

// A regular meeting of the Council of the City of Lynchburg was held on the 22nd day of November, 2011, at 1:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. Council Member Nelson gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

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

Absent: Johnson 1

// Mayor Foster and Council Member Helgeson presented a Certificate of Recognition for Nurse Practitioner Week.

// Council Member Perrow made a motion seconded by Mayor Foster recognizing the Chamber of Commerce for receiving for the second year the prestigious 5-STAR Accreditation. Council by the following recorded vote adopted Resolution #R-11-131, as presented, recognizing the Chamber of Commerce on the prestigious 5 STAR Accreditation:

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

Noes: 0

Absent: Johnson 1

// Copies of the minutes of the November 3, 2011 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

Absent: Johnson 1

// Copies of the minutes of the November 8, 2011 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

Absent: Johnson 1

// In the matter of Police – General, Resolution #R-11-124 amending the FY 2012 City/Federal/State Aid Fund budget and appropriating \$35,450, with \$17,725 reimbursable from the Bulletproof Vest Partnership Program, to purchase 50 replacement bulletproof vests for law enforcement officers, laid over from the November 8, 2011 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

Absent: Johnson 1

// In the matter of Schools, City Council Report #4 was considered. Council Member Helgeson questioned whether Council Member Nelson had a conflict of interest in this matter because Council Member Nelson's spouse worked for the school system. Council Member Nelson replied that the issue before Council raises a question as to whether or not he might have a technical or legal conflict of interest.

Council Member Nelson further stated that his understanding is that he does have a factual conflict of interest because his spouse is an employee within the group that might benefit from any decisions made today. That is not a legal conflict of interest and as long as he acknowledges that it would not impact his impartiality which he did at that time, then he would not be precluded. Council Member Nelson went on to say there is no question that there are a lot of issues here but he does feel that he is able to discern the pertinent issues from those that would impact his judgment and impartiality and he would show no bias in making a decision today and that he does intend to participate. Dr. Larry Massie, Interim Superintendent, made a brief presentation. Council Member Helgeson asked whether staff members that are exceptional get the same bonus as someone who barely shows up but is there. Dr. Massie said that all staff members, except part time employees, would get the same percentage. Council Member Cary made a motion to approve the request, seconded by Council Member Gillette. Council Member Helgeson stated that he would not be supporting this request because the economic picture that we are currently in, and looking at our income in the City of Lynchburg, we are getting poorer, high unemployment, the decline in retiree income and he does not believe that giving a bonus is a good picture. Our income is declining by 19%. Council Member Helgeson suggested he would be more inclined to look at this if it were not merely an across-the-board, completely same percentage for everybody, regardless of performance. The bonuses should be given to those that are doing the best job. Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-11-132, as presented, 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:

Ayes: Cary, Gillette, Nelson, Perrow, Foster	5
Noes: Helgeson	1
Absent: Johnson	1

// In the matter of City Code/Public Works – General, City Council Report #5 was considered. On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote adopted Ordinance #0-11-133, as presented, amending the City Code relating to Public Streets that are closed to trucks within the City:

Ayes: Cary, Gillette, Helgeson, Nelson, Perrow, Foster	6
Noes:	0
Absent: Johnson	1

// In the matter of Registrar, City Council Report #6 was considered. Council received the Status Report on redistricting submission that had been prepared for the Justice Department. City Attorney Walter Erwin stated he had sent the City's preclearance package to the Justice Department. The Justice Department requested additional information which has been sent to them and there does not appear to be any problem with these documents. Mr. Erwin further stated that during the redistricting process there was some discussion about changing Council election dates. The Virginia Code does not allow a locality to

switch to a November election during an election year. Mr. Erwin went on to say if Council wishes to change the election dates and election years for the upcoming 2012 elections the change will have to be completed prior to the end of this year so Council would have to adopt the ordinance at the December 13 Council meeting. Also, any change in the election months and election years would also have to be submitted to the Justice Department for approval.

// In the matter of City Code/Public Works – Parking, City Council Report #7 was considered. Council Member Helgeson stated that the parking situation has not been handled very well, created some bad will, and from what the judges say the ordinance was poorly written and hopes that the ordinance doesn't get more convoluted than it already is. Council Member Helgeson further stated that voting against this ordinance does not mean he liked the old. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-11-134, as presented, amending the City Code relating to Parking Restrictions in the City's Central Business District:

Ayes: Cary, Gillette, Helgeson, Nelson, Perrow, Foster	5
Noes: Helgeson	1
Absent: Johnson	1

// In the matter of Community Development – General, City Council Report # 8 was considered. On motion of Council Member Cary, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-11-135, as presented, changing the name from “ Code Enforcement Task Force” to “ Community Code Compliance Team” :

Ayes: Cary, Gillette, Helgeson, Nelson, Perrow, Foster	6
Noes:	0
Absent: Johnson	1

// During Roll Call Council Member Helgeson noted a sign at the Wards Road Bridge Opening was a big billboard about Lynchburg College. Also while traveling on Timberlake Road in Campbell County he noticed they had billboards that actually changed, the ones that have been seen in larger cities, ones that have one company and then 30 seconds later its another company. Council Member Helgeson further stated in reading Council's vision that says “ we want to be a leader in the region” , that he looked at that and thought Campbell County beat us to the punch. Council Member Helgeson stated that our Code does not allow that kind of sign but would like for Council to look into it and see how we can become a leader in the community and figure out a way to allow this. City Attorney Erwin said a change to the sign ordinance in the City Code would have to be made to allow for this change. Council Member Gillette stated the last couple of weeks coming up from the John Lynch Bridge and right at the Morrison Garden, he noticed on two occasions travelers coming the wrong way on a one way street. Council Member Gillette suggested because of the CSO project that the barrels or the signs on the bridge might be set up in a way that is not confusing to people, and he would like the City to look at the flow of traffic around the construction.

Council Member Cary stated three items of concern: 1) Received a letter from a citizen regarding some concerns about the City and one being with the owners of dogs who understand the requirement that they pick up the dog waste in a proper way and bag it and then simply leave the bag. Somehow we need to get

the word out to these pet owners that responsibility does not end with picking up the mess, it ends with disposing of it properly. 2) One person was bragging about how they have not purchased a garbage tag for two years and the City continues to pick up their garbage and no sign is ever put on saying you need to get a garbage tag. We are losing some revenue. 3) Going back to the discussion about the billboards, he thinks we have a good opportunity to improve on the little "Welcome to Lynchburg" sign that we have in the middle of Wards Road coming into the City. Council Member Cary would love to see an attractive "Welcome to Lynchburg" sign on the bridge as you enter the City and then as you leave the City on Wards Road towards Campbell County a sign saying "Come Back Soon". He thinks it is a wonderful marketing opportunity and would love to see us pursue that. Council Member Nelson stated he wanted to thank his fellow Council Members for service and the effort and thoughtfulness put into all the issues, the City Administration and Staff for the faithful service they give and is just grateful for the opportunity to live in this great City. Council Member Perrow stated that he had been approached by a couple of citizens about crosswalks near the Hills Shopping Center and there are also mid-crosswalks that are dangerous, like at the Rivermont Baptist Church on Rivermont Avenue at the designated crosswalk, and there are people having trouble getting across from the bus stop at Virginia Baptist Hospital. Council Member Perrow further stated he is kind of curious how the system at City Hall is done, it seems to be effective and would it be appropriate to put that into high traffic count areas with mid-block crosswalks in other locations?

// The meeting was adjourned at 2:52 P.M.

Clerk of Council