

// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of July, 2011, at 4:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

Present: Gillette, Helgeson, Nelson, Perrow, Foster 5

Absent: Cary, Johnson 2

// Vice Mayor Johnson arrived at 4:19 P.M.

// City Manager Kimball Payne gave an overview of the Police Department Additional Duties Bonus Program. Mr. Payne stated for the second year the Lynchburg Police Department (LPD) would like to use funds unspent in its annual budget to provide additional compensation to officers. Funds remaining from FY 2010 were used to fund a mid-year bonus last December. Mr. Payne went on to say this year the proposal is to implement an additional duties bonus program similar to the certification pay program in the Fire Department. Mr. Payne further stated the issue of a bonus for additional duties has been of continuing concern in the LPD with the bonus being seen as a mechanism to reward those officers who perform essential duties that are outside of the regular job description. Because those officers typically have some tenure, the additional duties bonus is also seen as an incentive to enhance retention. After Council discussion, on motion of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-11-080, as presented, to fund the implementation of an Additional Duties Bonus Program in the Lynchburg Police Department:

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

Noes: 0

Absent: Cary 1

// City Manager Kimball Payne gave a summary of the Reduction of State Aid to Local Government. Mr. Payne stated for the fourth year local governments across the Commonwealth are being required by the Appropriations Act adopted by the General Assembly to choose a mechanism to facilitate a \$60 million reduction in State funding for State-mandated, locally-delivered services commonly referred to at the Capital as "State Aid to the Localities." Mr. Payne passed out a Resolution for Council's consideration. After discussion of the resolution, Council Member Nelson made a motion to adopt the Resolution, seconded by Vice Mayor Johnson. Council Member Perrow made a friendly amendment to the motion. Council Member Nelson accepted the friendly amendment, seconded by Vice Mayor Johnson. City Council unanimously adopted a resolution calling to submit, and the General Assembly to approve, a budget amendment to eliminate the \$60 million reduction in "Aid to Local Government" contained in the Fiscal Year 2012 budget. On motion of Council Member Nelson, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-11-081, as presented, to eliminate the \$60 million reduction in "Aid to Local Government" contained in the Fiscal Year 2012 budget:

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

Noes: 0

Absent: Cary 1

// City Manager Kimball Payne gave an oral presentation of the Downtown Revitalization. Mr. Payne stated that Council Member Helgeson had requested to discuss the information that he provided in June regarding real estate assessments in the City and downtown.

// During Roll Call Council Member Perrow referenced an email he had received from a member of the Wyndhurst/Heritage Court Homeowners Association referencing the replacement of several trees along the sidewalk in that area. Council Member Perrow asked for more information regarding the sidewalks. City Attorney Walter Erwin responded that his office had received several phone calls regarding this in the past couple of weeks and after looking into this matter it was discovered that when you look at the plats when those streets were dedicated there are no sidewalks shown. Mr. Erwin went on to say that all of the plats were dedicated before the sidewalks were constructed, therefore, you cannot tell which streets are public and which streets are private. Mr. Erwin further stated the City's Public Works Department is involved in this and a new master plat will have to be created to show city-owned sidewalks, which would be the City's responsibility, or private sidewalks, which would be the responsibility of the homeowners association. Council Member Helgeson asked the City Attorney to keep Council informed on this matter. Mayor Foster read a letter from Areva congratulating the City of Lynchburg on being named in the Forbes Top 50 Best Places For Business and Careers. Mayor Foster also stated that a youth group from Germany was visiting the Trinity Holy Lutheran Church and the City. The Pastor and youth from Trinity Holy Lutheran Church had shared with the youth from Germany the Random Acts of Kindness challenge and on July 15th the youth were going to do a Random Act of Kindness on one of the streets in Lynchburg. Mayor Foster said the Random Acts of Kindness challenge has gone international and wanted everyone to know this.

// On motion of Council Member Nelson seconded by Council Member Perrow, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., Central Virginia Community College Board, Museum Advisory Board and Lynchburg Business Development Centre; pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

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

Noes: 0

Absent: Cary 1

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

// Vice Mayor Johnson 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 Nelson, and Council by the following recorded vote adopted the motion:

Ayes: Gillette, Johnson, Nelson, Perrow, Foster 5

Noes: 0

Absent: Cary, Helgeson 2

// In the matter of Appointments, and on nomination of Vice Mayor Johnson, seconded by Council Member Gillette, Council by the following recorded vote appointed Lloyd Tannenbaum, to serve on the Central Virginia Community College Board for a term to expire June 30, 2015:

Ayes: Gillette, Johnson, Nelson, Perrow, Foster 5

Noes: 0

Absent: Cary, Helgeson 2

On nomination of Vice Mayor Johnson, seconded by Council Member Gillette, Council by the following recorded vote appointed Marvin E. Tinsley to serve on the Museum Advisory Board for a term to expire June 30, 2014:

Ayes: Gillette, Johnson, Nelson, Perrow, Foster 5

Noes: 0

Absent: Cary, Helgeson 2

// City Council recessed the meeting at 5:41 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, followed by the Pledge of Allegiance.

// Mayor Foster and Vice Mayor Johnson presented a Certificate of Recognition to the Lynchburg Police Department for receiving the 2010 Virginia Law Enforcement Challenge Award from the Virginia Association of Chiefs of Police (VACP) for having the best Traffic Safety Program among Virginia law enforcement agencies staffed by 126-300 officers and for also receiving a special Child Passenger Safety Award.

// Mayor Foster and Vice Mayor Johnson presented a Certificate of Recognition to Social Services Department for continuing commitment to excellence and service to the Lynchburg community and being recognized by the State Board of Social Services for being a top five Level III local Department of Social Services in Child Welfare Performance, and the U. S. Department of Agriculture for outstanding payment accuracy in Supplemental Nutrition Assistance Program (SNAP) eligibility determinations.

// Copies of the minutes of the June 28, 2011 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Gillette,

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079

Council by the following recorded vote approved the minutes as amended:

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

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Noes:

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// In the matter of Police – General, City Council Report # 7 was considered. On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-11-082, as presented, to approve the submittal of an application for a 2011 Edward Byrne Memorial Justice Assistance Grant in the amount of \$51, 224, fully reimbursable, to purchase replacement digital in-car video recording equipment and computer tablets:

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

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Noes:

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// In the matter of Housing Authority, a public hearing was held regarding City Council Report #8 regarding a request from the Lynchburg Redevelopment and Housing Authority for authorization to pursue acquisition of blighted property at 70 Federal Street under Section 36-19.5 of the Code of Virginia. Mr. Robert Vincent, Manager of Community Development with Lynchburg Redevelopment and Housing Authority gave a summary of 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 Cary, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-11-083, as presented to pursue acquisition of blighted property at 70 Federal Street under Section 36-19.5 of the Code of Virginia:

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

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Noes:

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// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #9 outlining the petition of KLM Properties, Inc., for a Conditional Use Permit (CUP) at 616 Court Street to allow two (2) residential apartments in addition to the permitted office use in a B-1, Limited Business District. Planner II Kevin Henry gave a summary of the request and stated the Planning Commission recommended approval of the CUP petition. 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 Nelson, Council by the following recorded vote adopted Resolution #R-11-084, as presented, granting the Conditional Use Permit:

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

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Noes:

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// In the matter of Public Works – Street Vacation, a public hearing was held regarding City Council Report #10 regarding the adoption of an Ordinance to vacate a portion of an alley between 121 and 131 Linden Avenue. Planner II Kevin Henry 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. Council Member Perrow, Chair of the Physical Development Committee (PDC), stated that this item was heard by PDC and made a motion to vacate a portion of an alley between 121 and 131 Linden Avenue. The motion did not require a

second, and Council by the following recorded vote adopted Ordinance #O-11-085, as presented, vacating a portion of an alley between 121 and 131 Linden Avenue:

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

Noes: 0

// In the matter of Public Works – Street Vacation, a public hearing was held regarding City Council Report #11 regarding the adoption of an Ordinance to vacate a portion of the public right-of-way of the cul-de-sac at Creekview Court. Planner II Kevin Henry 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. Council Member Perrow, Chair of the Physical Development Committee (PDC), stated that this item was heard by PDC and made a motion to vacate a portion of the public right-of-way of the cul-de-sac at Creekview Court. The motion did not require a second, and Council by the following recorded vote adopted Ordinance #O-11-086, as presented, vacating a portion of the public right-of-way of the cul-de-sac at Creekview Court:

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

Noes: 0

// In the matter of Public Works – Water/Sewer, a public hearing was held regarding City Council Report #12 to receive comments and approve a Resolution for the Region 2000 Regional Water Supply Plan, the "Plan". Utilities Director Timothy Mitchell provided a summary of 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 Gillette, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-11-087, as presented, approving the Region 2000 Regional Water Supply Plan:

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

Noes: 0

// In the matter of Economic Development – General, City Council Report #13 was considered. On motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-11-088, as presented, amending the FY 2012 City/Federal/State Aid Fund budget and appropriating \$100,000, with resources from the Commonwealth of Virginia's Governor's Opportunity Fund to provide Delta Star, Inc. with an incentive to expand its operation in Lynchburg:

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

Noes: 0

// In the matter of City Code, City Council Report #14 was considered. On motion of Council Member Gillette, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Ordinance #O-11-089, as presented, to amend the City Code relating to conducting criminal background checks on applicants for employment:

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

Noes: 0

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081

// In the matter of City Code, City Council Report #15 was considered. On motion of Council Member Nelson, seconded by Council Member Gillette, Council by the following recorded vote adopted Ordinance #0-11-090, as presented, amending the City Code relating to parking in parking spaces that are reserved for persons with disabilities:

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

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Noes:

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// The meeting was adjourned at 8:36 P.M.

Clerk of Council