

// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of October, 2007, at 7:30 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 led by Cub Scout Pack 48. The following Members were present:

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

Absent: 0

// Mayor Joan Foster recognized some high school students from the City's Sister City, Glauchau, Germany.

// Former Lynchburg City Attorney William Phillips informed City Council that at the recent Local Government Attorneys conference, City Attorney Walter C. Erwin was the recipient of the 2007 Edward J. Finnegan Award for Distinguished Service. Mr. Phillips stated that the award was bestowed upon Walter for his professional achievements in local government law and the legal profession.

// Copies of the minutes of the September 25, (two meetings) 2007 meetings, having been previously furnished Council, reading was dispensed with. Mayor Foster stated that she would like to abstain from voting on the minutes since she was absent for these two meetings. On motion of Council Member Gillette, seconded by Council Member Garrett, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

Abstention: Foster 1

// In the matter of Community Development - General, a public hearing was held regarding City Council Report #2 regarding the adoption of a Resolution to support a Transportation Enhancement Grant (SAFETEA-LU) application to restore brick streets in the Federal Hill, Garland Hill, and Diamond Hill historic districts. Neighborhood Project Manager Numan Franklin provided a brief summary regarding the request. Five residents of historic districts spoke in favor of the request, citing the benefits of restoring the brick streets to these historic districts. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Seiffert stated that the Finance Committee considered this matter and voted favorably to refer this to the full Council. Council Member Helgeson stated that he has heard from a number of citizens who live in the area voicing their concern regarding the brick streets, especially to people with walkers, and stated that he could not vote at this time to utilize City funds for the 20% City match for this grant. On motion of Council Member Seiffert, seconded by Council Member Garrett, Council by the following recorded vote adopted Resolution #R-07-128, as presented, to support a Transportation Enhancement Grant (SAFETEA-LU) application to restore brick streets in the Federal Hill, Garland Hill, and Diamond Hill historic districts:

Ayes: Dodson, Garrett, Gillette, Johnson, Seiffert, Foster 6

Noes: Helgeson 1

// In the matter of Property, a public hearing was held regarding City Council Report #3 concerning the sale of City-owned property located at 912 Fifth Street to Kelvin Moore for \$5,300. City Engineer Lee

Newland provided a brief summary regarding the request. Mr. Kelvin Moore provided an overview regarding the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Johnson, seconded by Vice Mayor Dodson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-07-129, as presented, approving the sale of City-owned property located at 912 Fifth Street to Kelvin Moore for \$5,300:

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

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Noes:

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// In the matter of CATV, a public hearing was held regarding City Council Report #4 regarding the adoption of an Ordinance authorizing the City Manager to sign a cable television franchise agreement with Ntelos to provide cable television service to the Cornerstone development. Information Technology Director Mike Goetz provided a brief summary regarding 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 Helgeson, seconded by Council Member Gillette, Council by the following recorded vote adopted Ordinance #O-07-130, as presented, granting a cable television franchise and authorizing the City Manager to sign a cable television franchise agreement with Ntelos Media, Inc., to provide cable television service to the Cornerstone development:

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

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Noes:

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// In the matter of Central VA Mental Health, City Council Report #5 regarding a request to approve the issuance of debt by the Central Virginia Community Services Board in the principal amount not to exceed \$2,200,000 in order to purchase and renovate the Courtland Building was considered. Deputy City Manager Bonnie Svrcek provided a brief summary regarding the request. Council Member Gillette stated that he has a contractual relationship with the Central Virginia Community Services Board of less than \$10,000, that the action that is being requested will in no way impact his business, and that although he believes that he is able to participate and vote on this matter fairly, objectively and in the public interest, he would still prefer to abstain from voting on this item. On motion of Council Member Helgeson, seconded by Council Member Garrett, Council by the following recorded vote adopted Resolution #R-07-131, as presented, approving the issuance of debt by the Central Virginia Community Services Board in the principal amount not to exceed \$2,200,000 in order to purchase and renovate the Courtland Building:

Ayes: Dodson, Garrett, Helgeson, Johnson, Seiffert, Foster

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Noes:

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Abstention: Gillette

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// In the matter of City Code, City Council Report #6 regarding amending Section 25-193.1 of the City Code to add Sheffield Drive as a speed zone was considered. Neighborhood Project Manager Numan Franklin provided a brief summary regarding the request. On motion of Council Member Helgeson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance

#0-07-132, as presented, amending Section 25-193.1 of the City Code to add Sheffield Drive as a speed zone:

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

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Noes:

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// In the matter of Courts - General, City Council Report #7 regarding amending the FY 2008 General Fund budget and appropriating \$11,600 to overfill a position in the Circuit Court Clerk's office was considered. Deputy City Manager Bonnie Svrcek stated that Clerk of Court Larry Palmer is asking for \$11,600 from the City to overfill a position in his office due to an employee's upcoming retirement. Mr. Palmer has informed that although this position is funded by the State, a 90-day freeze on all vacancies has been enacted and that the State will not fund the position from October 22, 2007 through March 30, 2008, and in order for the Clerk's Office to be timely in performing its duties, it is imperative the office remain fully staffed. Ms. Svrcek went on to say that the City will not be reimbursed for the funding of this position. Council Member Seiffert stated that the Finance Committee considered this matter and favorably voted to send the request to the full Council. Mr. Seiffert did note that the Committee did discuss the City's obligation regarding picking up the slack when the State cuts funding, but agreed that in this instance that funding the position may save the City some money. Council Member Gillette stated that although he is convinced that this is an essential position that needs to be filled, he feels that the State is being irresponsible when they claim fiscal responsibility when in fact they are not saving money, only shifting the costs to local government which is totally inappropriate, and therefore he would vote against the request. On motion of Council Member Seiffert, seconded by Vice Mayor Dodson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-07-133, as presented, amending the FY 2008 General Fund budget and appropriating \$11,600 to overfill a position in the Circuit Court Clerk's office while waiting for State funding to become available:

Ayes: Dodson, Garrett, Helgeson, Johnson, Seiffert, Foster

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Noes: Gillette

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// In the matter of Police - General, City Council Report #8 was considered. On motion of Council Member Seiffert, seconded by Council Member Helgeson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-07-134, as presented, amending the FY 2008 General Fund budget and appropriating \$7,796 to convert a non-seasonal wage Animal Warden position to a full time position:

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

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Noes:

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// In the matter of Public Works - General, City Council Report #9 was considered. On motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-07-135, as presented, amending the FY 2008 Sewer Capital Projects Fund budget and appropriating \$3,050,000 from the State CSO matching funds for the design and construction of additional CSO Program projects:

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

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Noes:

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// In the matter of Public Works - Refuse, City Council Report #10 regarding the Regional Waste Authority was considered. Public Works Director Dave Owen stated that since Amherst County has decided not to join the Regional Waste Authority, the City needs to revise the Articles of Incorporation to remove them from the Authority. On motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-07-136, as presented, adopting revised Articles of Incorporation for the Region 2000 Services Authority and approving the Region 2000 Services Authority Member Use Agreement for the Regional Solid Waste Service Authority:

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

Noes: 0

// In the matter of Public Works - Refuse, City Council Report #11 was considered. On motion of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-07-137, as presented, amending the FY 2008 Solid Waste Management Fund Operating budget and appropriating \$2,409,322 for the work necessary to create the Region 2000 Services Authority during FY 2008:

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

Noes: 0

// In the matter of Public Works - Refuse, City Council Report #12 was considered. On motion of Council Member Helgeson, seconded by Council Member Garrett, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-07-138, as presented, amending the FY 2008 Solid Waste Management Fund Operating budget and appropriating \$909,388 for the construction and partial closure of Phase I of the City's landfill:

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

Noes: 0

// In the matter of Public Works - Refuse, City Council Report #13 was considered. On motion of Council Member Seiffert, seconded by Council Member Garrett, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-07-139, as presented, amending the FY 2008 Solid Waste Management Fund Capital budget and appropriating \$856,320 for the construction of Phase IV of the City's landfill:

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

Noes: 0

// Deputy City Manager Bonnie Svrcek informed City Council that the Utilities Department staff have been watching the water usage for the past couple of weeks and are planning to issue an advisory to the public either at the end of this week or next week asking them to be prudent in their use of water. Ms. Svrcek went on to say that although the City is not facing a water shortage, we need to be careful in our water usage.

// The meeting was recessed at 8:53 P.M. to October 23, at 1:00 P.M., to conduct a work session regarding several items.

Clerk of Council