// A regular meeting of the Council of the City of Lynchburg was held on the 24th day of January, 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, Foster 6

Absent: Perrow 1

// Council Member Perrow arrived at 4:07 p.m.

// Interim Superintendent Dr. Larry Massie stated that the Schools were requesting to re-appropriate the $2,091,318 from the FY 2011 Fund Balance to be used for the following purchases:

- 8 school buses with cameras and digital radios for bus fleet transportation and maintenance vehicles
- Air Condition – Dunbar Middle School Gym
- Install heating, ventilation and air conditioning (HVAC) controls –
    - Sandusky Elementary School
    - Linkhorne Elementary School
    - Paul Munro Elementary School
- Roof Repairs –
    - T. C. Miller Elementary School
    - Linkhorne Elementary School
    - Dunbar Middle School
- Window Replacement –
    - Paul Munro Elementary School
    - Bedford Hills Elementary School

Dr. Massie went on to say in the spirit of efficiency, the School Board needs to consider the return on investment for these expenditures as outweighing the use of these funds toward other purposes. Council Member Nelson made a statement referencing his wife working for the school system and that he did not have a legal conflict of interest. Council Member Helgeson, Chair of the Finance Committee (FC), stated that this matter came before the FC which recommended approval. Council Member Helgeson made a motion to approve FY 2012 General Fund Budget and appropriating $2,091,318, to fund designated expenditures. 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-12-009, as presented:

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

Noes: 0

// City Manager Kimball Payne provided an update on the Lower Bluffwalk Project and Financing. Project Manager Cheree Taylor gave a summary of the project overview of the Riverfront and the projects that have been completed. Ms. Taylor requested that Council proceed with the acceleration of the completion of the Lower Bluffwalk Project utilizing the proposed funding plan. Financial Services Director Donna Witt explained to Council the proposed funding plan. Mr. Kennon Williams, Landscape Studio, gave a summary of the design of the Lower Bluffwalk Phase 2 and 3. A motion made by Council Member Nelson, seconded by Vice Mayor Johnson, to adopt the proposal recommended by Staff with the borrowing of funds inasmuch as it is not going to impact any other projects and the Capital Fund. Council Member Helgeson stated he could not support at this time because of the unfunded pension liability, stormwater management issues, CSO project and Heritage High School. There are other areas in the City that we are collecting these taxes from. This should be for the public good and not for one particular development and the challenges of this upcoming budget. Therefore Council Member Helgeson could not support this as presented. Council by the following recorded vote adopted Resolution #R-12-010, as presented authorizing the City Manager to proceed with the completion of the Lower Bluffwalk project and to finance the project out of prior appropriation.

Ayes: Cary, Gillette, Johnson, Nelson, Perrow, Foster 6

Noes: Helgeson 1

// During roll call Council Member Cary stated he had several items, need to replace safety bollards on 5th Street and asked City Council to pass a resolution asking Food Lion to reconsider the closing of their store on Bedford Avenue.

// Council Member Gillette stated the railings on Rivermont Avenue bridge have not been installed. City Manager replied that work was still going on underneath the bridge and the railings will still be installed.

// Council Member Perrow asked where was he supposed to park since there was no more parking on the 10th Street side of City Hall.

// Vice Mayor Johnson stated that the 12th Street steps leading up to Clay Street had trash and overgrown weeds.

// On motion of Council Member Nelson, seconded by Council Member Gillette, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., Community Development Advisory Committee, Sister City Liaison and Design Review Board; and 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.)(1) and (5), respectively, 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 Cary, and Council by the following recorded vote adopted the motion:

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

// In the matter of Appointments, and on nomination of Council Member Gillette, seconded by Council Member Cary, Council by the following recorded vote appointed Mary S. Culpepper, to serve on the Community Development Advisory Committee for a term to expire December 31, 2012:

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

On nomination of Council Member Gillette, seconded by Council Member Cary, Council by the following recorded vote appointed Nathan D. McClure to serve as the Sister City Liaison for a term to expire December 31, 2014:

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

On nomination of Council Member Gillette, seconded by Council Member Cary, Council by the following recorded vote appointed Thomas L. Fitzgerald to serve on the Design Review Board to fill an unexpired term ending December 31, 2012:

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

// City Council recessed the meeting at 6:03 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.

// Copies of the minutes of the January 10, 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 Economic Development – General, Resolution #R-12-001 amending the FY 2012 City/Federal/State Aid Fund budget and appropriating $35,000, with resources of $5,000 from the Virginia

Commission for the Arts FY 2012 Local Government Challenge Grant, to provide funding for exhibitions, demonstrations, concerts, amenities and like activities as specified in the Arts & Cultural District Ordinance, laid over from the January 10, 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 Court, Resolution #R-12-002 amending the FY 2012 General Fund budget and appropriating $46,463, with resources from the State Compensation Board, Technology Trust Fund, to support information technology needs in the Office of the Circuit Court Clerk, laid over from the January 10, 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 Community Development – General, Resolution #R-12-006 amending the FY 2012 General Fund budget and appropriating $8,000 to the Lynchburg Neighborhood Development Foundation (LNDF) to fund case management and supportive services for the City's Shelter Plus Care Program, laid over from the January 10, 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 City Council, Mr. Craig Storrs spoke before Council concerning the Federal National Defense Authorization Act that would, at the local level, protect citizens from the harmful elements of it.

// In the matter of Parks and Recreation – General, City Council Report #10 was considered. On motion of Council Member Helgeson, seconded by Council Member Cary, Council by the following recorded vote approved allocation of $73,000 for the Community Park Investment Fund, Capital Improvement Program for FY 2012 to the Riverside Park Play Core project:

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

// In the matter of Public Works – General, City Council Report # 11 was considered. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-12-011, as presented, requesting the Virginia Department of Transportation to increase the lane mileage for street maintenance entitlement funds from the Commonwealth:

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

// In the matter of City Code/Public Works – Sewer, City Council Report #12 was considered. 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 to adopt an Ordinance amending the City Code relating to connections to the City's Sewerage System. Council Member Helgeson had concerns that government is requiring its citizens to hook up to the City's sewer system and taking away a property right from its citizens. Council by the following recorded vote adopted Ordinance #0-12-012, as amended, amending the City Code relating to connections to the City's Sewerage System:

Ayes: Cary, Gillette, Johnson, Nelson, Perrow, Foster 6

Noes: Helgeson 1

// In the matter of City Code/Public Works – Utilities, City Council Report #13 was considered. 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 to adopt an Ordinance amending the City Code relating to water connections. Council by the following recorded vote adopted Ordinance #0-12-013, as presented, to amend the City Code relating to water connections:

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

Noes: 0

// In the matter of Community Development – General, Resolution #R-12-007 amending the FY 2012 General Fund budget and appropriating $6,520 to the Lynchburg Neighborhood Development Foundation (LNDF) to fund consulting services for the 5th Street Community Development Corporation, laid over from the January 24, 2012 meeting, was again presented and read. Several Council Members still had concerns and felt like the City is setting a dangerous precedent by providing funds to LNDF to provide consulting services for a third party and on motion of Council Member Gillette, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

Ayes: Gillette, Johnson, Nelson, Foster 4

Noes: Cary, Helgeson, Perrow 3

// Motion made by Council Member Cary, seconded by Vice Mayor Johnson to adopt a Resolution requesting Food Lion to reconsider the closing of their store on Bedford Avenue. Council by the following recorded vote adopted Resolution #R-12-014, as presented, requesting the Food Lion store to reconsider the closing of their store on Bedford Avenue:

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

Noes: 0

// The meeting was adjourned at 8:45 P.M.

Clerk of Council