, Inc.:

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

Noes: 0

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #14 outlining the petition of Lynchburg Neighborhood Development Foundation for a Conditional Use Permit (CUP) in an R-3, Medium Density, Two-Family Residential District to allow a group home for Substance Abuse and Addiction Recovery Alliance (SAARA) for up to eight (8) residents and an onsite supervisor at 1100 16th Street. Kent White, Director of Community Development, gave a summary of the request and stated the Planning Commission recommended approval of the CUP petition. Ms. Laura Dupuy, Executive Director, Lynchburg Neighborhood Development Foundation (LNDF) gave a summary of the request. Three individuals spoke in favor of the request and one individual spoke in opposition 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 Gillette, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-12-020 as presented, granting the Conditional Use Permit:

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

Noes: 0

// In the matter of Emergency Services, City Council Report # 15 was considered. On motion of Council Member Gillette, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-12-021, as presented, reaffirming the City's use of the National Incident Management System (NIMS) and adopting the newly revised Emergency Operation Plan:

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

Noes: 0

// In the matter of City Council, City Council Report # 16 was considered. Bonnie Svrcek, Deputy City Manager, gave an overview of the Lynchburg Humane Society request and staff's recommendation that a long-term lease and agreement for services be negotiated. The arrangement could include an advanced payment on the lease that could be used for capital support with the stipulation that it would be refunded if a contract for services could not be agreed to. Mayor Foster stated that this item had come before the Finance Committee and asked Council Member Helgeson, Chair, about the committee's recommendation. Council Member Helgeson stated that each time this item came before the Finance Committee it had changed and that what was before Council was not what went to the Finance Committee. Council Member Nelson stated that the motion that the Finance Committee passed was to refer the matter to the full Council for a full discussion of the various issues. Council had a wide-ranging discussion regarding the condition of the current facility, the appropriateness of making a capital contribution to the Humane Society, the possibility of the City or some third party operating the shelter and potential costs, the appropriate level of service, and timing given impending budget deliberations.

After further Council discussion it was decided to postpone a final decision until other potential vendors were given a chance to express interest in providing the current services. Council Member Gillette offered a motion that was seconded by Council Member Cary, directing staff to issue a Request For Qualifications (RFQ) and if no other qualified vendor is identified, then to negotiate a long term lease and service agreement with the Lynchburg Humane Society for the Animal Shelter Service and to bring the proposed agreement to Council for review. The motion passed on the following vote:

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

Noes: 0

// The meeting was adjourned at 10:07 P.M.

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Clerk of Council