

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of December, 2011, at 5:00 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

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Absent:

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// Mr. Chris Banta with Brown, Edwards & Company, the City's external auditor, presented a brief overview regarding the City's Comprehensive Annual Financial Report (CAFR) for fiscal year ending June 30, 2011. Mr. Banta concluded his presentation by stating that the few audit findings have been addressed by management. In response to Council questioning, Mr. Banta noted that they have seen some significant improvements in the Schools internal controls.

// During Roll Call Council Member Nelson recognized the Central Virginia Elite Football Team which is a program from the Hunton Randolph Community Center and will participate in the AAU National Youth Football Tournament in Orlando, Florida this week. All three age groups (7-8, 9-10 and 11-12 students) will participate in the tournament.

Council Member Cary highlighted the Brookville High School Football team for winning the State Championship in Division II and the Gretna High School Football team won the Division I State Championship.

Council Member Gillette complemented the Randolph College men's soccer team which will be participating in the ODAC Sweet 16 Tournaments.

Council Member Perrow thanked the Fire Fighters and City staff for putting on another successful Christmas Parade on December 4th in downtown Lynchburg.

Vice Mayor Johnson stated he had three items: 1) Received a thank you card from the Bass Elementary School for reading to the students; 2) What a great opportunity for City Employees to participate in the City's Toastmaster Club and what a wonderful opportunity for employees to learn the importance of public speaking; and 3) He also mentioned the Central Virginia Elite Football Team as Council Member Nelson had said and what a wonderful opportunity for the City if they could bring back three championships.

Mayor Foster stated that the Mayor's Youth Council would be traveling to Washington, DC on Saturday, December 17th to tour the White House and other memorial places. Mayor Foster also stated that the Youth Council would be visiting Richmond when the General Assembly is in session in January.

// On motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., Social Services Advisory Board, Community Development Advisory Committee, Planning Commission, Community Services Board, Sister City Liaison, Lynchburg Regional Airport Commission, Towing Advisory Board, Region 2000 Greenways Alliance and Design Review Board; pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

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

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Noes:

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

// Council Member Helgeson 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 Vice Mayor Johnson, seconded by Council Member Helgeson, Council by the following recorded vote appointed Kitty M. Hoover to serve on the Social Services Advisory Board to fill an unexpired term to expire September 30, 2014:

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

Noes: 0

On nomination of Vice Mayor Johnson, seconded by Council Member Helgeson, Council by the following recorded vote re-appointed Michael Bedsworth, Alexander Duncan, Jr., Ceasor T. Johnson and Jeffery W. Schneider to serve another term on the Community Development Advisory Committee for terms to expire December 31, 2012:

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

Noes: 0

On nomination of Vice Mayor Johnson, seconded by Council Member Helgeson, Council by the following recorded vote appointed Vicky Paige to serve a term 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 Vice Mayor Johnson, seconded by Council Member Helgeson, Council by the following recorded vote re-appointed James E. Coleman, Jr., Meriwether A. Sale and Gerard E. Swienton to serve another term on the Planning Commission for terms to expire December 31, 2014:

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

Noes: 0

// On nomination of Vice Mayor Johnson, seconded by Council Member Helgeson, Council by the following recorded vote appointed Hunsdon "H" Cary, III to serve on the Community Services Board for a term to expire December 31, 2014:

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

Noes: 0

// On nomination of Vice Mayor Johnson, seconded by Council Member Helgeson, Council by the following recorded vote re-appointed Stewart Hobbs to serve another term on the Lynchburg Regional Airport Commission for a term to expire December 31, 2014:

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

Noes: 0

// On nomination of Vice Mayor Johnson, seconded by Council Member Helgeson, Council by the following recorded vote appointed C. Lynch Christian, III to serve on the Lynchburg Regional Airport Commission for a term to expire December 31, 2014:

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

Noes: 0

// On nomination of Vice Mayor Johnson, seconded by Council Member Helgeson, Council by the following recorded vote re-appointed Randall S. Houck, Donald W. Irby, Blake E. Isley, III, Daniel J. Laslie and John McCorkhill to serve another term on the Towing Advisory Board for terms to expire December 31, 2014:

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

Noes: 0

// On nomination of Vice Mayor Johnson, seconded by Council Member Helgeson, Council by the following recorded vote appointed Mary Alex to serve on the Region 2000 Greenways Alliance for a term to expire December 31, 2012:

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

Noes: 0

// On nomination of Vice Mayor Johnson, seconded by Council Member Helgeson, Council by the following recorded vote re-appointed Holly H. Frazier to serve another term on the Design Review Board for a term to expire December 31, 2014:

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

Noes: 0

// City Council recessed the meeting at 6:00 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 Perrow gave the Invocation; the Pledge of Allegiance was led by Boy Scout Troop 7 and Boy Scout Troop 180.

// Copies of the minutes of the November 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

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Noes:

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// In the matter of CDBG/Home, a public hearing was held regarding City Council Report #5 regarding the reallocation of HOME Program funds and to approve the request from Lynchburg Neighborhood Development Foundation (LNDF) to reprogram funds from the HOME Program Year (PY) 2010 (Fiscal Year 2011) Tinbridge Hill Single Family Development project to the LNDF Homeownership Development project. Melva Walker, Grants Manager, gave a summary of the request. There were two individuals to speak in favor of this request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Vice Mayor Johnson, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-11-136, as presented, reallocating HOME Program funds and approving the request from Lynchburg Neighborhood Development Foundation (LNDF) to reprogram funds from the HOME Program Year (PY) 2010 (Fiscal Year 2011) Tinbridge Hill Single Family Development project to the LNDF Homeownership Development project:

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

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Noes:

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// In the matter of Public Works – General, a public hearing was held regarding City Council Report #6 regarding authorizing the second five-year extension of the lease of City property at Kemper Station to Greyhound Lines, Inc. Real Estate Manager Steve Lawson gave a brief summary of the request stating that Greyhound has requested a reduction in the rent and that staff does not feel that a reduction is appropriate but is comfortable with no rent increase for the first year of the new 5-year extension. 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 no changes be made to the lease. Council Member Perrow made a motion that the lease be maintained and continued in force. This motion does not require a second, and Council by the following recorded vote authorized the second five-year extension of the lease of City property at Kemper Station to Greyhound Lines, Inc. with no changes to the lease:

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

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Noes:

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// In the matter of City Code/Public Works – General, City Council Report #7 was considered. Utilities Director Tim Mitchell gave a brief summary of the request. Council Member Gillette asked that in Sec. 16.3-7 the word "may" be changed to "shall." Council Member Perrow made a motion to adopt attachment #2 (owner/occupant) version of the stormwater utility ordinance, with the change made by Council Member Gillette and also with Council Member Nelson's addition in Sec. 16.3-11 adding the following sentence to the end of the paragraph. "Nothing herein shall be construed to authorize the director of utilities or his

agent to enter or inspect the interior portions of any dwelling or structure situated on such property unless that inspection be reasonably necessary and directly related to verifying the presence and character of a stormwater control mitigation system or control measure that the owner of the property claims to be installed therein". Council Member Helgeson stated that he could not support this because he felt that this fee should be "revenue neutral" and "expense neutral" for the property owners, and Council by the following recorded vote adopted Ordinance #0-11-138, as amended, adding Chapter 16.3 – Stormwater Utilities to the City Code:

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

Noes: Helgeson 1

// In the matter of Library – General, City Council Report # 8 was considered. On motion of Council Member Gillette, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-11-139, as presented, approving the revised Internet Safety Policy for the Lynchburg Public Library:

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

Noes: 0

// In the matter of Community Development – General, City Council Report # 9 was considered. On motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-11-140, as presented, affirming the consistency of the City's Comprehensive Plan with the requirements of Sec. 15.2-2223.1 of the Code of Virginia:

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

Noes: 0

// In the matter of Police – Emergency Services, City Council Report # 10 was considered. On motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-11-141, as presented, authorizing the City Manager to sign the Region 2000 Emergency Communications Regional Cooperative Agreement:

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

Noes: 0

// In the matter of Schools, Resolution #R-11-132 amending the FY 2012 General Fund Budget and appropriating \$1,047,695 for transfer to the School Operating Fund with resources from unexpended FY 2011 School Operating appropriations to fund a proposed bonus for City School employees, laid over from the November 22, 2011 meeting, was again presented and read. 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 but did have a factual conflict of interest however, he felt that he could exercise unbiased decision-making and impartiality in voting on this matter. Vice Mayor Johnson made a motion to adopt this resolution which was seconded by Council Member Gillette. During discussion Council Member Helgeson reiterated his concerns stating that the ability to fund government for the City has declined; and the per capita income from 2007 to 2009 has dropped 19%. According to the VEA Salary Study, Lynchburg is no different than 99% of all school systems in Virginia and looking at the salary study for Region 2000 the

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Lynchburg School staff is the highest paid in the region. If you look at the experienced teachers in Lynchburg, these teachers made more than all of the Region 2000 counterparts. Also, the housing study showed that back in 2000 one of twelve housing units were vacant, this now shows that one in eight or 12 ½ % of the units are vacant and further stated that he would not support this Resolution. Council by the following recorded vote adopted the Resolution:

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

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Noes: Helgeson

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// The meeting was adjourned at 9:06 P.M.

Clerk of Council