

Agenda Item #5

May 27, 2014

049

// A regular meeting of the Council of the City of Lynchburg was held on the 27th day of May, 2014, at 5:00 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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// Director of Community Development Kent White provided a Stormwater Program Update to the proposed revisions to City Code Chapter 16.2 Stormwater Management. Mr. White stated in 2011, the General Assembly adopted revisions to the Virginia Stormwater Management Program that will become effective July 1, 2014. The state's program oversight has since transitioned from the Virginia Department of Conservation and Recreation (DCR) to the Virginia Department of Environmental Quality (DEQ). Mr. White further stated the General Assembly also amended state code requirements during the 2014 legislative session to primarily address stormwater management applications for single family residential development. Mr. White presented an overview of the required revisions to the City's Stormwater Management ordinance based on the most recent program guidance from DEQ and then proposed revisions for City Council's consideration. Mr. White went on to say the proposed ordinance revisions will be forwarded to City Council for public hearing and adoption on June 10, 2014, in order to be in compliance with the Virginia Stormwater Management Act. The revisions must be adopted locally and submitted to DEQ on or before June 13, 2014. After Council discussion it was the consensus of Council to move forward with a public hearing on June 10 to receive public comments and engage the citizens in the process.

// During roll call Council Member Foster stated how wonderful the City of Lynchburg Passport brochures are and she would like for all citizens to have one. JoAnn Martin, Director of Communications and Marketing, stated the Passports are located at the following locations; Visitors Center, Information Desk in City Hall and several Recreation Centers throughout the City. Council Member Foster also mentioned how wonderful the Memorial Day celebration was at Monument Terrace on Monday and how happy she was to see so many youth involved in the celebration from different schools.

// Council Member Perrow mentioned that the Old City Cemetery was aired on Fox News.

// Vice Mayor Johnson announced that a citizen had called regarding a tire that needed to be picked up from his residence. He also announced that the Legacy Museum of African American History will be holding their 15th Annual Dinner on June 1, 2014 at the Academy of Fine Arts.

// City Council recessed the meeting at 6:20 p.m.

// 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 and presented certificates to the E. C. Glass Boys and Girls Indoor Track Team for being the State Champions in the history of E. C. Glass. Mr. Rodney Smith, head coach for the team and Chip Berry, Athletic Director, made remarks about the indoor track team and the players.

// Mayor Gillette recognized and presented certificates to the Citizens Academy Class of 2014. Communications and Marketing Director JoAnn Martin made a few remarks about the Academy and 2 students spoke about the Academy relating what they learned and how important it is to know about your City.

// Mayor Gillette recognized and presented certificates to the Mayor's Youth Council Senior Students. Mr. Frank Diaz, Mayor's Youth Council Coordinator, made comments about the Mayor's Youth Council and how it is important to get involved in your City. The following six (6) seniors will be leaving the Mayor's Youth Council after graduation:

Matt Godsoe – President - Homeschooled

Galen Creekmore – Vice President – New Covenant School

Colin Baker – Holy Cross School

Thomas Schubert – Holy Cross School

Sims Jennings – E.C. Glass High School

Gabe Papet – Lynchburg Christian Academy

// Mayor Gillette recognized Tim Mitchell, Director of Water Resources, for receiving the 2013 Excellence in Waterworks Operations/Performance Award.

// After Mayor Gillette read the Consent Agenda, Council Member Perrow requested that Items #11 and #12 be removed from the Consent Agenda. Council Member Perrow stated that his wife is on the Board of Item #11, the Amazement Square Real Estate Tax Refund Budget, but is not compensated for her service so he will be able to vote on this item.

// In the matter of Bonds, Resolution #R-14-045 amending the FY 2014 General, Water, and Sewer Funds' Operating Budgets to provide appropriations totaling \$700,000 with resources from the General Obligation Public Improvement Bonds, Series 2014 for costs associated with the issuance, laid over from the May 13, 2014 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, 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 Schools – General, Resolution #R-14-047 to amend the FY 2014 Schools Capital Projects Fund budget and appropriate \$2,800,000 with resources from the 2014 Bond Issue to pay for construction to begin on Heritage High School, laid over from the May 13, 2014 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, 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 FY2015 Budget/CIP, Resolution #R-14-049 adopting the FY 2015 Mandated and Contractual External Service Providers Budget and appropriating \$8,081,521 for this budget, laid over from the May 13, 2014 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY2015 Budget/CIP, Resolution #R-14-050 adopting the FY 2015 Central Virginia Area Agency on Aging Budget and appropriating \$15,000 for this budget, laid over from the May 13, 2014 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY2015 Budget/CIP, Resolution #R-14-051 adopting the FY 2015 Central Virginia Community College Board and Related Operations Budget and appropriating \$1,917 for this budget, laid over from the May 13, 2014 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY2015 Budget/CIP, Resolution #R-14-052 adopting the FY 2015 Region 2000 Economic Development Partnership Budget and appropriating \$81,586 for this budget, laid over from the May 13, 2014 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY2015 Budget/CIP, Resolution #R-14-053 adopting the FY 2015 Robert E. Lee Soil & Water Conservation District Budget and appropriating \$10,000 for this budget, laid over from the May 13, 2014 meeting, was again presented and read, and on motion of Council Member Foster seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY2015 Budget/CIP, Resolution #R-14-054 adopting the FY 2015 Virginia Legal Aid Society Budget and appropriating \$10,816 for this budget, laid over from the May 13, 2014 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY2015 Budget/CIP, Resolution #R-14-055 adopting the FY 2015 Amazement Square Real Estate Tax Refund Budget and appropriating \$5,302 for this budget, laid over from the May 13, 2014 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// Council Member Perrow stated he recently entered into a contract with the Region 2000 Local Government Council to provide engineering services and has a personal interest. He stated that under the Virginia Conflict of Interest Act, he must abstain from discussion and voting on this item.

// In the matter of FY2015 Budget/CIP, Resolution #R-14-056 adopting the FY 2015 Region 2000 Local Government Council Budget and appropriating \$44,392 for this budget, laid over from the May 13, 2014 meeting, was again presented and read, and on motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

Abstention: Perrow 1

// In the matter of FY2015 Budget/CIP, Resolution #R-14-058 adopting the FY 2015 Greater Lynchburg Transit Company Budget and appropriating \$7,091,143 for this budget, laid over from the May 13, 2014 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY2015 Budget/CIP, Resolution #R-14-059 adopting FY 2015 Operating Fund Budgets for other funds and appropriating the sums of each fund, laid over from the May 13, 2014 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY2015 Budget/CIP, Resolution #R-14-063 appropriating \$50,000 of the FY 2015 Reserve for Contingencies funding for use by the City Manager for the fiscal year beginning July 1, 2014 through June 30, 2015, laid over from the May 13, 2014 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY2015 Budget/CIP, Resolution #R-14-064 to set the personal property tax relief rate for the fiscal year beginning July 1, 2014 through June 30, 2015 at 49.28%, laid over from the May 13,

2014 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, 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 Community Development – CDBG, a public hearing was held regarding City Council Report #17 on the draft Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program. Grants Manager Melva Walker provided a summary of the Plan. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-14-065, as presented, on the draft Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program:

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

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Noes:

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// In the matter of School – Board, continuation of a public hearing was held regarding City Council Report #18 on 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 three (3) new volunteers in School District III, James E. Coleman, Jr., Les Faircloth, and Leslie D. King. Mayor Gillette stated that LaShan Lovelace had withdrawn his application. Volunteer candidate Leslie D. King, School District III, spoke before City Council to communicate her interest and present her credentials and qualifications to serve on the School Board. 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 10 and make appointments on June 24 or if they would like to close the public hearing and schedule interviews.

On motion of Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote agreed to close the public hearing and set June 10 to select candidates to interview:

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

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Noes:

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// In the matter of City Council, Debra Alexander spoke before Council regarding W.I.T.H. Purpose Ministries, Inc. Ms. Alexander asked Council for a letter of support. Mayor Gillette asked Council if they would like to discuss this request further. Council Member Foster made a motion, seconded by Vice Mayor Johnson to take five minutes to discuss this item. Several Council Members were not in agreement to discuss this item because it would deviate from the Rules of Procedure. Mayor Gillette called for a vote to discuss this item for five minutes, and Council by the following recorded vote agreed to discuss this item.

Ayes: Foster, Johnson, Nelson, Gillette

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Noes: Cary, Helgeson, Perrow

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After Council discussion it was decided that City Manager Kimball Payne would proceed to write a letter of support if significant information was provided.

// In the matter of Police – General, City Council Report #20 was considered regarding an application for the 2014 Edward Byrne Memorial Justice Assistance Grant in the amount of \$40,951 with resources from an Edward Byrne Memorial Justice Assistance Grant to purchase forensic computer software and hardware, map boards for field supervisor vehicles, an evidence refrigerator, impact munitions, tasers and a high capacity printer. Council Member Cary, Chair of the Finance Committee (FC), stated that this item came before the FC which recommended approval. This motion does not require a second, and Council by the following recorded vote adopted Resolution #R-14-066, as presented, authorizing an application for the 2014 Edward Byrne Memorial Justice Assistance Grant in the amount of \$40,951 with resources from an Edward Byrne Memorial Justice Assistance Grant to purchase forensic computer software and hardware, map boards for field supervisor vehicles, an evidence refrigerator, impact munitions, tasers and a high capacity printer:

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

Noes: 0

// Council Member Helgeson stated he would be voting against Items #21, #22, and #23, for reasons he had stated previously about the tax burden that would be placed on the taxpayers.

// In the matter of FY2015 Budget/CIP, Resolution #R-14-048 adopting the FY 2015 General Fund Operating Budget (excluding External Service Providers and Component Units expenditures) and appropriating \$193,427,251 for this budget, laid over from the May 13, 2014 meeting, was again presented and read, and on motion of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

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

Noes: Helgeson 1

// Vice Mayor Johnson and Council Member Nelson previously made a statement regarding the FY 2015 School Operating Budget, that they would be voting on this item.

// In the matter of FY2015 Budget/CIP, Resolution #R-14-057 adopting the FY 2015 School Operating Budget and appropriating \$96,735,696 for this budget, laid over from the May 13, 2014 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

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

Noes: Helgeson 1

// In the matter of FY2015 Budget/CIP, Resolution #R-14-061 adopting the FY 2015 Capital Budget and appropriating \$22,362,661 for the City Capital Projects Fund; \$75,389,191 (including \$1,040,000 for school buses) for the School Capital Projects Fund; \$1,550,000 for the Airport Capital Projects Fund; \$3,250,000 for the Water Capital Projects Fund; \$3,070,000 for the Sewer Capital Projects Fund; and \$1,480,000 for the Stormwater Capital Projects Fund, laid over from the May 13, 2014 meeting, was again

May 27, 2014

055

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

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

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Noes: Helgeson

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// The meeting was adjourned at 8:48 P.M.

Clerk of Council