// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of August, 2008, 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. The following Members were present:

Present: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Absent: 0

// Copies of the minutes of the July 8, 2008 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Garrett, seconded by Council Member Perrow, 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 Fire - General, Resolution #R-08-097 amending the FY 2009 City/Federal/State Aid Fund budget and appropriating $50,000, fully reimbursable, to repair the burn building at the Central Virginia Regional Fire Training Center, laid over from the July 8, 2008 meeting, was again presented and read, and on motion of Council Member Garrett, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// In the matter of Fire - General, Resolution #R-08-098 amending FY 2009 City/Federal/State Aid Fund budget and appropriating $30,000, fully reimbursable, to purchase equipment for the Fire Department's Hazardous Materials Response Team, laid over from the July 8, 2008 meeting, was again presented and read, and on motion of Council Member Garrett, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// In the matter of Police - General, City Council Report #4 was considered. On motion of Council Member Garrett, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-08-106, as presented, approving the reclassification of an Administrative Services Associate I (ASA 1) part-time position to an ASA I full-time position in the Lynchburg Police Department:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// In the matter of Police - General, City Council Report #5 was considered. On motion of Council Member Garrett, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-08-107, as presented, supporting the submittal of a grant application to the Edward Byrne Memorial Justice Assistance Grant Program FY2008 Local Solicitation for $15,919 to purchase nineteen X-26 Tasers and cartridges:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// In the matter of Police – E911, City Council Report #6 was considered. On motion of Council Member Garrett, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-108, as presented, amending the FY 2009 City/Federal/State Aid Fund budget and appropriating $51,947, with $41,559 reimbursement, to replace Emergency Communications Center equipment:

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

Noes: 0

// In the matter of Fire - General, City Council Report #7 was considered. On motion of Council Member Garrett, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-109, as presented, amending the FY 2009 City/Federal/State Aid Fund budget and appropriating $81,000, with $38,500 reimbursement, to purchase two LifePak 12 monitors/defibrillators, two AutoPulse devices, and one Masimo Carboxyhemoglobin monitor:

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

Noes: 0

// In the matter of Fire - General, City Council Report #8 was considered. On motion of Council Member Garrett, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-110, as presented, amending the FY 2009 City/Federal/State Aid Fund budget and appropriating $80,050, with $64,040 reimbursement, to purchase firefighter rehabilitation equipment:

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

Noes: 0

// In the matter of Commonwealth Attorney, Mayor Foster announced that City Council Report #9 regarding amending the FY 2009 City/Federal/State Aid Fund budget and appropriating $60,250, with $45,187 reimbursement, to fund mental health and support services for the Lynchburg Youth Community Court Program has been removed from the agenda.

// In the matter of Airport - General, City Council Report #10 was considered. On motion of Council Member Garrett, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-111, as presented, amending the FY 2009 Airport Capital Projects Fund budget and appropriating $190,000, with $152,000 reimbursement, for the Hangar 7 – Ramp Rehabilitation project:

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

Noes: 0

// In the matter of Courts – General, City Council Report #11 was considered. On motion of Council Member Garrett, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-112, as presented, amending the FY 2009 City/Federal/State Aid Fund budget and appropriating $80,000, with $60,000 reimbursement, for the provision of screening, assessment, supervision, treatment and intervention services for the mentally ill who come in contact with the criminal justice system:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// In the matter of Public Works - Water, City Council Report #12 was considered. On motion of Council Member Garrett, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-113, as presented, amending the FY 2009 Sewer Capital Projects Fund budget and appropriating $1,500,000, fully reimbursable, for Combined Sewer Overflow (CSO) abatement projects:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// In the matter of Public Works - Water, City Council Report #13 was considered. On motion of Council Member Garrett, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-114, as presented, amending the FY 2009 Sewer Capital Projects Fund budget and appropriating $287,000, fully reimbursable, for Combined Sewer Overflow (CSO) projects, and authorizing the City Manager to execute the grant documents:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// In the matter of Housing Authority, a public hearing was held regarding City Council Report #14 regarding a request from the Lynchburg Redevelopment and Housing Authority (LRHA) for authorization to pursue acquisition of blighted property at 304 Walnut Street under Section 36-19.5 of the Code of Virginia. LRHA Development Assistant Connie Snavely provided a brief summary regarding the request. Ms. Snavely stated that following notification in November 2006 regarding the exterior deficiencies, the out of town owner, Barbara Linthicum, did complete some of the deficiencies during January 2007 through May 2007, but that since that time, no additional work has been observed to correct all of the remaining deficiencies. Ms. Snavely went on to say that following notification regarding tonight's public hearing, the owner did contact the Housing Authority and stated that she had thought that all of the exterior deficiencies had been corrected. Ms. Snavely stated that Ms. Linthicum has been provided with a list of the remaining deficiencies and has stated that she is making arrangements to have the remaining exterior deficiencies corrected and plans to have all of the work completed within 6 to 9 months. Ms. Barbara Linthicum, owner of the property, stated that she plans to complete all of the exterior deficiencies within 6 to 9 months if not earlier. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Johnson stated that since the property owner has made a good faith effort to correct the deficiencies and has indicated that she plans to have all of the work completed within 6 to 9 months, that he would like to give the property owner some additional time to complete the deficiencies, and made a motion to postpone action on the Housing Authority's petition for a period of 9 months in order to give the property owner an opportunity to complete the repairs. Council Member

Gillette stated that he would second the motion to open the discussion. In response to Vice Mayor Dodson's questioning, Ms. Snavely stated that once City Council has given approval for the Housing Authority to pursue acquisition of blighted property, if there is evidence that a property owner is making improvements to the property, then from past experience the Commissioners have asked that the staff monitor the situation and suspend the acquisition process. Council Member Gillette stated that he could support Council Member Johnson's proposal to allow the property owner up to 9 months if the property owner were to submit a written schedule to the Housing Authority defining the work to be done and showing a timeframe for completion of the remaining deficiencies and with the understanding that the Housing Authority could come back to City Council at anytime during the 9 months if no progress is being made to correct the remaining deficiencies. Council Member Perrow stated that he prepared a substitute motion that he would like for Council Member Johnson to consider, i.e., that we support the resolution as written with an amendment that we postpone the acquisition of the property for 60 days pending compliance with the owner's plan of correction and that the plan of correction would be monitored by the Housing Authority. City Manager Payne questioned the technical wording of the substitute motion and especially Council's authority once the matter is turned over to the Housing Authority. Council Member Helgeson suggested that action be postponed for 60 days and that if no work is being done on the property, then the Housing Authority can ask that it be added to the agenda. In response to questioning, City Attorney Erwin stated that the public hearing has been closed and that Council could postpone action on this item indefinitely and rely on City staff and the Housing Authority to notify Council within 60 days if progress is not being made on correcting the deficiencies. Mr. Erwin went on to say that at that time Council would then need to vote to bring the matter back for action. Council Members discussed the various options and following discussion, Council Member Garrett offered a substitute motion, seconded by Council Member Helgeson, to postpone the matter indefinitely and to ask the Housing Authority to notify Council of the need to reschedule the matter if there is no progress being made on the property within any 60 day period moving forward. The vote was called on the substitute motion, and Council by the following recorded vote approved the substitute motion:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report #15 outlining the petition of William and Darlene Brown to rezone 1.37 acres from B-5C, General Business District (Conditional) to B-5C, General Business District (Conditional) at 2022 Lakeside Drive to amend existing proffers to permit the use of the property for equipment sales, rental, service, upholstery and other retail/office uses. City Planner Tom Martin provided a brief summary regarding the petition. One of the petitioners, Darlene Brown, outlined 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 Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted Ordinance #0-08-115, as presented, granting the petition:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report #16 outlining the petition of Areva NP, Inc. for a Future Land Use Map Amendment from Low Density Residential to Office use and to rezone 4.84 acres from R-3, Medium Density, Two-Family Residential District, to B-1, Limited Business District at 111, 112 and 114 Kings Drive to allow the construction of a parking area. City Planner Tom Martin provided a brief summary regarding the petition. Mr. Gary Case, representing the petitioner, outlined 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 Garrett, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #0-08-116, as presented, amending the Future Land Use Map for property located at 111, 112 and 114 Kings Drive from Low Density Residential to Office Use:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #0-08-117, as presented, rezoning 4.84 acres from R-3, Medium Density, Two-Family Residential District, to B-1, Limited Business District, at 111, 112 and 114 Kings Drive to allow the construction of a parking area:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// In the matter of FY2009 Budget, a public hearing was held regarding City Council Report #17 regarding amending the FY 2009 Budget and appropriating funds to reflect the carry forward of FY 2008 appropriations that were unexpended as of June 30, 2008 in the General, Technology, City Capital Projects, City Federal State Aid, Fleet, Community Development Block Grant, Home Investment Partnership, Asset Forfeiture, Sewer, Water, and Solid Waste Funds, and amending the FY2008 Budget and appropriating funds in the General Fund and Comprehensive Services Act Fund. Financial Services Director Donna Witt 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 Johnson, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Ordinance #O-08-118, as presented, amending the FY 2009 Budget and appropriating funds to reflect the carry forward of FY 2008 appropriations that were unexpended as of June 30, 2008 in the General, Technology, City Capital Projects, City Federal State Aid, Fleet, Community Development Block Grant, Home Investment Partnership, Asset Forfeiture, Sewer, Water, and Solid Waste Funds, and amending the FY2008 Budget and appropriating funds in the General Fund and Comprehensive Services Act Fund:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// In the matter of GLTC, Mr. William Norris asked that City Council do something regarding the dangerous situation that now exists at the privately-owned Plaza transit bus hub. Mr. Norris suggested speed bumps to slow the traffic to allow time for the bus riders to safely cross the roadway when changing the buses.

// In the matter of Central Virginia Community Services, City Council Report #19 was considered. On motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-08-119, as presented, approving the Central Virginia Community Services FY 2009 Performance Contract:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// In the matter of Central Virginia Community Services, City Council Report #20 was considered. On motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-08-120, as presented, approving the issuance of additional debt by the Central Virginia Community Services Board for the purpose of acquiring the Altavista Group Home:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// In the matter of Human Resources - General, City Council Report #21 was considered. On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-08-121, as presented, to formally reaffirm that the City of Lynchburg “picks-up” the 5% employee contribution to Virginia Retirement System (VRS):

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// In the matter of Finance - General, City Council Report #22 regarding a part-time position for the Pilot Truancy Prevention Program was considered. Deputy City Manager Bonnie Svrcek stated that staff has identified funding via the Comprehensive Services Act funds to fund the part-time Prevention Specialist, and that City Council is being asked to approve the part-time position for the program. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-08-122, as amended, to approve a part-time Prevention Specialist with funding from the local share of Comprehensive Services Act funds for the Pilot Truancy Prevention Program:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// The meeting was recessed at 8:47 P.M. to September 8, at 10:00 A.M., for City Council’s annual retreat to be held at Sweet Briar College.

Clerk of Council