

// A regular meeting of the Council of the City of Lynchburg was held on the 28th day of May, 2013, at 4:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

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

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Absent:

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// Police Chief Parks Snead presented an update on the Lynchburg Police Department Career Progression Program. The purpose of the Career Progression Program is to meet the following needs:

- Provide systematic means for long-term officer development toward specialized and supervisory career success
- Promote officer retention
- Promote targeted skills enhancement and officer community engagement
- Maintain highly focused supervision and mentoring for our officer workforce
- Achieve these aims with minimal increase over current budget costs

Mr. Snead stated that the new program is an outcome in part of the review that was conducted by the Police Executive Research Forum (PERF). The new career progression program will be implemented in the Lynchburg Police Department on July 1, 2013. Mr. Snead also explained the implementation timeline for the police officers.

// Fire Chief Brad Ferguson gave a brief presentation on Emergency Medical Services in Lynchburg. Mr. Ferguson explained what the Fire Department is currently doing: Aggressive Field Resuscitation, Advanced Practice Paramedics, and Telemedicine Project. Mr. Ferguson further discussed steps that the Fire Department continues to address:

- How do we improve these numbers?
  - o continue to train
  - o get there faster while being safe
  - o get the public involved
  - o pulse point App for smart phones

Mr. Ferguson explained the future ideas and skills of the Fire Department by continuing the Community Paramedic Program (affordable care act), Advanced Paramedic Skills and Public Access Defibrillator Program. In summary, the Lynchburg Fire Department is making great strides in the provision of Emergency Medical Services, and will continue to update Council on these exciting developments.

// City Manager Kim Payne provided a review of the Tourism Program current contract between the City and Lynchburg Regional Chamber of Commerce (LRCC). Mr. Payne stated that during the budget deliberation City Council expressed a desire to discuss the future of the City's tourism program in a broader context rather than simply negotiating the renewal of the existing contract, which of course, remains an option. Mr. Payne further stated the purpose of the work session is to provide Council an

opportunity to discuss the tourism program and provide a policy context for its future. There are three questions that seem most relevant which are:

- What are our goals?
- How will we know if we have achieved them?
- How will we go about it?

Mr. Payne stated 5 components for consideration for the Tourism Program which are: goals and expectations, performance measures, structure/approach, financing and relationships. After some discussion it was the consensus of Council to place the Tourism Program item on future work sessions.

// During roll call Council Member Nelson stated that over time "Fiscally Stressed" is repeatedly voiced as opposition to funding request. He would like the City Manager and City Attorney to provide a cogent description of "Fiscally Stressed".

// Council Member Cary expressed concern over a recent fight at Miller Park, which caused the cancellation of a little league baseball game. He requested that the City Manager take appropriate steps to ensure the safety of the City's parks. During the Memorial Day Program at Monument Terrace, Council Member Cary noticed the area was not well maintained and he hopes future maintenance will become a priority.

// Council Member Foster mentioned the bridge is finally complete.

// Council Member Perrow announced a music festival is planned for Nelson County and questioned if some type of shuttle facilities would be available. He inquired with the Chamber about the feasibility of shuttling visitors to and from the festival. Council Member Perrow asked for a future work session on plans for the Clay Street Reservoir.

// Vice Mayor Johnson reported high grass and light pollution at 814 Bailey Street. Vice Mayor Johnson stated he received a message from Mr. Roger Johnson about high grass around the old Armstrong School at 622 Monsview Place.

// Mayor Gillette announced the 2<sup>nd</sup> year Soap Box Derby which will be held on Saturday, June 1, 2013 at Falwell Airport.

// City Council recessed the meeting at 6:00 p.m.

// City Council attended a reception for 2013 Hill Climbers – Holiday Inn

// City Council reconvened the meeting at 7:30 p.m.

The following Members were present:

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

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Absent:

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Council Member Nelson gave the Invocation, followed by the Pledge of Allegiance.

// Mayor Gillette recognized the 2013 Hill Climbers:

Gabrielle Carey

Melkia Mull

Chase Cobb

Nery "Carolina" Zamora-Lopez

Adeline Dunn

Daniel Stern

Crystal Hardy

// Mayor Gillette presented certificates of recognition to Virginia Cooperative Extension art contest winners.

// Mayor Gillette recognized and presented certificates to the following seniors in the Mayor's Youth Council:

Carson Creasy  
Thacher Jennings  
Elizabeth Main  
Blake Papet  
Kristofer Spinner  
Lucas Wheelock  
Victoria Wright

// Mayor Gillette recognized David Owen, Director of Public Works, who received a Meritorious Service Award from Mid Atlantic Chapter of the American Public Works Association,

// In the matter of Registrar, Resolution #R-13-054 amending the FY 2013 General Fund budget and appropriating \$17,441, to provide funding to the Electoral Board/Registrar's Office for estimated costs for the June 11, 2013, Democratic Primary Election, laid over from the May 14, 2013 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7  
Noes: 0

// In the matter of FY2014 Budget, Resolution #R-13-058 adopting the FY 2014 Mandated and Contractual External Service Providers Budget and appropriating \$9,714,712 for this budget, laid over from the May 14, 2013 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7  
Noes: 0

// In the matter of FY2014 Budget, Resolution #R-13-059 adopting the FY 2014 Central Virginia Area Agency on Aging Budget and appropriating \$15,000 for this budget, laid over from the May 14, 2013 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7  
Noes: 0

// In the matter of FY2014 Budget, Resolution #R-13-060 adopting the FY 2014 Central Virginia Community College Board and Related Operations Budget and appropriating \$1,909 for this budget, laid over from the May 14, 2013 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7  
Noes: 0

// In the matter of FY2014 Budget, Resolution #R-13-061 adopting the FY 2014 Tourism Budget and appropriating \$500,000 for this budget, laid over from the May 14, 2013 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY2014 Budget, Resolution #R-13-062 adopting the FY 2014 Region 2000 Economic Development Partnership Budget and appropriating \$81,586 for this budget, laid over from the May 14, 2013 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY2014 Budget, Resolution #R-13-063 adopting the FY 2014 Robert E. Lee Soil & Water Conservation District Budget and appropriating \$10,000 for this budget, laid over from the May 14, 2013 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY2014 Budget, Resolution #R-13-064 adopting the FY 2014 Virginia Legal Aid Society Budget and appropriating \$10,400 for this budget, laid over from the May 14, 2013 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY2014 Budget, Resolution #R-13-065 adopting the FY 2014 Amazement Square Real Estate Tax Refund Budget and appropriating \$5,302 for this budget, laid over from the May 14, 2013 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY2014 Budget, Resolution #R-13-067 adopting the FY 2014 Greater Lynchburg Transit Company Budget and appropriating \$6,777,936 for this budget, laid over from the May 14, 2013 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY2014 Budget, Resolution #R-13-068 adopting the FY 2014 Operating Fund Budgets for other funds and appropriating the sums of each fund, laid over from the May 14, 2013 meeting, was

again presented and read, and on motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted the Resolution:

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

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Noes:

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// In the matter of FY2014 Budget, Resolution #R-13-069 adopting the FY 2014 Capital Budget and appropriating \$20,300,606 for the City Capital Projects Fund; \$4,358,460 for the School Capital Projects Fund; \$2,200,000 for the Airport Capital Projects Fund; \$3,471,254 for the Water Capital Projects Fund; \$4,800,000 for the Sewer Capital Projects Fund; and \$550,000 for the Stormwater Capital Projects Fund, laid over from the May 14, 2013 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted the Resolution:

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

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Noes:

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// In the matter of School – Board, a public hearing was held regarding City Council Report #17 receiving input from citizens regarding appointments (or reappointments) to vacancies that will exist June 30 in each of the three (3) School Board representational districts. Mayor Gillette read into the record the names of five new volunteers in School District III, Michael E. Baer, Stephen Burkett, Michael Nilles, Francisco Diaz and Isabella A. Thompson. The following candidates spoke before City Council to communicate their interest and present their credentials and qualifications to serve on the School Board – Michael E. Baer, Stephen Burkett, Michael Nilles and Francisco Diaz. District 1 – Christopher Shearer spoke again stating his reasons and qualifications for this position. One individual spoke in support of Christopher Shearer. Two individuals spoke in support of Michael E. Baer. Mayor Gillette stated that Eyvonne H. Green had withdrawn her application. There was no one else present who wished to speak to this item. Mayor Gillette asked Council if they would like to continue the public hearing to June 11 and make appointments on June 25 or if they would like to close the public hearing and schedule interviews.

On motion of Council Member Cary, seconded by Council Member Perrow, Council by the following recorded vote closed the public hearing and scheduled interviews:

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

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Noes:

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// In the matter of Health Department, a public hearing was held regarding City Council Report #18 approving the exchange of City owned property located at 1900 Thomson Drive, consisting of approximately 2.476 acres and including a 42,514 square foot building that currently houses the Lynchburg Health Department, to Centra Health in exchange for property owned by Centra Health, located at 901 Lakeside Drive, consisting of approximately 3.944 acres and including a 37,040 square foot building that will be renovated by Centra Health, at its expense, to house the Lynchburg Health Department. Mayor Gillette stated he had a contract with Centra Health which is a conflict of interest and he would not be discussing or voting on this item. Vice Mayor Johnson proceeded with this item.

City Manager Kim Payne gave an overview of the request to approve the exchange of City owned property located at 1900 Thomson Drive in exchange for property owned by Centra Health located at 901 Lakeside Drive. One individual from Centra Health spoke in support of the transaction. There was no one else present who wished to speak to this item, and the public hearing was closed. During Council discussion several concerns were raised 1) why can't the City sell the property instead of exchanging the property, 2) what is our obligation to the Health Department, 3) the building would be tax exempt – no net gain, 4) 42,000 square foot building space, 5) what would be the tax status for Centra Health and 6) a win/win situation; no problem. It was the consensus of Council to postpone this item until the June 11 Council meeting. On motion of Council Member Nelson, seconded by Council Member Helgeson, Council by the following recorded vote agreed to postpone this item until the June 11 Council meeting:

|                                                        |   |
|--------------------------------------------------------|---|
| Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, | 6 |
| Noes:                                                  | 0 |
| Abstention: Gillette                                   | 1 |

// In the matter of City Council, Robert W. T. Short, Sr. spoke before Council regarding Monument Terrace and adding monuments to those who served in the Gulf, Iraq, and Afghanistan wars (Operation Desert Storm, Operation Iraqi Freedom, Operation New Dawn and Operation Enduring Freedom).

// In the matter of FY2014 Budget, Resolution #R-13-057 adopting the FY 2014 General Fund Operating Budget (excluding External Service Providers and Component Units expenditures) and appropriating \$189,444,488 for this budget, laid over from the May 14, 2013 meeting, was again presented and read. Council Member Helgeson stated he would not support this item and a plan needs to be developed to tighten up our expenses and have more for tax payers. On motion of Council Member Perrow, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

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|-------------------------------------------------------|---|
| Ayes: Cary, Foster, Johnson, Nelson, Perrow, Gillette | 6 |
| Noes: Helgeson                                        | 1 |

// Council Member Nelson stated his wife is a school Principal but that fact would not impair his unbiased judgment in consideration of this item.

Vice Mayor Johnson stated the following regarding his position as a part-time employee teaching the G.E.D. program at Blue Ridge Jail for adult education, "I do not have a conflict of interest and I am allowed to vote on this matter". He also mentioned that a copy prepared by the City Attorney is available in the Clerk's office.

// In the matter of FY2014 Budget, Resolution #R-13-066 adopting the FY 2014 School Operating Budget and appropriating \$92,964,218 for this budget, laid over from the May 14, 2013 meeting, was again presented and read. Council Member Cary stated the \$3.4 million in additional funds for the next fiscal year included a 2% raise for all school employees, which is long overdue. He further stated that he disagrees with the allocation or truancy officials (11 positions) as it is not instructionally related and will likely have little impact on reducing truancy and enhancing school security and for that reason he is compelled to vote no on this budget. Council Member Helgeson stated the \$3.6 million increase in the school budget adds additional tax burdens on the citizens. He expressed concern with these additional

tax burdens when the schools are losing students but seeking funds for hiring. Council Member Helgeson urged Council to reconsider their vote and vote against this item. On motion of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

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

Noes: Cary, Helgeson 2

// In the matter of 2014 Budget, a Resolution was considered on the amended FY 2014 – 2018 Capital Improvement Program Budget and on motion of Council Member Turner, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-13-072, as presented, regarding the FY 2014 – 2018 Capital Improvement Program:

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

Noes: 0

// City Attorney Walter Erwin gave a briefing regarding The Vue at Cornerstone. Mr. Erwin explained these remarks reflect the concerns raised by the residents of Cornerstone. The items that were discussed are as follows:

- Guiding Principals
- Apartments, Dormitory or Rooming Houses
- Maine lawsuit
- Fair Housing Act
- Uniform Statewide Building Code
- Where Do We Go From Here?

Mr. Erwin began his presentation by stating that staff did not expect the decision that the facilities in question are apartments and not dormitories or rooming houses would satisfy everyone and the concerned citizens from Cornerstone will want to know what they can do next. With tonight's presentation City Council has fulfilled its role in this matter. When it comes to zoning matters, the State Code assigns different roles and responsibilities to the different divisions of government. City Council's role is to adopt the zoning and to initiate amendments to the zoning ordinance. The State Code assigns the responsibility for interpreting and enforcing the zoning ordinance to the zoning administrator. It was certainly appropriate for Council to hear and listen to concerns expressed by citizens from Cornerstone and to ask staff for a report. However, if some citizens are not satisfied with staff's decision and wish to pursue this matter further, their next step is to ask the zoning administrator for an official interpretation of the zoning ordinance on this issue. If anyone disagrees with the zoning administrator's interpretation, one can appeal it to the Board of Zoning Appeals. Anyone not satisfied with the Board of Zoning Appeals' decision can appeal the decision to the circuit court and finally, to the Virginia Supreme Court.

// The meeting was adjourned at 9:50 P.M.