

// A regular meeting of the Council of the City of Lynchburg was held on the 25th day of November, 2008, at 5:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. Council Member Johnson gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

Present: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Absent: 0

// Mayor Foster recognized Chelsea Giles, a member of the Mayor's Youth Council.

// Mayor Foster presented to IT Director Mike Goetz the 2008 Digital Cities Survey award the City received at the recent National League of Cities meeting. Mr. Goetz stated that the national survey evaluates how well participating cities use technology to communicate with residents and deliver services, and that Lynchburg finished first in its population category of 30,000 - 74,999.

// Copies of the minutes of the November 11, 2008 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

// In the matter of Commonwealth Attorney, Resolution #R-08-133 amending the FY 2009 City/Federal/State Aid Fund budget and appropriating \$8,025, fully reimbursable, to provide outreach materials and educational programming to the Central Virginia community, laid over from the November 11, 2008 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

// In the matter of Economic Development - General, Resolution #R-08-137 amending the FY 2009 City/Federal/State Aid Fund budget and appropriating \$500,000, fully reimbursable, to assist with an expansion at R. R. Donnelley and Sons Company, laid over from the November 11, 2008 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

// In the matter of Parks and Recreation - General, Resolution #R-08-138 amending the FY 2009 Stadium Fund budget and appropriating \$22,000 to purchase replacement seats and hinge assemblies, laid over from the November 11, 2008 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

// In the matter of Taxes, City Council Report #5 was considered. On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-139, as presented, amending the FY2009 General Fund budget and appropriating \$23,178 to refund an overpayment by Young Moving & Storage, Inc., in personal property taxes for calendar years 2005, 2006 and 2007:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

// In the matter of Fire - General, City Council Report #6 was considered. On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-140, as presented, amending the FY2009 City/Federal State Aid Fund budget and appropriating \$108,494, with \$99,814 reimbursement, for a regional training initiative:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

// In the matter of Economic Development - General, City Council Report #7 was considered. On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-141, as presented, amending the FY2009 City/Federal/State Aid Fund budget and appropriating \$1,000,000, fully reimbursable, for the capital expansion of Areva NP, Inc.:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

// In the matter of Community Planning - General, City Council Report #8 regarding appropriating \$487,000, fully reimbursable, for intersection improvements at Memorial Avenue/Park Avenue/Lakeside Drive was considered. City Manager Kimball Payne stated that at the earlier Finance Committee meeting, it was noted that the reference to a roundabout being considered at this intersection should be deleted from the report. On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-142, as presented, amending the FY2009 City Capital Projects Fund budget and appropriating \$487,000, fully reimbursable, for intersection improvements at Memorial Avenue/Park Avenue/Lakeside Drive:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

// In the matter of Community Planning - General, City Council Report #9 was considered. On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-143, as presented, amending

the FY2009 City Capital Projects Fund budget and appropriating \$2,470,348, fully reimbursable, to reflect FY2009 funding allocation in the VDOT Six Year Improvement Plan to support projects in the Capital Improvement Program (CIP):

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster

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Noes:

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// In the matter of Library - General, Mary Guthrow, a member of the Friends of the Public Library Board, provided a brief update regarding the public access computers at the Lynchburg Public Library, in constant use at both the main library and the downtown branch, and expressed thanks for the technical support for these computers furnished by the City's IT staff. Ms. Guthrow stated that many libraries in Virginia and North Carolina have no such support from their localities.

// In the matter of City Code, City Council Report #11 regarding amending the City Code relating to violations of the Uniform Statewide Building Code was considered. City Attorney Walter Erwin stated that localities are allowed to keep fines that are imposed for violations of local ordinances, while the fines imposed for violations of the State Code go to the Commonwealth. Mr. Erwin explained that since the City bears all of the costs of enforcing the Property Maintenance Code, it makes sense for violations of the Property Maintenance Code to be prosecuted as violations of the City Code rather than violations of the State Code. Mr. Erwin noted that prosecuting violations of the Property Maintenance Code as violations of the City Code will allow the City to keep the fines that are imposed for Code violations and such revenues can be used to help cover the costs the City incurs in enforcing the Code. On motion of Council Member Garrett, seconded by Council Member Perrow, Council by the following recorded vote adopted Ordinance #0-08-144, as presented, amending Section 11-9 and 11-170 of the City Code relating to violations of the Uniform Statewide Building Code:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster

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Noes:

0

// In the matter of Registrar - General, City Council discussed a proposal to establish a new polling place for Liberty University (LU) voters. City Manager Kimball Payne explained that Council Member Helgeson asked that Council consider creating another precinct in Ward III to provide a new polling place for Liberty University voters and to reduce voter traffic at Precinct 304, Heritage Elementary School, where LU students voted in the most recent election. Council Member Helgeson distributed information showing the increase in actual voters in the presidential elections of 2004 to 2008. Mr. Helgeson stated that there was a 249.0% increase in the actual voters in Ward III (Precinct 304, Heritage Elementary School), a 8.9% increase in Ward I (five precincts), a 25.1% increase in Ward II (three precincts), and a 14.5% increase in Ward IV (four precincts). Mr. Helgeson noted that the total increase in Wards I, II and IV combined (12 precincts) was 2,801 compared to the total increase in Precinct 304 of 2,649. Mr. Helgeson went on to say that the City has a responsibility to its voters and suggested creating a new polling place as a means of alleviating congestion at the Heritage Elementary School precinct. In response to questioning, City Attorney Walter Erwin stated that a recent amendment to the State Code requires that "no locality shall create, divide, abolish, or otherwise change the boundaries of any precinct, effective during the

period of February 1, 2009 to May 15, 2011." Mr. Erwin explained that this section was added to the State Code in light of the upcoming 2010 Federal census where many localities will have to make adjustments in their election districts and precincts as a result of the Federal census. Mr. Erwin stated that in order for the City to add a new polling place for Liberty University voters, the State Code requires the City to identify the boundaries of the new precinct and location of the new polling place, advertise and hold a public hearing, and adopt the necessary ordinance before February 1, 2009. Council Member Helgeson suggested that the City could conduct the public hearing at its December 9 meeting and instruct staff to move forward as quickly as possible regarding this proposal. Mr. Erwin explained that before the City can advertise the public hearing it must prepare a description of and maps for the proposed new precinct and polling place, since the State Code requires that the advertisement for the public hearing must state where the description and maps of the proposed precinct and polling place are located for citizen review. Mr. Erwin went on to say that while the State Code allows the City to create new precincts and polling places, the restrictions imposed by Section 24.2-309.2 will make it difficult to establish a new precinct and polling place for Liberty University voters by the February 1, 2009 deadline. Mr. Erwin did note that in the event Council does not wish to pursue the establishment of a new precinct at this time, it could ask the Electoral Board to consider providing additional voting machines and election workers at Heritage Elementary School in order to better handle the influx of Liberty University voters. Mr. Helgeson suggested that as part of its 2009 Legislative Agenda, the City could ask the General Assembly to include a "grandfather provision" that would allow any locality that started the process of establishing a new precinct prior to February 1, 2009, to be allowed to complete the process. Council Member Helgeson made a motion, seconded by Council Member Perrow, to direct staff to move forward as quickly as possible on the proposal to establish a new polling place for Liberty University students. Some Council Members spoke in support of Council Member Helgeson's motion, stating that it will be at least three years before the City will be required to redistrict based on the 2010 census and that the City needs to address the need at the Heritage Elementary School precinct now. They also supported including in the 2009 Legislative Agenda, a request to the General Assembly to include a "grandfather provision" that would allow any locality that started the process of establishing a new precinct prior to February 1, 2009, to be allowed to complete the process. Other Council Members were opposed to adding an extra precinct at this time, stating that they felt the issue could be better managed by adding extra voting machines and poll workers to Heritage Elementary in the future. They also noted that it would be difficult, if not impossible, to get the General Assembly to accept any precinct changes since a federal census in 2010 will require a re-evaluation of all precincts. They also commented that the upcoming elections will occur at the state and local levels, which tend to generate less excitement and cannot be counted on to produce the same kind

of turnout. It was also pointed out that Heritage Elementary is not the largest precinct in the city, that the Moose Lodge in Ward I on Lakeside Drive is the largest. Following discussion, the vote was called on the motion, and Council by the he following recorded vote defeated the motion:

Ayes: Garrett, Helgeson, Perrow 3

Noes: Dodson, Gillette, Johnson, Foster 4

// The meeting was adjourned at 5:49 P.M.

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Clerk of Council